



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-715A

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

November 21, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 10.036.17. The proposed action is to grant the application for licensure by examination. The license will be immediately temporarily suspended upon issuance pending acceptance into the Board's Peer Assistance Program, a drug and alcohol monitoring program. If the applicant is not accepted or defaults from the program, the license will be revoked for two years, a \$2,000 fine will be imposed, and the applicant will be required to meet the Board's guidelines prior to reinstatement. In such case the applicant would be required to re-refer to the Peer Assistance Program upon reinstatement. In 2011 the applicant pled guilty or no contest to drug abuse-controlled substance, a misdemeanor; theft-malt beverage, a misdemeanor; and disorderly intoxication-physical harm, a misdemeanor. In 2014 the applicant pled no contest to contempt charges resulting from probation violations connected to the 2011 misdemeanors.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1-567.20, authorizes the Board to impose discipline when a nurse "is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee," 59 O.S.Supp.2016, § 567.8(B)(2). The action seeks to enforce requirements that the Board consider relevant offenses and criminal history when evaluating the fitness of a nurse. Given that the applicant's criminal history involves substance abuse, the Board may reasonably believe that granting the application subject to substance abuse monitoring is necessary to ensure safe nursing care.

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 blue ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA