



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-494A

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 3.060.17. The proposed action is to require the licensee to complete courses in nursing law, critical thinking, and nursing ethics. 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 a charge nurse in a long-term care center for veterans, accepted money from a resident on three occasions over a two and a half week period, twice in the amount of \$500 and one time in the amount of \$1,200.

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,” violates Board rules, or “[f]ails to maintain professional boundaries with patients,” 59 O.S.Supp.2015, § 567.8(B)(3), (7), (9), (12). Unprofessional conduct includes “obtaining money, property or services from a patient, other than reasonable fees for service provided to the patient, through the use of undue influence, harassment, duress, deception or fraud.” OAC 485:10-11-1(b)(3)(R). The action seeks to enforce requirements aimed at protecting vulnerable patients from financial exploitation. The Board may reasonably believe that the disciplinary action is necessary to 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 nurses do not use their positions to financially exploit patients.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA