



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2023-40A

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

September 5, 2023

Re: Sanders, Case No. 3.2022010206.24

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 3.2022010206.24. The Respondent holds an active multi-state RN license and 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[,]”<sup>1</sup> “[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 was terminated from her job in September 2021 after displaying impaired behavior while on duty at a hospital. In April 2022, while employed by a second hospital, Respondent admitted to hospital administration to having a substance abuse problem and arranging to purchase CDC drugs at the hospital. Respondent was terminated from her job. Respondent is not eligible for rehire at either hospital. In December 2022, the Respondent admitted to Board staff to having a substance abuse problem with drugs or alcohol, including fentanyl. Further, Respondent has failed to cooperate with the Board’s investigation. Finding sufficient evidence of potential violations of the Nursing Practice Act and the Board’s rules, the Board proposes to lift the lapsed status of Respondent’s LPN license, deactivate Respondent’s multi-state privileges and convert Respondent’s multi-state license to a single-state license, and suspend Respondent’s licenses pending a hearing on the merits. The Board may reasonably believe that the proposed action is necessary to deter future violations.

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<sup>1</sup>Unprofessional conduct includes “conduct detrimental to the public interest” and “failure to utilize appropriate judgment in administering . . . patient care[.]” 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*