



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-95A

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 3.169.17. The proposed action is to impose a severe reprimand, assess a \$500 fine, and require completion of courses in nursing law and critical thinking. The licensee failed to perform wound care ordered by a physician and then falsified the patient's records to document that it had been performed. The Board's investigation of that incident also revealed that the licensee had failed to notify the Board about the licensee's change of address.

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 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). 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's change of address rule specifically seeks to ensure the disciplinary system entailed by the statutes can be effectively used to actually notify licensees of discipline against them. The Board could reasonably believe that the licensee's 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", with a long horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA