



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-743A

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

October 20, 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 3.107.18. The Board proposes to issue a reprimand, and require the licensee to complete additional education courses and pay a \$250 administrative penalty.

On May 14, 2016, the licensee, working at a nursing home, failed to appropriately notify the physician of a change in condition when Resident #1 fell and hit his head. The licensee initiated neurological checks and faxed notification to the physician that evening, but did not receive a reply to the fax notification. When the physician learned of the fall two days later, a CT scan was ordered and revealed no documented injury. The licensee was terminated from the nursing home.

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 “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, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL