



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-515A

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

August 9, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take in Board case 3.363.16. The proposed action is to place the license on probation for 12 months, during which time the licensee may only work in a hospital. In addition, the licensee will be fined \$2,000, severely reprimanded, required to pay investigative costs of \$1,084.79, required to provide quarterly self-assessment reports, and required to complete courses in nursing documentation, medication administration, critical thinking, and roles and responsibilities. The licensee, while working as a nurse in an emergency department, failed to properly examine a pregnant patient who came to the hospital complaining of severe abdominal pain. The patient cursed, thrashed about, and frequently refused to allow emergency staff to provide nursing care. The licensee took urine from the patient, which urine tested negative for drugs but showed the patient was pregnant. An emergency room physician discharged the patient from the hospital into the custody of police after it was found the patient had someone else's prescription medications. Later that evening the patient died from a suspected ruptured ectopic pregnancy.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, 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 “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety,” 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8). Conduct which jeopardizes a patient's life, health or safety includes “[f]ailure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(D). The action enforces requirements that nurses provide adequate care to patients. The Board may reasonably believe that the disciplinary action is 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 of Oklahoma's policy to protect the public health, safety, and welfare.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA