ATTORNEY GENERAL OPINION
2018-121A

Kim Glazier, Executive Director   April 13, 2018
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

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 agreements in cases 3.176.18, 3.183.18, 3.223.18, 3.224.18, 3.225.18, 3.230.18, 3.235.18, 3.236.18, 3.237.18, 3.239.18, 3.240.18, 3.244.18, 3.245.18, 3.246.18, 3.247.18, and 3.249.18. Each case involves the licensee's failure to provide adequate nursing care, therefore compromising vulnerable patients. The details of the violations and the proposed action for each licensee are attached on Appendix A.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "fails 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," "is guilty of unprofessional conduct," or "is guilty of any act that jeopardizes a patient's life, health or safety." 59 O.S.Supp.2017, § 567.8(B)(3), (7-8). The Board may reasonably believe that the proposed actions are necessary to deter future violations.

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
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL

Board Case No.	Details of Violation	Proposed Action
3.176.18	The licensee failed to administer physician-ordered medications and treatments to at least five residents. The licensee was terminated from her position as a result. Subsequently, the license lapsed. The licensee has now submitted an application for reinstatement.	Approve reinstatement, but issue a severe reprimand and require licensee to complete remedial education courses and pay a $1,000 administrative penalty.
3.183.18	The licensee previously entered into an agreed order with the Board after failing to care for a resident. The licensee is now before the Board for failing to (i) perform and document an assessment of a resident, (ii) notify the physician, director of nursing, and the resident's family of resident's change in condition, and (iii) verify the resident's medication record prior to performing a blood sugar test.	Issue a severe reprimand, and require licensee to complete remedial education courses and pay a $500 administrative penalty.
3.223.18	The licensee failed to maintain a chain of custody for controlled dangerous substance medications and subsequently tested positive for opiates in a for-cause drug screening.	Issue a severe reprimand, and require the licensee to (i) complete an evaluation and submit to periodic drug screenings until the end of the evaluation, (ii) complete remedial education courses, and (iii) pay a $500 administrative penalty.
3.224.18	The licensee failed to complete a sponge count after a caesarean section resulting in a sponge being left inside a patient's abdomen.	Issue a severe reprimand, and require the licensee to complete education courses and pay a $500 administrative penalty.
3.225.18	The licensee improperly stored a human tissue graft, which was subsequently implanted on a patient. The licensee failed to notify the physician of the improper storage, which resulted in improper healing of the patient's wound and other complications.	Issue a severe reprimand, and require the licensee to complete education courses and pay a $500 administrative penalty.
3.230.18	The licensee fell asleep in a patient's room while she was supposed to be caring for the patient. While the licensee was sleeping, the patient fell out of bed, causing multiple injuries.	Suspend license for six months. Prior to reinstatement, require licensee to complete remedial education courses and pay a $500 administrative penalty. If reinstated, the licensee must complete 1440 cumulative supervised practice hours, which must be completed in two years and cannot be completed in home health and hospice.

3.235.18	Previously, the licensee allegedly misappropriated controlled dangerous substances. As a result the licensee was terminated from her position and allowed her license to lapse. The licensee has now completed an application for reinstatement.	Grant reinstatement application, but require licensee to (i) complete an evaluation and submit to periodic drug screenings until the end of the evaluation, (ii) complete a remedial education course, and (iii) pay a $500 administrative penalty.
3.236.18	The licensee, who has been disciplined previously by the Board, failed to review residents' medication administration records as required by established safety standards. As a result, the licensee attempted to administer incorrect medication to a resident. The resident refused the medication.	Issue a severe reprimand, and require the licensee to complete remedial education courses and pay a $1,000 administrative penalty.
3.237.18	The licensee, who has been previously disciplined by the Board, failed to timely document and implement a physician's order, which delayed a resident's treatment.	Issue a severe reprimand, and require the licensee to complete several education courses and pay a $500 administrative penalty.
3.239.18	The licensee failed to perform an assessment on a resident and notify the physician, the director of nursing and the resident's family of the resident's change in condition. Further, the licensee delegated a task to a CNA, which was outside of a CNA's scope of practice.	Issue a severe reprimand, and require the licensee to complete several education courses and pay a $500 administrative penalty.
3.240.18	The licensee failed to perform an assessment on a resident and notify the physician, the director of nursing and the resident's family of the resident's change in condition. Further, the licensee delegated a task to two CNAs, which was outside of a CNA's scope of practice.	Issue a severe reprimand, and require the licensee to complete several education courses and pay a $500 administrative penalty.
3.244.18	The licensee directed an LPN to inaccurately document the status of a resident's wounds, and failed to report maggots in a resident's wounds.	Require the licensee to (i) complete 1440 cumulative supervised practice hours, which must be completed in two years, (ii) complete remedial education courses, and (iii) pay a $1,000 administrative penalty.
3.245.18	The licensee failed to report maggots in a resident's wounds.	Require the licensee to (i) complete 1440 cumulative supervised practice hours, which must be completed in two years, (ii) complete remedial education courses, and (iii) pay a $500 administrative penalty.

3.246.18	The licensee committed several medication administration violations, including administering incorrect medication to a resident and failing to administer ordered medications to residents.	Require the licensee to (i) complete 1440 cumulative supervised practice hours, which must be completed in two years, (ii) complete remedial education courses, and (iii) pay a $1,000 administrative penalty.
3.247.18	The licensee failed to report maggots in a resident's wounds.	Require the licensee to (i) complete 1440 cumulative supervised practice hours, which must be completed in two years, (ii) complete remedial education courses, and (iii) pay a $500 administrative penalty.
3.249.18	The licensee displayed impaired behavior while on duty and refused a drug screening and breath alcohol test.	Issue a severe reprimand, and require the licensee to (i) complete an evaluation and submit to periodic drug screenings for 12 months, (ii) complete remedial education courses, and (iii) pay a $500 administrative penalty.