



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-728A

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

October 19, 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 3.075.18. The Board proposes to issue a severe reprimand, assess a \$500 administrative penalty, and require the licensee to complete additional education courses. The licensee also agrees not to work as a registered nurse in home health or hospice for two years, and thereafter to provide a copy of the proposed Order to all future home health or hospice employers.

On August 22, 2015, the licensee, a registered nurse employed as a Habilitation Training Specialist, was notified by a fellow employee that Resident #1 had blood on her underwear. The fellow employee reported that the licensee, in assessing Resident #1, inappropriately touched the genital area. Resident #1 affirmed the employee's account, but the licensee denied any misconduct. Moreover, the licensee neither documented the assessment in Resident #1's medical record nor contacted the program coordinator regarding Resident #1's change in condition.

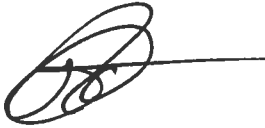
On October 12, 2015, the licensee transported Resident #1 to a urology appointment. During the appointment, the licensee held Resident #1's legs out of the way to assist with the insertion of a urinary catheter and held Resident #1's genitals for the treating nurse to insert the catheter. The treating nurse did not ask for assistance from the licensee.

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.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



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