



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-293A

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

May 9, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken under the auspices of the Oklahoma Board of Nursing in Board case 5.033.16. While completing a home visit, the licensee received information regarding possible patient abuse, although the allegations were unsubstantiated. The licensee failed to report the allegations. The proposed action is to require the licensee to complete a course in nursing law. The licensee's employer also required the licensee to complete numerous educational courses due to the failure.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules, see 59 O.S.Supp.2015, § 567.8a. The Act elsewhere authorizes the Board to impose discipline on nurses who “[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 who violate federal or state obligations relevant to nursing practice, *see* 59 O.S.Supp.2015, § 567.8(B)(3), (9). Oklahoma law requires that allegations of abuse must be reported. *E.g.*, 63 O.S.2011, § 1-1939(H). The action in this case seeks to ensure that the licensee's nursing practice reaches a minimum standard that preserves patient safety while complying with all other duties. While patient abuse apparently did not occur, the licensee had a duty to report the allegation of abuse. This obligation ensures that other state authorities can effectively oversee and prevent the abuse of vulnerable individuals. It could reasonably be believed that additional education will 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 these actions advance the State of Oklahoma's policy that nurses observe minimum standards of care and comply with all applicable laws.

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