



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION
2016-84A**

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

February 11, 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 3.175.16. The proposed action is to require supervised practice of the licensee in a health care agency for twelve months, after which the licensee will be required to appear before the Board for consideration of the supervised practice reports. The action also requires the licensee to participate in weekly counseling sessions for at least six months and then until released by a counselor; reprimands the licensee; imposes a \$500 penalty; and requires completion of a course in nursing law.

The licensee had an episode at work—a hospital unit for children with developmental disabilities coupled with mental or behavioral problems—involving delusions about being “Beelzebub,” hallucinations, and self-harm. A few months later, the licensee was also caught sleeping on duty.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses’ inadequate care “unnecessarily exposes a patient or other person to risk of harm,” when they are guilty of “unprofessional conduct as defined in the rules of the Board,” and when they are “guilty of any act that jeopardizes a patient’s life, health or safety,” 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8). The Board’s rules define “unprofessional conduct” to include “leaving a nursing assignment or patient care assignment without properly advising appropriate personnel.” OAC 485:10-11-1(b)(3)(F).

Falling asleep while on duty could result in harm to patients and qualifies as unprofessional conduct; having episodes of extreme delusion and hallucination with self-harm also presents a risk of compromised nursing care. The Board’s chosen discipline, particularly supervised practice and weekly counseling, are geared toward protecting from these issues. The Board may have reasonably determined that the chosen discipline was necessary to enforce the statutory requirements.

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 of upholding minimum standards of care and of professionalism within the nursing profession.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large initial "E" and a prominent flourish at the end.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA