



OFFICE OF THE ATTORNEY GENERAL

STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2021-29A

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 3.2020110045.21. In March 2020, the Respondent was terminated after testing positive for amphetamines while on duty at a hospital. The Respondent failed to respond to the Board's complaint despite being timely served. The Board proposes to revoke the license for two years, after which the Respondent must meet Board guidelines before reinstatement. Upon reinstatement, the Board proposes to temporarily suspend the license and refer the Respondent to the Peer Assistance Program ("PAP"). The license will remain revoked pending acceptance to PAP. If PAP is not completed, the license will be revoked for two years. If the license is revoked, the Respondent must meet the Board guidelines for reinstatement and pay \$1,000 in administrative fees and \$1,128.51 in investigative costs prior to reinstatement.

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 "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]" 59 O.S.Supp.2020, § 567.8(B)(3), (7-8). Unprofessional conduct includes "conduct detrimental to the public interest" and "failure to utilize appropriate judgment in administering . . . patient care[.]" OAC 485:10-11-1(b)(3)(H), (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 "D. G. [unclear]".

ACTING ATTORNEY GENERAL OF OKLAHOMA

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

ETHAN SHANER  
DEPUTY GENERAL COUNSEL