



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-752A

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

October 23, 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 in case 3.078.18. The Board proposes to revoke the license for two years. Prior to reinstatement, the licensee must complete additional education courses. Once reinstated, the licensee will be on probation for 1,440 hours worked and pay a \$1,000 administrative penalty and \$687.20 in investigative costs.

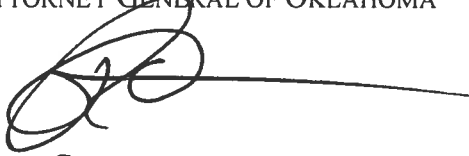
On March 21, 2017, while working as a licensed practical nurse at a nursing home, the licensee was notified of Resident #1 having breathing difficulties, but failed to perform a pulmonary focused assessment, implement nursing interventions, and notify the physician, director of nursing and the resident's family of the change in condition. The licensee repositioned Resident #1 in his wheelchair and directed him to be taken to the dining room. Resident #1 was found without respirations eight minutes later. The licensee was subsequently terminated from the nursing home. The licensee received the Complaint and notice of the hearing by mail, and later by telephone, but the licensee failed to appear for the hearing.

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 "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, suspend, or revoke 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
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL