



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-27A

Jenny Barnhouse, Executive Director
Oklahoma Board of Nursing
P.O. Box 52926
Oklahoma City, Oklahoma 73152-2926

July 12, 2023

Re: Long, Case No. 3.2021040124.23

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 3.2021040124.23. Respondent holds a single-state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse is guilty of “unprofessional conduct[,]”¹ or “any act that jeopardizes patient’s life, health or safety[,]”² or violates “a state or federal narcotics or controlled dangerous substance law[.]” 59 O.S.2021, § 567.8(B)(7–9).

According to the Board’s amended complaint, filed on April 27, 2023, Respondent was terminated from her job as a staff nurse at a hospital in April 2021 after (1) dispensing physician-ordered CDS medications and failing to document the administration and/or waste of the medication, (2) removing of CDS medication without a physician order; and (3) testing positive for opioids and marijuana following a reasonable-cause drug test. Additionally, drug hospital administration found paraphernalia and unauthorized medication in Respondent’s belongings during a search. Hospital administration sent Respondent home pending confirmation of the drug test results. Respondent also failed to maintain up-to-date information with the Board and to cooperate with the Board’s investigation. Finding clear and convincing evidence of unprofessional conduct, the Board proposes to revoke Respondent’s license for a period of two years. Prior to reinstatement of her license, Respondent must complete Board-approved courses on nursing jurisprudence, nursing ethics, and the care, custody, and control of controlled dangerous substances and submit to an

¹Unprofessional conduct includes “conduct detrimental to the public interest[,] failure to maintain proper custody and control of controlled dangerous substances of the patient or agency; or failure to cooperate with a lawful investigation by Board of Nursing staff. OAC 485:10-11-1(3)(H), (T), (V).

²Conduct which jeopardizes a patient’s life, health or safety include “[f]ailure to utilize appropriate judgment in administering safe nursing practice or patient care assignment OAC 485:10-11-1(4)(D).

evaluation. Upon reinstatement, Respondent's license will be temporarily suspended. The license will remain temporarily suspended pending acceptance to PAP. If PAP is not completed or if Respondent fails or defaults from PAP, her license will be revoked for two years. If the license is revoked, Respondent must meet the Board's guidelines for reinstatement. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

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