



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2021-34A**

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 3.2020100264.22. In December 2018, the Respondent was charged with felony "Assault and Battery on Police Officer," to which the Respondent pled guilty and was ordered to a five-year deferred sentence, probation, drug screens and mental health evaluations and payment of costs and fees. In January 2019, the Respondent was charged with misdemeanor "Domestic Abuse-Assault and Battery," to which the Respondent pled guilty and was ordered to a one-year deferred sentence, jail time and payment of fines, costs and fees. When the Board attempted to contact the Respondent, she did not respond. The Board proposes to temporarily suspend the license pending a hearing on the merits of the complaint.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of ... any offense substantially related to the qualifications, functions or duties of any licensee," or "is guilty of unprofessional conduct." 59 O.S.Supp.2020, § 567.8(B)(2), (7). The rules of the Board define unprofessional conduct to include "conduct detrimental to the public interest[.]" OAC 485:10-11-1(b)(3)(H). 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.

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JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL