



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-78A

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

February 14, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take in Board case 3.184.17. The proposed action is to require entry into the Board's substance abuse monitoring program. The action also requires, if the licensee defaults from the monitoring program, payment of a \$500 fine and revocation of the license for two years. The action allows the temporary suspension to be lifted once the licensee enters the monitoring program. The licensee has several alcohol-related convictions from 2014 that were disclosed when licensee applied for a Licensed Practical Nurse license in 2016. At that time, the licensee agreed to obtain a substance abuse evaluation and submit to body fluid testing upon passage of the licensing exam. The licensee passed the exam but failed to submit to body fluid testing, resulting in a temporary suspension of the license.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline on licensees who whose use of alcohol or drugs could endanger patients, who exhibit a pattern of behavior resulting in unsafe nursing care due to alcohol or drug-related impairment, or who violate an "order of the Board," 59 O.S.Supp.2016, § 567.8(B)(4), (5), (9). These statutes speak to the State's important interest in ensuring adequate nursing care not impaired by substance abuse. The proposed action, by providing for substance abuse monitoring, creates a pathway for the licensee to practice nursing in the future while carefully monitoring any problems caused by substance abuse. The Board could reasonably believe such monitoring necessary in the context of this case.

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 of Oklahoma's policy requiring safe and adequate nursing care not compromised by substance abuse.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA