



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-716A

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

November 21, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 10.038.17. The proposed action is to grant the application for licensure by examination. Upon licensure, the applicant must submit to an evaluation for substance use disorder and submit to body fluid testing twice per month until the evaluation is reviewed. The licensee will also be required to complete a course in nursing law. In 2010 the applicant pled no contest to a misdemeanor charge of minor consumption of alcohol, and in 2015 the applicant was charged with transporting an open container, a misdemeanor.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” 59 O.S.Supp.2016, § 567.8(B)(2). The action seeks to enforce requirements that the Board consider relevant offenses and criminal history when evaluating the fitness of a nurse. Given that the applicant’s criminal history involves alcohol, the Board may reasonably believe that granting the application subject to an evaluation, substance abuse monitoring, and additional education is necessary to ensure safe 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 blue ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA