



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-726A

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

On March 18, 2017, the licensee, working as a registered nurse in a hospital, violated the confidentiality of protected health information by accessing medical records without written consent or authorization. The licensee was terminated from the hospital.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of unprofessional conduct as defined in the rules of the Board.” 59 O.S.Supp.2016, § 567.8(B)(7). “Unprofessional conduct” includes, among other things, “violating the confidentiality of information or knowledge concerning the patient by any means.” OAC 485:10-11-1(b)(3)(G). For violations of the Act, the Board may assess administrative penalties and “otherwise discipline licensees.” 59 O.S.Supp.2016, § 567.8(A)(2)-(3). The Board may reasonably believe that the action is necessary to deter future violations and to protect patient confidentiality.

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 minimal 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