



OFFICE OF THE  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2022-45A

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

December 13, 2022

Re: Moya; Case No. 3.2020120063.23

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 3.2020120063.23. The Respondent holds an APRN-CNP license and a single-state RN license.

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 testing positive for Benzodiazepines and Lorazepam during a pre-employment drug test for employment with a staffing agency. Respondent was terminated from the staffing agency. Under the SSO, the licenses remained in effect with certain conditions including an evaluation, body fluid testing, completion of educational courses, and payment of a \$500 administrative penalty and severe reprimand.

Upon review and acceptance of the evaluation, the Board now proposes to temporarily suspend Respondent's licenses and refer the Respondent to the Board's Peer Assistance Program ("PAP"). If PAP is not completed, the licenses will be revoked for two years. If the licenses are revoked, the Respondent must meet the Board's guidelines for reinstatement. Upon reinstatement after revocation, the Respondent will again be referred to PAP. The Board may reasonably believe that the proposed action is necessary to 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.

A handwritten signature in black ink, appearing to read "John M. O'Connor".

JOHN M. O'CONNOR  
ATTORNEY GENERAL OF OKLAHOMA

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

THOMAS R. SCHNEIDER  
ACTING GENERAL COUNSEL