



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-715A

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

October 11, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to consent agreement in Board case 5.012.18. The Board proposes to require the licensee, a registered nurse (RN), to complete an education course in Nursing Ethics.

On March 25, 2016, while working at a hospital behavioral health unit, the licensee performed a vaginal exam on Patient #1 without a physician order and failed to timely notify the physician of Patient #1's change in condition until the licensee had completed the vaginal exam.

The Oklahoma Nursing Practice Act 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" or "[i]s guilty of unprofessional conduct[.]" 59 O.S.Supp.2016, § 567.8(B)(3), (7). The Board may reasonably believe that additional education will protect patients 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's policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL