



MIKE HUNTER
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-8A

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 in case 3.2020100294.21. In October 2019, the licensee was terminated after displaying impaired behavior while on duty. In June 2020, the Board attempted numerous times to contact the licensee to investigate the allegations, but the licensee failed to cooperate with a Board investigation. The Board proposes to suspend Respondent's license pending a hearing on the merits of the complaint.

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 guilty of unprofessional conduct," or "[i]s guilty of any act that jeopardizes a patient's life, health or safety," 59 O.S.Supp.2020, § 567.8(B)(3), (7), (8). 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" and "failure to cooperate with a lawful investigation by Board of Nursing staff." OAC 485:10-11-1 (b)(3)(H), (V). 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