



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-479A

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 3.040.17. The proposed action is to require the licensee to complete courses in nursing law and nursing ethics, issue a severe reprimand, and impose a \$500 fine. Failure to comply with the Board's order will result in a three month suspension of the license and additional fines. The licensee, while working as a nurse in a correctional facility, carried on an inappropriate relationship with an inmate, including sending mail to the inmate and accepting at least ten phone calls from the inmate via a contraband cell phone. In lieu of termination, the licensee resigned from the correctional facility.

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,” 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)(3), (7), (8). Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). 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). Nurses must conduct themselves in a professional manner, which includes avoiding inappropriate relationships. This has special significance in a prison, where not only the patient’s care may be compromised, but also the safety of the nurse and the public. The action seeks to enforce requirements that nurses observe professional boundaries. The Board may reasonably believe that the disciplinary action will deter future violations and ensure that nurses provide professional 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 that nurses meet minimum standards of professionalism.

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