



OFFICE OF THE
ATTORNEY GENERAL
ATTORNEY GENERAL OPINION
2023-19A

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

June 29, 2023

Re: Kariuki, Case No. 3.2020110151.23

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 pursuant to a Stipulations, Settlement and Order (“SSO”) in case 3.2020110151.23. The Respondent holds single-state RN and LPN licenses.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse has “violated...an order of the Board[.]” 59 O.S.2021, § 567.8(B)(9). The Board may reasonably believe that the proposed action is necessary to deter future violations.

Respondent entered into a Stipulated Order in July 2021, along with two subsequent supplemental orders (“Orders”) for alcohol-related offenses. Terms of the Orders required, among other things, regular body fluid testing. According to a Board complaint, Respondent violated the Orders by 1) testing positive for ethyl alcohol in November 2022; and 2) failing to submit a body fluid test in February 2023. The Board now proposes to refer the licensee to the Board’s Peer Assistance Program (“PAP”). The license will remain temporarily suspended until the Board receives proof of Respondent’s acceptance to PAP. If PAP is not completed, the license will be revoked for two years. If the license is revoked, the Respondent must meet the Board’s guidelines for reinstatement. Upon reinstatement after revocation, the Respondent will again be referred to PAP.

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