



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-707A

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

September 29, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take pursuant to consent agreement in Board case 6.018.18. The proposed action is to approve the licensee's Application for Reinstatement or Return to Active Status of Licensure to practice registered nursing, require the licensee to complete an education course in Nursing Jurisprudence, and require the licensee to pay an administrative penalty of \$1,700.

The licensee is licensed as a registered nurse (RN). The licensee's license lapsed on February 1, 2016. From February 1, 2016 through July 12, 2017, the licensee admits to working in a position requiring an active RN license at a medical center without having an active nursing license. On June 30, 2017, the licensee submitted to the Board a License Application for Reinstatement or Return to Active Status of Licensure (RN) to practice registered nursing.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.26, 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 has “[v]iolated a rule promulgated by the Board, an order of the Board, or a state or federal law relat[ed] to the practice of . . . nursing . . . or a state or federal narcotics or controlled dangerous substance law.” 59 O.S.Supp.2016, § 567.8(B)(3), (7), (9). The Act also specifically provides that “[n]o person shall practice or offer to practice registered nursing . . . in this state unless the person has complied with the provisions of the [Act].” *Id.* § 567.14(A). The Board rules provide that adherence to minimal standards of acceptable nursing practice indicates using “[s]ufficient knowledge or reasonable skill.” OAC 485:10-11-1(b)(2). “Unprofessional conduct” includes, but is not limited to, “conduct detrimental to the public interest[.]” OAC 485:10-11-1(b)(3)(H). The disciplinary actions the Board is authorized to take against a nurse that violates the Act include, but are not limited to, “[d]eny[ing], revok[ing] or suspend[ing]” a license, “assess[ing] administrative penalties” and “otherwise disciplin[ing] licensees.” 59 O.S.Supp.2016, § 567.8(A)(1)(b), (2-3); *see also* OAC 485:10-11-1(a). The Board may reasonably believe that additional education and the

administrative penalty will protect patient health and safety and ensure safe nursing practice in the future.

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 of Oklahoma's policy to protect the public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN  
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL