



OFFICE OF THE  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2022-53A

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

December 19, 2022

Re: Florez, Case No. 10.2022050073.23

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 10.2022050073.23. Respondent holds an active out-of-state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline, including a denial of licensure, when a nurse “[i]s guilty of deceit or material misrepresentation<sup>1</sup> in procuring or attempting to procure” a nursing license, or “[i]s guilty of unprofessional conduct[.]”<sup>2</sup> 59 O.S.2021, § 567.8(B)(1), (7).

In 1995, the Respondent pled guilty to misdemeanor drug possession and was sentenced to suspended jail time, unsupervised probation, and payment of a fine and costs. In May 2022, the Respondent applied for endorsement of LPN licensure and falsified the application by failing to disclose the previous conviction.

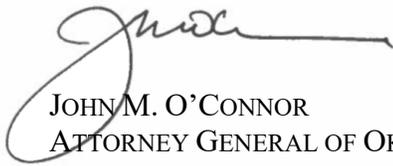
The Board denied the application after the Respondent failed to enter into a non-disciplinary corrective action order. The Respondent may request a hearing for review of the application denial. The Board may reasonably believe that the proposed action is necessary to deter future violations.

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<sup>1</sup> Deceit or material misrepresentation includes “false representation of facts in connection with an application for licensure[.]” OAC 485:10-11-1(b)(1)(A).

<sup>2</sup> Unprofessional conduct includes “falsifying documents submitted to the Board[.]” OAC 485:10-11-1(b)(3)(E).

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  
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