



OFFICE OF THE ATTORNEY GENERAL

STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-19A

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

June 14, 2021

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 3.407861.21. In November 2006, the Respondent's license was temporarily suspended after she was charged with felony Attempting to Obtain CDS by Fraud. The Respondent ultimately pled guilty to that charge, and additional charges filed in 2009 and 2010. The Board now proposes to lift the temporary suspension and place the license on lapsed status. Before reinstatement, the Respondent must meet Board guidelines, including completion of educational courses, an evaluation of fitness to practice within sixty days prior to submission of a reinstatement application, payment of a \$2,000 administrative penalty and \$636.36 investigative costs. Upon reinstatement, the Respondent will be placed on supervised practice in a hospital.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony . . . substantially related to the qualifications, functions or duties of any licensee[,]" "[f]ails 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 guilty of unprofessional conduct[,]" or has violated state or federal law related to nursing. 59 O.S.Supp.2020, § 567.8(B)(2), (3), (7), (9). Unprofessional conduct includes "conduct detrimental to the public interest[,]" "impersonating another licensed [practitioner] . . . for any purpose[,] or forging and presenting a prescription for medication. OAC 485:10-11-1(b)(3)(H), (L), (N-O). 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 "Dan Claitor".

ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL