



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2023-14A

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

June 29, 2023

Re: McCaleb, Case No. 3.2020100223.23

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 3.2020100223.23. The Respondent holds a lapsed single-state RN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of . . . any offense substantially related to the qualifications, functions or duties of any licensee[.]” or “is guilty of unprofessional conduct.”¹ 59 O.S.2021, § 567.8(B)(2), (7). The Board may reasonably believe that the proposed action is necessary to deter future violations.

According to a Board complaint, in June 2010, the Respondent pled guilty to misdemeanor charges of driving under the influence and driving while privilege suspended and was ordered to a two-year deferred sentence, drug and alcohol assessment, community service, and payment of costs, fines and fees. In July 2012, the Respondent pled guilty to misdemeanors charges of 1) driving while privilege revoked and 2) failure to carry valid security verification. Count 2 was dismissed and Respondent was ordered to pay a fine and costs for Count 1. In September 2021, the Respondent pled guilty to a misdemeanor charge of possession of controlled dangerous substance. The Court deferred imposition of judgment and sentence for one year and Respondent was ordered to unsupervised probation and payment of costs, fines, and fees. Respondent has failed to cooperate with the Board’s investigation despite numerous attempts by the Board to contact the Respondent. Finding clear and convincing evidence of unprofessional conduct under 59 O.S. 2021, § 567.8 and OAC 485:10-11-1(b)(3)(H), the Board proposes to lift the lapsed status of Respondent’s license and temporarily suspend the license pending a hearing on the merits and require payment of an amount not to exceed \$2,000 in administrative fees and any investigative costs.

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

¹ Unprofessional conduct includes “conduct detrimental to the public interest[.]” OAC 485:10-11-1(b)(3)(H).