



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-730A

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

October 19, 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 pursuant to consent agreement in case 3.082.18. The Board proposes to accept the voluntary surrender of the license for two years, impose conditions upon reinstatement or issuance of a new nursing license, and assess a \$2,000 administrative penalty.

On November 15, 2006, the licensee agreed to a settlement order with the Board after the licensee falsified wound care documentation. On July 14, 2014, the licensee agreed to a similar order after being charged with a felony and again falsifying wound care documentation. On December 21-22, 2016, while working at a home health, the licensee failed to perform a physician-ordered physical assessment of Patient #1 and failed to notify the physician and Patient #1's family of a change in condition. The licensee also failed to follow sterile technique while suctioning Patient #1's tracheostomy. When Patient #1 was unresponsive to tracheostomy suctioning, the licensee lifted Patient #1's head by the hair, slapped Patient #1 in the face, and rubbed Patient #1's chest and forehead. Patient #1 remained unresponsive. Thereafter, the licensee turned off Patient #1's partially-completed breathing treatment and turned off the light and T.V. in Patient #1's room. Additionally, the licensee falsified the medical record of Patient #1 by documenting observations and activities that had not been performed. The licensee was subsequently terminated.

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" in a way that "unnecessarily exposes a patient or other person to risk of harm," or "[i]s guilty of any act that jeopardizes a patient's life, health or safety." 59 O.S.Supp.2016, § 567.8(B)(3), (8). For violations of the Act, the Board may "deny, revoke or suspend" a license, assess administrative penalties, and "otherwise discipline licensees." *Id.* § 567.8(A)(1)-(3). The Board may reasonably believe that the proposed action will protect patients and ensure safe nursing practice in the future.

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.



MIKE HUNTER
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