



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-727A

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

December 9, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing in Board case 3.125.17. The proposed action is to enter an agreed order of continuance of the hearing on the merits of the complaint until the Board's next meeting. The licensee must notify the Board of any change in employment as a nurse in Oklahoma and must provide copies of the complaint and the agreed order of continuance to current and future employers. It is alleged that while working in a long term care center, the licensee responded to a resident's complaints of difficulty breathing and restlessness. The resident had been admitted to the center that same day, and the resident's notes indicated, among other things, that the resident had a post coronary artery bypass graft. The licensee repositioned the resident's bed and administered oxygen without a physician order. Subsequently, the licensee failed to perform a focused assessment to determine the effect of the oxygen or notify the resident's physician or family or the licensee's director of the change in the resident's condition. Approximately 20 minutes later the licensee received a report that the resident was unresponsive and without a pulse, yet the licensee did not call for emergency services and did not initiate cardiopulmonary resuscitation. The licensee was terminated from the long term care center. The licensee requested a continuance of the Board's hearing.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “fails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” or “is guilty of any act that jeopardizes a patient's life, health or safety,” 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8). Conduct which jeopardizes a patient's life, health or safety includes “failure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(D). The action seeks to enforce requirements that nurses provide adequate care to patients. The Board may reasonably believe that granting a continuance subject to the licensee providing notice to current and future employers, as described above, is necessary to 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 of Oklahoma's policy to protect the public health, safety, and welfare by ensuring nurses provide adequate care to patients.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA