



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-738A

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

October 19, 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 a consent agreement in case 3.101.18. 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 for 12 months; (iii) complete education coursework; and (iv) pay a \$500 administrative penalty.

On February 21, 2017, the licensee tested positive for Marijuana while working at a nursing home, and was subsequently terminated. The licensee denies issues with substance use, but has 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 “intemperate in the use of alcohol or drugs [in a manner which] endangers or could endanger patients” or has “[v]iolated a rule promulgated by the Board, an order of the Board, or a state or federal law relat[ed] to the practice of . . . nursing . . . or a state or federal narcotics or controlled dangerous substance law.” 59 O.S.Supp.2016, § 567.8(B)(4), (9). 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 protect patients by ensuring that nurses are working substance free.

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 care uncompromised by substance abuse and meet minimum standards of professional conduct.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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