



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-64A

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 3.123.17. The proposed action is to reprimand the license, impose a \$500 fine and require completion of courses on nursing jurisprudence and restraints, specifically including appropriate holds in the psychiatric setting. The licensee failed to utilize the proper restraint technique on a fourteen year-old patient and, instead, grabbed and held down the patient's arms. In addition, the licensee assisted another registered nurse in dragging the patient by the arms in an attempt to make the patient stand and return to the room. No harm was documented in the patient's medical record.

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 adequately care for patients or to conform to the minimum standards of acceptable nursing . . . that, in the opinion of the Board, unnecessarily exposes a patient or other person to risk of harm,” or “is guilty of unprofessional conduct as defined in the rules of the Board.” 59 O.S.Supp.2016, § 567.8(B)(3), (7). Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). This action seeks to ensure that nurses follow protocol and use care to protect the safety of vulnerable patients. The Board may reasonably believe imposing a fine and requiring additional education 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 "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA