



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-724A

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

October 18, 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 case 3.056.18. The Board proposes to issue a severe reprimand, assess a \$500 administrative penalty, and require the licensee to complete additional education courses.

On May 4-5, 2016, the licensee, a licensed practical nurse working at a nursing home, failed to report a change in Resident #1's condition. Resident #1 had reportedly fallen and hit his head, but the licensee did not report the fall to the physician or nursing director or perform and document a focused assessment of Resident #1. The licensee administered oxygen to Resident #1 without a physician order and administered Ambien. The licensee was terminated from the nursing home.

The Oklahoma Nursing Practice Act 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," or "[i]s guilty of any act that jeopardizes a patient's life, health or safety." 59 O.S.Supp.2016, § 567.8(B)(3), (8). For violations of the Act, the Board may assess administrative penalties and "otherwise discipline licensees." *Id.* § 567.8(A)(2)-(3). The Board may reasonably believe that the proposed actions 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 that reads "Mike Hunter".

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to be "Ryan Chaffin", with a long horizontal line extending to the right.

RYAN CHAFFIN  
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL