



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-98A

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 3.172.17. The proposed action is to impose a severe reprimand, assess a \$500 fine, and require completion of courses in nursing law and nursing ethics. The licensee falsified patient records by signing and/or initialing for other nurses as part of a chemotherapy process. The medical facility's procedures required two additional nurses to check the licensee's activities and then document doing so.

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 nursing care” in a way that “exposes a patient” to “risk of harm” as well as those who engage in “unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(3), (7). The Board's rules include the falsification of patient records and the impersonation of other medical professionals as forms of unprofessional conduct. OAC 485:10-11-1(b)(3)(B), (L). The Board could reasonably believe that the licensee's conduct was unprofessional and that the licensee's failure to adhere to applicable procedures posed a risk of harm to the patient. The Board's proposed action could also reasonably be thought necessary, in the context of this case, to deter future violations while equipping the licensee to avoid such 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, safe nursing care that adheres to professional standards.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA