



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2015-170A

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

November 18, 2015

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 an agreement in Board case 3.040.16. The Board continued a before-scheduled hearing and intends to require a licensee to notify the Board of any change in employment, work assignment, or supervisor within three business days; the licensee must also inform the current employer and any future employers about the ongoing disciplinary proceedings. The licensee is being disciplined on allegations of failing to meet minimum standards of nursing practice, which may have contributed to the death of a patient. This is the second time a continuance has been sought.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2014, §§ 567.1–567.20, authorizes the Board to impose discipline in a variety of circumstances, including for failing to meet the minimum standards of nursing practice, 59 O.S.Supp.2014, §§ 567.8(A), (B)(3). The Act also states that the Board shall have jurisdiction over licensees to discipline them *even if* their licenses lapse. *Id.* § 567.8(K). The Act thus displays a policy of retaining jurisdiction in the Board throughout a disciplinary process. The action is intended to ensure the Board remains aware of the location and work responsibilities of a licensee undergoing discipline for providing compromised nursing care, and the Board may believe this awareness is necessary for the ongoing discipline process.

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.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA