



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-508A

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

August 9, 2016

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 pursuant to a consent agreement in Board case 3.013.17. The proposed action is to grant the licensee's request for a continuance until the next Board hearing, scheduled September 21 and 22, 2016, when a hearing on the merits will be held. In the meantime, the licensee must notify the Board in writing of any change in employment or supervisor and must also provide copies of the Board's complaint, and the continuance order, to any current or future director of nursing and supervisor. The Board asserts that the licensee, a licensed practical nurse, injected an excessive amount of a steroid hormone into a resident, causing a significant overdose of the medication, and then charted the administration of the steroid in the resident's medical records as if it had been administered properly. The Board asserts that approximately one hour after administering the steroid, the licensee found the resident not breathing and without a pulse. Attempts to resuscitate the resident failed, and soon after, the resident was pronounced dead.

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 “exposes a patient or other person to risk of harm,” is “guilty of unprofessional conduct,” or “[i]s guilty of any act that jeopardizes a patient's life, health or safety,” 59 O.S.Supp.2015, § 567.8(B)(3), (7), (8). Unprofessional conduct includes inaccurately recording or falsifying patient records or “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(A), (H). Conduct which jeopardizes a patient's life, health or safety includes any “[f]ailure to utilize appropriate judgment in administering safe nursing practice or patient care assignment based upon the level of nursing for which the individual is licensed or recognized” or “[f]ailure to exercise technical competence in carrying out nursing care or patient care assignment.” OAC 485:10-11-1(b)(4)(D), (E). “A licensed practical nurse may reconstitute oral medications only.” OAC 310:675-9-9.1(d)(6). The order ensures that the licensee's current employer, and any future employer, is aware of the allegations and the death of the resident under the licensee's care until the Board considers the merits of the complaint. The action enforces requirements that nurses adequately care for patients. The Board may reasonably believe that alerting the licensee's employer of the Board's ongoing

proceedings, which involve allegations of a nursing error that led to a patient's death, will allow the employers to take necessary steps to protect patients until the Board considers the merits of the complaint.

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 by ensuring nurses adequately care for patients.

A handwritten signature in black ink, appearing to read 'E. Scott Pruitt', with a stylized flourish at the end.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA