



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-38A**

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

September 29, 2022

Re: Honeycutt, Case No. 3.2022070022.23

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 pursuant to a Stipulations, Settlement and Order ("SSO") in case 3.2022070022.23. Respondent holds a suspended single-state LPN.

The Oklahoma Nursing Practice Act authorizes the Board to discipline a nurse who violates an order of the Board. 59 O.S.2021, § 567.8(B)(9).

The respondent entered into the SSO after entering pleas of no contest and Nolo Contendere to various alcohol-related charges. Under the SSO, the license remained in effect with certain conditions including an evaluation, body fluid testing, completion of educational courses, and payment of an administrative penalty. Respondent has completed the evaluation, education courses and paid the administrative penalty but failed to submit body fluid testing. In May 2022, Respondent applied for reinstatement of his license. Upon review of the evaluation, the Board now proposes to accept Respondent's application for reinstatement and temporarily suspend the license, pending acceptance to the Board's Peer Assistance Program ("PAP"). If PAP is not completed, the license will be revoked for two years. If the license is revoked, the licensee must meet the Board's guidelines for reinstatement. Upon reinstatement after revocation, the licensee will again be temporarily suspended pending acceptance to the PAP. If PAP is not completed, the license will be revoked for five years.

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.

A handwritten signature in black ink that reads "John M. O'Connor".

JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Thomas Schneider".

THOMAS SCHNEIDER
DEPUTY GENERAL COUNSEL