



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-135A

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

April 19, 2018

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 3.218.18. The licensee submitted to a breathalyzer test while on duty, which yielded a blood alcohol content of 0.109. The Board has given notice to the licensee about these proceedings, but the licensee failed to respond. The Board proposes to revoke the license for two years, and prior to reinstatement, require the licensee to meet Board guidelines for reinstatement and pay a \$1,000 administrative penalty and \$792.94 in investigative costs.

The Oklahoma Nursing Practice Act authorizes disciplinary actions when nurses violate the Act by “[f]ail[ing] to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient or other person to risk of harm,” or engaging in “unprofessional conduct as defined in the rules of the Board.” 59 O.S.Supp.2017, § 567.8(A), (B)(3), (7). 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL