



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-761A

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 pursuant to consent agreement in case 3.068.18. The Board proposes to (i) revoke the license for 12 months, followed by 1440 work-hours on probation, (ii) require educational courses to be completed within 90 days prior to reinstatement, and (iii) impose a \$500 administrative penalty to be paid upon reinstatement.

On October 7-8, 2016, while working as a registered nurse at a nursing home, the licensee failed to notify the physician of a change in Resident #1's condition. Specifically, the licensee documented that Resident #1's oxygen saturation level and respirations were low, along with "jerking movements noted at patient's arms." After application of a non-rebreather mask, the oxygen saturation level increased and jerking movements ceased. Later, Resident #1 was found on the floor without respiration or pulse. Resident #1 was transported to a hospital and pronounced dead from cardiac arrest. The licensee was subsequently terminated from the nursing home.

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 patient health and safety 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
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