



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-72A

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 3.085.16 and 3.306.16. The licensee in the former case violated the terms of a prior discipline involving alcohol-related offenses; when applying for reinstatement most recently, the licensee also failed to disclose a pending investigation by Arkansas's nursing regulator. The applicant in the latter case had a criminal history with several alcohol-related convictions and failed to report two of them. The proposed action in each case is to grant the application for reinstatement or licensure, respectively, while temporarily suspending such licenses through entry into substance abuse monitoring. Each action also requires a two-year revocation upon default from substance abuse monitoring, and the licensee in case 3.085.16 would also have to pay a \$1500 penalty upon any future 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 Act also authorizes discipline where licensees falsify application materials, including by omitting required information. *Id.* § 567.8(B)(1)(a). The actions seek to enforce these requirements, which ensure that the Board has accurate and sufficient information to make licensing decisions and that nurses provide safe nursing care not compromised by drug or alcohol abuse. Substance abuse monitoring reasonably ensures compromised nursing care will not occur. 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 against compromised nursing care.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a faint, larger version of the signature.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA