



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-35A**

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

September 30, 2022

Re: Spencer, Case No. 3.2020100068.23

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 3.2020100068.23. Respondent holds a single-state RN license and a lapsed single-state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[f]ails to adequately care for patients 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,” is guilty of unprofessional conduct,¹ or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[.]”² 59 O.S.2021, § 567.8(B)(3), (7–8).”

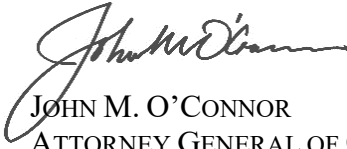
According to a Board complaint, in May 2020, the Respondent was terminated from a contract staff nurse at a nursing home after administering medications and treatments outside of nursing home parameters and physician orders.

The Board proposes to reprimand Respondent, require completion of education courses, and pay an administrative penalty of \$1,500. Failure to comply will result in an automatic three-month suspension of Respondent’s license(s). Further, an additional administrative penalty of \$500 will be assessed for each violation of the Board’s order. The Board may reasonably believe the proposed action is necessary to deter future violations.

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

² By Board rule, behavior that jeopardizes a patient’s lie, health or safety includes “[f]ailure to utilize appropriate judgment in administering safe nursing practice or patient care” 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.



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