



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2023-16A

Jenny Barnhouse, Executive Director
Oklahoma Board of Nursing
P.O. Box 52926
Oklahoma City, OK 73152

June 29, 2023

Re: Strickland, Case No. 3.2022030081.23

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 3.2022030081.23. 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 . . . any offense substantially related to the qualifications, functions or duties of any licensee[.]” or “is guilty of unprofessional conduct.”¹ 59 O.S.2021, § 567.8(B)(2), (7). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint, in February 2019, the Respondent pled guilty to a misdemeanor charge of obstructing an officer and was ordered to a one-year suspended sentence, community service, and payment of VCA and a fine. In September 2021, the Respondent pled no contest to misdemeanor charges of 1) driving under the influence of drugs and 2) driving under the influence of alcohol. For each count, Respondent was ordered to serve a one-year suspended sentence, sixty days in the county jail with credit for time served and payment of costs and fines. The court ordered all three suspended sentences to run concurrently. Respondent has failed to cooperate with the Board’s investigation despite numerous attempts by the Board to contact Respondent. Finding clear and convincing evidence of grounds for discipline and unprofessional conduct under 59 O.S.2021, § 567.8 and OAC 485:10-11-1(b)(3)(H), the Board proposes to lift the lapsed status of Respondent’s license and temporarily suspend the license pending a hearing on the merits and require payment of an amount not to exceed \$1,500 in administrative fees and any investigative costs.

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.

ROB JOHNSON
GENERAL COUNSEL

¹ Unprofessional conduct includes “conduct detrimental to the public interest[.]” OAC 485:10-11-1(b)(3)(H).