



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-46A

Jenny Barnhouse, Executive Director
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

October 25, 2021

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 3.2020110049.22. The Respondent holds an active RN and a lapsed LPN license. According to a Board complaint, in September 2020 the Respondent pled guilty to felony embezzlement and was ordered to a three-year deferred sentence, and payment of fines, costs, fees and restitution. The Respondent failed to cooperate with a Board investigation. The Board proposes to lift the lapsed status of the Respondent's LPN license and temporarily suspend both licenses pending a hearing on the merits of the Complaint, at which time the Respondent's LPN license may be returned to lapsed status.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony, or any offense substantially related to the qualifications, functions or duties of any licensee," or "is guilty of unprofessional conduct." 59 O.S.Supp.2020, § 567.8(B)(2), (7). 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). 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.

JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

ETHAN SHANER
DEPUTY GENERAL COUNSEL