



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-23A

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

June 14, 2021

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 3.2020100258.21. In March 2019, the Respondent was terminated as staff nurse at a county jail after failing to administer cardiopulmonary resuscitation to an unresponsive patient, resulting in the patient's death. In May 2019, the Respondent's license lapsed. The Board proposes to lift the lapsed status and revoke the license for one year pending completion of education courses. Upon reinstatement, the Respondent shall submit to supervised practice for 1440 hours in a hospital and pay \$500 in administrative fees and \$975.83 in investigative costs.

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[.]" "[i]s guilty of unprofessional conduct[.]" or "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]" 59 O.S.Supp.2020, § 567.8(B)(3), (7-8). The rules of the Board define unprofessional conduct to include "conduct detrimental to the public interest[.]" or "failure to utilize appropriate judgment in administering . . . patient care[.]" OAC 485:10-11-1(b)(3)(H), (4)(D). 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.

A handwritten signature in black ink, appearing to read "D. G. [unclear]".

ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL