



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-67A

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 action that the Oklahoma Board of Nursing intends to take pursuant to a settlement agreement in Board case 3.155.16. The proposed action is to accept the voluntary surrender of the nurse's license for two years, after which the license will be temporarily suspended until the nurse enters the Peer Assistance Program, a drug and alcohol treatment program. If the licensee fails to enter the program or defaults from it, an automatic two-year revocation will ensure. Reinstatement after that revocation would require payment of a \$3,500 fine.

The licensee failed to disclose a misdemeanor conviction in a 2012 renewal application and then failed to disclose that and a second misdemeanor—this one involving driving under the influence of alcohol with substance abuse treatment requirements—in 2014. Further, the licensee failed to notify other professionals or document an assessment of a patient after a fall, which later turned out to be a hip fracture.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing . . . [that] unnecessarily exposes a patient or other person to risk of harm” and when they are “guilty of any act that jeopardizes a patient’s life, health or safety,” 59 O.S.Supp.2014, § 567.8(B)(3), (8). The Act also authorizes discipline when nurses engage in deceit or misrepresentation in applications for licensure or renewal or when nurses’ habitual use of alcohol or drugs poses a threat to patient health and safety, *id.* § 567.8(B)(1)(a), (4).

The action seeks to advance several statutory objectives, including the protection of patient safety through adequate standards of nursing care. It also seeks to ensure patients do not receive compromised nursing care due to nurses’ use of drugs and alcohol, and to enforce straightforward standards of honesty in the application process. The Board may believe that temporary removal from the profession followed by monitored drug and alcohol treatment will protect patients and, in the future, allow reentry of this professional to the practice of nursing.

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", with a large, sweeping flourish above the name.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA