



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-739A

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

October 19, 2017

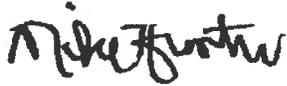
Dear Executive Director Glazier:

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 3.102.18. The Board proposes to issue a severe reprimand, and require the licensee to complete additional education courses and pay a \$500 administrative penalty.

On August 26, 2016, the licensee, an advanced practice registered nurse–certified nurse practitioner with prescriptive authority was working in a hospital’s emergency department, and allowed a registered nurse to perform an incision and drainage of an abscess on Patient #1 under the licensee’s observation. The licensee falsified Patient #1’s medical record by documenting that the licensee had performed the incision and drainage of the abscess.

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 unprofessional conduct” or “any act that jeopardizes a patient’s life, health or safety.” 59 O.S.Supp.2016, § 567.8(B)(3), (7-8). “Unprofessional conduct” includes “inaccurate recording [or] falsifying, altering or inappropriate destruction of patient records.” OAC 485:10-11-1(b)(3)(A). Conduct that “jeopardizes a patient’s life, health or safety” includes “[d]elegating. . . a nursing function . . . when the delegation . . . could reasonably be expected to result in unsafe or ineffective patient care.” OAC 485:10-11-1(b)(4)(D). 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 will deter future violations and protect patients.

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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