



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-31A

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

August 28, 2023

Re: Childs, Case No. 3.2022010108.23

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 3.2022010108.23. Respondent holds a suspended single-state RN 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 November 2022, Respondent entered into the agreed SSO after displaying impaired behavior while on duty as a staff nurse in the intensive care unit of a hospital. Terms of the SSO required, among other things, an evaluation and regular body fluid testing. According to a Board complaint, Respondent violated the SSO when she tested positive for Tramadol during a random Board-ordered body fluid test and failed to submit to multiple other Board-ordered body fluid tests. On receiving the evaluation, the Board ordered the Respondent to appear for review of the evaluation. Respondent failed to respond or appear before the Board. The Board now proposes to refer the Respondent to the Board’s Peer Assistance Program (“PAP”). The license will remain temporarily suspended pending acceptance to PAP. If PAP is not completed, Respondent’s license will be revoked for two years. If the license is revoked, the Respondent must meet the Board’s guidelines for reinstatement. Upon reinstatement after revocation, the license will be temporarily suspended and the Respondent will again be referred to PAP. If PAP is not completed, Respondent’s license will be revoked for five years. The Board may reasonably believe that the proposed action is necessary to deter future violations.

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

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