



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-313A

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

August 14, 2018

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action the Oklahoma Board of Nursing intends to take pursuant to consent agreement in cases 3.010.19 and 3.014.19. Details of the violations and proposed actions are attached on Appendix A.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[f]ails 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 guilty of unprofessional conduct” or “[v]iolat[es] a rule promulgated by the Board . . . or a state or federal narcotics or controlled dangerous substance law.” 59 O.S.Supp.2017, § 567.8(A), (B)(3), (7), (9). Board rules provide that adherence to minimum standards of acceptable nursing means using “sufficient knowledge or reasonable skill.” OAC 485:10-11-1(b)(2). Unprofessional conduct is defined as “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 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 these actions advance 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 that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink that reads "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL

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APPENDIX A**

Case No.	Details of Violation	Proposed Action
3.010.19	Licensee tested positive for marijuana in reasonable suspicion drug test. Licensee denies issues with substance abuse, but agreed to submit documentation of successful completion of an evaluation that complies with Board criteria.	Require the licensee to submit an evaluation to the Board for further orders as may be deemed necessary and proper, require twice monthly drug screens for 12 months, require the completion of an education course, issue a severe reprimand and impose a \$500 administrative penalty.
3.014.19	Licensee tested positive for opiates in pre-employment drug screen. Licensee denies issues with substance abuse, but agreed to submit documentation of successful completion of an evaluation that complies the Board criteria.	Require the licensee to submit an evaluation to the Board for further orders as may be deemed necessary and proper, require twice monthly drug screens until evaluation is reviewed, require completion of education course, issue severe reprimand and impose a \$500 administrative penalty.