



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-63A

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

February 13, 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 under a consent agreement in Board case 3.049.17. The proposed action is to severely reprimand the license, impose a \$500 fine and require completion of courses on nursing jurisprudence and nursing ethics. The licensee administered eight doses of Morphine, a Schedule II Controlled Dangerous Substance medication, to a patient in excess of the physician's orders.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “fails to care for patients adequately or to conform to the minimum standards of acceptable nursing;” “unnecessarily exposes a patient or other person to risk of harm;” is found “guilty of unprofessional conduct as defined in the rules of the Board;” found “guilty of an act that jeopardizes a patient’s life, health or safety;” or violates “an order of the Board.” 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8), (9). Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). “Failure to utilize the appropriate judgment in administering safe nursing practice” constitutes “conduct which jeopardizes a patient's life, health, or safety.” OAC 485:10-11-1(b)(4)(D). This action seeks to enforce requirements aimed at ensuring nursing care is not compromised. The Board may reasonably believe this action will deter unacceptable conduct and promote safe and effective 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 that nurses adhere to minimum standards of care and professionalism.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a large, stylized flourish above the name.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA