



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2024-23A<sup>1</sup>

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

May 2, 2024

Re: Clark, Case No. 3.2022060014.24

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take in case 3.2022060014.24. The Respondent holds an active single-state RN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse is guilty of “any offense an essential element of which is fraud [or] dishonesty,” “[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,”<sup>2</sup> “[i]s guilty of any act that jeopardizes a patient’s life, health or safety,”<sup>3</sup> or violates Board rules, state or federal law. 59 O.S.Supp.2023, § 567.8(B)(2–3), (7–9).

According to a Board complaint, Respondent was terminated from her job as a staff nurse at a hospital in May 2022, after admitting, during a meeting with hospital administration, to providing her personal medications, including Schedule II CDS drugs, to an on-duty co-worker. Additionally, Respondent pled no contest to misdemeanor petit larceny in December 2023. Respondent received a one-year deferred sentence, and was ordered to supervised probation, community service and payment of fines and fees. The Board proposes to suspend Respondent’s license pending a hearing on the merits, and orders that Respondent is prohibited from and shall

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<sup>1</sup>The office amended this opinion following issuance to remove language stating that Respondent failed to cooperate with the Nursing Board’s investigation. The Board of Nursing brought this to the office’s attention. On review of documents produced, the office confirmed that the Board did not list failure to cooperate as a ground for discipline in the above-captioned matter.

<sup>2</sup>Unprofessional conduct includes “conduct detrimental to the public interest,” and “making [CDS] drugs available without authority to self, friends, or family members.” OAC 485:10-11-1(b)(3)(H), (P).

<sup>3</sup>Conduct which jeopardizes a patient’s life, health or safety includes “[f]ailure to utilize appropriate judgment in administering safe nursing practice or patient care assignment.” OAC 485:10-11-1(b)(4)(D).

cease and desist from practicing or holding herself out as licensed RN. 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 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*