



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-100A

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

February 16, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in Board case 3.177.17. The proposed action is to suspend the license for two years with conditions on reinstatement. The conditions include submission of an evaluation for fitness to practice, completion of courses in nursing law and patient abuse, and payment of a \$1,000 fine. The action also requires that, if reinstated, the licensee must undergo supervised practice for a year and appear before the Board for consideration of additional requirements.

The licensee placed a suicidal emergency department patient in a chokehold while speaking in vulgar terms to the patient until a police officer ordered the licensee to stop. The licensee then attempted to place the patient in a second chokehold until a hospital security officer restrained the licensee. The patient responded to the licensee with vulgar language during the altercation.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who fail to provide “adequate nursing care” in a way that “exposes a patient” to a “risk of harm,” those who engage in “unprofessional conduct as defined in the rules of the Board,” and those who “jeopardize[] a patient’s life, health or safety as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8). The Board’s rules include verbal and physical abuse as a form of unprofessional conduct and inappropriate judgment that results in unsafe nursing care as a way to jeopardize a patient’s life, health, or safety. OAC 485:10-11-1(b)(3)(B), (4)(D).

These statutes and rules speak to the paramount importance of a patient’s physical safety in the hands of a nurse. Nurses must be able to remain calm and responsibly handle even patients that provoke them. The Board may reasonably believe that the licensee would endanger future patients and that a suspension is necessary to protect the public. The Board has also reasonably fashioned a pathway for the licensee to return to nursing practice in the future, after receiving additional training and receiving the approval of a mental health professional.

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 of Oklahoma's policies requiring adequate, safe, and professional nursing care.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right from the end of the signature.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA