



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-455A

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

August 1, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken under the auspices of the Oklahoma Board of Nursing in Board case 5.042.16. The proposed action is to require the licensee to complete a therapeutic communication course. The licensee argued with a resident at an assisted living center for veterans. The resident grabbed the licensee's arm and began to squeeze. When the licensee pulled away, the resident fell to the ground. The licensee was terminated from the assisted living center.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules, *see* 59 O.S.Supp.2015, § 567.8a. The Act elsewhere authorizes discipline for nurses who fail “to adequately care for patients or to conform to minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient . . . to risk of harm,” as well as nurses who display “unprofessional conduct as defined in the rules of the Board.” 59 O.S.Supp.2015, § 567.8(B)(3), (7). Unprofessional conduct includes “verbally or physically abusing patients.” OAC 485:10-11-1(b)(3)(B). The action seeks to enforce requirements aimed at protecting patients from injury. The Board may reasonably believe that improving the licensee's communication skills may avoid arguments with patients in the future, which would likely have prevented the patient's fall in this case.

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 that nurses meet minimum standards of professional conduct.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA