



OFFICE OF THE  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2023-17A

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

June 29, 2023

Re: Fombat, Case No. 3.2022090111.23

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 3.2022090111.23. The Respondent holds a multi-state L.P.N. license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of deceit or material misrepresentation in procuring or attempting to procure” a license,”<sup>1</sup> “[i]s guilty of . . . any offense substantially related to the qualifications, functions or duties of any licensee,” “[i]s guilty of unprofessional conduct[,]”<sup>2</sup> or “[h]as had disciplinary actions taken against” the license . . . in this or any state, territory or country.” 59 O.S.2021, § 567.8(B)(1)(a), (2) and (10). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to Board complaint filed in February 2023, the Respondent endorsed her multistate LPN license issued by the Maryland Board of Nursing (“MBN”) into Oklahoma in November 2020, and OBN issued Respondent a multistate LPN license with a primary state of residence in Oklahoma. Subsequently, the MBN permanently revoked the Respondent’s Maryland LPN license and the Maryland multistate LPN privilege to practice based upon a determination that Respondent’s LPN Endorsement Application contained falsehoods and forged documents concerning Respondent’s education and training in nursing. Additionally, in July 2022, the Virginia Department of Health Professions suspended Respondent’s license based on the MBN findings. 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)(1)(A), 3(E), (H), the Board

---

<sup>1</sup>The rules of the Board define deceit or material misrepresentation to include “false representation of facts in connection with an application for licensure[.]” OAC 485:10-11-1(b)(1)(A).

<sup>2</sup>The rules of the Board define unprofessional conduct to include “falsifying documents submitted to the Board of Nursing [.]” and “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(E), (H).

proposes to convert Respondent's multistate license to a single-state license and temporarily suspend the license pending an amendment to the Complaint and subsequent hearing on the merits.

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