



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2020-20A

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

July 31, 2020

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 3.005.21. In September 2015, the licensee provided care outside the scope of practice and failed to diagnose and treat a patient for a pulmonary emboli, which led to the patient's death. In January 2016, the licensee failed to document a complete prescriber order which led to a patient's overdose on Benadryl. The Board proposes suspend the license for one year and issue a severe reprimand. Prior to reinstatement, the licensee must complete education courses and pay a \$1,000 administrative penalty and investigative costs of \$1,993.22. Upon reinstatement, the licensee will be placed on supervised practice for 2,880 hours, to be completed within 2 years.

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.2019, § 567.8(B)(3), (7-8). The Board may reasonably believe that the proposed actions are 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ethan Shaner in blue ink.

ETHAN SHANER
DEPUTY GENERAL COUNSEL