



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-733A

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 3.085.18. The licensee, a registered nurse (RN) and a licensed practical nurse (LPN), has applied to be advanced practice registered nurse–certified nurse practitioner (APRN-CNP) with prescriptive authority. The Board proposes to approve the application, but issue a severe reprimand and require the licensee to complete additional education courses and pay a \$500 administrative penalty.

On August 26-27, 2016, while working at a hospital, the licensee performed an incision and drainage of an abscess on Patient #1 while an APRN-CNP observed the licensee. The licensee admitted to knowing this was outside the licensee's scope of practice as a RN. Additionally, the licensee failed to document the incision and drainage of the abscess in Patient #1's medical record.

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 action will deter future violations and protect patients.

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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ryan Chappin in black ink.

RYAN CHAPPIN  
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL