



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-13A

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

March 13, 2024

Re: Moya, Case No. 3.2023090033.24

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 3.2023090033.24. Respondent holds a single-state RN license and an APRN-CNP license, that are currently active subject to conditions related to Respondent's continued participation in the Peer Assistance Program (PAP) and adherence to Board orders.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a licensee "[i]s guilty of . . . any offense substantially related to the qualifications, functions or duties of any licensee," or "is guilty of unprofessional conduct."¹ 59 O.S.2021, § 567.8(B)(2), (7).

In May 2022, Respondent entered into an agreed Consent Order with the Board for violations related to substance abuse discovered during a pre-employment drug screen. Upon review of an evaluation of Respondent pursuant to the order, the Board issued a Supplemental Order which included temporary suspension of Respondent's licenses in September 2022. Upon Respondent's acceptance to the PAP, Respondent's licenses were placed on "active with conditions-Peer Assistance" status. *See* A.G. Opin. 2022-45A.

According to a Board complaint filed on September 5, 2023, Respondent was charged with four counts of misdemeanor driving under the influence in December 2021 by an Arizona municipal court. Respondent pled guilty to one count, with the other charges being dismissed. Respondent was sentenced to, among other things, jail time, probation, counseling, and payment of a fine. The Board now proposes to maintain the current status of Respondent's licenses upon continued participation in the PAP and require Respondent to pay an administrative penalty of \$500. The licenses will be suspended for three months and a noncompliance penalty assessed if Respondent

¹Unprofessional conduct includes "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(H).

fails to pay the administrative penalty. 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.



ROB JOHNSON
GENERAL COUNSEL