



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION
2016-93A**

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

February 17, 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 pursuant to a consent agreement in Board case 3.158.16. The proposed action is to revoke the license for 18 months and, before reinstatement, require payment of a \$1,500 fine and completion of courses in nursing law, licensed practical nurse responsibilities, and in patient care after a fall. The action also requires the licensee to obtain 12 months of supervised practice within 24 months of reinstatement.

One resident had a fight with another resident resulting in the second resident falling to the floor and striking the resident's head. The licensee failed to perform neurological checks on the resident but falsely documented several checks over the course of several hours. The resident was eventually discovered lying on the floor, bleeding from the head, and showing symptoms of neurological problems. Although the facility transferred the resident to a hospital, the resident died the next day. Further, the licensee failed to appear for an investigative conference and, later, was convicted of felony caretaker neglect.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when nurses' inadequate care "unnecessarily exposes a patient or other person to risk of harm," when they are guilty of "unprofessional conduct as defined in the rules of the Board," and when they are "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 Board's rules define "unprofessional conduct" to include altering or falsifying patient records. OAC 485:10-11-1(b)(3)(A).

The licensee's failure to perform assessments of the patient after the fall posed serious risks to the resident; the bleeding may have been discovered sooner. Further, the licensee's falsification of medical records reflects compromised patient care and, in other cases, could lead to poor medical decisions based on inaccurate information. The Board may reasonably believe the chosen discipline to be necessary to prevent compromised patient care and deter future violations of the law.

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 of upholding minimum standards of care and of professionalism within the nursing profession.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a long horizontal line extending from the end of the name.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA