



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-322A

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

August 14, 2017

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 3.032.19. In 2014 the licensee entered the Board's Peer Assistance Program (PAP). On February 22, 2017 the licensee defaulted from PAP, which resulted in suspension of the licensee's RN license. The licensee now requests to voluntarily surrender the RN license. The Board proposes to accept the voluntary surrender of the RN license for two years and impose certain conditions on reinstatement.

The Oklahoma Nursing Practice Act 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," "[i]s 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 violated "state or federal law relat[ed] to . . . nursing . . . or . . . narcotics . . . or controlled dangerous substance[s]," or "[h]as defaulted from [PAP] for any reason." 59 O.S.Supp.2017, § 567.8(B)(3-4), (7), (9), (11). The Board may reasonably believe that the disciplinary 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ryan Chaffin in black ink.

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL