



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-44A

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 in case 3.2020110019.22. According to a Board complaint, in July 2019, the Respondent was terminated from her position as a hospital staff nurse after testing positive for Fentanyl while on duty, administering an unknown medication to a patient, and failing to document the administration and/or waste of the medication. Currently the Respondent's RN license is lapsed. The Board proposes to lift the lapsed status and temporarily suspend the Respondent's license pending a hearing on the merits of the Complaint.

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.Supp.2020, § 567.8(B)(3), (7–9). Unprofessional conduct includes “conduct detrimental to the public interest,” and jeopardizing a patient's life, health, and safety by a nurse's “[f]ailure to utilize appropriate judgment in administering safe nursing practice[,]” “failure to maintain proper custody and control of controlled dangerous substances[,]” and “[f]ailure to utilize appropriate judgment in administering . . . patient care[.]” OAC 485:10-11-1(b)(3)(H), (T), (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.


JOHN M. O'CONNOR
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