



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-326A

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 in case 3.084.18. In 2017 the licensee, a registered nurse (RN) and licensed practical nurse (LPN), entered into an agreed order with the Board that required, among other things, the licensee to submit to periodic drug screens. *See* AG Opinion 2017-732A. The licensee violated that order and a supplemental order by testing positive for morphine and failing to submit body fluid testing. The licensee's RN license is currently temporarily suspended. The Board proposes to keep the suspension in place, refer the licensee to the Board's Peer Assistance Program (PAP) and lift the suspension if the licensee is accepted into PAP. The Board proposes to impose certain other conditions on the RN license if the licensee is not accepted and/or terminates/defaults from PAP.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of unprofessional conduct" or has "[v]iolated ... an order of 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 practicing 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