



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-38A

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

September 5, 2023

Re: Lopez, Case No. 3.2021030235.24

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 to a Stipulations, Settlement and Order (“SSO”) in case 3.2021030235.24. The Respondent holds a single-state RN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse has “violated...an order of the Board[.]” 59 O.S.2021, § 567.8(B)(9). The Board may reasonably believe that the proposed action is necessary to deter future violations.

Respondent entered into the SSO in November 2022, after being terminated from her job at a hospital for offenses relating to improper removal and/or documents of CDS medications. Under the SSO, Respondent’s license was temporarily suspended pending an evaluation and bimonthly body fluid testing. On receiving the evaluation, the Board ordered the Respondent to appear for review of the evaluation and violations of the body fluid testing requirements. Respondent was properly served with notice but failed to file a response or appear at the hearing. Finding clear and convincing evidence of violations of the Nursing Practice Act, the Board now proposes to accept Respondent’s evaluation and suspend her 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