



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-53A

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

December 13, 2021

Dear Executive Director Barnhouse:

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 3.2020110042.22. In February 2020, the Respondent was terminated from her position at an assisted-living facility after discontinuing a patient's physician-ordered CDS medication without authorization from the physician. It was also discovered that the patient's narcotic record and remaining CDS medication were unable to be located after the patient's medication was discontinued. The Board attempted to contact the Respondent numerous times to investigate the allegations, but the Respondent failed to cooperate with a Board investigation. The Board proposes to temporarily suspend the Respondent's license pending a hearing on the merits of the complaint and determination of whether discipline is necessary.

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," "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]" or has violated state or federal law related to nursing. 59 O.S.2021, § 567.8(B)(3), (7-9). The rules of the Board define unprofessional conduct to include "falsifying . . . patient records[.]" "falsely manipulating . . . narcotics or patient records[.]" "appropriating[.] without authority[.] medications, supplies or personal items of the patient or agency[.]" "conduct detrimental to the public interest[.]" "failure to maintain proper custody and control of controlled dangerous substances of the patient or agency[.]" "diversion or attempts to divert . . . controlled substances[.]" "failure to cooperate with a lawful investigation by the Board of Nursing staff" or "failure to utilize appropriate judgment in administering . . . patient care[.]" OAC 485:10-11-1(b)(3)(A), (C-D), (H), (T-U), (4)(D). The Board may reasonably believe that the proposed action is 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.



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