



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-725A

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

October 18, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to consent agreement in cases 3.070.18, 3.077.18, and 3.087.18. The licensees are licensed practical nurses, registered nurses, or both. In each case, the Board proposes to issue a severe reprimand and require the licensee to (i) submit an evaluation to be reviewed by the Board; (ii) submit to periodic drug screens until the evaluation is reviewed; (iii) complete an education course; and (iv) pay a \$500 administrative penalty.

In each case, the licensee pled guilty to an alcohol-related motor vehicle offense. Each licensee had pled no contest to similar offenses in the past. The licensees deny having issues with substance abuse, but have agreed to submit documentation of the successful completion of an evaluation.

The Oklahoma Nursing Practice Act 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 [nursing]” or is “intemperate in the use of alcohol or drugs [in a manner which] endangers or could endanger patients.” 59 O.S.Supp.2016, § 567.8(B)(2), (4). For violations of the Act, the Board may assess administrative penalties and “otherwise discipline licensees.” *Id.* § 567.8(A)(2)-(3). The Board may reasonably believe that the proposed 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’s policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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