



OFFICE OF THE  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2023-18A

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

June 29, 2023

Re: Garrison, Case No. 3.20222050105.23

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 3.20222050105.23. The Respondent holds a multi-state RN 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[,]” “is guilty of unprofessional conduct[,]”<sup>1</sup> or “[v]iolate[s] a rule promulgated by the Board[.]” 59 O.S.2021, § 567.8(B) (2), (7), (9). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint in November 2022, the Respondent tested positive for cocaine during a pre-employment drug test with a staffing agency in April 2022. The Board proposes to deactivate Respondent’s multi-state license and convert the license to a single-state license. Respondent shall submit to twice-monthly drug screening pending submission of an evaluation for Board Review and further orders. Violations of the Board’s bodily fluid testing guidelines will result in an immediate temporary suspension pending a hearing. Upon successful completion of all Board orders, Respondent’s multi-state license may be reinstated. If Respondent fails to abide by the Board’s order, the license will be suspended for three months. The Respondent must meet Board guidelines prior to reinstatement

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

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