



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-19A

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 3.2021080043.22.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse guilty of criminal conduct, unprofessional conduct¹, or “[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[.]” 59 O.S.2021, § 567.8(B)(2), (3), (7).

According to a Board complaint, the Respondent pled guilty to misdemeanor traffic charges in 2013, and was ordered to pay restitution and a fine. In June 2021, the Respondent pled guilty to felony charges of Threatening to Kill, Injure, or Intimidate Any Person or Cause Property Damage with an Explosive and misdemeanor charges involving electronic harassment. Respondent voluntarily entered Drug/DUI/Mental Health Court (“Health Court”) and the Court dismissed the felony charged and amended the misdemeanor charges. Upon completion of Health Court, Respondent’s case will be dismissed. Alternatively, if the Respondent fails to complete Health Court, Respondent will be sentenced to two years’ imprisonment. The Respondent was noticed for a show-cause hearing, and 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.

¹ 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



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