



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-28A**

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

September 6, 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 3.2020110034.22. Respondent holds a single-state RN license.


The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse guilty of criminal conduct or unprofessional conduct[.]”¹ 59 O.S.2021, § 567.8(B)(2), (7).

According to a Board complaint, the Respondent pled guilty to felony child endangerment (DUI) and misdemeanor traffic charges in March 2020. Respondent was given a three-year deferred sentence, supervised probation, drug/alcohol assessment and ordered to pay fines, costs and fees.

The Board proposes to require body fluid testing twice monthly until Board review of an evaluation to include fitness to practice; completion of education courses, including nursing jurisprudence and critical thinking; a severe reprimand; and payment of a \$500.00 administrative penalty and \$872.10 investigative and prosecution costs. Failure to comply will result in a three-month suspension and a noncompliance penalty assessment. Violations of the body fluid testing guidelines will result in an immediate temporary suspension of the license. The Board may reasonably believe the proposed action is necessary to presently protect the public and 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


THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL

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