



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-27A

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 3.2020110021.21. In May 2017, the Respondent entered into an agreed order with the Texas Board of Nursing, which granted the Respondent a single-state license with conditions. As of May 2021, the Respondent had yet to complete the probation requirements of the Texas order. In addition, in December 2019, the Respondent submitted an invalid urine sample for a pre-employment drug test with a Staffing Agency. In February 2021, the Oklahoma Board of Nursing filed a complaint against the Respondent's application for a multistate RN license. The Respondent failed to file a response to the complaint. The Board proposes to place the Respondent on supervised practice for one year in a hospital setting, require an evaluation to be submitted to the Board for review and drug screens twice monthly until review of the evaluation, issue a severe reprimand, and require payment of a \$500 administrative penalty and \$872.32 in investigative costs.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse, among other things, "[i]s guilty of unprofessional conduct[.]" or "[h]as had disciplinary action taken against the . . . nursing license[.]" 59 O.S.Supp.2020, § 567.8(B)(7), (10). Unprofessional conduct includes "conduct detrimental to the public interest[.]" OAC 485:10-11-1(b)(3)(H). 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