



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-716A

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

October 11, 2017

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 consent agreement in Board case 6.010.18. The licensee is a licensed practical nurse (LPN), whose license was suspended for defaulting from the Peer Assistance Program (PAP). The Board proposes to continue the license suspension, re-refer the licensee to the PAP, and require the licensee to submit an application for reinstatement within 60 days of acceptance to the PAP. If the licensee is not accepted into the PAP, or terminates/defaults from the PAP, and/or fails to timely submit an application for reinstatement, then the license will be revoked for 5 years. Any reinstatement would be subject to a \$1,500 administrative penalty and Board guidelines for reinstatement.

On June 20, 2014, the licensee pled guilty to felony DUI. On December 26, 2014, the licensee tested positive for amphetamines in a pre-employment drug screen. The licensee later admitted to having a substance use disorder, and on June 24, 2015, voluntarily entered the Board's PAP. On April 6, 2017, the licensee defaulted from the PAP, but has requested a re-referral to the PAP.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s intemperate in the use of alcohol or drugs [in a manner which] endangers or could endanger patients," has "[v]iolated . . . a state or federal narcotics or controlled dangerous substance law" or "[h]as defaulted from the [PAP] for any reason[.]" 59 O.S.Supp.2016, § 567.8(B)(4), (9), (11). The disciplinary actions the Board is authorized to take against a nurse that violates the Act include, but are not limited to, "revok[ing] or suspend[ing]" a license, "assess[ing] administrative penalties" and "otherwise disciplin[ing] licensees." *Id.* § 567.8(A)(1)(a), (2-3). The Board may reasonably believe that the proposed action is necessary to deter future violations and protect patient welfare.

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's policy to protect public health, safety, and welfare by ensuring nurses provide adequate care uncompromised by substance abuse and meet minimum standards of professional conduct.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN  
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL