



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-31A

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

July 8, 2024

Re: Banks, Case No. 3.2023020096.24

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing ("Board") intends to take in case 3.2023020096.24. Respondent holds an active multistate RN license.

The Oklahoma Nursing Practice Act ("Act") authorizes the Board to impose discipline when a nurse "[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing" in a way that "unnecessarily exposes a patient or other person to risk of harm," "[i]s guilty of unprofessional conduct,"¹ or "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]"² 59 O.S.2021, § 567.8(B)(3), (7-8).

According to a Board complaint, in February 2023, Respondent's employer terminated him from his charge nurse position after Respondent left during his shift without notifying hospital personnel. Respondent failed to appear at the hearing or file a response to the complaint and is thus in default. Finding clear and convincing evidence that Respondent violated the Act and Board rules, the Board proposes to revoke Respondent's license. Upon filing a reinstatement application, Respondent must provide to the Board a fitness-to-practice evaluation, and pay a \$500 administrative penalty. 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 Board 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

¹Unprofessional conduct includes "leaving a . . . patient care assignment without properly advising appropriate personnel" and "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(F & H).

²Conduct that jeopardizes a patient's life, health, and safety includes failing to utilize appropriate judgment in "administering safe nursing practice" and "patient care." OAC 485:10-11-1(b)(4)(D).