



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-23A

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

July 28, 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 3.2021050104.22. Respondent holds a single-state RN license and a lapsed LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse who (1) is guilty of criminal or unprofessional conduct,¹ (2) “[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[.]” (3) “is guilty of any act that jeopardizes a patient’s life, health or safety[.]”² or (4) has had disciplinary actions taken against the . . . license[.]” 59 O.S.2021, § 567.8(B)(2), (3), (7), (8), (10).

According to a Board complaint, the Respondent pled guilty to one count of health care fraud, a felony, in July 2019 in the United States District Court for the Western District of Oklahoma. Respondent was given 24 months of supervised probation, 104 hours of community service and ordered to pay restitution of \$73,770.25. In March 2021, the Office of Inspector General (“HHS-OIG”) for the Department of Health and Human Services (“HHS”) excluded Respondent from participation in any Medicare, Medicaid and/or federal health care programs and in September 2021, the Texas Nursing Board revoked Respondent’s RN license. Respondent failed to file a response to the Board complaint and is in default.

The Board proposes to revoke Respondent’s RN and LPN licenses until such time as Respondent is removed from the HHS-OIG exclusionary list. The Respondent must meet the Board guidelines for reinstatement and pay \$500 in administrative fees and \$1,190.62 in investigative costs prior to

¹ By Board rule, unprofessional conduct includes “conduct detrimental to the public interest[.]” or forgery. OAC 485:10-11-1.(b)(3)(H), (N).

² By Board rule, conduct which jeopardizes a patient’s life, health or safety includes “failure to utilize appropriate judgment in administering safe nursing practice or patient care[.]” OAC 485:10-11-1.(b)(4)(D)

reinstatement. The Board may reasonably believe the proposed action is necessary to presently protect the public and 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



THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL