



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-39A

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

September 5, 2023

Re: McClure, Case No. 3.2022030129.24

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 3.2022030129.24. The Respondent holds an active 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 “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient or other person to risk of harm[,]” or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[.]” 59 O.S.2021, § 567.8(B)(3), (7–8).

According to a Board complaint filed in May 2023, the Respondent displayed impaired behavior while on duty at a nursing home in March 2022. Respondent declined to submit to a for-cause drug test and resigned from her job. Further, Respondent failed to cooperate with the Board’s investigation. Finding sufficient evidence of potential violations of the Nursing Practice Act, the Board proposes suspend Respondent’s license pending a hearing on the merits. 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.

A handwritten signature in blue ink, appearing to read "Rob Johnson".

ROB JOHNSON
General Counsel

¹Unprofessional conduct includes “conduct detrimental to the public interest[,]” “failure to cooperate” with a Board investigation and “failure to utilize appropriate judgment in administering . . . patient care[.]” OAC 485:10-11-1(b)(3)(H), (V), (4)(D).

