



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-43A

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

October 25, 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 pursuant to a Stipulations, Settlement and Order (“SSO”) in case 3.2020110015.21. The Respondent entered into the SSO after pleading no contest to various alcohol-related charges and failing to disclose the offenses on renewal applications. Under the SSO, the Respondent received a severe reprimand and was required to undergo an evaluation and body fluid testing, complete educational courses, and pay an administrative penalty. Having now reviewed the evaluation, the Board proposes to refer the Respondent to the Board’s Peer Assistance Program (“PAP”). The license will be temporarily suspended pending acceptance to PAP. If PAP is not completed, the license will be revoked for two years. If the license is revoked, the Respondent must meet the Board’s guidelines for reinstatement. Upon reinstatement after revocation, the Respondent will again be referred to PAP.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of deceit or material misrepresentation in procuring or attempting to procure” a nursing license or is “intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients[.]” 59 O.S.Supp.2020, § 567.8(B)(1), (4). The Board may reasonably believe that the proposed action is necessary to ensure nurses are working substance free.

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.

Handwritten signature of John M. O'Connor in black ink.

JOHN M. O’CONNOR
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ethan Shaner in blue ink.

ETHAN SHANER
DEPUTY GENERAL COUNSEL