



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-480A

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 3.041.17. The proposed action is to grant the application, but require the respondent to complete courses in nursing law, patient rights, and restraints. In addition, the license will be reprimanded, and a \$500 fine will be imposed. Failure to comply with the Board's order will result in a three month suspension of the license and additional fines. The respondent, while working as a nurse in a psychiatric hospital, improperly restrained a 9-year-old patient after the child became aggressive and threw herself to the floor. The respondent has been disciplined by the Board in the past.

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). Patients with psychiatric conditions may be especially vulnerable and require care from nurses who are equipped to respond to foreseeable aggressive behavior. The action seeks to enforce requirements that nurses be able to adequately care for such patients. The Board may reasonably believe that its disciplinary action is necessary to deter future violations and ensure adequate care for patients with psychiatric conditions.

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 are equipped to provide adequate care to the patients they serve.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA