



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-279A

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

July 18, 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 in case 3.040.16. The licensee failed to provide adequate nursing care and falsified medical records. The Board proposes to revoke the licensee's RN license for 2 years and impose certain conditions in regard to reinstatement.

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," "is guilty of unprofessional conduct," or "is guilty of any act that jeopardizes a patient's life, health or safety." 59 O.S.Supp.2017, § 567.8(B)(3), (7-8). Board rules provide that adherence to minimum standards of acceptable nursing means using "sufficient knowledge or reasonable skill." OAC 485:10-11-1(b)(2). "Unprofessional conduct" includes "inaccurate recording, falsifying, altering or inappropriate destruction of patient records" and "conduct detrimental to the public interest." OAC 485:10-11-(b)(3)(A), (H). Conduct that jeopardizes a patient's life, health or safety includes "fail[ing] to utilize appropriate judgment in administering safe nursing practice or patient care assignment." OAC 485:10-11-1(b)(4)(D). The Board may reasonably believe that the proposed actions are 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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL