



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2021-38A**

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 3.2021050133.22. The Respondent holds an Oklahoma APRN-CRNA license and a multi-state RN license. From September 2020 through May 2021, the Respondent worked for an anesthesia group as a hospital APRN-CRNA. In June 2021, the Board filed a complaint after Respondent resigned from the group after displaying impaired behavior while on duty. Respondent is currently in in-patient treatment and was granted a continuance to answer the allegations. The Board proposes to temporarily suspend Respondent's licenses pending a hearing on the merits.

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," or "is guilty of unprofessional conduct." 59 O.S.Supp.2020, § 567.8(B)(3), (7). The rules of the Board define unprofessional conduct to include "conduct detrimental to the public interest[.]" OAC 485:10-11-1(b)(3)(E), (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