



MIKE HUNTER
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-11A

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

March 31, 2021

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 3.2020100229.21. In March 2019, licensee was terminated after failing to administer physician-ordered medication to patients in a timely manner, and then falsifying records to indicate the timely administering of the medication. The Board attempted to contact the licensee numerous times to investigate the allegations, but the licensee failed to cooperate with a Board investigation. The Board proposes to suspend the license pending a hearing on the merits of the complaint.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient or other person to risk of harm,” “[i]s guilty of unprofessional conduct,” or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[.]” 59 O.S.Supp.2020, § 567.8(B)(3), (7), (8). The rules of the Board define unprofessional conduct to include “falsifying . . . patient records[.]” “conduct detrimental to the public interest[.]” “failure to cooperate with a lawful investigation by the Board of Nursing staff” or “failure to utilize appropriate judgment in administering . . . patient care[.]” OAC 485:10-11-1(b)(3)(A), (H), (V), (4)(D). The Board may reasonably believe 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’s policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

A handwritten signature in blue ink that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL