



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-241A

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

June 27, 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 pursuant to consent agreement in case 5.064.18. The Respondent, a licensed practical nurse and college student, submitted a urine drug screen as a pre-requisite for the college's nursing program. The Respondent tested positive for amphetamines and admitted to having taken one tablet of Vyvanse. The chair of the college's nursing program documented that "[n]o actions indicate impairment." The Board proposes to require the Respondent to complete a remedial education course and pay an administrative penalty of \$500.

The Oklahoma Nursing Practice Act authorizes corrective action when a nurse or person regulated under the Act "has "[v]iolated a rule promulgated by the Board, an order of the Board, or a state or federal law relating to the practice of...nursing...or a state or federal narcotics or controlled dangerous substance law[.]" 59 O.S.Supp.2017, §§ 567.8a(A); 567.8(B)(9). The Board's statutory mandate is to regulate "[t]he education, certification, [] licensure...and [] practice of...nursing[.]" 59 O.S.2011, § 567.2(A)(1). The Board may reasonably believe 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.

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