



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-63A

Kim Glazier, Executive Director
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

October 15, 2015

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions that the Oklahoma Board of Nursing intends to take pursuant to settlement agreements in Board cases 3.006.16, 3.036.16, and 3.093.16. The proposed action is to refer each licensee to the Peer Assistance Program, a drug and alcohol abuse treatment program. If the licensees do not enter the program or default from the program, an automatic two-year license suspension will go into effect; further, a fine of \$1,500 will be assessed before the reinstatement of a suspended license. The license in Board case 3.093.16 will also undergo a temporary license suspension until entry into the Program; the other licensees have already had temporary suspensions put into effect. The licensees in cases 3.006.16 and 3.036.16 were tested positive for addictive drugs during their shifts, and the licensee in case 3.093.16 had a criminal history of drug and alcohol violations followed by a substance abuse evaluation recommending treatment.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse is “intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients,” 59 O.S.Supp.2014, § 567.8(B)(4). The actions seek to protect the patients’ health and safety from the potentially dangerous consequences of habitual use of alcohol and drugs. The Board may believe that treatment will effectively reduce those dangers while building in automatic consequences that will prevent nurses who default from treatment from providing compromised nursing care.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to protect the public health, safety, and welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA