



JOHN M. O'CONNOR
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-36A

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

September 29, 2022

Re: Christian, Case No. 3.2020100176.23

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 3.2020100176.23. Respondent holds a multi-state LPN.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse guilty of criminal conduct, unprofessional conduct,¹ “[f]ails to maintain professional boundaries with patients”² or “[e]ngages in sexual misconduct” with a patient[.] 59 O.S.2021, § 567.8(B)(2), (12-13). 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).

According to a Board complaint, in October 2020, the Respondent was terminated as a contract staff nurse at a prison infirmary after admitting to having sexual intercourse with a patient. In May 2022, the Respondent pled guilty to felony second-degree rape and was given a five-year suspended sentence, supervised probation, ordered to register as a sex offender and complete a psychosexual evaluation, and payment of costs and fees. The Respondent failed to file a Response to the Board’s complaint and is in default.

The Board proposes to revoke Respondent’s license for five years, deactivate the multi-state license and convert Respondent’s license to a single-state license. Prior to reinstatement, Respondent must pay investigative costs of \$825.48. 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[,]” or engaging in conduct with a patient . . . that is sexual . . .” OAC 485:10-11-1.(a)(b)(3)(H), (Q).

² By Board rule, behavior that jeopardizes or impairs the relationship of trust between a nurse and a patient violates professional boundaries. OAC 485:10-11-1.(a)(b)(5).

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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JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Thomas R. Schneider".

THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL