



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-469A

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 3.022.17. The proposed action is to require the licensee to complete courses in nursing law and roles and responsibilities. The licensee will also be severely reprimanded and will be fined \$1,000. If the licensee fails to abide by the terms of the order, the license will be suspended for three months and additional fines will be imposed. The licensee was working as a charge nurse in a long term care center when a resident claimed to have been raped by a nurse assistant. The licensee did not assess the resident; did not take steps to separate the nurse assistant from the resident; did not initiate an incident report; and did not notify a physician, supervisor, or the resident's family. A subsequent investigation revealed the resident was suffering from delusions and in fact was not raped. Later, the licensee also admitted to the Board to never disclosing a 2001 conviction for public intoxication.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” “[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)(2), (3), (7), (8). 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). Health care professionals, including personnel in long-term care centers, are required to report suspected abuse of vulnerable adults. 43A O.S.2011, § 10-104(B)(6); OAC 340:5-3-1(a)(4)(G). The Board is also authorized to impose discipline when a nurse is “guilty of deceit or material misrepresentation in procuring or attempting to procure” a license. 59 O.S.Supp.2015, § 567.8(B)(1)(a). “Deceit or material misrepresentation” includes any “false representation of facts in connection with an application for licensure.” OAC 485:10-11-1(b)(1)(A). Submitting false documents to the Board amounts to unprofessional conduct. OAC 485:10-11-1(b)(3)(E). The action seeks to enforce requirements aimed at ensuring patients receive adequate nursing care and that information submitted in applications for licensure is

complete, such that the Board may fully evaluate candidates. The Board may reasonably believe that this 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 nurses provide adequate patient care and that information submitted in applications for licensure is truthful and complete.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA