



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-21A

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

May 14, 2025

Re: Brewster, Case No. 3.2023070085.25

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding the action that the Oklahoma Board of Nursing intends to take in the above-referenced case. The Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of a multistate license. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of a single-state license. Respondent's licensed practical nurse license lapsed on November 30, 2001.

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[.]"¹ or "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]"² 59 O.S.2021, § 567.8(B)(3), (7-8).

In a January 2025 complaint, Board staff alleged that Respondent failed to adequately care for a patient or conform to the minimum standards of acceptable nursing practice and Respondent's conduct unnecessarily exposed a patient or other person to risk of harm and jeopardized patient's life, health or safety; that Respondent lacked sufficient knowledge or reasonable skill by failing to adhere to the minimal standards of acceptable practical nurse practice or registered nurse practice; and unprofessional conduct which is behavior that fails to conform to the accepted standards of the nursing profession including inaccurate recording, falsifying, altering or inappropriate destruction of patient records. Specifically, on or about June 21, 2023, the Respondent, while working as a staff nurse on the dayshift in a medical clinic in Stillwater, Oklahoma ("Clinic"),

¹ Unprofessional conduct includes "inaccurate recording, falsifying, altering or inappropriate destruction of patient records," and "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(A),(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).

failed to follow Physician Orders when Respondent failed to administer Lasix as ordered by the physician intravenously between units of blood or call the physician to clarify the Physician Order. Patient #1 arrived at the Clinic with a Physician Order for the following: “Transfuse 2 units of Packed Red Blood Cells, will be administered over two hours/unit unless otherwise ordered. Special Instructions: When transfused patient will need Lasix between units 40 units after each unit.” Respondent administered the two units of Packed Red Blood Cells and discharged Patient #1 home at 5:30 p.m. Respondent failed to notify Patient #1’s physician that the Lasix had not been administered or document a reason why the Lasix was not administered in Patient #1’s medical record. At approximately 9:35 p.m., Patient #1 became unresponsive at home and Emergency Medical Services (“EMS”) was called. EMS initiated cardiopulmonary resuscitation and Patient #1 was transported to the emergency department of a Ponca City, Oklahoma, hospital. On June 22, 2023, at 6:28 p.m. Patient #1 died with final diagnosis to include: “Out of hospital cardiac arrest; [a]noxic brain injury; [a]trial fibrillation, [s]uspected decompensated congestive heart failure; [p]rimary hypertension” as described in Patient #1’s Patient Brief Death Summary Note. Respondent was terminated from the Hospital on July 12, 2023.

At a hearing held March 26, 2025, the Board ordered that Respondent’s multistate registered nurse license be converted to a single-state registered nurse license, and Respondent’s multistate licensure privilege is deactivated in all party states. Respondent’s single-state license to practice registered nursing is disciplined as follows: Respondent’s single-state license to practice registered nursing is severely reprimanded; Respondent shall, within ninety (90) days before or after the receipt of the Board’s Order, successfully complete Board approved courses in Nursing Jurisprudence, Medication Administration, to include controlled dangerous substances, Nursing Documentation, and Critical thinking, to include moral reasoning, and each course shall meet the requirements outlined by the Board in its Order; within sixty (60) days from receipt of the Board’s Order, Respondent shall pay an administrative penalty to the Oklahoma Board of Nursing, by certified check or money order only, in the amount of \$500.00. Respondent’s single-state registered nurse license shall be placed on probation for employment as a registered nurse for 1,440 cumulative worked hours to be completed in two (2) years; during this probationary employment period, Respondent shall be in a hospital and/or health care agency under the supervision of not more than two (2) registered nurses who agree to comply with the Guidelines for Supervised Practice; Respondent shall submit to the Board the applicable licensure modification fee within thirty (30) days of receipt of its Order; Respondent’s single state registered nurse license shall be marked as “Active-Probation;” Respondent shall comply with the Oklahoma Board of Nursing Staff/Board Conferences Guidelines; a copy of the Board’s Order and all attachments and amendments shall be furnished by Respondent to each prospective employer and to supervising registered nurse(s) while Respondent’s single-state registered nursing license is on probation; the terms of the Board’s Order shall apply to the practice of nursing of any kind, including practice while enrolled in a nursing education program.

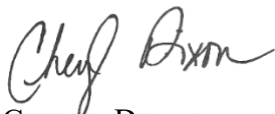
Further, Respondent shall notify the Board office within five (5) working days of any change of address, name or phone number; Respondent shall comply in all respects with the Oklahoma Nursing Practice Act, 59 O.S. §§ 567.1, *et seq.*, the Rules of the Board found in the Oklahoma Administrative Code Title 485 Chapters 1 and 10, and Guidelines related to nursing education, licensure, and practice in the Board’s Order. Prior to Respondent’s successful completion of the requirements in the Order, any violations of the Oklahoma Nursing Practice Act by Respondent, except as set forth in the Order, may require Respondent’s appearance before the Board to show

cause why Respondent's single-state license should not be revoked or other such action taken as the Board deems necessary and proper.

Any failure of Respondent to comply with submission of the administrative penalty and/or written documentation by the due date, including but not limited to proof of successful completion of the required education courses, will result in a three (3) month suspension of license(s). If Respondent's license is suspended, prior to reinstatement of license, all Board ordered classes must be successfully completed, and payment of administrative penalty must be paid prior to reinstatement of license. At the completion of the three-month suspension, any application for reinstatement may be submitted for processing by Board staff for approval in accordance with the agency approval process or for referral to the Board. If probation, and/or supervised practice were ordered by the Board, then the probation and/or supervised practice will be extended at the time of reinstatement until such time as the Board's order is fully completed. An administrative penalty of \$500.00 for each violation of Respondent's Board Order shall be paid only by certified check and/or money order prior to reinstatement pursuant to statute, 59 O.S.2021, § 567.8(J)(1) and (2), and Oklahoma Administrative Code 485.10-11-2(c). Any failure to comply with submission of documentation by third parties, including late reports, or unsatisfactory reports, Respondent's failure to submit a licensure modification fee and/or other violations of the Oklahoma Nursing Practice Act by the Respondent, will require Respondent's appearance before the Informal Disposition Panel of the Board and/or the Board to show cause why Respondent's single-state license should not be revoked or such other action taken as the Board deems necessary and proper.

Upon successful completion of all the terms of the Board's Order, all encumbrances shall be removed from Respondent's single-state registered nurse license, and Respondent's previously held multistate license may be converted/reinstated upon Respondent's submission of any applicable application and fee and satisfaction of all applicable requirements to obtain a multistate license; to include, Respondent does not have an encumbrance of a nursing license in any state and Respondent meets the Nurse Licensure Compact uniform licensure requirements. The Board's Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. Respondent's conduct, as evidenced by the Board's Order, constitutes a disqualifying event with regard to Respondent's multistate license.

Given the serious nature of the allegations, the Board may reasonably believe that this action is necessary to protect public health, safety, and welfare. 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.



CHERYL DIXON

Deputy General Counsel