



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-48A

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

February 23, 2018

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 agreements in cases 3.155.18, 3.173.18, 3.188.18, 3.192.18, and 3.197.18. The cases involve the licensees' failure to conduct themselves professionally and to conform to the minimum standards of acceptable nursing. The details of violations and the proposed action for each licensee are attached on Appendix A.

The Oklahoma Nursing Practice Act authorizes disciplinary actions when nurses violate the Act or its implementing administrative rules. 59 O.S.Supp.2017, § 567.8. The Act prohibits nurses from “[f]ail[ing] 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,” and from engaging in “unprofessional conduct as defined in the rules of the Board.” *Id.* § 567.8(B)(3), (7). The Board may reasonably believe that the proposed actions are necessary to deter future violations.

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

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL

APPENDIX A

Board Case No.	Details of Violation	Proposed Action
3.155.18	The licensee failed to maintain chain of custody of Controlled Dangerous Substances ("CDS") medications.	Issue a severe reprimand, require licensee to submit to an evaluation for Board review, submit to periodic drug screenings, complete three education courses, and pay a \$500 administrative penalty.
3.173.18	The licensee allowed a charge nurse to administer intravenous fluids to the licensee without a physician's order and without reimbursing the hospital for the service.	Issue a reprimand, require licensee to complete two education courses, and pay a \$500 administrative penalty.
3.188.18	The licensee failed to maintain chain of custody of CDS medications.	Issue a reprimand, require licensee to complete three education courses, and pay a \$500 administrative penalty.
3.192.18	The licensee administered intravenous fluids to another nurse without a physician's order and without requiring the recipient nurse to reimburse the hospital for the service.	Issue a severe reprimand, require licensee to complete two education courses, and pay a \$500 administrative penalty.
3.197.18	The licensee allowed another nurse to administer intravenous fluids to the licensee without a physician's order and without reimbursing the hospital for the service.	Issue a reprimand, require licensee to complete two education courses, and pay a \$500 administrative penalty.