



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-44A

Jenny Barnhouse, Executive Director
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

December 13, 2022

Re: Embrey; Case No. 3.2020110074.23

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 3.2020110074.23. The Respondent holds a single-state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of a felony, or any offense substantially related to the qualifications, functions or duties of any licensee[,]” “[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[,]” is guilty of “unprofessional conduct[,]”¹ or “of any act that jeopardizes a patient’s life, health or safety[,] or has violated state or federal law related to nursing[.]” 59 O.S.2021, § 567.8(B)(2–3), (7–9).

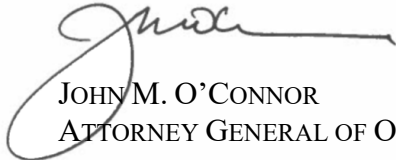
According to a Board complaint, in September 2020, Respondent was terminated from her job as a staff nurse at a nursing home after admitting to withdrawing money from a resident’s bank account without permission. In March 2021, a police investigation found that, while working as a staff nurse in a second nursing home, Respondent used a resident’s debit card to make a personal loan payment without permission. Additionally, in March 2021, Respondent removed a patient’s physician-ordered Schedule II Controlled Dangerous Substance (CDS) medication but failed to document the administration and/or waste of the medication. In January 2022, Respondent was terminated from her job as a staff nurse at a third nursing home after misappropriating a resident’s CDS medication. In May 2022, Respondent was terminated from her job as a staff nurse at a fourth

¹ Unprofessional conduct includes “falsifying documents submitted to the Board[,]” “falsely manipulating drug supplies, narcotics or patient records[,]” “appropriating without authority medications [,]” “conduct detrimental to the public interest[,]” “obtaining money . . . from a patient . . . through the use of . . . fraud[,]” “failure to maintain proper custody and control of [CDS] [,]” “diversion or attempts to divert drugs or controlled substances[,]” or “failure to utilize appropriate judgment in administering . . . patient care[.]” OAC 485:10-11-1(b)(3)(A), (C–D), (H), (R), (T–U), (4)(D).

nursing home after falsely claiming to have wasted a resident's CDS medication. Additionally, Respondent has failed to cooperate with the Board's investigation.

The Board proposes to temporarily suspend the license pending a hearing on the merits. The Board may reasonably believe that the proposed action is necessary to 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
ACTING GENERAL COUNSEL