



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2023-3A

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

March 16, 2023

Re: Morgan, Case No. 3.2021010157.23

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 3.2021010157.23. Respondent holds a multi-state RN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[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,” “[i]s guilty of unprofessional conduct,”¹ “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[.]”² “fails to maintain professional boundaries with patients”³ or “[e]ngages in sexual misconduct . . . with a . . . patient[.]” 59 O.S.2021, § 567.8(B)(3), (7–8), (12–13). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint, in January 2021, the Respondent was terminated from her job at a surgery center after inappropriately and deliberately touching a patient without consent and while the patient was sedated. Additionally, the Respondent failed to cooperate with a Board investigation. The Board proposes to deactivate the Respondent’s multi-state license in all states and convert the license to single-state license, then temporarily suspend the Respondent’s license pending Board review of an evaluation for fitness to practice. Upon reinstatement, the Respondent must meet Board guidelines, including twelve months of supervised practice in a hospital and completion of educational courses. Prior to reinstatement, the Respondent must pay \$500 in administrative fees and \$1091.33 in investigative costs.

¹ Unprofessional conduct includes “verbally or physically abusing patients[.]” “conduct detrimental to the public interest,” “engaging in conduct with a patient . . . that is sexual or may reasonably be interpreted as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient[.]”

² Conduct that jeopardizes a patient’s life, health, and safety includes failing to utilize appropriate judgment in “administering safe nursing practice” and “patient care[.]” OAC 485:10-11-1(b)(4)(D).

³ Conduct that violates professional boundaries includes “behavior that jeopardizes or could impair the relationship of trust that should exist between nurse and patient.” OAC 485:10-11-1(b)(5).

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