



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2022-51A

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

December 19, 2022

Re: Warner; Case No. 3.2021110180.23

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 3.2021110180.23. The Respondent holds a 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 “deceit or material misrepresentation”² or “of any act that jeopardizes a patient’s life, health or safety[.]” 59 O.S.2021, § 567.8(B)(1)(a), (2–3), (7–8).

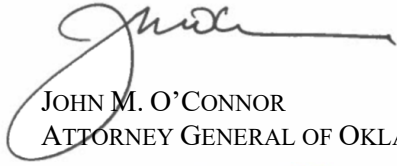
According to a Board complaint, in September 2018, Respondent was charged with felony neglect by caretaker. In December 2019, Respondent applied submitted an LPN renewal application and falsified the application by failing to disclose the previous charge. In January 2022, the Respondent pled guilty to felony neglect by caretaker and was sentenced to a four-year deferred sentence, jail time, supervised probation and payment of fines, costs and fees. Additionally, Respondent has failed to cooperate with the Board’s investigation.

The Board proposes to 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 “falsifying documents submitted to the Board[.]” “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)(E), (H), (V), (4)(D).

² Deceit or material misrepresentation includes “false representation of facts in connection with an application for licensure[.]” OAC 485:10-11-1(b)(1)(A)

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