



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-67A

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 3.165.17. The proposed action is to severely reprimand the license, impose a \$500 fine and require completion of courses on nursing jurisprudence, critical thinking, and nursing documentation. The licensee failed to inform the pharmacist, physician, or the center administrator that a patient's medications were unavailable for administration; failed to document in the patient's electronic medical record of a dose of insulin and a breathing treatment; and without authority, appropriated breathing treatments from another resident's medications and administered those medications to the patient. The licensee was thereafter terminated from the nursing center.

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 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 that severely reprimanding the license, 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