



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-308A

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

August 14, 2018

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 3.027.19. Between August 1, 2017 and April 21, 2018 the licensee, a registered nurse (RN) and advanced practice nurse-certified nurse practitioner (APRN-CNP) with prescriptive authority, practiced outside the scope of practice. Additionally, the licensee submitted a request for change in supervising physician on April 2, 2018 with an effective date greater than 30 days earlier. The licensee's APRN-CNP license with prescriptive authority recognition lapsed on May 1, 2018 and the licensee has submitted reinstatement applications. The Board proposes to grant both applications, but require the licensee to complete education courses, issue a severe reprimand and impose a \$1,000 administrative penalty.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "fails 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 "is guilty of unprofessional conduct." 59 O.S.Supp.2017, § 567.8(A), (B)(3), (7); *See also* OAC 485:10-15-6(3),(4)(B). Changes to an APRN's supervising physician are required to "be filed with the Board within thirty (30) days of the change." OAC 485:10-16-5(b). The Board may reasonably believe that the proposed action is necessary to 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 meet minimum standards of professional conduct.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ryan Chaffin in black ink.

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL