



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-49A

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

December 13, 2022

Re: Lewison; Case No. 10.2021080053.23

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 10.2021080053.23. Respondent holds a Minnesota RN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline, including a denial of licensure, when a nurse “[i]s guilty of deceit or material misrepresentation¹ in procuring or attempting to procure” a nursing license, or “[i]s guilty of unprofessional conduct[.]”² 59 O.S.2021, § 567.8(B)(1), (7).


In 2001, the Respondent pled guilty to misdemeanor careless driving and was sentenced to jail time, unsupervised probation, payment of a fine, surcharge and costs, and ordered to obtain an alcohol assessment. In August 2021, the Respondent applied for endorsement of RN licensure and falsified the application by failing to disclose the previous conviction.

The Board denied the application after the Respondent failed to enter into a non-disciplinary corrective action order. The Respondent may request a hearing for review of the application denial. 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.



JOHN M. O’CONNOR
ATTORNEY GENERAL OF OKLAHOMA



THOMAS R. SCHNEIDER
ACTING GENERAL COUNSEL

¹ Deceit or material misrepresentation includes “false representation of facts in connection with an application for licensure[.]” OAC 485:10-11-1(b)(1)(A).

² Unprofessional conduct includes “falsifying documents submitted to the Board[.]” OAC 485:10-11-1(b)(3)(E).