



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-36A

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

September 5, 2023

Re: Harris, Case No. 3.2021050110.24

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 pursuant in case 3.2021050110.24. The Respondent holds a lapsed single state LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of deceit or material misrepresentation”¹ in procuring a license, or “[i]s guilty of unprofessional conduct[.]”² or “has had disciplinary actions taken against the individual’s . . . license . . . in this or any state[.]” 59 O.S.2021, § 567.8(B)(1), (7), (10).

In January 2002, the Respondent entered into a Stipulated Settlement and Disciplinary Order (“SSO”) with the California Board of Nursing (“CBON”) after a criminal conviction for misdemeanor obtaining aid by misrepresentation. Under the SSO, Respondent’s license was revoked, the revocation stayed, and the license placed on probation. After multiple subsequent CBON decisions, the CBON revoked Respondent’s license in 2016. According to a Board complaint, Respondent was granted an LPN license by endorsement in 2014. In 2017 and 2019 renewal applications, and in a 2021 reinstatement application, Respondent falsified the applications by failing to disclose the CBON revocation. Finding sufficient evidence of potential violations of the Nursing Practice Act and the Board’s rules, specifically unprofessional conduct under 59 O.S.2021, § 567.8 and OAC 485:10-11-1(b)(1)(A), (3)(E, H), the Board proposes to temporarily suspend the license pending a hearing on the merits. The Board further ordered that Respondent request a hearing on the complaint when Respondent submits an application for reinstatement.

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

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 document submitted to the Board” or “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(E), (H).