



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2021-37A**

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 3.2021030211.22. In December 2017, the Respondent was charged with felony and misdemeanor charges related to leaving the scene of an accident and obstruction, and subsequently pled guilty and received a suspended sentence. In April 2018, the Respondent was charged with felony and misdemeanor assault charges. Respondent was excused from immediate Court appearance pending completion of voluntary inpatient treatment. In February 2021, the Respondent pled guilty to all counts and received deferred sentences. In April 2018 and April 2020, the Respondent submitted applications for renewal but failed to disclose the felony and misdemeanor charges. In January 2021, the Respondent pled guilty to alcohol-related charges and received another suspended prison sentence. The Respondent has not cooperated with the Board's investigation and declined to attend the Board's hearing. The Board proposes to temporarily suspend Respondent's 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 ... 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), (3), (7). The rules of the Board define unprofessional conduct to include "falsifying documents submitted to the Board" or "conduct detrimental to the public interest[.]" OAC 485:10-11-1(b)(3)(E), (H). 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.

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JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL