



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-749A

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

October 24, 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 3.028.18. On July 26, 2017, in an Agreed Order of Continuance, the Board temporarily suspended the licensee's registered nurse license pending a hearing on a Complaint filed against the licensee. The Board now proposes to revoke the license for 12 months, with two months to be stayed for the time the license was suspended. Prior to reinstatement, the licensee must complete additional education courses. Once reinstated, the license will be placed on probation for 1,440 working hours and pay a \$1,000 administrative penalty. Upon completion of probation, the licensee shall appear before the Board for review. The licensee agrees not to work in home health or hospice for two years after probation.

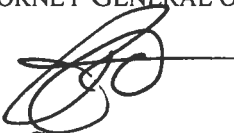
On August 25, 2016, while working for a home health agency, the licensee removed Patient #1's tracheostomy tube without a physician's order. When the licensee wasn't able to insert new one, Patient #1 developed difficulty breathing, complained of dizziness, had a seizure, and lost consciousness. Patient #1 was transported to a hospital where Patient #1 subsequently died. The licensee admitted to being unsure of the correct placement of the tube and to failing to notify the physician or a home health representative of the incident. The license 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 "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



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