



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-65A

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 3.137.17. The proposed action is to severely reprimand the license, impose a \$500 fine and require completion of courses on nursing jurisprudence and care of the patient after a fall. The licensee failed to perform a focused assessment of a resident after a fall that was reported by another resident. The licensee did not document a focused assessment or incident report, nor did the licensee notify the physician or the resident's family of the change in condition. The resident was not assessed until the next day after a patient care assistant noticed the resident's hand was swollen. The resident was transported to the emergency department, and an x-ray revealed a fracture to the right hand.

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” in a way that “unnecessarily exposes a patient or other person to risk of harm;” “is guilty of unprofessional conduct as defined in the rules of the Board;” or “is guilty of an act that jeopardizes a patient’s life, health or safety.” 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8). Unprofessional conduct includes conduct that is detrimental to the public interest. OAC 485:10-11-1(b)(3)(H). “Failure to utilize the appropriate judgment in administering safe nursing practice,” includes but is not limited to “conduct which jeopardizes a patient's life, health, or safety.” OAC 485:10-11-1(b)(4)(D). The action enforces requirements that nurses provide adequate care to 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 nursing care meet minimum standards and not pose a risk of harm to patients.

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

E. SCOTT PRUITT

ATTORNEY GENERAL OF OKLAHOMA

313 N.E. 21ST STREET • OKLAHOMA CITY, OK 73105 • (405) 521-3921 • FAX: (405) 521-6246

