



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-456A

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

August 5, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in Board case 3.137.16. The proposed action is to accept the voluntary surrender of the license. Upon reinstatement, the license will be temporarily suspended pending the licensee's admission into the Board's Peer Assistance Program, a drug and alcohol assistance program. If the licensee is not accepted into the program or fails to successfully complete the program, the license will be revoked for two years and the licensee will be fined \$1,000. In March of 2015, the Board entered an agreed order requiring the licensee to submit to periodic body fluid testing as a result of the licensee's failure to document the administration or waste of certain controlled dangerous substance medications. In violation of that order, the licensee failed to submit to body fluid testing. The licensee also failed to complete a required nursing law course.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse violates an order of the Board, 59 O.S.Supp.2015, § 567.8(B)(9). The actions seek to enforce the straightforward requirement that nurses comply with the terms of Board orders. The Board may reasonably believe that accepting the voluntary surrender of the license, under the conditions detailed, will ensure future compliance, and protect patients from nursing care which may be compromised as a result of substance abuse.

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 by ensuring nurses comply with regulatory orders.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA