



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-78A

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

October 15, 2015

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. The proposed action is to enter a supplemental order assessing an administrative penalty of \$500 in Board case 3.083.16. The registered nurse had been bound in a prior agreed order requiring compliance with the Board's Supervised Practice Guidelines for two years. The registered nurse began work at a hospital without that hospital's agreement to participate in the supervision program, a violation of the Guidelines by the nurse.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse is "guilty of unprofessional conduct" or violates an "order of the Board," 59 O.S.Supp.2014, § 567.8(B)(7), (9). The action seeks to enforce an order of the Board requiring compliance with a supervision program. Supervision of a professional during a period of probation or otherwise can be an important form of discipline that allows the professional to continue working. Enforcing the requirements of supervision, including that the employer have agreed to participate and meet the requirements of a supervisory program, is essential to supervision's role as a form of a discipline.

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 advance the public health, safety, and welfare by allowing supervised practice as a form of professional discipline.

A handwritten signature in black ink, appearing to read "E. SCOTT PRUITT", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA