



JOHN M. O'CONNOR  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2022-14A

Jenny Barnhouse, Executive Director  
Oklahoma Board of Nursing  
P.O. Box 52926  
Oklahoma City, Oklahoma 73152

May 17, 2022

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 3.2020100147.22.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse guilty of criminal conduct, unprofessional conduct<sup>1</sup>, "any act that jeopardizes a patient's life, health or safety[.]" or any violation of state or federal law relating to the practice of nursing. 59 O.S.2021, § 567.8(B)(2), (7-9). A nurse may also be subject to discipline for failing "to adequately care for a patient 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 practicing . . . nursing absent compliance with the Act. *Id.* § 567.8(B)(3), § 567.14(A).

According to a Board complaint, Respondent worked as an LPN at a nursing home from June 2019 through January 2020 under a lapsed nursing license. In June 2020, Respondent and the Board entered a Corrective Action Order, which reinstated Respondent's license and required Respondent to complete educational courses. In February 2022, the Respondent was noticed for a show-cause hearing for failure to complete the ordered education courses. When the Board attempted contact, the Respondent failed to cooperate with the investigation.

The Board proposes to lift the lapsed status of Respondent's license and temporarily suspend the license pending a hearing on the merits. The Board may reasonably believe the proposed action is necessary to deter future violations.

---

<sup>1</sup> By Board rule, unprofessional conduct includes "conduct detrimental to the public interest . . ." OAC 485:10-11-1.(a)(b)(3)(H).

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



THOMAS R. SCHNEIDER  
DEPUTY GENERAL COUNSEL