



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-68A

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

February 8, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions that the Oklahoma Board of Nursing intends to take pursuant to a settlement agreement in Board case 3.299.16. The proposed action is to require licensee to take courses in nursing law, nursing ethics, and critical thinking; to issue a severe reprimand; and to impose a \$1500 fine. Licensee failed to report a 2004 public intoxication conviction on license renewal applications six times and failed to report 2011 convictions for unlawful possession of controlled dangerous substances and driving with a cancelled license twice. Licensee also failed to administer a physician-ordered medication or complete an assessment of patient's pain when alerted to patient complaints.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses apply for licenses with deceit or material misrepresentations, 59 O.S.Supp.2014, § 567.8(B)(1)(a). The Act also authorizes 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” and when they are “guilty of any act that jeopardizes a patient’s life, health or safety.” *Id.* § 567.8(B)(3), (8). The Board’s action seeks, in part, to enforce the requirement that application materials truthfully include all required information. The action also seeks to uphold minimum standards of nursing care; failing to administer physician-ordered medication or to at least perform an assessment poses a risk that licensee will fail to carry out assigned duties. The Board may reasonably believe that the discipline imposed will adequately 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 patient life, health, and safety from compromised nursing care.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA