



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-99A

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

February 17, 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 in Board case 3.253.16. The proposed action declines to grant an application for reinstatement, instead directing the licensee to obtain a psychiatric evaluation of the licensee's fitness to practice so that the Board can have adequate information when evaluating whether to grant reinstatement. The licensee was disciplined in 2014 for falling asleep in the licensee's vehicle and not returning to the intensive care unit where licensee was working, leaving two patients unattended. The discipline included 12 months of supervised practice. The Board received a supervised practice report with several deficiencies for the licensee mainly focusing on the licensee's inability to work well with others. Further, the licensee walked off work a few hours into a shift without notifying a supervisor.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “unnecessarily exposes a patient or other person to risk of harm,” when a nurse is “guilty of unprofessional conduct as defined in the rules of the Board,” and when a nurse violates Board orders, 59 O.S.Supp.2015, § 567.8(B)(3), (7), (9). The Board's rules include “leaving a nursing assignment . . . without properly advising appropriate personnel” as a form of unprofessional conduct. OAC 485:10-11-1(b)(3)(F). Here, the licensee's poor supervised practice reports, departure from work in the middle of a shift, and issues with coworkers support the Board's decision to require the licensee to obtain a psychiatric evaluation before being entrusted again with responsibilities to provide 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 of upholding minimum standards of care and professionalism within the nursing profession.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA