ATTORNEY GENERAL OPINION
2018-314A

Kim Glazier, Executive Director   August 14, 2018
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

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 3.013.19. The licensee tested positive for a Schedule IV controlled dangerous substance (CDS) medication in a pre-employment drug test. but did not have a valid prescription for the medication. The licensee denies issues with substance use, but has agreed to submit documentation of the successful completion of an evaluation. The Board proposes to require the licensee to submit an evaluation to the Board for further orders as may be deemed necessary and proper, to require the licensee to submit to periodic drug screens until the Board reviews the evaluation, to require completion of an education course, to issue a severe reprimand and to impose a $500 administrative penalty.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of unprofessional conduct" or has "[v]iolated a rule promulgated by the Board ... or a state or federal narcotics or controlled dangerous substance law." 59 O.S.Supp.2017, § 567.8(B)(7), (9). 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 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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN
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