



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-486A

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

August 5, 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 pursuant to a consent agreement in Board case 3.050.17. The proposed action is to require the licensee to complete courses in nursing law and roles and responsibilities of a nursing director of a long-term care facility. The licensee will also be fined \$500 and severely reprimanded. Failure to comply with the primary provisions of the order will result in a three month suspension of the license and additional fines. The licensee, while working as director of nursing, instructed certified nurse aides to perform nursing functions including administering medications and performing finger-stick blood sugar readings.

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 “unnecessarily 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.2015, § 567.8(B)(3), (7), (8). Conduct which jeopardizes a patient’s life, health, and safety includes the unsafe delegation of a nursing function. OAC 485:10-11-1(b)(4)(B). The action seeks to enforce requirements that unlicensed personnel not perform nursing functions for which they are not qualified. The Board may reasonably believe that the disciplinary action and additional education will 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 by ensuring patients receive nursing care from professionals licensed to serve them.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA