



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-174A

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

November 18, 2015

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 3.205.16. The proposed action is to accept the voluntary surrender of the respondent's license for one year and, before reinstatement, require payment of a \$500 fine and completion of courses in nursing law, ethics, and critical thinking. Upon reinstatement, the licensee would be barred from practice in a hospice or home health setting for two years. The licensee stole money from a patient's spouse during a home health visit.

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,” 59 O.S.Supp.2015, § 567.8(B)(7). Unprofessional conduct includes the “appropriat[i]on without authority” of “medications, supplies or personal items of the patient.” OAC 485:10-11-1(b)(3)(D). The action enforces a prohibition against taking patients' property by imposing serious penalties and, even after reinstatement, temporarily restricting practice in a home health context. The Board may reasonably believe that these penalties are necessary to discourage and prevent 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 patient health, safety, and welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA