



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-244A

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 a consent agreement in case 6.04618. The Colorado State Board of Nursing suspended the licensee's Colorado license for exhibiting impaired behavior while on duty, testing positive for controlled substances while having no valid prescription, and admitting to the use of same. The licensee has requested to voluntarily surrender the Oklahoma license. The Board proposes to accept the voluntary surrender of the Oklahoma license and impose certain conditions upon reinstatement.

The Oklahoma Nursing Practice Act authorizes the Executive Director of the Board to enter agreed disciplinary orders accepting the voluntary surrender of a license. *See* 59 O.S.Supp.2017, § 567.4(F)(2), (3)(d). The Act also authorizes the Board to impose discipline when a nurse “[i]s guilty of unprofessional conduct” or “[h]as had disciplinary actions taken against the individual's registered or practical nursing license...in this or any [other] state.” *Id.* § 567.8(B)(7), (10). “Unprofessional conduct” includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). The Board may reasonably believe that the proposed action is necessary to ensure nurses work 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 meet minimum standards of professional conduct.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN
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