



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-284A

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

July 18, 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 consent agreement in case 6.057.18. In 2017, the licensee was twice charged with Assault and Battery. The licensee also has a prior Domestic Abuse-Assault and Battery misdemeanor. The licensee has requested a referral to the Board's Peer Assistance Program (PAP). The Board proposes to refer the licensee to PAP, temporarily suspend the license pending acceptance to PAP, and impose conditions on the license in the event the licensee is not accepted or terminates/defaults from PAP.

The Oklahoma Nursing Practice Act authorizes the Executive Director of the Board to enter "agreed disciplinary orders requiring a[] . . . licensee to enter and comply with the [PAP]." 59 O.S.Supp.2017, § 567.4(F)(2), (3)(b). The Act also authorizes the Board to impose discipline when a nurse "is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee . . . or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed, or any conduct resulting in the revocation of a deferred or suspended sentence or probation imposed pursuant to such conviction" and when a nurse "is guilty of unprofessional conduct." *Id.* § 567.8(B)(2), (7). The Board may reasonably believe that the proposed actions are 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