



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2023-23A

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

July 12, 2023

Re: Jackson, Case No. 3.2022090114.23

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 3.2022090114.23. Respondent holds a multi-state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of deceit or material misrepresentation”<sup>1</sup> in procuring a license, or “[i]s guilty of unprofessional conduct[.]”<sup>2</sup> 59 O.S.2021, § 567.8(B)(1)(a), (7).

According to the Board complaint, filed on February 27, 2023, Respondent submitted fraudulent credentials in Oklahoma in four separate Applications for Multistate Licensure by Examination to practice registered nursing (RN) and failed the NCLEX-RN exam three times between March and October of 2022. This follows four failed attempts to pass the NCLEX-RN examination and gain licensure as a registered nurse in New York and Florida. The transcripts submitted with these applications were from a now defunct nursing school showing Respondent completed required coursework and was awarded an associate degree in nursing.<sup>3</sup> In support of his applications for licensure to the Board, Respondent attested to the truth, completeness, and correctness of all statements in his applications and accompanying documents. Respondent also acknowledged that “any false or misleading information in, or in connection with, my application may be cause for denial or loss of licensure, certification, and/or recognition. Respondent did not, in fact, complete the required program hours and clinical training necessary to obtain a Nursing-Associate Science Degree and transcript. Finding clear and convincing evidence of unprofessional conduct,

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<sup>1</sup>Deceit or material misrepresentation includes “false representation of facts in connection with an application for licensure[.]” OAC 485:10-11-1(b)(1)(A).

<sup>2</sup>Unprofessional conduct includes “falsifying documents submitted to the Board” and “conduct detrimental to the public interest[.]” OAC 485:10-11-1(b)(3)(E), (H).

<sup>3</sup>In November 2022, the owner/operator of this school was convicted of federal charges of wire fraud and health care fraud after admitting to selling false and fraudulent diplomas and educational transcripts which falsely represented that the purchasers of the documents had completed the necessary courses and/or clinical training to obtain nursing degrees when, in fact, the purchasers had never completed the necessary courses and/or clinical training.

the Board proposes to deny Respondent's latest RN Single-State Application and revoke his LPN license for two years. *See* 59 O.S.2021, § 567.8(B)(7); OAC 485:10-11-1(b)(3)(E), (H). Additionally, the Board proposes that Respondent pay an administrative penalty of \$2,000, and investigative costs of \$1,466.24, prior to any reinstatement of Respondent's LPN license. 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