



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-760A

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

November 3, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 3.029.18. The licensee is a registered nurse (RN) and an advance practice registered nurse - certified nurse practitioner (APRN-CNP) with prescriptive authority recognition. A pending Complaint alleges that the licensee sexually assaulted a patient on March 1, 2017 while working at a clinic. In July 2017, the licensee requested a continuance of the hearing on the merits of the Complaint and voluntarily surrendered both licenses pending said hearing. The Board accepted the voluntary surrender of the licensee's RN license and APRN-CNP license. In response to another request for continuance, the Board proposes grant the request, with the licenses remaining surrendered pending the hearing.

The Oklahoma Nursing Practice Act 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," "[f]ails to maintain professional boundaries with patients," or "[e]ngages in sexual misconduct... with a current or former patient[.]" 59 O.S.Supp.2016, § 567.8(B)(3), (12), (13). For violations of the Act, the Board may deny, suspend, or revoke a license, assess administrative penalties and "otherwise discipline licensees." *Id.* § 567.8(A)(1)-(3). The Board may reasonably believe that granting the second continuance while the licenses remain suspended is necessary to protect patient welfare.

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's policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL