



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-91A

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 3.161.17. The proposed action is to suspend the license for one month; require, before reinstatement, payment of a \$500 fine and completion of courses in patient abuse, anger management, nursing law, and critical thinking; and impose a twelve-month probationary period if the license is reinstated. The licensee had a physical altercation with a resident at a long-term care center. The altercation included wrestling on the floor, the licensee delivering at least two blows to the resident's head, and the licensee dragging the patient by the arms.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who fail to “adequately care for patients” in a way that “exposes a patient” to “risk of harm,” who engage in “unprofessional conduct as defined in the rules of the Board,” and those who “jeopardize[] a patient’s life, health, or safety as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8). The Board’s rules include “verbally or physically abusing patients” as a form of unprofessional conduct and the failure to “utilize appropriate judgment in administering safe nursing practice or patient care” as a jeopardy to patient life, health, and safety. OAC 485:10-11-1(b)(3)(B), (4)(D). The Board could reasonably believe the patient’s conduct amounted to unprofessional patient abuse and a threat to the patient’s safety. The agreed relief, which includes a temporary suspension, a fine, and additional education, is reasonably fashioned to deter future violations and ensure the licensee does not pose additional harms to patients until after receiving additional training to prevent future violent altercations.

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 care.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA