



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-28A

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

July 12, 2023

Re: Havard, Case No. 3.2023040085.23

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 pursuant to a Stipulations, Settlement and Order (“SSO”) in case 3.2023040085.23. 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 unprofessional conduct”¹ or violates an order of the Board. 59 O.S.2021, § 567.8(B)(7), (9).

In February 2022, Respondent entered into the SSO after pleading *nolo contendere* to felony embezzlement. Under the SSO, Respondent’s license was suspended for three months. Prior to reinstatement, Respondent was required to complete nursing education courses and pay an administrative penalty of \$500. Upon reinstatement, Respondent was required to complete 720 hours of supervised practice in a hospital and/or healthcare agency. In February 2023, Respondent applied for reinstatement of her LPN license and appeared before the Board for consideration. Respondent’s application for reinstatement indicated Respondent worked 1328.75 hours as a charge nurse from July 2022 through January 2023, in violation of the SSO and Board guidelines. Further, Respondent failed to submit quarterly Supervised Practice Reports. 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)(3)(H), the Board proposes to grant Respondent’s application, with the following conditions: (1) completion of 1440 work hours under probation within two years; (2) completion of an approved nursing education course no later than 180 days after receipt of the Board’s order; and (3) payment of a \$500.00 administrative penalty no later than 60 days after receipt of the Board’s order. If Respondent fails to comply with any of the requirements, Respondent’s license will be suspended for three months and a non-compliance penalty assessed

¹Unprofessional conduct includes “conduct detrimental to the public interest[.]” OAC 485:10-11-1(b)(3)(H), (4)(D).

without further Board action. 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.



ROB JOHNSON
GENERAL COUNSEL