



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-89A

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

February 16, 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 3.135.17. The proposed action is to impose a severe reprimand, assess a \$500 fine, and require completion of courses in nursing law, patient rights, and nursing ethics. The licensee, acting as a nurse manager, reviewed an employee's medical records for managerial rather than medical purposes without the employee's permission.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who engage in “unprofessional conduct as defined in the rules of the Board” as well as “federal law relating to the practice of” nursing, 59 O.S.Supp.2016, § 567.8(B)(7), (9). The Board's rules include the violation of medical confidentiality rights as a form of unprofessional conduct. OAC 485:10-11-1(b)(3)(G). Federal law prohibits the disclosure of protected health information except under specific circumstances. 45 C.F.R. § 164.502(a) (2017). It is undisputed that none of the exceptions apply to the managerial use of information at issue in this case. The Board may therefore reasonably believe the action necessary to deter future violations and equip the licensee to better understand confidentiality obligations in the future.

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 that licensed nurses adhere to minimum standards of professionalism and comply with federal law.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA