



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-99A

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 3.176.17. The proposed action is to impose a severe reprimand, assess a \$500 fine, and require completion of courses in nursing law, wound care, and a Licensed Practical Nurse's role in long-term care. On two occasions, the licensee failed to perform physician-ordered wound care on a resident at a long-term care center and falsified documentation stating that the wound care had been performed. Both occasions lasted for several days.

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” in way that “exposes a patient or other person to risk of harm,” those who engage in “unprofessional conduct as defined in the rules of the Board,” and those 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” as conduct that jeopardizes a patient’s life, health, or safety. OAC 485:10-11-1(b)(4)(D). The Board could reasonably believe that the licensee’s conduct threatened the patient’s health and safety and amounted to unprofessional conduct. The proposed action is reasonably fashioned to deter future violations while equipping the licensee to continue practicing with additional training.

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, safe, professional nursing care.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA