



OFFICE OF THE  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2022-47A

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

December 13, 2022

Re: Russell; Case No. 3.2021080044.23

Dear Executive Director Barnhouse:

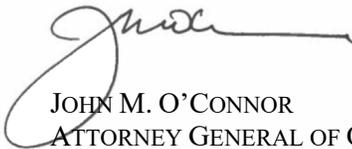
This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 3.2021080044.23. The Respondent holds a lapsed single-state LPN license.

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[.]” or is guilty of “unprofessional conduct[.]”<sup>1</sup> 59 O.S.2021, § 567.8(B) (2), (3), (7).

According to a Board complaint, in January 2021, the Respondent entered a blind plea to felony neglect by caretaker and financial exploitation by caretaker. Respondent was sentenced to a seven-year deferred sentence, jail time, supervised probation, ordered to submit to a mental health assessment and perform community service, and payment of fines, costs and fees. Despite several attempts to contact, Respondent has failed to cooperate with the Board’s 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 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

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<sup>1</sup> Unprofessional conduct includes “conduct detrimental to the public interest[.]” and “failure to cooperate with a lawful investigation by the Board[.]” OAC 485:10-11-1(b)(3)(H), (V).