



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-64A

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

February 8, 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 pursuant to a consent agreement in Board case 3.285.16. The proposed action is to require licensee to complete courses in nursing law and nursing ethics, issue a severe reprimand, and impose a \$500 penalty. The licensee submitted to a staffing agency a report documenting a physical exam signed by a physician, but the physician denied performing the exam, indicating that licensee forged the report.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses are “guilty of unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2015, § 567.8(B)(7). The Board’s rules define unprofessional conduct to include “impersonating another licensed or certified practitioner . . . for any purpose.” OAC 485:10-11-1(b)(3)(L). A nurse’s propensity to file false reports calls into question nursing care provided, particularly when a nurse must be trusted to provide care and document it without direct observation by other professionals. The Board may reasonably believe that the discipline imposed by this action will adequately 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 of Oklahoma’s policy to require nurses to adhere to minimum professional standards necessary to provide care.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA