



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-734A

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

On March 25, 2016, the licensee, a registered nurse working in a hospital's behavioral health unit, performed a vaginal exam on Patient #1, a minor, without a physician order.

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." 59 O.S.Supp.2016, § 567.8(B)(3). 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 is necessary to protect patients and deter future violations.

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 provide adequate care and 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 that reads "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL