



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-94A

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 3.168.17. The proposed action is to impose a severe reprimand, assess a \$1,000 fine, and require completion of courses in nursing law and nursing ethics.

The licensee administered a pain relieving drug without a physician order, omitting any review of the patient's medical record for drug allergies before doing so. The record would have revealed the patient's allergy to the drug in question. The licensee then did not assess the patient after administration of the drug nor complete an incident report when it would have been clear the patient had an allergic reaction. The patient showed symptoms including itching, dizziness, and shortness of breath. The licensee then, on another occasion, falsified a second patient's intake charts.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who fail to provide “adequate 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,” or 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 the falsification of patient records as a form of unprofessional conduct, OAC 485:10-11-1(b)(3)(A), and the failure to “utilize appropriate judgment in administering safe nursing practice or patient care” as a form of jeopardizing patient life, health, and safety, OAC 485:10-11-1(b)(4)(D).

These statutes and rules speak to the State's important interest in safe, adequate nursing care that adheres to minimum standards of professionalism. The Board could reasonably believe that the licensee's two violations together warrant the deterrence and additional training entailed by the proposed action.

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 "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a horizontal line extending to the right.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA