



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-45A

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

November 1, 2024

Re: Massey, Case No. 3.2023010216.25

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 Supplemental Order in the above-referenced case. The Respondent holds active single-state licenses as both a registered nurse (RN) and licensed practical nurse (LPN), both with conditions.

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 October 2023, Respondent entered into an agreed Stipulated Order with the Board following a history of substance-related offenses, including multiple DUI charges, leading to a guilty plea for Actual Physical Control of a Vehicle While Intoxicated in September 2022. The terms of the 2023 Stipulated Order converted the Respondent’s multistate license to a single-state license. It also required the Respondent to complete an evaluation, undergo body fluid testing twice a month, complete an educational course on Nursing Jurisprudence, accept a reprimand, and pay a \$500 administrative penalty.

However, on August 16, 2024, the Respondent was issued a Notice of Hearing and an Order to Appear and Show Cause for failing to comply with the conditions outlined in the Stipulated Order. Specifically, the Respondent failed to activate a Board-approved laboratory account in a timely manner and did not submit an Initial Nurse Medication Report or a Prescriber Medication Report by the required deadlines.

The Board now proposes a temporary suspension of the Respondent's RN and LPN licenses, pending acceptance into the Peer Assistance Program (PAP) within 60 days. If PAP is not completed, both licenses will be revoked for two years. If the licenses are 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, as well as, be required to pay an administrative penalty of \$1,500.00. 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