



MIKE HUNTER  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2021-14A

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

March 31, 2021

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 in case 3.2020100228.21. In January 2019, licensee was terminated after testing positive for Benzodiazepines while on duty. Licensee failed to cooperate with a Board investigation despite numerous attempts by the Board to contact the licensee. The Board proposes to temporarily suspend the license pending acceptance to the Board's Peer Assistance Program ("PAP"). The license will remain temporarily suspended pending acceptance to PAP. If PAP is not completed, the license will be revoked for two years. If the license is revoked, the licensee must meet the Board's guidelines for reinstatement and pay an administrative penalty of \$1000 and costs of \$840.51. Upon reinstatement after revocation, the licensee will again be referred to PAP.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[f]ails 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," "[i]s guilty of unprofessional conduct," or "[v]iolate[s] a rule promulgated by the Board[.] 59 O.S.Supp.2020, § 567.8(B)(3), (7), (9). Unprofessional conduct includes "conduct detrimental to the public interest" and "failure to cooperate with a lawful investigation by Board of Nursing staff." OAC 485:10-11-1 (b)(3)(H), (V). 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.

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MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER  
DEPUTY GENERAL COUNSEL