



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-102A

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 3.179.17. The proposed action is to impose a reprimand, assess a \$250 fine, and require completion of courses in nursing law and critical thinking. The licensee, while working an overnight shift in a home health setting, slept on a resident's couch for some 30 minutes.

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” or those who engage in “unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(3), (7). The Board’s rules include leaving a nursing assignment without advising other professionals as a form of unprofessional conduct. OAC 485:10-11-1(b)(3)(F). The Board has long had the position that sleeping during a nursing assignment could endanger vulnerable patients and amounts to an abandonment of a nursing assignment. The Board could reasonably believe that the modest penalties and education contemplated by the proposed action are necessary to deter future violations and ensure patient safety.

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 "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA