



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-24A

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 3.2021070097.22. Respondent holds a single-state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse who is "intemperate in the use of alcohol or drugs," guilty of unprofessional conduct[.]¹ or has violated a rule promulgated by the Board[.]² 59 O.S.2021, § 567.8(B), (4), (7), (9).

According to a Board complaint filed April 4, 2022, the Respondent admitted to a drug and alcohol abuse problem. During an investigative conference, Respondent informed Nursing Board investigators that she had used methamphetamine the week prior to their meeting. The Board repeatedly attempted to provide the Respondent notice of a hearing but was unsuccessful due to Respondent's failure to notify the Board of any address change. Respondent has also been unreachable by phone or electronic messages. Further, the Respondent failed to cooperate with the Board's investigation,

The Board proposes to temporarily suspend Respondent's license pending a hearing on the merits. 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

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

² By Board rule, nurses are required to submit a change of address in writing within 30 days of the change. OAC 485:10-7-9(3)