



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2025-51A

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

August 21, 2025

Re: Harvey, Case No. 10.2023110273.26

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 October 23, 2023, Harvey ("Applicant") submitted to the Board a complete LPN Licensure by Examination with single-state License Request Application to practice licensed practical 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).

In the Application, Applicant disclosed the following crime: On July 27, 2015, Applicant was charged with the following felony: Possession of Controlled Dangerous Substance (Methamphetamine). On August 19, 2015, Applicant entered a plea of Guilty, the Court ordered a 4 year deferred sentence, 2 years supervised probation through the County District Attorney's office, complete a drug and alcohol assessment and comply with all recommended treatment and Applicant to pay a fine/special assessment, fees and Court costs. On November 4, 2015, the Court filed a Motion to Accelerate Sentence. On December 9, 2015, the Court ordered the sentencing delayed and Applicant to be admitted to Drug Court.

On March 7, 2024, Applicant was given the opportunity to obtain an evaluation, pursuant to the Board's Evaluation Criteria, prior to further action by the Board. Applicant did not provide the Board with an evaluation nor communicate any further with Board staff. Therefore, the Board

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<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).

proposed to deny the Application. Applicants with a history of crimes involving drugs and/or alcohol demonstrate a potential inability to practice nursing with reasonable judgment, skill and safety and raise concerns whether Applicant is capable of ensuring adequate nursing care is provided to patients under the nurse's care.

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*