



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-498A

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 10.005.17. The proposed action is to grant the application for licensure by endorsement, however the applicant, whose license is presently subject to an ongoing probation order in New York, must assure materials required by the New York order are provided to the Board, including quarterly reports and evidence of successful completion of probation. Failure to comply with the primary provisions of the order will result in a three month suspension of the license and a fine. The applicant's license was placed on probation in New York as a result of medication administration errors, failure to appropriately perform cardiopulmonary resuscitation ("CPR"), and failure to follow a doctor's order to continue performing CPR. The applicant completed all of the terms of the New York probation order, except for submitting the remaining quarterly reports.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse is "guilty of unprofessional conduct" or "[h]as had disciplinary actions taken against the individual's [license] . . . in this or any state, territory or country," 59 O.S.Supp.2015, § 567.8(B)(7), (10). The action seeks to ensure nurses subject to recent discipline in another jurisdiction are fit to practice in Oklahoma. The Board may reasonably believe that requiring evidence of successful completion of the terms of the New York probation order will provide such assurance.

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 may safely practice.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA