



JOHN M. O'CONNOR  
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION  
2022-37A**

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

September 29, 2022

Re: Sanders, Case No. 3.2022030097.23

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 3.2022030097.23. In September 2016, the Respondent's LPN license was revoked for five years. Prior to reinstatement, Respondent was required to meet certain criteria, including completion of education courses, and payments of a fine and investigative costs. *See* A.G. Opin. 2016-604A.

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

In April 2021, Respondent pled guilty to administering Class III medical devices which were not approved by the FDA for distribution. Respondent was ordered to three years supervised probation, prohibited from applying for reinstatement during the probationary period, and payment of an assessment fee, restitution and a fine. Respondent has refused to cooperate with the Board's investigation.

The Board proposes to lift the revoked status of Respondent's license, and temporarily suspend the license pending a hearing and the successful completion of the terms of the conviction. The Board may reasonably believe the proposed action is necessary to deter future violations.

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<sup>1</sup> Unprofessional conduct includes "conduct detrimental to the public interest[.]" OAC 485:10-11-1(b)(3)(H).

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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THOMAS SCHNEIDER  
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