



JOHN M. O'CONNOR  
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION  
2022-52A**

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

December 19, 2022

Re: Miller, Case No. 3.2022090031.23

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 3.2022090031.23. Respondent's single-state RN license is currently suspended.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[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 intemperate in the use of alcohol or drugs," is guilty of "unprofessional conduct,"<sup>1</sup> or of "any act that jeopardizes a patient's life, health or safety," has violated state or federal law related to nursing or defaulted from the [PAP]. 59 O.S.2021, § 567.8(B)(3-4), (7-9), (11). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint, in December 2018, Respondent was terminated from her job as a staff nurse at a hospital after testing positive for Benzodiazepines. In February 2019, Respondent admitted to a substance use problem and voluntarily entered into the Board's Peer Assistance Program ("PAP"). In May 2019, Respondent defaulted from the PAP after failing to comply with the terms of her contract with the PAP.

The Board now proposes to keep Respondent's license suspended pending acceptance to PAP. Respondent must apply for license reinstatement within sixty days of acceptance to PAP. If Respondent fails to apply for reinstatement, the license will be revoked for two years. Alternatively, if Respondent is not accepted to PAP within sixty days, or defaults from PAP, the license will be revoked for two years. If the license is revoked, Respondent must meet Board guidelines for reinstatement and pay an administrative penalty of \$1000. Upon reinstatement after revocation, Respondent will again be referred to PAP. If Respondent is not accepted to PAP within sixty days of reinstatement after revocation, or if Respondent defaults from PAP, the license will

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<sup>1</sup> Unprofessional conduct includes "conduct detrimental to the public interest[.]" OAC 485:10-11-1(b)(3)(H).

be revoked for five years. The Board may reasonably believe the proposed action is necessary to presently protect the public and 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.



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