



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-704A

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

November 21, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken by the Oklahoma Board of Nursing pursuant to consent agreements in Board cases 3.146.17 and 3.147.17. The proposed actions are to reprimand both licenses, impose \$500 fines, and require completion of courses in nursing law and roles and responsibilities in long term care. The licensees allegedly performed assessments of a wound on a resident's foot and noted a change in condition of the wound, yet both failed to timely document their assessments, notify the resident's physician or family, or the director of nursing, or initiate an incident report. Soon after the licensee's assessments, the resident was hospitalized for what turned out to be a bone infection.

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 actions enforce requirements that nurses provided adequate care to patients. The Board may reasonably believe that the disciplinary actions, including additional education, 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 these actions advance 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 blue ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA