



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION
2015-173A**

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 in Board case 3.165.16. The proposed action is to place the licensee on probation for twelve months and restrict the licensee's practice to hospitals only. The action also requires completion of courses in medication administration, nursing documentation, critical thinking, and the roles and responsibilities of registered nurses. The action also imposes fines and costs totaling \$3,723.43 and includes a severe reprimand.

The licensee failed to perform and document a physical assessment of a patient in an emergency department who complained of severe pain, engaged in disruptive behavior, did not test positive for behavior-altering substances, did test positive in a pregnancy test. The licensee released the patient to police, after which the patient returned to the emergency department and was pronounced dead shortly thereafter. The medical examiner concluded that the likely cause of death was a ruptured ectopic pregnancy.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline 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,” is “guilty of unprofessional conduct,” or who is “guilty of any act that jeopardizes a patient’s life, health or safety.” 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8).

The action arose from allegations that the licensee performed care below the minimum standard for nursing. After a hearing, the Board proposes to impose professional discipline that allows the licensee to continue practicing. A review of the events and licensee’s actions may reasonably support the conclusion that licensee’s failure to assess the patient may have resulted in an ectopic pregnancy not being discovered. The Board’s discipline imposes penalties that the Board may reasonably believe will deter harmful conduct in the future while educational requirements and probation may equip the licensee to provide uncompromised nursing care 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 patient health, safety, and welfare.

A handwritten signature in black ink, appearing to read 'E. Scott Pruitt', with a stylized, cursive script.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA