



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2025-52A

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

August 21, 2025

Re: Stone, Case No. 10.2024010269.26

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 January 9, 2024, Stone ("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> or "[i]s intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients[.]" 59 O.S.2021, § 567.8(B)(2) and (4).

In the Application, the Applicant disclosed the following crimes: On March 31, 2015, Applicant was charged with the following: Driving a Motor Vehicle While Under the Influence of Alcohol Aggravated, a Misdemeanor. On February 23, 2016, Applicant entered a plea of Guilty, the Court found the Applicant Guilty and ordered 1 year in the County Jail, suspended sentence, supervised probation with the District Attorney's Office, undergo an Alcohol and Drug assessment, undergo Substance Abuse testing for 12 months, attend a Victim Impact Panel and the Applicant to pay fees and assessment. On October 20, 2015, the Applicant was charged with the following: Count 1: Driving a Motor Vehicle While Under the Influence of Alcohol, a Misdemeanor, and Count 2: Driving With License Revoked, a Misdemeanor. On February 23, 2016, the Applicant entered a plea of Guilty, the Court found the Applicant Guilty and ordered for Count 1 and Count 2, 1 year each in the County Jail, suspended sentence, supervised probation

---

<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).

with the District Attorney's Office, undergo Substance Abuse testing for 12 months. The Court ordered Count 1 and Count 2 to run concurrent with both Counts to run consecutive with CM-2015-350.

On April 30, 2024, Applicant submitted to the Board an Evaluation, that met the Board's Evaluation Criteria, for consideration. On September 18, 2024, Applicant, with legal Counsel, declined to follow the recommendations in the Evaluation. 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 the Applicant is capable of ensuring adequate nursing care is provided to patients under the nurse's care. Therefore, the Board proposes to deny the Application.

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", written in a cursive style.

CHERYL DIXON

*Deputy General Counsel*