



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-735A

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

October 19, 2017

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 pursuant to consent agreement in case 3.096.18. The Board proposes to issue a severe reprimand and require the licensee to complete additional education courses and pay a \$500 administrative penalty.

On January 20, 2017, the licensee was working at a nursing home and failed to notice that physician orders intended for Resident #1 had been erroneously written for Resident #2. The licensee faxed the physician order to the pharmacy. Due to the error, the pharmacy delivered the medications labeled for Resident #2 and the medications were administered to Resident #2.

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” or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety.” 59 O.S.Supp.2016, § 567.8(B)(3), (8). For violations of the Act, the Board may assess administrative penalties and “otherwise discipline licensees.” *Id.* § 567.8(A)(2)-(3). The Board may reasonably believe that the proposed action will protect patients 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’s policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

A handwritten signature in black ink that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to be "Ryan Chaffin", with a long horizontal line extending to the right.

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL