



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-722A

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

November 21, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing in Board case 3.164.16. The proposed action is to refer the licensee to the Board's Peer Assistance Program, a drug and alcohol monitoring program. The license will remain suspended until the licensee is accepted into the program. If the licensee is not accepted or defaults from the program, the license will be revoked for five years, and a \$1,000 fine must be paid prior to reinstatement. While in the Peer Assistance Program, the licensee will be required to complete 24 months of supervised practice in a hospital only. In May 2009 the licensee was sentenced to serve time in federal prison for conspiracy to possess with intent to distribute and distribute controlled substances (methamphetamine). Prior to federal sentencing the Board issued an emergency order temporarily suspending the license based on the federal drug charges. In 2015 the licensee requested a hearing before the Board to lift the suspension but then withdrew the request for the hearing.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” is “guilty of unprofessional conduct,” or has violated state or federal law relevant to the practice of nursing, 59 O.S.Supp.2016, § 567.8(B)(2), (7), (9). The action seeks to enforce requirements aimed at ensuring nurses with criminal histories are fit to practice nursing. The Board may reasonably believe that maintaining the suspension until the licensee meets the above conditions is necessary to protect patients.

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 to protect the public health, safety, and welfare.

A handwritten signature in blue ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA