



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-20A

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

January 24, 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 5.034.17. The proposed action is to impose a \$500 fine and require completion of a remedial education course on nursing jurisprudence. The licensee failed to report a resident's allegations of sexual abuse by another resident at a senior living and rehabilitation facility.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules, *see* 59 O.S.Supp.2016, § 567.8a. The Act prohibits nurses from “[f]ail[ing] 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.” 59 O.S.Supp.2016, § 567.8(B)(3). Oklahoma law requires a report to be made when there is “reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation.” 43A O.S.Supp.2016 § 10-104(A). This action seeks to ensure that nurses follow protocol and use care to protect the safety of vulnerable patients. The Board may reasonably believe that requiring additional education and imposing a fine will protect patients from inadequate or compromised nursing care.

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 policy to protect the public health, safety, and welfare by ensuring nurses report allegations of abuse.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA