



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-24A

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

May 15, 2024

Re: Williams, Case No. 3.2022070120.24

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 case 3.2022070120.24. The Respondent holds a single-state RN license.

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 2021, after a Board complaint, the Board issued an order based on findings that the Respondent had failed to complete one-year probation requirements under a 2017 Texas Board of Nursing Agreed Order, and submission of an invalid urine sample during a pre-employment drug test with a Staffing Agency. *See* A.G. Op. 2021-27A. In July 2021, Oklahoma’s Board of Nursing suspended Respondent’s license for three months due to Respondent’s failure to comply with the Oklahoma Board’s May 2021 order. Respondent entered into an Agreed Supplemental Order in September 2022, along with two subsequent supplemental orders (“Orders”). The Orders returned Respondent’s license to active status and placed the license on probation, and required, among other things, regular body fluid testing.

According to an Oklahoma Board complaint, Respondent violated the Orders by failing to submit a random body fluid test in October 2023. The Board now proposes to require Respondent to (1) complete a Board-approved education course about critical thinking and moral reasoning within ninety days; (2) pay of an administrative penalty of \$500 within sixty days; (3) continue twice-monthly body fluid testing for an additional six months while on supervised practice; (4) continue work as an RN on probation in a hospital only for an additional 720 cumulative work hours, which shall be completed within one year; and (5) comply with the Act and applicable administrative rules. Failure to timely complete the education courses or pay the administrative penalty 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 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