



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-15A

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

May 17, 2022

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 3.2020100206.22.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse guilty of criminal conduct, unprofessional conduct¹, “any act that jeopardizes a patient’s life, health or safety[.]”² or any violation of state or federal law relating to the practice of nursing. 59 O.S.2021, § 567.8(B)(2), (7-9). A nurse may also be subject to discipline for failing “to adequately care for a patient or to conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient or other person to risk of harm[.]”*Id.* § 567.8(B)(3).

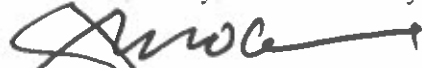
Respondent holds a lapsed Oklahoma LPN license and a multistate LPN license which carries a privilege to practice as an LPN in Oklahoma. According to a Board complaint, in 2018 and 2019, Respondent repeatedly removed medications without authorization, including CDS medication while working as an LPN at a clinic. During the same period, Respondent authorized medication refills without the authorization or knowledge of the clinic physician and failed to document the refills in patient records. In February 2022, the Respondent was noticed for a hearing on the merits. When the Board attempted contact, the Respondent failed to cooperate with the investigation.

The Board proposes to lift the lapsed status of Respondent’s Oklahoma license and temporarily suspend the Oklahoma and multi-state licenses pending a hearing on the merits. The Board may reasonably believe the proposed action is necessary to deter future violations.

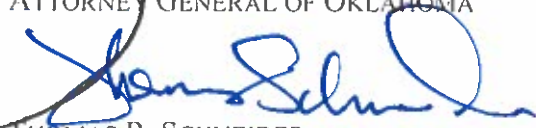
¹ By Board rule, unprofessional conduct includes “appropriating, without authority, medications,” and “conduct detrimental to the public interest” OAC 485:10-11-1.(a)(b)(3)(D), (H).

² By Board rule, conduct that jeopardizes a patient’s life, health or safety includes [f]ailure to utilize appropriate judgment in administering safe nursing practice” OAC 485:10-11-1.(a)(b)(4)(D).

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



THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL