



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-24A

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

June 14, 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 3.2020100263.21. In July 2019, the Respondent was terminated from a clinic after testing positive for Methamphetamines while on duty. In October 2019, the Respondent's license lapsed. In December 2019, the Respondent pled guilty to two misdemeanor counts related to possession of illegal narcotics and drug paraphernalia. In May 2020, the Respondent pled Nolo Contendere to a misdemeanor alcohol-related charge. Despite numerous attempts by the Board to contact, the Respondent failed to cooperate with a Board investigation. The Board proposes to lift the lapsed status and suspend the license pending an appearance before the Board and an application for reinstatement.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony, or any offense substantially related to the qualifications, functions or duties of any licensee[,]" "[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[,]" "[i]s guilty of any act that jeopardizes a patient's life, health or safety[,]" or has violated state or federal law related to nursing. 59 O.S.Supp.2020, § 567.8(B)(2), (3), (7-9). Unprofessional conduct includes "conduct detrimental to the public interest[,]" "failure to cooperate with a lawful investigation by Board of Nursing staff[,]" or [f]ailure to utilize appropriate judgment in administering . . . patient care[.] OAC 485:10-11-1(b)(3)(H), (V), (4)(D). 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.

A handwritten signature in black ink, appearing to read "Dan Claitor".

ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL