



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2025-49A

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

August 21, 2025

Re: Fortney, Case No. 10.20240050351.26

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. On or about May 24, 2024, Fortney ("Applicant") submitted to the Board a complete RN Licensure by Examination with Multistate License Request Application to practice registered nursing ("Application").

The Oklahoma Nursing Practice Act ("Act") authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony, or any offense substantially related to the qualifications, functions or duties of any licensee . . . whether or not sentence is imposed, or any conduct resulting in the revocation of a deferred or suspended sentence or probation imposed pursuant to such conviction."<sup>1</sup> 59 O.S.2021, § 567.8(B)(2).

On September 4, 2009, Applicant was charged with Driving Under the Influence, a misdemeanor to which Applicant entered a plea of guilty. On April 3, 2017, Applicant was charged with Actual Physical Control of Vehicle Under the Influence, a misdemeanor to which Applicant entered a plea of guilty. On September 11, 2024, Applicant was offered to obtain an evaluation that meets the Board's criteria prior to action by the Board. Applicant did not provide an evaluation or communicate any further with the Board. Therefore, the Board denies Applicant's Application because Applicant's history of crimes involving drugs and/or alcohol demonstrate a potential inability to practice nursing with reasonable judgment, skill and safety and raises concerns whether Applicant is capable of ensuring adequate nursing care is provided to patients under Applicant's care.

---

<sup>1</sup> "[S]ubstantially related' means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation." 59 O.S.2021, § 567.8(B)(2).

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.

A handwritten signature in black ink, appearing to read "Cheryl Dixon". The signature is fluid and cursive, with the first name "Cheryl" written in a larger, more prominent script than the last name "Dixon".

CHERYL DIXON

*Deputy General Counsel*