



OFFICE OF THE
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-2A**

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

January 2, 2024

Re: Mozingo, Case No. 3.2022030208.24

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 pursuant to a Stipulations, Settlement and Order (“SSO”) in case 3.2022030208.24. The Respondent holds a suspended single-state RN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of unprofessional conduct[,]”¹ “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[,]”² or has “violated...an order of the Board[.]” 59 O.S.2021, § 567.8(B)(7–9). The Board may reasonably believe that the proposed action is necessary to deter future violations.

Respondent entered into the SSO in September 2022, after pleading guilty to felony drug-related charges and failing to disclose the offenses on renewal applications. Under the SSO, Respondent’s license was temporarily suspended pending a Board-ordered evaluation. To date, Respondent has not submitted to the Board-ordered evaluation. Additionally, in May 2023, Respondent’s employer, a hospital, terminated Respondent’s employment upon discovery that Respondent was working without an active license. In August 2023, the Board ordered Respondent to appear for violations of the SSO requirements. Respondent was properly served with notice but failed to file a response or appear at the hearing. Finding clear and convincing evidence of violations of the Nursing Practice Act, the Board now proposes to refer Respondent to the Board’s Peer Assistance Program (“PAP”). Prior to acceptance in the PAP, Respondent must pay an administrative penalty and complete education courses, as required under the SSO. The license will remain temporarily suspended until the Board receives proof of Respondent’s acceptance to PAP. If PAP is not completed, the license will be revoked for two years. If the license is revoked, Respondent must

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

²Conduct 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).

pay an administrative penalty of \$1000. Upon reinstatement after revocation, the Respondent's license will immediately be suspended pending acceptance to PAP. If PAP is not completed, Respondent's license will be revoked for five years.

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