



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-459A

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 3.001.17. The proposed action is to require the licensee to complete courses in nursing law and nursing ethics, as well as to complete a course covering professional responsibility of licensed practical nurses in home health settings. The licensee will also be fined \$1,000 and severely reprimanded. The licensee documented four in-home health visits with a patient, and also documented a phone call with the patient in which the patient requested "to skip this week's visit," when in fact the patient had died prior to any of the alleged home visits or phone call. The licensee was terminated from the home health agency.

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" or is "guilty of unprofessional conduct," 59 O.S.Supp.2015, § 567.8(B)(3), (7). Unprofessional conduct includes falsifying patient records. OAC 485:10-11-1(b)(3)(A). The action seeks to enforce requirements that nurses keep accurate records of patient health and provide quality care to patients. The Board may reasonably believe that requiring education, imposing a fine, and issuing a severe reprimand may 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, and do not falsify patient records.

A handwritten signature in black ink, appearing to read "Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA