



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-800A

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

November 17, 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 agreement in case 6.011.18. The licensee admitted to the Board that she diverted Controlled Dangerous Substance from her workplace for her personal use. The Board proposes to accept the voluntary surrender of the license for two years and, prior to reinstatement, require the licensee to meet Board reinstatement guidelines and re-refer the licensee to the Board's Peer Assistance Program (PAP). If the licensee is not accepted or defaults from PAP, the license will be revoked for five years and the licensee will be ordered to pay a \$3,000 administrative penalty.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "fails to adequately care for patients or to conform to the minimum standards of acceptable nursing" in a way that "unnecessarily exposes a patient or other person to risk of harm," "is intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients," "is guilty of unprofessional conduct," "is guilty of any act that jeopardizes a patient's life, health or safety," has violated state or federal law related to nursing or "[h]as defaulted from the [PAP] for any reason." 59 O.S.Supp.2017, § 567.8(B)(3), (4), (7-9), (11). The Board may reasonably believe that the proposed action is 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's policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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