



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-474A

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 3.032.17. The proposed action is to suspend the license for six months. Prior to reinstatement, the licensee must complete courses in nursing law and nursing ethics and pay a fine of \$500. Upon reinstatement, the license will be placed on probation for six months, during which time the licensee must be employed by a health care agency, but not home health or hospice. The licensee will also be required to complete self-assessment reports. Failure to comply with the order will result in a three month suspension and additional fines. In 2014, the licensee was convicted of one felony count of financial exploitation of a vulnerable adult. The licensee was ordered by the court to pay restitution of \$50,000.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” “[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)(2), (3), (7). Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). Nurses regularly provide care to patients who are in vulnerable positions. The action seeks to enforce requirements that the Board consider relevant criminal history in evaluating a nurse’s fitness to practice. The Board may reasonably believe that imposing disciplinary action is necessary to protect patients from exploitation.

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 exploit patients.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA