



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION  
2016-74A**

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

February 11, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken by the Oklahoma Board of Nursing pursuant to consent agreements in Board cases 3.247.16 and 3.248.16. The proposed action in Board case 3.247.16 is to require completion of a course in nursing law; issue a reprimand; and impose a \$500 penalty. The licensee was convicted of larceny in 2012 and then of driving under the influence in 2015. The proposed action in Board case 3.248.16 is to require completion of courses in nursing law and critical thinking; issue a reprimand; and impose a \$250 penalty. The licensee in that case was convicted of disturbing the peace in 2002 and of driving under the influence, transporting an open container of beer, and driving left of center in 2013.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses are guilty of various crimes or when they are “intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients,” 59 O.S.Supp.2015, § 567.8(B)(2), (4). The action seeks to discipline nurses who have both convictions involving alcohol use while driving and another criminal conviction potentially relevant to the provision of safe and trustworthy nursing care. The Board may reasonably believe that, in the contexts of these cases, education, fines, and reprimands will effectively deter any decisions, particularly involving alcohol use, that would result in compromised and unsafe nursing practice.

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 Oklahoma’s policy against nursing care compromised by alcohol or drug usage.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA