



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-466A

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 3.018.17. The proposed action is to require the licensee to complete courses in nursing law, patient rights and confidentiality, skin integrity and wound management, and nursing responsibilities. The licensee will also be severely reprimanded and will be fined \$1,000. If the licensee fails to comply with the terms of the order, the license will be suspended for three months and additional fines will be assessed. The licensee argued with a hospital patient about the patient's medications, telling the patient if they refused to take their medications it could result in a heart attack or stroke and "it would not be [the hospital's] fault if that happen[ed]." The licensee also failed to alert a physician as to a patient's deteriorating wound and then entered a note in the patient's records and attempted to make the note appear as though it had been entered two days earlier. The licensee was terminated from the hospital, but kept the patient's medical records and presented the un-redacted records to Board staff.

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 "[i]s 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 verbally abusing patients and violating the confidentiality of patient information. OAC 485:10-11-1(b)(3)(B), (G). Conduct which jeopardizes a patient's life, health or safety includes any "[f]ailure to utilize appropriate judgment in administering safe nursing practice." OAC 485:10-11-1(b)(4)(D). The action seeks to enforce requirements aimed at ensuring nurses behave professionally while caring for patients, properly communicate patients' health status, and do not disclose patients' confidential health information. The Board may reasonably believe that the disciplinary 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 nurses meet minimum standards of professionalism and provide adequate care to patients.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA