



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-25A

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

July 28, 2022

Dear Executive Director Barnhouse:

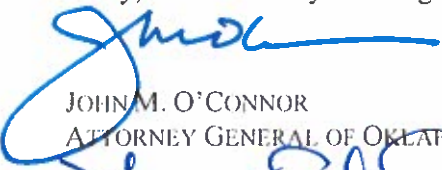
This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 3.2021120016.22. Respondent submitted a reinstatement application for a lapsed single-state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse who is guilty of criminal conduct or unprofessional conduct[.]¹ 59 O.S.2021. § 567.8(B), (2), (7).

According to a Board complaint, in March 2005, the Respondent pled guilty to two felony drug possession charges and misdemeanor possession of drug paraphernalia. Respondent was given three 5-year deferred sentences to run concurrently and subject to supervision, ordered to complete outpatient treatment and random urine analyses, and payment of a VCA and court costs. In August 2007, the Respondent was charged with murder in the first degree involving the unlawful delivery of controlled dangerous substances (fentanyl). The Respondent pled guilty to second-degree murder and was sentenced to 10 years imprisonment in October 2009, with all but three years suspended, supervised probation following incarceration, and payment of a VCA and court costs. Respondent was released in July 2012 and discharged from supervision probation in June 2019. Respondent failed to file a response to the complaint and is in default.

The Board proposes to deny Respondent's reinstatement application. 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).