



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-4A

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

January 2, 2024

Re: Bryant, Case No. 10.2023080412.24

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 10.2023080412.24. The Applicant is a single-state LPN applicant.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline, including a denial of licensure, when a nurse "[i]s guilty of unprofessional conduct"¹ or "[h]as had disciplinary actions taken against" the individual's certifications. 59 O.S.2021, § 567.8 (A), (B)(7, 10).

In July 2023, Applicant submitted an application for an LPN license. In the application, Applicant disclosed that, in November 2022, the ODOH issued a Final Agency Order ("Order") against Applicant's certifications, with a finding that Applicant neglected a resident while employed at a nursing home and ordering that an annotation of neglect be placed on the Oklahoma Nurse Aide Registry, pursuant to 42 C.F.R. § 483.156(c)(iv), 42 C.F.R. § 488.301, and OAC 310:677. In the instance, Applicant was found to have given the incorrect medication to a resident, resulting in the resident's hospitalization. Pursuant to the annotation, Applicant is ineligible to work as a nurse aide in a long-term care facility, a residential care facility, assisted living facility, day care facility, any entity that requires certification of nurse aides or any Medicare skilled nursing care facility. Relying on 59 O.S.2021, § 567.8 and OAC 485:10-11-1(b)(3)(B, H), the Board proposes to deny Applicant's LPN application requesting a single-state license.

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.

A blue ink signature of Rob Johnson, written in a cursive style.

ROB JOHNSON
General Counsel

¹Unprofessional conduct includes "physically abusing patients," and "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(B, H).