



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-51A

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

January 28, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken under the auspices of the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 6.002.16. The licensee has a registered nurse license that was suspended after licensee stole controlled dangerous substances for personal use, entered a substance monitoring program, and then defaulted from that program. The proposed action is to allow the licensee to reenter the substance abuse monitoring program and to then submit an application for reinstatement after entry into the program. The action also requires a five-year revocation of the license if the licensee defaults from monitoring again, followed by a \$10,500 fine before subsequent reinstatement.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to deny licenses or impose discipline when licensees show an “inability to practice nursing with . . . safety due to impairment caused by . . . use of alcohol, drugs, chemicals, or any other substance” as well as when licensees default from substance abuse monitoring, 59 O.S.Supp.2015, § 567.8(B)(5), (11). The action seeks to enforce these requirements, which ensure that nurses provide safe nursing care not compromised by drug or alcohol abuse. It is entirely reasonable to require additional substance abuse treatment and monitoring with deterrent consequences upon a second default from a monitoring program.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that these actions advance the State of Oklahoma’s policy to protect patients from compromised nursing care.

A handwritten signature in black ink that reads "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA