



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-514A

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

August 9, 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 in Board case 3.323.16. The proposed action is to severely reprimand the license. The license will remain temporarily suspended until the licensee is accepted into the Board's Peer Assistance Program, a drug and alcohol assistance program. If the licensee is not accepted into or defaults from the program, the license will be revoked for two years. Prior to reinstatement, the licensee must pay a fine of \$1,500 and investigative costs of \$1,178.03 and also meet the Board's guidelines for reinstatement following discipline for drug or alcohol abuse, including random drug tests and self-help programming. The licensee, while working at a hospital, tested positive for methamphetamines and was terminated. Thereafter, the licensee failed to appear for a meeting during a Board investigation. Correspondence mailed to the licensee was returned to the Board. In March 2016, the Board issued an emergency order temporarily suspending the license pending a hearing on the merits on the Board's complaint. In April 2016, the licensee requested a hearing.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” is “guilty of any act that jeopardizes a patient’s life, health or safety,” or has violated a rule promulgated by the Board or state or federal law related to nursing, 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8), (9). Unprofessional conduct includes “failure to cooperate with a lawful investigation by Board of Nursing staff.” OAC 485:10-11-1(b)(3)(V). Conduct which jeopardizes a patient's life, health or safety includes “[f]ailure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(D). The action enforces requirements aimed at ensuring that nursing care is not compromised by substance abuse. The Board may reasonably believe the disciplinary action is necessary to deter future violations.

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 that nursing care is not compromised by substance abuse.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large initial "E" and a long, sweeping underline.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA