



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-43A

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

November 1, 2024

Re: Flores, Case No. 3.2023030114.25

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing (“Board”) intends to take in the above-referenced case. Respondent holds a single-state LPN license in Oklahoma.

The Oklahoma Nursing Practice Act (“Act”) authorizes the Board to impose discipline when a nurse “[i]s guilty of unprofessional conduct,”¹ “[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[,]” or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety.”² 59 O.S.Supp.2023, § 567.8(B)(3, 7–8).

According to a Board complaint filed on May 15, 2024, Respondent’s conduct unnecessarily exposed a patient to the risk of harm and jeopardized the Patient’s life, health, or safety. Specifically, on March 7, 2023, after Respondent documented significant respiratory distress in a patient and failed to notify appropriate parties, including the patient’s physician. Later that day, the Patient was found unresponsive and was pronounced deceased shortly after midnight on March 8, 2023.

On September 26, 2024, the Board held a hearing and found clear and convincing evidence that Respondent violated the Act and Board rules. As a result, the Board proposes to severely reprimand Respondent’s license and require the Respondent to (1) complete a Board-approved education course on Nursing Ethics within ninety days; (2) complete a Board-approved education course in The Roles and Responsibilities of the Licensed Practical Nurse, to include all applicable state and federal regulations within one hundred eighty days; and (3) comply with the Act and applicable

¹Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H).

² Conduct 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).

administrative rules. Failure to timely complete the education courses will result in a three-month suspension. If the license is suspended, the Respondent must meet the Board's guidelines for reinstatement and pay all penalties before reinstatement. 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