



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-75A

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

February 14, 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 pursuant to a consent agreement in Board case 3.127.17. The proposed action is to suspend the license for at least six months and require completion of courses in nursing ethics, medication administration, and critical thinking. The proposed action also requires payment of a \$1,500 fine prior to any reinstatement application and that the Board may impose additional conditions on reinstatement upon receipt of an application.

The licensee administered propofol, a controlled dangerous substance with sedative and anesthetic properties, on an emergency department patient who was struggling against a ventilator. The propofol was administered for 30 minutes before being stopped by a physician; during and shortly after that time, the patient's blood pressure and pulse declined precipitously. The patient later died. The licensee did not consult a physician at any time before administering propofol and also failed to document the administration of the drug.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline on licensees who fail to “adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm” as well as those who have “jeopardize[d] a patient’s life, health or safety as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(3), (8). The Board’s rules include “[f]ailure to utilize appropriate judgment in administering safe nursing practice or patient” as a form of jeopardizing a patient’s life, health, or safety. OAC 485:10-11-1(b)(4)(D).

The Board could reasonably conclude that the licensee’s actions exposed the patient to a risk of harm and jeopardized the patient’s life. The proposed action, in suspending the license for at least six months and requiring a full reinstatement process in the future, will prevent future patients from being endangered by the licensee’s conduct. The Board has reasonably reserved its ability to impose conditions on reinstatement in the future, and at that time it must ensure it carefully assesses any reinstatement application as part of its mission to safeguard patients’ life, health, and safety.

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 policies requiring an adequate standard of nursing care that does not jeopardize patient life, health, or safety.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA