



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-705A

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

September 29, 2017

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 consent agreement in Board case 5.019.18. The licensee in this case is licensed as a registered nurse (RN). The proposed action of the Board is to require the licensee to complete a remedial education course in Roles and Responsibilities of RN to include Behavioral Health.

On April 17, 2016, while working at a hospital, the licensee abused Patient #1 when the licensee pounded on the adjoining wall of Patient #1's hospital room, when Patient #1 was observed by the licensee with his ear against the adjoining wall, listening. Immediately thereafter, Patient #1 became increasingly agitated, as demonstrated by pacing, cursing and yelling "They have found me!" and "They are going to come in and kill me." Hospital security was called to assist and Patient #1 required medication administration with Ativan 2 mg, orally. The licensee admitted to hospital administration and Board staff of "tapping" on the wall to discourage Patient #1's behavior of listening to activities/conversations in the adjoining room. The licensee resigned in lieu of termination from the hospital.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.26, authorizes "corrective actions" when nurses violate the Act or its implementing administrative rules. *See* 59 O.S.Supp.2016, § 567.8a. Such an action may include education and an administrative penalty, and it is not considered a disciplinary action. *See id.* Elsewhere, the Act authorizes disciplinary action 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[.]" 59 O.S.Supp.2016, § 567.8(B)(3). The Board rules provide that adherence to minimal standards of acceptable nursing practice indicates using "[s]ufficient knowledge or reasonable skill." OAC 485:10-11-1(b)(2). The Board may reasonably believe that additional education will protect patient health and safety and ensure safe nursing practice in the future.

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 provide adequate care and meet minimum standards of professional conduct.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL