



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-724A

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

December 9, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing in Board case 3.127.17. The proposed action is to enter an agreed order of continuance of the hearing on the merits of the complaint until the Board's next meeting. The licensee, who now lives in California and whose nursing license is active in that state, must notify the Board of any employment as a registered nurse in Oklahoma and must provide copies of the complaint and the agreed order of continuance to current and future employers. It is alleged that in December 2015, the licensee, while working in an emergency department, administered Propofol to a patient intravenously without a physician order. After approximately 30 minutes, a physician entered and ordered that the Propofol be stopped immediately. The patient was pronounced dead soon after. The licensee did not document the administration of Propofol. The licensee requested a continuance of the Board's hearing.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “fails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” is guilty of any act that jeopardizes a patient's life, health or safety,” or violates state or federal law related to nursing, 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8), (9). Conduct which jeopardizes a patient's life, health, and safety includes a nurse's “failure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(D). The action seeks to enforce requirements aimed at ensuring nurses provide adequate care. The Board may reasonably believe that granting a continuance subject to the licensee providing notice to current and future employers, as described above, is necessary to protect patients.

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 "Scott Pruitt", with a long horizontal line extending to the right from the end of the signature.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA