



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2015-72A

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 settlement agreement in Board case 3.189.16. The licensee defaulted from the Peer Assistance Program, a drug and alcohol treatment program, after more than two years of successful treatment. The proposed action is to allow the licensee to reenter the Peer Assistance Program. If the licensee fails to enter the Program or defaults again, the license will be revoked for five years with a fine of \$2,000 assessed prior to any reinstatement.

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 the licensee’s prior course of successful treatment, the Board may reasonably believe that the prospect of a five-year license revocation and the resumption of monitored alcohol and drug treatment may encourage the licensee’s future success and allow the licensee to continue practicing as a nurse.

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".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA