



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2021-36A**

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


August 24, 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 3.2020110013.22. In October 2017, the Respondent was charged with misdemeanor possession of a CDS, which charge was subsequently dismissed with costs. In January 2019, the Respondent pled guilty to felony and misdemeanor charges related to drug possession and was given deferred sentences, supervised probation, ordered to register on the Methamphetamine Registry, and pay costs, VCA and restitution. In September 2019, the Respondent pled guilty to a Bail Jumping felony and was given to a deferred sentence, probation, and ordered to pay costs, VCA, and restitution. When the Board attempted contact, the Respondent failed to cooperate with the investigation. Currently, the Respondent's license is lapsed. The Board proposes to lift the lapsed status of Respondent's license and temporarily suspend the license pending a hearing on the merits of the complaint.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony . . . substantially related to the qualifications, functions or duties of any licensee[.]" "[i]s guilty of unprofessional conduct[.]" or has violated state or federal law related to nursing. 59 O.S.Supp.2020, § 567.8(B)(2), (7), (9). 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
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