



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-73A

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

February 11, 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 3.197.16. The proposed action is to suspend the licensee for three months and, prior to reinstatement, require courses in nursing law, patient abuse, stress and anger management, and critical thinking. The action also imposes a \$500 fine and requires supervised practice for 18 months in a healthcare agency upon reinstatement. The licensee abused a patient by grabbing the patient around the neck and throwing the patient to the floor after the patient refused to comply with the licensee's request.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses “[f]ail[] 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,” when they violate the Board’s rules of professional conduct, and when they are “guilty of any act that jeopardizes a patient’s life, health or safety,” 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8). The Board’s rules define unprofessional conduct to include the verbal or physical abuse of patients. OAC 485:10-11-1(b)(3)(B). The action seeks to enforce these requirements that protect patient safety from conduct that travels from the realm of nursing care to the realm of patient abuse. The Board may reasonably believe that suspension, education, supervision, and fines are necessary to prevent 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 that nursing care meet minimum standards and not pose a risk of harm to patients.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA