



MIKE HUNTER
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-2A

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

February 5, 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 pursuant to a Stipulations, Settlement and Order (“SSO”) in case 3.822954.21. The licensee entered into the SSO in February 2020 after admitting to using marijuana/THC while working at a hospital and tested positive for marijuana/THC in a for-cause drug screen. Under the SSO, the licensee was issued a severe reprimand, but her license remained in effect pending an evaluation, in addition to other penalties. Upon review of the evaluation, the Board now proposes to revoke the license for twelve months.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[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 intemperate in the use of alcohol or drugs,” “[i]s 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 or “[h]as defaulted from the [PAP] for any reason.” 59 O.S.Supp.2020, § 567.8(B)(3), (4), (7-9), (11). Unprofessional conduct includes “conduct detrimental to the public interest” and jeopardizing a patient’s life, health, and safety by a nurse’s “[f]ailure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(3)(H), (4)(D). 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.

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MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL