



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-460A

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 3.003.17. The proposed action is to require the licensee to complete courses in nursing law, therapeutic communication, and critical thinking; submit to body fluid testing for a period of 12 months; and pay a \$500 fine. The Board will also issue a severe reprimand to the licensee. If the licensee fails to comply with the terms of the order, the license will be suspended for three months and additional fines will be imposed. Further, the license will be immediately temporarily suspended for violations of the Board's body fluid testing guidelines. The licensee was fired from a long-term care facility in 2014 after displaying erratic behavior at work indicating drunkenness, and for abandoning post, leaving no licensed nurse on duty. The licensee was fired from another long-term care facility in 2015 after the licensee told a resident the licensee wished to slap the resident. Also in 2015, the licensee pled guilty to driving while impaired ("DWI").

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," is "guilty of unprofessional conduct," or "[i]s guilty of any act that jeopardizes a patient's life, health or safety," 59 O.S.Supp.2015, § 567.8(B)(2), (3), (7), (8). Unprofessional conduct includes verbally abusing patients and "leaving a nursing assignment or patient care assignment without properly advising appropriate personnel." OAC 485:10-11-1(b)(3)(B), (F). Conduct which jeopardizes a patient's life, health or safety includes any "[f]ailure to utilize appropriate judgment in administering safe nursing practice." OAC 485:10-11-1(b)(4)(D). The action seeks to enforce requirements aimed at protecting patients from verbal abuse and compromised nursing care. The Board may reasonably believe that its action will deter similar conduct in the future and promote safe and effective nursing care.

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 adequately care for patients.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA