



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-175A

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

November 18, 2015

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 3.208.16. The proposed action is to lift the temporary suspension of the respondent's license, which will lapse because its expiration date predated this disciplinary action. The proposed action would then require a reinstatement application and condition any reinstatement on entry into the Peer Assistance Program, a drug and alcohol treatment program. The action would automatically revoke, for two years, the license upon default from or failure to enter the program. After such a revocation, the licensee would be required to pay a fine of \$1,500 before an additional reinstatement. The licensee tested positive for drugs in 2013 but could not be located for service because of a failure to notify the Board of a change in address. The Board eventually suspended the license in January 2014 and, in August of 2015, the licensee requested a hearing.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse is “intemperate in the use of alcohol or drugs” in a way that poses a danger to patients or when the nurse has “defaulted from the Peer Assistance Program,” 59 O.S.Supp.2015, § 567.8(B)(4), (11). The action enforces the requirement that nurses not engage in behavior involving alcohol or drugs that could pose risks to the health and danger of patients. The Board may reasonably believe that entry into a treatment program will allow this professional to continue practicing while obviating the risks of compromised patient care. The consequences of default may be 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 of Oklahoma's policy to protect patient health, safety, and welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA