



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2021-33A**

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

August 24, 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 3.2020100248.22. In January 2019, the Respondent was terminated from her job as a hospital travel nurse after failing to timely inform a physician of a patient's changed medical status and failing to document a second patient's medical record. Currently, the Respondent's RN and LPN licenses are lapsed. The Board proposes to require completion of education courses, and payment of a \$1000 administrative penalty and \$1435.92 in investigative costs prior to reinstatement.

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[.]" or "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]" 59 O.S.Supp.2020, § 567.8(B)(3), (7), (8). Board rules define unprofessional conduct to include "conduct detrimental to the public interest[.]" or "failure to utilize appropriate judgment in administering . . . patient care[.]" OAC 485:10-11-1(b)(3)(H), (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.

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