



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-737A

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 a consent agreement in case 3.099.18. 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 27, 2017, the licensee, a registered nurse in a hospital's intensive care unit, accessed protected health information of Patient #1 – who was not under the care of licensee – without consent. The licensee was subsequently terminated from the hospital.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of unprofessional conduct” or “[v]iolate[s] a rule promulgated by the Board, an order of the Board, or a state or federal law relat[ed] to the practice of...nursing.” 59 O.S.Supp.2016, § 567.8(B)(7), (9). “Unprofessional conduct” includes “violating the confidentiality of information or knowledge concerning the patient by any means.” OAC 485:10-11-1(b)(3)(G). For violations of the Act, the Board may assess administrative penalties and “otherwise discipline licensees.” 59 O.S.Supp.2016, § 567.8(A)(2)-(3). The Board may reasonably believe that the proposed action is necessary to deter future violations and protect patient confidentiality.

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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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