



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-46A

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

December 13, 2022

Re: Ketterman; Case No. 3.2021050124.23

Dear Executive Director Barnhouse:

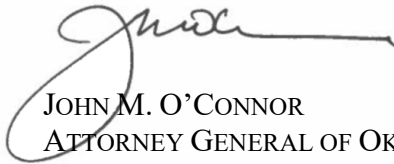
This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 3.2021050124.23. Respondent holds an APRN-CRNA license, a single-state RN license, and a lapsed single-state LPN license. Respondent submitted a APRN Prescriptive Authority application ("SOOA application").

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony, or any offense substantially related to the qualifications, functions or duties of any licensee[.]" "[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[.]" "[i]s guilty of unprofessional conduct[.]" "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]" or "[v]iolate[s] a rule promulgated by the Board[.] 59 O.S.2021, § 567.8(B)(2–3), (7–9).

According to a Board complaint, while working in a hospital in March and April 2021, the Respondent failed to document the administration and/or waste of a Schedule II CDS medication (Fentanyl). In April 2021, the Respondent tested positive for amphetamines, cocaine and benzodiazepines during a for-cause hair follicle drug test. In May 2021, Respondent requested, and was granted, a leave of absence from the hospital.

The Board proposes to hold the SOOA application and temporarily suspend the APRN-CRNA and RN licenses pending acceptance to the Board's Peer Assistance Program ("PAP"). The license will remain temporarily suspended pending acceptance to PAP. If the Respondent is not accepted to participate in the PAP, or the PAP is not completed, the Respondent's licenses will be revoked for two years. If the license is revoked, the Respondent must meet the Board's guidelines for reinstatement. Upon reinstatement, the Respondent will be referred to the 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 black ink signature of John M. O'Connor, featuring a large, stylized initial 'J' and a horizontal line extending to the right.

JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A blue ink signature of Thomas R. Schneider, written in a cursive style.

THOMAS R. SCHNEIDER
ACTING GENERAL COUNSEL