



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-745A

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

October 20, 2017

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 consent agreements in cases 3.241.17, 3.312.17, and 3.319.17. In each case, the Board proposes to temporarily suspend the licenses pending the acceptance of the licensees into the Board's Peer Assistance Program (PAP). If any of the licensees are not accepted into or terminate/default from PAP, the respective licenses will be revoked for two years. If any of the licenses are revoked, the respective licensees will be required to meet Board guidelines for reinstatement and pay a \$500 administrative penalty. Upon reinstatement, the licenses will be temporarily suspended pending readmission to PAP.

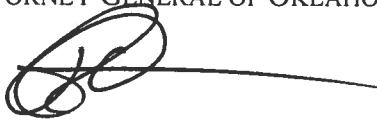
Each licensee entered into an agreed Stipulation, Settlement and Order (SSO) that required the licensees to submit evaluations for Board review and further action. The evaluations for each licensee has been received and the Board's Informal Disposition Panel has recommended referral to PAP. The licensees have also requested referral to PAP.

Under the Oklahoma Nursing Practice Act the Board is authorized to regulate and control "[t]he education, certification and licensure of . . . nurses . . . and the practice of . . . nursing . . . in this state[.]" 59 O.S.2011, § 567.2(A). For violations of the Act, the Board may deny, revoke, or suspend a license, assess administrative penalties, and "otherwise discipline licensees." 59 O.S.Supp.2016, § 567.8(A)(1)-(3). Furthermore, the Act specifically provides that "[a] nurse may apply to participate in the [PAP] program by choice or may be directed to apply to the [PAP] program by an order of the Board. In either case, conditions shall be placed on the nurse's license to practice nursing during the period of participation in the [PAP]." *Id.* § 567.17(K). The Board may reasonably believe that the proposed action is necessary to protect patients by ensuring that nurses are working substance free.

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 provide care uncompromised by substance abuse.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



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