



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-32A

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

July 8, 2024

Re: Rocha, Case No. 3.2023090152.24

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 3.2023090152.24. Respondent holds an active multistate LPN 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 “[h]as had disciplinary actions taken against” the license . . . in this or any state, territory or country.” 59 O.S.2021, § 567.8(B)(3), (7), (10).

In July 2023, the Respondent entered into a Consent Order (“CO”) with the Georgia Board of Nursing (“GBON”) after Respondent submitted a billable visit note while utilizing her Oklahoma multistate LPN license to practice in Georgia. The visit note indicated the visit was made to a resident care facility during a time the patient was hospitalized. Respondent resigned from her job during the subsequent employer investigation. Under the CO, Respondent received a public reprimand of Respondent’s license and was ordered to pay a \$500 fine.

In April 2024, the Board filed a complaint based on the GBON allegations and CO. Respondent failed to cooperate with the Board’s investigation despite numerous attempts to contact Respondent. Finding sufficient evidence of potential violations of the Nursing Practice Act and the Board’s rules, the Board proposes to convert Respondent’s multistate license to a single-state license and summarily suspend the license pending a hearing on the merits. The Board may reasonably believe that the proposed action is necessary to deter future violations.

¹Unprofessional conduct includes “conduct detrimental to the public interest” and “failure to cooperate with a lawful investigation by Board of Nursing staff.” OAC 485:10-11-1(b)(3)(H), (V).

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