



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-44A

Jenny Barnhouse, Executive Director
Oklahoma Board of Nursing
P.O. Box 52926
Oklahoma City, Oklahoma 73152

November 1, 2024

Re: James, Case No. 3.2020110195.25

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing ("Board") intends to take in the above-referenced case. Respondent holds a single-state RN license in Oklahoma.

The Oklahoma Nursing Practice Act ("Act") authorizes the Board to impose discipline when a nurse "[i]s guilty of unprofessional conduct,"¹ "[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 "[i]s guilty of any act that jeopardizes a patient's life, health or safety."² 59 O.S.Supp.2023, § 567.8(B)(3, 7–8).

On August 19, 2024, a complaint was filed with the Board regarding an incident that occurred on May 3, 2016. The complaint alleged the Respondent, while working as a registered nurse in the Medical Surgical Unit of a hospital, failed to provide adequate care to a patient when the Respondent utilized an improper technique to transfer the Patient from the stretcher to the Patient's bed via a ceiling lift. This improper technique resulted in the Patient sliding out of the sling and onto the floor, sustaining a significant injury, which ultimately led to the patient's death later that day due to intracranial hemorrhage and blunt force head trauma.

Subsequently, the Respondent received a reprimand from the Hospital on or about September 18, 2017, for failing to follow policy regarding the incident. Additionally, the hospital required the Respondent to undergo training on the proper use of transfer lifts.

¹Unprofessional conduct includes "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(H).

² Conduct that jeopardizes a patient's life, health, and safety includes failing to utilize appropriate judgment in "administering safe nursing practice" and "patient care." OAC 485:10-11-1(b)(4)(D).

On September 25, 2024, the Board held a hearing and found clear and convincing evidence to support the allegations against the Respondent. As a result, the Board proposes to severely reprimand the Respondent's RN license and require the Respondent to (1) complete a Board-approved education course on Nursing Documentation within ninety days; (2) complete a Board-approved education course on Critical Thinking, to include moral reasoning, within ninety days; (3) complete a Board-approved education course on Patient Safety, Fall Risk Assessment and Documentation within ninety days; (4) pay an administrative penalty of \$500 within sixty days; (5) pay investigation and prosecution cost of \$1,159.51 within sixty days; (6) comply with the Act and applicable administrative rules. Failure to timely complete the education courses will result in a three-month suspension. If the license is suspended, the Respondent must meet the Board's guidelines for reinstatement and pay all penalties before reinstatement. The Board may reasonably believe 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.



BRAD CLARK
GENERAL COUNSEL