ATTORNEY GENERAL OPINION
2017-66A

Kim Glazier, Executive Director   February 13, 2017
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

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 3.160.17. The proposed action is to reprimand the license, impose a $500 fine and require completion of courses on nursing jurisprudence and a course on roles and responsibilities of a nurse in long-term care. The licensee failed to perform a focused assessment of a resident to ensure skin was not in contact with suprapubic catheter tubing. Only after a habilitation training specialist reported the resident's leg improperly positioned on top of the catheter, was it noted that the resident has a red and raised area on the posterior right leg.

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" 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). The action enforces requirements that nurses provide adequate care to vulnerable patients. The Board may reasonably believe that the disciplinary action, including a fine and additional education, is necessary to prevent future violations.

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.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA