



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-85A

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 in Board case 3.191.16. The proposed action is to revoke the nurse's license for two years; impose a \$2,000 fine; and require that the licensee obtain an evaluation for fitness to practice—an evaluation of the licensee's psychiatric fitness—before reinstatement. The licensee was disciplined in 2008 for failing to perform an assessment after a patient complaint; the discipline required 12 months of supervised practice within the following 24 months. The licensee gained a broader set of facilities to obtain supervised practice experience and also gained extensions of the time to obtain supervised practice for several years. In October 2015, the licensee administered influenza vaccinations to four long-term care residents even though they had already received vaccinations. Further, the supervised practice reports received by the Board showed very poor evaluations of the licensee's practice, including in stress management and communication skills. An employer report included in one of the supervised practice reports also noted deficiencies in patient care documentation. The licensee still has not completed all twelve months of supervised practice.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses violate an order of the Board, 59 O.S.Supp.2015, § 567.8(B)(9). The licensee's failure to comply with Board orders requiring supervised practice; the supervised practice reports the Board has received; and licensee's compromised care for long-term care residents provide support for the Board's decision to impose discipline.

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 policies of enforcing valid Board orders and upholding minimum standards of competence and professionalism in the nursing profession.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a faint, larger version of the signature.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA