



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2024-1A

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

January 2, 2024

Re: Moore, Case No. 3.2023040277.24

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 3.2023040277.24. The Respondent holds a single state suspended RN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of unprofessional conduct,]<sup>1</sup> “[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[,]”<sup>2</sup> “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[,]” or “[h]as had disciplinary actions taken against” the license . . . in this or any state, territory or country.” 59 O.S.2021, § 567.8(B)(3, 7–8, 10).

In February 2021, the Board suspended the Respondent’s license pending a hearing based on findings that the Respondent displayed impaired behavior while on duty and failed to cooperate with the Board’s investigation. *See* A.G. Opin. 2021-8A.

According to the amended complaint, Respondent was terminated from her job at a hospital in October 2019, after displaying impaired behavior while on duty and failing to return for a hospital-ordered final investigative interview. In June 2020, the Board attempted numerous times to contact the Respondent to investigate the allegations, but the Respondent failed to cooperate with a Board investigation. Additionally, in September 2020, the Washington Department of Health Nursing Care Quality Assurance Commission denied Respondent’s application for a license. Respondent has failed to file a response to the complaint and is in default. The Board now proposes to refer the Respondent to the Board’s PAP. The license will remain temporarily suspended pending acceptance to PAP. If PAP is not completed or Respondent defaults or terminates from PAP, Respondent’s license will be revoked for five years. If the license is revoked, the

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<sup>1</sup>Unprofessional conduct includes “conduct detrimental to the public interest” and “failure to cooperate with a lawful investigation by Board of Nursing staff.” OAC 485:10-11-1(b)(3)(H), (V).

<sup>2</sup>Conduct 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).

Respondent must meet the Board's guidelines for reinstatement and pay an administrative penalty of \$1,500.00. Upon reinstatement after revocation, the Respondent will again be referred to PAP. Additionally, Respondent must submit a license renewal application for 2022. 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