



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-35A

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 3.2020100278.22. Respondent holds a multistate RN license and a single-state LPN license, both of which are lapsed. In January 2020, the Missouri Board of Nursing suspended the Respondent's license after Respondent failed to comply with the requirements of the Missouri Intervention Program Non-Disciplinary Consent Agreement. In May 2020, the Washington Licensing Commission suspended Respondent's license based on the suspension of Respondent's license in Missouri. The Board proposes to lift the lapsed status of Respondent's licenses and temporarily suspend the licenses pending acceptance to the Board's Peer Assistance Program ("PAP"). If Respondent is not accepted to PAP, the licenses will be revoked for two years. If the licenses are revoked, the Respondent must meet Board guidelines for reinstatement and pay an administrative penalty of \$500. Upon reinstatement after revocation, the licensee will again be referred to PAP.

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 "[h]as had disciplinary action taken against the individual's registered . . . nursing license . . . in this or any state[.]" 59 O.S.Supp.2020, § 567.8(B)(3), (7), (10). 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.


JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA


ETHAN SHANER
DEPUTY GENERAL COUNSEL