



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-69A

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 3.174.17. The proposed action is to severely reprimand the license; impose a \$500 fine; and require completion of courses on nursing jurisprudence, patient rights and confidentiality, and nursing ethics. The licensee violated the confidentiality of a patient by using the hospital's electronic medical record system to access the protected health information of the patient. The licensee had neither consent from the patient nor written authorization. The hospital terminated the licensee's employment.

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” 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 “violating the confidentiality of information or knowledge concerning a patient by any means.” OAC 485:10-11-1(b)(3)(G). This action seeks to enforce requirements aimed at ensuring patient medical record confidentiality is not compromised. 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", with a long horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA