



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-97A

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 3.171.17. 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 directed a resident at a long-term care center to place tape over the resident's own mouth; after which the licensee took pictures of the resident and posted them to social media.

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,” 59 O.S.Supp.2016, § 567.8(B)(7). The Board’s rules include patient abuse, violating the confidentiality of patients, and conduct detrimental to the public interest as forms of unprofessional conduct. OAC 485:10-11-1(b)(3)(B), (G), (H). The Board could reasonably believe that the licensee’s conduct was unprofessional and that the proposed action is necessary to deter future violations.

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 policy requiring adequate nursing care that adheres to professional standards.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA