



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2024-5A

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

January 2, 2024

Re: Chapman, Case No. 10.2023010133.24

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 10.2023010133.24.

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

In January 2023, Applicant submitted an application for a multi-state RN license. Applicant falsified the application by failing to disclose a prior disciplinary action by the Texas Board of Nursing resulting from failure to maintain accurate medical records. Specifically, Applicant answered, “No. None of the above apply,” to the following question:

Have you ever had disciplinary action taken against a nursing license, recognition, certificate, or privilege to practice; any professional or occupational license, recognition, or certificate; and/or any application for a nursing or professional or occupational license, recognition, or certificate in any state, territory or country not previously reported in writing to the Oklahoma Board of Nursing?

Applicant entered into an agreed order with the Texas Board of Nursing in 2010, and she completed the terms of the order in 2011. Based on the falsification of the application, the Board offered Applicant approval of her license subject to a Stipulations, Settlement, and Order (“SSO”).

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

²Unprofessional conduct includes “falsifying documents submitted to the Board[.]” OAC 485:10-11-1(b)(3)(E).

The SSO required Applicant to complete a course in Oklahoma nursing jurisprudence, accept a severe reprimand, and pay a \$500 administrative penalty. Applicant failed to execute the agreed order. Relying on 59 O.S.2021, § 567.8(B) (1, 7) and OAC 485:10-11-1(b) (1)(A), (3)(E), the Board proposes to deny Respondent's RN application for a multi-state RN 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.



ROB JOHNSON
General Counsel