



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-698A

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

November 16, 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 3.139.17. The proposed action is to severely reprimand the license; impose a \$500 fine; and require completion of courses in nursing law, skin integrity and wound management, and roles and responsibilities of the licensed practical nurse in long term care. While working in a long term care center, the licensee documented a change in skin color of a resident's heels and Achilles tendons and applied an ointment without a physician's order. A physician order required a different type of ointment, which the licensee falsely documented applying. The licensee failed to notify the resident's physician or family of the skin color change. Further, when the resident's spouse said that the resident was complaining of nausea and vomiting, the licensee failed to notify the resident's physician.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “fails 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 “is guilty of any act that jeopardizes a patient's life, health or safety,” 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8). Conduct which jeopardizes a patient's life, health or safety includes “failure 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, including additional education, is 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

to protect the public health, safety, and welfare by ensuring nurses provide adequate care to patients.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal stroke extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA