



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2024-8A

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

January 2, 2024

Re: Turner, Case No. 3.2023080120.24

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 3.2023080120.24. Respondent holds a suspended single-state RN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of unprofessional conduct[,]”¹ or “[e]ngages in sexual misconduct, as defined in Board rules[.]”⁵⁹ O.S.2021, § 567.8(B) (7), (13).

In March 2023, the Board suspended Respondent’s pending a hearing based on findings that the Respondent violated the employer’s sexual harassment policy. *See* AG Opin. 2023-4A. In November 2022, the Board renewed Respondent’s single-state RN license, after receiving Respondent’s application for a multi-state RN license. In light of the pending investigation, the Board presented the multistate licensure application to the Board for its consideration.

According to a Board amended complaint, recent DNA analysis by the Oklahoma State Bureau of Investigation implicated Respondent in a rape and assault in 1992. While criminal charges in the case were barred by the statute of limitations, Respondent was the named defendant in a civil action concerning the rape and assault. During a 2021 deposition in the civil action, Respondent invoked his Fifth Amendment right and declined to answer concerning the rape. Finding clear and convincing evidence that Respondent violated the Nursing Practice Act, the Board now proposes to deny Respondent’s multi-state license application and revoke Respondent’s single-state RN license for five years. Prior to reinstatement, Respondent must pay an administrative penalty of \$1,000.00 and investigative costs of \$1,818.22. While deliberating on its decision, the Board

¹Unprofessional conduct includes “conduct detrimental to the public interest[,]” and engaging in conduct inside or outside the health care setting that is (1) “sexual or may reasonably be interpreted as sexual,” (2) verbally “seductive or sexually demeaning,” or engaging in sexual exploitation. OAC 485:10-11-1(b)(3)(H), (Q).

properly considered and weighed the required factors prior to imposing disciplinary action. 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