



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2023-7A

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

May 1, 2023

Re: Noble, Case No. 3.2021100201.23

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 3.2021100201.23. Respondent holds an LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse is guilty of a felony, “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient or other person to risk of harm[.]” “[i]s guilty of unprofessional conduct[.]”¹ “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[.]”² or “fails to maintain professional boundaries with patients[.]”³ 59 O.S.2021, § 567.8(B)(2–3), (7–8), (12). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint, in March 2021, the Respondent resigned her position as a staff nurse at a prison, in lieu of termination, after admitting to bringing a contraband cell phone into the prison for a prisoner’s use. In September 2022, the Respondent pled guilty to felony possession of a cell phone in a penal institution and was ordered to a three-year deferred sentence, supervised probation, community service, submission to a mental health and substance abuse evaluation, and the payment of fees, fines and costs. Additionally, the Respondent failed to cooperate with a Board investigation. The Board proposes to temporarily suspend the Respondent’s license pending a hearing on the merits.

¹Unprofessional conduct includes “conduct detrimental to the public interest[.]” and “failure to cooperate with a lawful investigation by [the] Board[.]” OAC 485:10-11-1(b)(3)(H), (V).

²Conduct that jeopardizes a patient’s life, health, and safety includes failing to utilize appropriate judgment in “administering safe nursing practice” and “patient care[.]” OAC 485:10-11-1(b)(4)(D).

³Conduct that violates professional boundaries includes “behavior that jeopardizes or could impair the relationship of trust that should exist between nurse and patient.” OAC 485:10-11-1(b)(5).

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