ATTORNEY GENERAL OPINION
2017-87A

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

February 15, 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 pursuant to a consent agreement in Board case 3.117.16. The proposed action is to approve an application for reinstatement of a Registered Nurse license with additional obligations. The additional obligations include twelve months of supervised practice, monthly counseling sessions for six months, and body fluid testing twice a month for twelve months. The applicant voluntarily surrendered the license in 2015 during discipline involving substance abuse. The prior order required completion of a substance abuse evaluation before reinstatement. The applicant submitted the required evaluation with the application for reinstatement.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who are "intemperate in the use of alcohol or drugs" in a way that "could endanger patients" as well as those who display impaired behavior resulting in risks to patient safety that result from substance abuse, 59 O.S.Supp.2016, § 567.8(B)(4), (5). The Act reflects the State's important interest in ensuring adequate, safe nursing care not compromised by substance abuse. The Board could reasonably believe in the context of this case that additional oversight, drug testing, and mental health treatment will adequately protect patients while allowing the licensee to participate in the nursing profession.

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 adequate nursing care not compromised by substance abuse.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA