



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-721A

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

November 21, 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 3.029.17. The proposed action is issue an emergency temporary suspension of the license pending a hearing on the merits on the complaint. It is alleged that between December 2014 and April 2015, the licensee submitted mileage reimbursement requests to an employer that exceeded the number of miles the licensee actually drove to visit patients; that for several months after being terminated from that employer the licensee nonetheless submitted mileage reimbursement requests for patient visits that never occurred; and that the total number of fraudulent reimbursement claims amounted to \$10,533.60. It is further alleged that in May 2015 the licensee left a shift in a hospital without providing patient reports to another nurse or advising anyone the licensee was leaving. The licensee claimed to have been overwhelmed by work assignments. The license lapsed in January 2016, and it is further alleged the licensee falsified an application for reinstatement by claiming to be employed by a wound care company during a period after which the licensee had been terminated. In a phone call with Board staff, the licensee claimed to have not received the complaint and notice.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “is guilty of deceit or material misrepresentation in procuring or attempting to procure” a license, “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,” or “is guilty of any act that jeopardizes a patient’s life, health or safety,” 59 O.S.Supp.2016, § 567.8(B)(1)(a), (3), (7), (8). Unprofessional conduct includes “falsifying documents submitted to the Board of Nursing” and “leaving a nursing assignment or patient care assignment without properly advising appropriate personnel.” OAC 485:10-11-1(b)(3)(E), (F). Conduct which jeopardizes a patient's life, health or safety includes “failure to utilize appropriate judgment in administering safe nursing practice.” OAC 485:10-11-1(b)(4)(D).

The Board’s applications require past employment information so that the Board may make an informed decision on licensure of individuals based on their work history. The action enforces

requirements that information provided in applications is truthful and complete. The action further enforces requirements ensuring nurses provide adequate care. The Board may reasonably believe that suspending the license pending a merits hearing 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.



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA