



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-42A

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

November 1, 2024

Re: Caudle, Case No. 3.2024040267.25

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 Second Supplemental Order in the above-referenced case. The Respondent holds a single-state RN license in the State of Oklahoma.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse has “violated...an order of the Board[.]” 59 O.S.Supp.2023, § 567.8(B)(9).

In May 2023, the Respondent entered into an agreed Stipulated Order after being terminated from her position at a hospital due to violations related to the improper removal and documentation of controlled dangerous substances (CDS). Specifically, on December 17, 2021, the Respondent removed Dilaudid for a patient but failed to record its disposal. Impaired behavior, including slurred speech and drowsiness, was observed, which resulted in a positive drug test for opiates. The terms of the Stipulated Order converted Respondent’s multistate registered nurse license to a single-state registered nurse license, required the Respondent to undergo an evaluation, bimonthly body fluid testing, probation/supervised practice up to 2880 worked hours, and the completion of educational courses.

In January 2024, Respondent agreed to a Supplemental Order mandating monthly counseling and continued drug testing. However, on February 12-13, 2024, while employed at a different hospital, Respondent removed multiple vials of IV Benadryl without documenting its administration to any patients. Upon inquiry by the Hospital Administration, Respondent admitted to using the Benadryl for personal use, resulting in her termination. Respondent’s behavior violated the Stipulated Order.

Accordingly, the Board now proposes a temporary suspension of the Respondent’s RN license, pending acceptance into the Peer Assistance Program (PAP). If PAP is not completed, the Respondent’s license will be revoked for two years. If the license is revoked, the Respondent must meet the Board’s guidelines for reinstatement. Upon reinstatement after revocation, the license will be temporarily suspended, and the Respondent will again be referred to PAP. If PAP is not completed,

the Respondent's license will be revoked for five years. The Board may reasonably believe the proposed action is necessary to deter future violations.

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.



BRAD CLARK
General Counsel