



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-301A

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

July 31, 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 6.050.18. The licensee is a registered nurse (RN) whose license is currently suspended. On January 6, 2016, the licensee voluntarily entered the Board's Peer Assistance Program (PAP) after admitting to an abuse and/or addiction problem with drugs and/or alcohol. On June 22, 2017, the licensee defaulted from the PAP. The Board proposes to accept the voluntary surrender of the licensee's RN license and impose certain conditions upon reinstatement.

The Oklahoma Nursing Practice Act authorizes the Executive Director of the Board to enter "[a]greed disciplinary orders for the voluntary surrender of a license." 59 O.S.Supp.2017, § 567.4(F)(2), (3)(d). The Act also authorizes the Board to impose discipline when a nurse "fails 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," "is intemperate in the use of alcohol or drugs," "is guilty of unprofessional conduct," "is guilty of any act that jeopardizes a patient's life, health or safety," has "[v]iolated . . . state or federal law related to . . . nursing or a state or federal narcotics or controlled dangerous substance law," or "has defaulted and/or been terminated from the PAP for any reason." *Id.* § 567.8(B)(3), (4), (7-9), (11). The Board may reasonably believe that the proposed action is necessary to ensure 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 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