



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-678A

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

September 21, 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 consent agreement in Board case 5.009.18. The proposed action is to require the licensee to complete a remedial education course in Medication Administration and to pay an administrative penalty of \$250.

The licensee is a registered nurse (RN), an advance practice registered nurse-certified nurse practitioner with prescriptive authority recognition, an advanced practice registered nurse-clinical nurse specialist with prescriptive authority recognition, and a licensed practical nurse (LPN). The licensee's LPN license is lapsed. On February 21, 2017, while working at an urgent care, the licensee prescribed an antibiotic for Patient #1 after receiving a report of Patient #1's positive strep test from Patient #1's mother. Patient #1 is a 6 year old whose mother, a friend of the licensee, allegedly obtained a strep test from a LPN at the urgent care and performed the test on Patient #1 at home. Patient #1's mother called the licensee to report the result of the strep test was positive. Patient #1's mother was employed at the urgent care approximately 2 years prior to the incident. However, on February 21, 2017, Patient #1's mother was not an employee of the urgent care. The licensee failed to document the medication order in Patient #1's urgent care medical record.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.26, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules. *See* 59 O.S.Supp.2016, § 567.8a(A). Such an action may include education and an administrative penalty, and it is not considered a disciplinary action. *See id.* Elsewhere, the Act authorizes disciplinary action 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.” *Id.* § 567.8(B)(3). The Board rules provide that adherence to minimal standards of acceptable nursing practice indicates using “[s]ufficient knowledge or reasonable skill.” OAC 485:10-11-1(b)(2). The Board may reasonably believe that additional education and the administrative penalty will protect patient health and safety and ensure safe nursing practice in the future.

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 to protect the public health, safety, and welfare by ensuring nurses meet minimum standards of acceptable nursing practice.



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