



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-37A

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

September 5, 2023

Re: Lampkin, Case No. 3.2021050004.24


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 3.2021050004.24. 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 . . . any offense substantially related to the qualifications, functions or duties of any licensee[,]” or “is guilty of unprofessional conduct.”¹ 59 O.S.2021, § 567.8(B)(2), (7). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint, the Respondent pled guilty to misdemeanor charges of driving under the influence in December 2019 and was ordered to a one-year deferred sentence, probation, drug and alcohol assessment, and payment of costs, fines and fees. Contemporaneously, Respondent pled guilty to misdemeanor charges of (1) transporting an open container-liquor and (2) transporting a loaded firearm while intoxicated. For each count, the court ordered Respondent to a six-month deferred sentence and payment of fines and costs. The court ordered all three deferred sentences to run concurrently. In August 2022, Respondent stipulated to the State’s Motion to Accelerate Deferred Judgment and was sentenced to a one-year suspended sentence, sessions of AA/NA and twelve weeks of outpatient substance abuse care to be completed within eight months. Respondent failed to cooperate with the Board’s investigation despite numerous attempts by the Board to contact the Respondent. Finding sufficient evidence of potential violations of the Nursing Practice Act and the Board’s rules, including unprofessional conduct under 59 O.S.2021, § 567.8 and OAC 485:10-11-1(b)(3)(H), the Board proposes to temporarily suspend the license pending a hearing on the merits. The Board further ordered that Respondent request a hearing on the complaint when Respondent submits an application for reinstatement.

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

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