



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-54A

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


December 13, 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 3.2020110156.22. The Respondent holds an Oklahoma APRN-CRNA license and a single-state RN license. In July 2021, the Respondent entered into an agreed Stipulations, Settlement and Order after (1) exhibiting impaired behavior while on duty in October 2020, and (2) failing to secure CDS medications, and subsequently being found in possession of such medications, in January 2021. In September 2021, the Respondent pled guilty to misdemeanor counts of DUI and possession of a CDS. The Board proposes to temporarily suspend the license pending acceptance into the Peer Assistance Program (“PAP”), acceptance of an evaluation, and continued body fluid testing. If PAP is not completed, the APRN-CRNA and RN licenses will be revoked for two years. If the licenses are revoked, the licensee must meet the Board’s guidelines for reinstatement and pay an administrative penalty of \$500.00 and costs of \$1,263.38. Upon reinstatement, the Respondent will be referred to the PAP.

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,” “[i]s guilty of unprofessional conduct,” or “[v]iolate[s] a rule promulgated by the Board[.]” 59 O.S.2021, § 567.8(B)(2), (7), (9). Unprofessional conduct includes “conduct detrimental to the public interest[.]” OAC 485:10-11-1(b)(3)(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.


JOHN M. O’CONNOR
ATTORNEY GENERAL OF OKLAHOMA


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