



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2025-45A

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

August 21, 2025

Re: Holman, Case No. 3.2023100238.26

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. Respondent holds a single-state licensed practical nurse (LPN) license in Oklahoma.

The Oklahoma Nursing Practice Act (“Act”) authorizes the Board to impose discipline when a nurse, “[i]s guilty of unprofessional conduct[,]”<sup>1</sup> “[f]ails to adequately care for patients or to conform to the minimum standards of acceptable nursing” in a way that “unnecessarily exposes a patient or other person to risk of harm[,]” “[i]s guilty of unprofessional conduct,” or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[.]”<sup>2</sup> 59 O.S.2021, § 567.8(B)(3), (7) and (8).

On June 2, 2025, a Board Nurse Investigator filed a Complaint against the Respondent’s LPN license for the following violations. On October 14, 2023, Respondent, while working as a staff nurse on the 6:00 a.m. to 2:00 p.m. shift at a Nursing Home, arrived late for her shift at 7:00 a.m. Thereafter, Respondent was sent home by the Registered Nurse on duty at approximately 7:45 a.m., after she displayed impaired behavior while on duty to include slurred speech, inability to push medication cart down the hall without running into stationary objects, appearing to fall asleep while standing, unknowingly dropping medications, having an unsteady gait, and being unable to perform routine medication administration. On October 14, 2023, the Respondent was suspended pending an investigation by Nursing Home Administration. On October 17, 2023, the Respondent was terminated from the Nursing Home.

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<sup>1</sup> Unprofessional conduct includes “conduct detrimental to the public interest;” and “failure to cooperate with a lawful investigation by Board of Nursing staff,” OAC 485:10-11-1(b)(3)(H), (V).

<sup>2</sup> Conduct that jeopardizes a patient’s life, health, and safety includes “[f]ail[ing] to utilize appropriate judgment in administering safe nursing practice or “patient care[.]” OAC 485:10-11-1(b)(4)(D).

On February 13, 2025, and March 19, 2025, Respondent failed to cooperate with a lawful investigation by Board staff when the Respondent failed to participate in a telephonic investigative conference with Board staff. The correspondence informing Respondent of the February 13, 2025, and March 19, 2025, telephonic investigative conferences were mailed to the Respondent's mailing address of record with the Board on January 14, 2025, and February 24, 2025, respectively. The correspondence dated February 24, 2025, was returned to the Board office on March 10, 2025, by the United States Postal Service marked "Return to Sender"/"Attempted-Not Known"/"Unable to Forward."

On July 21, 2025, the Board received Respondent's response to the Complaint and Notice admitting to all of the allegations in the Complaint and that Respondent, "WILL NOT ATTEND the Hearing." On July 22, 2025, the Board received Respondent's Waiver of Notice to all statutory Notice requirements. Thereafter, at the July 31, 2025 hearing, the Board concluded that Respondent failed to adequately care for patients or to conform to the minimum standards of acceptable nursing and is guilty of unprofessional conduct. As a result, the Board proposes to temporarily suspend Respondent's LPN license which suspension shall be set aside provided Respondent provides documentation satisfactory to the Board of her acceptance into the Board's Peer Assistance Program within sixty (60) days of receipt of the Board's Order. If Respondent is not accepted into the Board's Peer Assistance Program within sixty (60) days, or is terminated/defaults after acceptance into the Peer Assistance Program for any reason, Respondent's LPN license is hereby revoked for a period of two (2) years from the date of non-acceptance in or termination/default from the Peer Assistance Program. If Respondent's LPN license is revoked following non-acceptance or termination/default from the Peer Assistance Program, Respondent shall pay Eight Hundred Fifteen Dollars and 71/100 (\$815.71) for the cost of the investigation and prosecution of this action payable in full to the Board and comply with all other conditions set out in the Board's Order.

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.



CHERYL DIXON

*Deputy General Counsel*