



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-21A

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

July 12, 2023

Re: Breeden, Case No. 3.20201000071.23

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 3.20201000071.23. The Respondent holds a single state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse has “violated...an order of the Board” or “has had disciplinary actions taken against the individual’s . . . license . . . in this or any state[.]” 59 O.S.2021, § 567.8(B)(9–10).

In February 2022, the Respondent entered into the SSO after the Virginia Board of Nursing (“VBON”) suspended Respondent’s multistate licensure for fraudulently obtaining narcotics for personal use. Under the SSO, Respondent’s license remained in effect with certain conditions, including an evaluation and body fluid testing. According to a Board order issued in February 2023, the Board ordered Respondent to appear and show cause in light of the following alleged violations: 1) failure to timely submit required reports, and 2) failure to comply with a VBON Reinstatement Order, resulting in Respondent’s Virginia license being suspended indefinitely. The Board has received and reviewed Respondent’s evaluation, and now proposes to accept Respondent’s evaluation. It further proposes the following: 1) temporarily suspend the Respondent’s license, which may be set aside on satisfactory evidence provided to the Board of Respondent being accepted into the Peer Assistance Program (“PAP”); and 2) submission of applicable licensure modification fee. If Respondent is not accepted into PAP or terminates or defaults from PAP, the Board proposes to immediately revoke Respondent’s license without any further Board action. 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. 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