



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-482A

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 3.045.17. The proposed action is to require the licensee to complete courses in nursing law, delegation and supervision, and nursing ethics. A severe reprimand will be imposed, as well as a \$500 fine. Failure to comply with the primary provisions of the order will result in a three month suspension of the license and additional fines. The licensee instructed a certified nurse aide to provide insulin injections to three residents in a long-term care center. The nurse aide was not qualified to provide the injections. The licensee also documented the injections as though the licensee had performed them, not the nurse aide.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[f]ails 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.2015, § 567.8(B)(3), (7), (8). Unprofessional conduct includes inaccurate recording or falsifying patient records. OAC 485:10-11-1(b)(3)(A). Conduct which jeopardizes a patient’s life, health, and safety includes the unsafe delegation of a nursing function, and a nurse’s “[f]ailure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(B), (D). Delegating nursing functions to unlicensed personnel jeopardizes patient health. The action seeks to enforce requirements that nursing functions are only performed by those who are licensed and qualified. The Board may reasonably believe that the 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 that patients receive nursing care from professionals who are licensed to serve them.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a long horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA