



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-93A

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 3.163.17. The proposed action is to impose a severe reprimand, assess a \$1000 fine, and require completion of courses in nursing law and nursing ethics. The action also requires the licensee to complete a substance abuse evaluation and submit to body fluid testing twice a month until the evaluation can be considered by the Board.

The licensee falsified records of home health visits for three patients on one day, including forged patient signatures on two. The licensee then completed visits on another day without documenting them. Afterward, the licensee tested positive for controlled dangerous substances with a new employer. The Board's investigation also uncovered the licensee's failure to update the Board after changing the licensee's address.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who are “intemperate in the use of alcohol or drugs” in a way that “could endanger patients,” those who engage in “unprofessional conduct as defined in the rules of the Board,” and those who violate any of the Board's promulgated rules, 59 O.S.Supp.2016, § 567.8(B)(3), (7), (9). The Board's rules include the falsification of patient records as a form of unprofessional conduct, OAC 485:10-11-1(b)(3)(A), and they also require licensees to notify the Board with a change of address, 485:10-9-9(c). The statutes and rules seek to ensure that licensees do not jeopardize patient care by recording inaccurate information in patient records and do not do so because of impairment from substance abuse. The Board's rules also ensure that it can effectively discipline licensees by having accurate information such as their address.

The proposed action seeks to deter future violations by assessing a reprimand and fines, while additional education should equip the licensee to better understand the licensee's obligations going forward. The action's substance abuse components are reasonably fashioned to discover if additional safeguards such as substance abuse monitoring are necessary.

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 adequate nursing care that is professional and safe for patients.

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