



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-337A

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

August 23, 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 agreed order in case 6.002.19. The licensee, whose license is currently suspended by the Board, misappropriated a patient's controlled dangerous substance medications ("CDS"), was charged with three felonies, stole CDS from an employer, was disciplined by the nursing board in Texas, and defaulted from the Board's Peer Assistance Program ("PAP"). The Board proposes to continue the suspension and re-refer the licensee to PAP. If the licensee does not submit an application for reinstatement within 60 days of acceptance into PAP the license will be revoked for five years. If the licensee defaults from PAP, the license will be revoked for five years. If the license is revoked, the licensee must meet the Board's guidelines for reinstatement and pay an administrative penalty of \$3,000.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony," "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," "[i]s guilty of any act that jeopardizes a patient's life, health or safety," has violated state or federal law related to nursing, "[h]as had disciplinary actions taken against the individual's . . . license . . . in this or any state, territory or country," or "[h]as defaulted from [PAP] for any reason." 59 O.S.Supp.2017, § 567.8(B)(2-4), (7-11). 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.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



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