



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-29A

Jenny Barnhouse, Executive Director
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

May 14, 2025

Re: Michel, Case No. 3.2023030202.25

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 in the above-referenced case. The Respondent holds a single-state license to practice licensed practical nursing in the State of Oklahoma that lapsed on June 1, 2023.

The Oklahoma Nursing Practice 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 . . . or any offense an essential element of which is fraud, dishonesty, or an act of violence, whether or not sentence is imposed,”¹ or “[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[.]”² or “[i]s guilty of any act that jeopardizes a patient’s life, health or safety[.]”³ 59 O.S.2021, § 567.8(B)(2-3), (7–8).

On January 29, 2025, a Complaint was filed against Respondent’s LPN license for the following violations:

¹ “‘Substantially 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).

² Unprofessional conduct includes behavior that “fails to conform to the accepted standards of the nursing profession,” “which could jeopardize the health and welfare of the people,” and include “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H).

³ Conduct 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).

1. On January 24, 2020, Respondent, who was employed by a Home Health as a staff nurse, notified Home Health Administration that she “was involved in incident with company car yesterday which resulted in arrest for DUI.” Respondent was terminated from the Home Health on January 24, 2020.
2. On February 4, 2020, Respondent was charged with the following misdemeanor that occurred on or about January 23, 2020, Count 1: Driving a Motor Vehicle While Under the Influence of Alcohol. On June 1, 2020, Respondent entered a plea of Guilty to Count 1 and the Court ordered an 18-month deferred sentence, supervised probation, Drug and Alcohol Assessment and follow recommendations, DUI School, VIP, and the payment of fine and Court costs.
3. On April 29, 2021, Respondent, while working as a staff nurse on the 7:00 a.m. to 7:00 p.m. shift at a Hospital, displayed impaired behavior while on duty to include: slurred speech, blood shot eyes and had an order (*sic*) associated with alcohol on her person. The Respondent, as requested by Hospital Administration, submitted to a urine drug test which resulted positive for Marijuana, as confirmed by a Medical Review Officer, and an alcohol blood test which resulted positive with 0.25% BAC, as confirmed by a Medical Review Officer. Respondent was terminated from the Hospital.
4. On October 15, 2024, and October 30, 2024, Respondent failed to cooperate with a lawful investigation by Board staff when the Respondent failed to participate in telephonic investigative conferences with Board staff. Correspondence for the October 15, 2024, and October 30, 2024, telephonic investigative conferences were mailed to the Respondent’s mailing address of record with the Board. Respondent did not participate in the telephonic investigative conferences and the correspondence was not returned to the Board office.

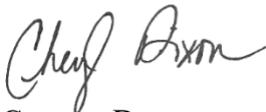
On February 1, 2025, Respondent accepted service of the Notice of Hearing and Complaint. Respondent failed to file a written Response to the Complaint within 20 days from the date of the Notice. Therefore, the Board can declare Respondent to be in default. On February 24, 2025, additional correspondence was sent by the U.S. Postal Service to Respondent at the address used for the Notice. Respondent failed to respond to the docket call for the hearing.

At the March 27, 2025 hearing, the Board found Respondent guilty of a felony, or any offense substantially related to qualifications, functions or duties of any licensee, of unprofessional conduct, of acts that jeopardized a patient’s life, health or safety; of conduct which jeopardized a patient’s life, health or safety and proposes disciplining Respondent’s licensed practical nurse license as follows: (1) the lapsed status on Respondent’s LPN license is lifted; (2) Respondent’s single-state license to practice licensed practical nursing is revoked; (3) upon any reinstatement of any single-state nursing license, Respondent’s LPN license will immediately be placed in temporary suspension pending acceptance into the Board’s Peer Assistance Program. Respondent shall provide documentation to the Board of acceptance into the Peer Assistance Program within sixty (60) days of reinstatement of any LPN license; (4) if Respondent is not accepted into, or is terminated/defaults, the Peer Assistance Program within sixty (60) days of reinstatement of any single-state nursing license, Respondent’s license is revoked for a period of two (2) years from the date of non-acceptance, or termination/default, from the Peer Assistance Program; (5) upon acceptance into a Peer Assistance Program, Respondent’s single-state registered nurse license shall be marked, “Active-Conditions-Peer Assistance.”

If Respondent's single-state licensed practical nurse license is revoked, after revocation following non-acceptance/termination/default from the Peer Assistance Program, any application to reinstate any nursing license shall not be considered until Respondent furnishes proof of compliance with the Board's Guidelines for Individuals Requesting Reinstatement after Suspension, Surrender or Revocation for Misappropriation or Misuse of Drugs/Alcohol, in effect at the time of the Board's Order. Respondent must also submit evidence of the continued qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of the Respondent's reinstatement. If revoked after revocation following non-acceptance/termination/default from the Peer Assistance Program, Respondent shall pay an administrative penalty of Two Thousand Dollars (\$2,000.00) payable to the Oklahoma Board of Nursing by certified check or money order only. Any application to reinstate will not be considered until the administrative penalty is paid in full. In the event Respondent's single-state LPN license is revoked after the first revocation of licensure, following non-acceptance/termination/default from the Peer Assistance Program, Respondent shall pay the cost of investigation and prosecution of this disciplinary action in the amount of One Thousand Two Hundred Forty-Nine and 98/100 Dollars (\$1,249.98) payable to the Oklahoma Board of Nursing by cashiers check or money order only. Any application to reinstate Respondent's license will not be considered until the investigative costs are paid in full.

Upon any reinstatement of Respondent's single-state licensed practical nurse license after revocation, Respondent's license will be immediately placed in temporary suspension pending admission/readmission to the Board's Peer Assistance Program. Respondent shall provide documentation satisfactory to the Board of Respondent's acceptance into the Peer Assistance Program within sixty (60) days of reinstatement after revocation of any nursing license. Prior to Respondent's successful completion of the Board's Order, any violations of the Oklahoma Nursing Practice Act by the Respondent may require the Respondent's appearance before the Board to show cause why the Respondent's license(s) should not be revoked or other such action taken as the Board deems necessary and proper. This does not preclude any action(s) the Peer Assistance Program may take against the Respondent's single-state LPN license. Upon successful completion by Respondent of the Peer Assistance Program contract, all encumbrances shall be removed from Respondent's single-state license.

Given the serious nature of the allegations and Respondent's lack of cooperation, the Board reasonably believes that this action is necessary to protect public health, safety, and welfare. 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