



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-64A

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 3.014.16 and 3.200.16. The licensee, in each case, defaulted the Peer Assistance Program, a drug and alcohol treatment program. The proposed action is to accept the voluntary surrender of each nurse's license for a period of two years. Reinstatement of each licensee will require reentry into the Peer Assistance Program. If the licensee fails to reenter the Program or defaults from it after reinstatement, an automatic five-year revocation of the license will occur followed by a \$1,500 fine prior to any further reinstatement of the license.

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. Given that each licensee has defaulted from drug and alcohol treatment, the Board may believe that temporary removal from the nursing profession will prevent compromised nursing care while future monitored drug and alcohol treatment may allow these licensees to practice again in the future.

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", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA