



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-759A

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

November 3, 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 in case 3.239.17. On March 21, 2017, the licensee, a registered nurse, entered into an agreed Stipulations, Settlement and Order (SSO) after displaying impaired behavior while on duty at a nursing center and later testing positive for opiates. The licensee was terminated from the center. The licensee denied issues with substance use but agreed to submit documentation of an evaluation to the Board as a term of the SSO. The Board now proposes to temporarily suspend the license pending acceptance into the Board's Peer Assistance Program (PAP). If the licensee is not accepted into or defaults from PAP, the license will be revoked for two years and the licensee will be required to meet Board guidelines for reinstatement.

The Oklahoma Nursing Practice Act provides that "[t]he education, certification and licensure of . . . registered . . . nurses . . . is . . . subject to regulation and control by the [Board]." 59 O.S.2011, § 567.2(A). The Act also provides that "[a] nurse may apply to participate in [PAP] by choice or may be directed to apply to [PAP] by an order of the Board. In either case, conditions shall be placed on the nurse's license to practice nursing during the period of participation in [PAP]." 59 O.S.Supp.2016, § 567.17(K). The Board may reasonably believe that the proposed action is necessary to protect patient welfare 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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF — ASSISTANT ATTORNEY GENERAL