



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-321A

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 that the Oklahoma Board of Nursing intends to take pursuant to an emergency order of temporary suspension in case 3.021.19. The licensee has been the subject of prior disciplinary action by the Board for violations of the Nursing Practice Act and Board rules. *See* AG Opinion 2017-390A. In the prior disciplinary action, the licensee entered into an agreed order that, among other things, referred the licensee to the Board's Peer Assistance Program. The Board attempted to serve the order on the licensee via certified mail at the address provided to the Board and via licensed process server, but has been unsuccessful. After the Board attempted contact via telephone and e-mail, the licensee on June 15, 2018 responded to the Board via e-mail and stated that he/she was out of state, had no permanent address and wanted to terminate the license. The Board proposes to temporarily suspend the license pending service of the order.

The Oklahoma Nursing Practice Act authorizes the Board to discipline licensees that violate the Act and/or Board rules. 59 O.S.Supp.2017, § 567.8(A), (B). Board rules specifically provide that a "notice of change of address must be submitted in writing by each licensee within 30 days of the change." OAC 485:10-9-9(c). The Board may reasonably believe that 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