



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-6A

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

January 3, 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 5.019.17. The proposed action is to require completion of a medication administration education course and payment of a \$250 fine. The licensee administered ten milligrams of Ativan via a gastrostomy tube to a resident at a long-term care center when the physician's order prescribed one milligram sublingually. The licensee immediately notified the physician and director of nursing of the medication error. The resident was transferred to a hospital for evaluation and returned to the long-term care center with no documented harm.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules, *see* 59 O.S.Supp.2016, § 567.8a. The Act prohibits nurses from “[f]ail[ing] 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.” 59 O.S.Supp.2016, § 567.8(B)(3). This action seeks to enforce requirements aimed at ensuring patients receive adequate nursing care, including receiving physician-ordered controlled substances in a timely and accurate manner. The Board may reasonably believe that requiring additional education and imposing a fine, under the conditions detailed above, will protect patients from inadequate nursing care.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion this action advances the State of Oklahoma's policy to protect the public health, safety, and welfare by ensuring nurses provide proper care to patients.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA