



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-201A

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

June 13, 2018

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 listed in the enclosed Appendix A. Each case involves the licensee's failure to provide adequate nursing care and therefore compromising vulnerable patients. The details of the violations and the proposed action for each licensee are also described in 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

RYAN CHAFFIN
DEPUTY CHIEF - ASSISTANT ATTORNEY GENERAL

APPENDIX A

Board Case No.	Details of Violation	Proposed Action
3.196.18	The licensee failed to perform and document a focused assessment for a resident, failed to complete an incident report for a resident's fall, restrained two residents without a written physician order, and failed to administer medication to two residents.	Suspend the license for one year. Prior to reinstatement, require the licensee to complete remedial education courses. Upon reinstatement, require the licensee to complete 1440 cumulative hours of supervised practice within two years and pay a \$1,000 administrative penalty.
3.227.18	The licensee worked outside the scope of practice by providing emergency care, when the licensee's certification is in family practice.	Require the licensee to complete 1440 cumulative hours of supervised practice within two years, complete remedial education courses, and pay a \$500 administrative penalty.
3.228.18	The licensee removed multiple controlled dangerous substance medications and failed to document the administration and/or waste of the medications.	Issue a severe reprimand and require the licensee to (i) submit an evaluation along with periodic drug screens until the Board reviews the evaluation, (ii) complete remedial education courses, and (iii) pay a \$1,000 administrative penalty.
3.229.18	The licensee falsified medical records of a resident, and failed to change the dressing and document that the resident's wounds had healed.	Issue a severe reprimand, and require the licensee to complete remedial education courses and pay an administrative penalty of \$500.
3.257.18	The licensee provided wound care without a medical provider's order and failed to notify the medical provider, supervising staff, or the family of the resident of the resident's change in condition. The licensee also failed to document the wound on the patient's chart, resulting in a failure to administer follow-up care.	Issue a severe reprimand, and require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.262.18	The licensee verbally abused a patient and failed to properly and timely document a focused assessment of a resident when the resident complained of pain.	Issue a severe reprimand, and require the licensee to complete remedial education courses and pay a \$1,000 administrative penalty.
3.265.18	The licensee failed to timely respond and implement medical emergency procedures to an unresponsive patient.	The Board proposes to accept voluntary surrender of the license for one year. Prior to reinstatement, the licensee must complete remedial education courses, complete CPR certification, and pay a \$500 administrative penalty. Upon reinstatement, the licensee must complete 1440 cumulative hours of supervised practice within two years.

3.266.18	The licensee diverted controlled dangerous substances for his own use. The licensee failed to file an answer to the complaint, which amounts to a confession to these allegations.	Temporarily suspend the license pending acceptance to the Board's Peer Assistance Program and require the licensee to pay investigation costs and attorney fees of \$500.
3.272.18	The licensee administered a drug to which resident was allergic. The licensee also did not (i) verify the resident's allergies, (ii) document the administration of the drug, (iii) report the medication violation, or (iv) complete and document a focused assessment or complete an incident report.	Place the license on supervised practice for 720 cumulative hours to be completed within two years, and require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.273.18	The licensee provided incomplete visit notes on at least 8 patients.	Issue a severe reprimand, and require the licensee to complete remedial education courses and pay a \$2,000 administrative penalty.
3.283.18	The licensee failed to perform a focused assessment after being notified of an event that would trigger a physician's order to perform a focused assessment.	Issue a reprimand and require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.284.18	The licensee administered controlled dangerous substance medication to a patient outside of the parameters of the physician order.	Issue a severe reprimand and require the licensee to (i) submit an evaluation along with periodic drug screens until the Board reviews the evaluation, (ii) complete remedial education courses, and (iii) pay a \$1,000 administrative penalty.
3.285.18	The licensee practiced outside the scope of practice by inserting a catheter without physician order, falsified the resident's medical record, and failed to notify the physician and family of the event. The licensee also delegated to a CNA a job duty outside the CNA's scope of practice.	Issue a severe reprimand and require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.286.18	The licensee twice failed to make assigned home health visits for patients, but documented that the visits were made.	Issue a severe reprimand, and require the licensee to complete remedial education courses, pay a \$1,000 administrative penalty, and provide a copy of the Order to current and future employers for one year.
3.287.18	The licensee failed to perform a follow-up focused assessment as was ordered by a physician.	Issue a reprimand, and require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.288.18	After having been previously disciplined by the Board, the licensee twice failed to perform and document a focused assessment after a resident fell and failed to notify the appropriate persons of the resident's fall.	Issue a severe reprimand and require the licensee to complete remedial education courses and pay a \$1,000 administrative penalty.

3.292.18	The licensee is a licensed practical nurse applying to take the NCLEX-RN exam. After the licensee failed to administer physician ordered tests and medication, the licensee was required by the employer to complete education courses, which were never completed.	Grant the NCLEX-RN application, but issue a severe reprimand and require the licensee to complete remedial education courses and pay a \$1,000 administrative penalty.
3.293.18	After having been previously disciplined by the Board, the licensee argued with and moved aggressively towards a patient. The licensee also failed to (i) take appropriate action when a resident's blood sugar test was low and (ii) notify the appropriate persons of the resident's condition.	Issue a severe reprimand and require the licensee to complete remedial education courses and pay a \$1,000 administrative penalty.
3.294.18	The licensee failed to (i) document the administration and/or waste of controlled dangerous substance medication, and (ii) administer physician-ordered medications to at least four residents.	Issue a severe reprimand, require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.296.18	The licensee hit and physically restrained a patient while the patient was having an aggressive outburst.	Issue a reprimand, require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.297.18	The licensee tested positive for marijuana and fentanyl in a for-cause drug screen after having failed to document the administration and/or waste of fentanyl.	Issue a severe reprimand and require the licensee to (i) submit an evaluation along with periodic drug screens for 12 months, (ii) complete remedial education courses, and (iii) pay a \$1,000 administrative penalty.
3.298.18	The licensee verbally abused residents and subsequently left the building without giving reports on the residents in the licensee's care.	Issue a severe reprimand and require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.300.18	The licensee submitted falsified claims to the Home Health and Advantage Program for time worked.	Issue a severe reprimand, require the licensee to complete remedial education courses and pay a \$1,000 administrative penalty, and prohibit the licensee from working in hospice or home health for one year.
3.301.18	The licensee failed to document administered medication.	Issue a severe reprimand and require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
3.305.18	After practicing outside the scope by administering botox without a physician assessment and order, the licensee proposed to voluntarily surrender the license.	The Board proposes to accept voluntary surrender of the license. Prior to reinstatement, the licensee must complete remedial education courses and pay a \$12,000 administrative penalty. Upon reinstatement, the licensee must submit monthly appointment logs for six months and allow Board staff to make unannounced visits for 12 months.

3.306.18	The licensee failed to obtain a physician order for wrist restraints and failed to document use of the restraints in the patient's medical record.	Issue a severe reprimand and require the licensee to complete remedial education courses and pay a \$500 administrative penalty.
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