



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-20A

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

July 12, 2023

Re: McCoy, Case No. 3.2021110173.23

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 3.2021110173.23. The Respondent holds a single-state RN license and has applied for a multistate 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[,]” or “is guilty of unprofessional conduct.”¹ 59 O.S.2021, §§ 567.2, 567.8(B)(2), (7).

According to a Board complaint, on November 17, 2022, the Respondent pled guilty to public intoxication, a misdemeanor. The court ordered a thirty-day suspended sentence unsupervised and payment of court costs and fees. Finding clear and convincing evidence of grounds for discipline and unprofessional conduct under 59 O.S.2021, § 567.8; OAC 485:10-11-1(b)(2), (3)(H),² the Board proposes the following: (1) to grant the multistate application but subsequently deactivate it and convert the same to a single-state RN license;³ to require completion of a Board-approved course in nursing jurisprudence to be completed no later than ninety days from receipt of the Board’s order; to undergo an evaluation complying with the Board’s evaluation criteria; and to submit to once-a-month body fluid testing, failure of which may be grounds for immediate temporary suspension and at least until review of Evaluation by Informal Disposition Panel or

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

²Submissions to this office show that the Nursing Board also considered the Respondent’s past disciplinary history with the Board, including a 2014 Stipulations, Settlement and Non Disciplinary Order arising from 2011 and 2013 criminal prosecutions in Texas.

³Under the Nursing Compact (codified in 59 O.S.2021, § 567.21), any board discipline in this case will constitute an encumbrance. No multistate license may possess an encumbrance. Once all encumbrances are removed, a multistate license may be reinstated.

Board. Failure to comply with course education requirement results in the suspension of the license and noncompliance penalty assessment. The Board may reasonably believe that the proposed action is necessary to 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.



ROB JOHNSON
GENERAL COUNSEL