



OFFICE OF THE  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2023-5A

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

March 16, 2023

Re: Jones, Case No. 3.2022030078.23

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 3.2021030154.22. The Respondent holds a single-state RN license and a lapsed APRN-CNP license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “is guilty of deceit or material misrepresentation”<sup>1</sup> in procuring a license, “[i]s guilty of . . . any offense substantially related to the qualifications, functions or duties of any licensee[,]” “[f]ails to . . . conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a . . . person to risk of harm[,]” or “is guilty of unprofessional conduct.”<sup>2</sup> 59 O.S.2021, § 567.8(B)(1)(a), (2–3), (7). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint, in August 2017, the Respondent pled guilty to misdemeanor charges involving Physical Control of Vehicle Under the Influence and was ordered to a one-year deferred sentence, unsupervised probation, community service, submission to a drug and alcohol evaluation and any recommended follow-up treatment, completion of DUI school, VIP, and payment of fines, fees, assessments and costs. In January 2022, the Respondent pled guilty to misdemeanor DUI and was ordered to a one-year suspended sentence, unsupervised probation, community service, submission to a drug and alcohol evaluation, completion of DUI school, VIP, six months’ use of an interlock device and payment of fines, fees, costs and VCA. In February 2022, the Respondent submitted renewal applications for her RN and APRN-CNP licenses but failed to disclose the previous convictions. The Board proposes to lift the lapsed status of the

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<sup>1</sup> Deceit or material misrepresentation includes false representation of facts in connection with an application for licensure[.]OAC 485:10-11-1(b)(1)(A).

<sup>2</sup> Unprofessional conduct includes falsifying documents submitted to the Board of Nursing and “conduct detrimental to the public interest[.]” OAC 485:10-11-1(b)(3)(E), (V).

APRN-CNP license and suspend the RN and APRN-CNP licenses pending a hearing on the merits. Additionally, the Respondent has failed to cooperate with the Board's investigation.

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