



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2023-6A

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

March 16, 2023

Re: Phillips, Case No. 3.2022030175.23

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 3.2022030175.23. Respondent's single-state RN license is currently suspended.

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 or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[.]”² 59 O.S.2021, § 567.8(B)(3), (7), (8). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint, in March 2022, the Respondent was terminated from her job at as a staff nurse at a hospital after returning results of 0.191 and 0.093% in a for-cause Breath-Alcohol Analyzer test while on duty. The Respondent failed to cooperate with a Board investigation by not participating in telephone investigative conferences with Board staff. The Board proposes to lift the lapsed status and temporarily suspend the Respondent’s license pending a hearing on the merits.

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

¹ Unprofessional conduct includes “conduct detrimental to the public interest” and “failure to cooperate with a lawful investigation by Board of Nursing staff[.]” OAC 485:10-11-1(b)(3)(H), (V).

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).