



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION  
2016-80A**

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 actions to be taken by the Oklahoma Board of Nursing pursuant to consent agreements in Board cases 3.302.16 and 3.303.16. The proposed action in each case is to require completion of courses in nursing law and registered nurse responsibilities; to issue a severe reprimand; and to impose a \$500 fine. Each nurse encountered an inmate at a correctional facility that required care but could not initially provide care because of safety requirements barring access to the cell without adequate security guards. The licensees did not alert healthcare professionals with more authority about the issue.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses “[f]ail[] 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” and when they are “guilty of any act that jeopardizes a patient’s life, health or safety,” 59 O.S.Supp.2015, § 567.8(B)(3), (8). The failure to provide care because of security rules without alerting senior nurses, physicians, or other healthcare professionals about the need for care has the potential to result in healthcare conditions going untreated. The actions seek to deter such conduct by imposing fines, education, and reprimands. The Board may reasonably believe such discipline to be necessary to deter compromised 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 that nursing care meet minimum standards and not pose a risk of harm to patients.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized and written in a cursive-like font.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA