



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-9A

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

January 3, 2017

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 pursuant to an Agreed Order in Board case 6.022.17. The proposed action is to continue suspension of license and refer licensee back to the Board's peer-based substance abuse monitoring program. The licensee may apply for reinstatement of the license within sixty days of acceptance into the program. The action also revokes the license for five years and imposes a \$6,500 fine if the licensee defaults from substance abuse monitoring. While working in a long-term care center, the licensee failed to document the waste or administration of controlled dangerous substance medications. At the request of the nursing care administrator, the licensee consented to a for-cause drug screen and tested positive for amphetamines and methamphetamines. The licensee admitted to abuse of methamphetamines and entered the Board's peer-based substance abuse monitoring program but defaulted a month later.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes agreed disciplinary orders involving imposition of substance abuse monitoring, *see* 59 O.S.Supp.2016, § 567.4(F)(3)(b). The Act elsewhere authorizes discipline when nurses are “intemperate in the use of alcohol or drugs” in a way that “could endanger patients,” when they engage in “unprofessional conduct as defined in the rules of the Board,” when they violate orders of the Board, or when they default from peer-based substance abuse monitoring. *Id.* § 567.8(B)(4), (7), (9), (11). Given the licensee's admission of drug abuse and prior default from substance abuse monitoring, it is reasonable to require additional substance abuse monitoring with significant consequences upon further default.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion this action advances the State of Oklahoma's policy that nurses adhere to minimum standards of care and professionalism.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA