



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-20A

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 3.2020100073.22.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse guilty of “deceit or material misrepresentation”¹ in attempting to procure a license, criminal conduct, or unprofessional conduct² 59 O.S.2021, § 567.8(B)(1–2), (7). A nurse may also be subject to discipline if disciplinary action has been taken against the individual’s licenses. *Id.* § 567.8(B)(10).

Over the course of six months, Respondent pled no contest and was convicted of multiple DUI misdemeanors in Nebraska. During the same period, Respondent was relieved of duty and suspended after testing positive for alcohol in a for-cause blood test while working at a Nebraska hospital. In January 2009, the Nebraska Department Health Human Services entered an agreed settlement order placing Respondent’s nursing license on a five-year probation. In March 2018, Respondent’s RN and APRN-CRNA licenses were reinstated. Subsequently, Indiana and Rhode Island issued probationary licenses based on Respondent’s prior actions in Nebraska. In 2019, Massachusetts denied Respondent a license based on Nebraska, Indiana, and Rhode Island actions.

In August 2019, Respondent submitted applications for Oklahoma RN and APRN-CRNA licenses and a Prescriptive Authority Application. Respondent falsified the applications by failing to disclose the previous convictions, disciplinary actions, and denial of licensure. Respondent did not accept a Board-offered Stipulations Settlement and Order.

¹ By Board rule, deceit or material misrepresentation includes “false representation of facts in connection with an application for licensure[.]” OAC 485:10-11-1.(a)(b)(1)(A).

² By Board rule, unprofessional conduct includes “falsifying documents submitted to the Board” and “conduct detrimental to the public interest” OAC 485:10-11-1.(a)(b)(3)(E), (H).

The Board proposes to deny Respondent's applications. The Board may reasonably believe 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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