



OFFICE OF THE  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2023-13A

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

June 29, 2023

Re: Matthews, Case No. 10.2022070011.23

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 10.2022070011.23.

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 in procuring or attempting to procure”<sup>1</sup> a nursing license, or “[i]s guilty of unprofessional conduct.”<sup>2</sup> 59 O.S.2021, § 567.8(B)(1), (7). The Board may reasonably believe that the proposed action is necessary to deter future violations.

In June 2022, Matthews submitted an application for a single-state LPN license. Matthews falsified the application by failing to disclose a prior misdemeanor guilty plea and conviction for retail fraud. Additionally, Matthews declined a Board offer to enter into a non-disciplinary order. Finding clear and convincing evidence of grounds for discipline and unprofessional conduct under 59 O.S.2021, § 567.8 and OAC 485:10-11-1(b)(1)(A) and (b)(3)(E), the Board proposes to deny Matthews’ application.

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.

ROB JOHNSON  
GENERAL COUNSEL

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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).