



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-50A

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

December 19, 2022

Re: Trulove; Case No. 3.2021080046.23

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 3.2021080046.23. The Respondent holds a lapsed single-state LPN license.

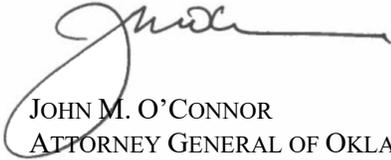
The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of a felony, or any offense substantially related to the qualifications, functions or duties of any licensee[,]” “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient or other person to risk of harm[,]” is guilty of “unprofessional conduct[,]”¹ or “of any act that jeopardizes a patient’s life, health or safety[.]” 59 O.S.2021, § 567.8(B)(2), (3), (7–8).

According to a Board complaint, in 2021, the Respondent entered a plea of No Contest to (1) felony conspiracy and (2) bringing contraband into a jail, where she was employed. During sentencing, Court (2) was amended to a misdemeanor, and Respondent was ordered to a two-year deferred sentence, unsupervised probation and payment of fines, costs and fees. Despite several attempts to contact, Respondent has failed to cooperate with the Board’s investigation.

The Board proposes to lift the lapsed status of Respondent’s license and temporarily suspend the license pending a hearing on the merits. The Board may reasonably believe that the proposed action is necessary to deter future violations.

¹ Unprofessional conduct includes “conduct detrimental to the public interest[,]” “failure to cooperate with a lawful investigation by the Board[,]” or “failure to utilize appropriate judgment in administering . . . patient care[.]” OAC 485:10-11-1(b)(3)(H), (V), (4)(D).

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
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