



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-492A

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 3.057.17. The proposed action is to require the licensee to complete courses in nursing law and critical thinking. In addition, the licensee will be fined \$250 and 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 at a long-term care center, received a physician order for intravenous fluids for a resident. The licensee placed an order for the fluids from a pharmacy but did not confirm the fluids were actually received or administered to the patient. The licensee also did not inform the physician, director of nursing, or the patient's family of the delay in administering the fluids to the patient.

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,” or is “guilty of unprofessional conduct,” 59 O.S.Supp.2015, § 567.8(B)(3), (7). Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). The action seeks to enforce requirements that nurses provide adequate care to patients. The Board may reasonably believe that the disciplinary action will 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 provide adequate care.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA