



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-67A

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

February 8, 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 3.296.16. The proposed action is to require the licensee, a licensed practical nurse, to take courses in nursing law and the responsibilities of licensed practice nurses; to impose a \$500 penalty; and to issue a severe reprimand. The licensee wrote physician orders for prescription drugs and then administered them to patients. Licensee also prepared, labeled, and dispensed medications.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, defines “licensed practical nursing” to include activities such as helping to assess patient health status, to prepare healthcare plans, to implement healthcare plans, to evaluate patient responses to certain actions, and to delegate those tasks in appropriate circumstances, *see* 59 O.S.2011, § 567.3a(4)(a)–(i). Licensee’s actions were clearly outside the scope of practice authorized for licensed practical nurses and could have resulted in patient harm. The Act 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 Board may reasonably believe that the action will effectively 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 concerning the scope of practice for licensed practical nurses.

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