



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-762A

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

November 3, 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 3.076.18. The license lapsed September 1, 2017, and the Board proposes to enter an emergency temporary suspension pending a hearing.

A Complaint filed on August 4, 2017 alleges that on January 29, 2016, the licensee, while working as a Licensed Practical Nurse at a nursing home, documented a request for pain medication for Resident #1 and obtained a healthcare provider order for Ultram 50 mg, a Schedule IV Controlled Dangerous Substance medication. Thereafter, the licensee is alleged to have manipulated the healthcare provider order and Resident #1's electronic medical record. Ultimately, Resident #1 was admitted to a hospital for evaluation and treatment after receiving multiple doses of Ultram. The Complaint was scheduled to be heard on September 28, 2017. The Board attempted to notify the licensee by mail, e-mail, and voicemail, but the licensee did not appear at 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," "[i]s guilty of unprofessional conduct," or "jeopardizes a patient's life, health or safety." 59 O.S.Supp.2016, § 567.8(B)(3), (7), (8). "Unprofessional conduct" includes "inaccurate recording, falsifying, altering or inappropriate destruction of patient records[.]" OAC 485:10-11-1(b)(3)(A). For violations of the Act, the Board may deny, suspend, or revoke a license, assess administrative penalties and "otherwise discipline licensees." 59 O.S.Supp.2016, § 567.8(A)(1)-(3). The Board may reasonably believe that the emergency temporary suspension of the license 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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