



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-697A

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

November 16, 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 pursuant to a consent agreement in Board case 3.138.17. The proposed action is to impose a \$500 fine, require completion of courses in nursing law and critical thinking, and require 12 months of supervised practice in a health care agency. While working back-to-back shifts in a long term care center, the licensee left in the middle of the first shift and did not return for the remainder of the shift. The licensee did not properly notify a supervisor and did not give a report on assigned residents to another nurse. In addition, the licensee signed medical records using the licensee's new married name without properly notifying the Board of the name change.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “fails 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 is “guilty of any act that jeopardizes a patient’s life, health or safety,” 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8). Unprofessional conduct includes “leaving a nursing assignment or patient care assignment without properly advising appropriate personnel.” OAC 485:10-11-1(b)(3)(F). Conduct which jeopardizes a patient's life, health or safety includes any “failure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(D). “Each Licensed Practical Nurse licensee must provide certified evidence (a copy of marriage license or court action) regarding any change of name within 30 days of the change.” OAC 485:10-9-9(a). The action enforces requirements that nurses provide adequate care to patients and apprise the Board of name changes. The Board may reasonably believe that the disciplinary action will deter future violations.

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 provide adequate care to patients and keep the Board apprised of identification information.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a large, stylized flourish above the name.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA