



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-76A

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

October 15, 2015

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 with respect to guidelines on delegation of nursing tasks to non-licensed persons. The current guidelines omit any mention of advanced practice registered nurses. The proposed action is to include them in the guidelines, thereby clarifying that they may not delegate nursing tasks to unlicensed persons without clear legal authority.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1–567.20, defines the practice of nursing for each type of nursing license, including the tasks nurses must carry out, 59 O.S.Supp.2011, § 567.3a(3), (4), (5). Further, “[n]o person shall practice or offer to practice registered nursing, practical nursing, or advanced practice nursing in this state unless the person” complies with the Act by, for example, obtaining a license. *See id.* § 567.14(A). Thus, nurses may only delegate tasks to unlicensed persons consistent with standards of the nursing profession and the law of unlicensed practice when legal authority exists to do so—if, for example, an act is not part of the practice of nursing or, if it is, a statute nonetheless allows it to be delegated. The Board’s guidelines clarify and explain these requirements to licensees, and the amendment seeks to ensure advanced practice nurses understand that the same rules apply to them. The statutes do not make a distinction on this score between advanced practice nurses and other nurses.

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.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA