



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-36A

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

June 16, 2025

Re: Miller, Case No. 3.2024030020.25

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. Miller is licensed with a single-state registered nurse (RN) license and an advanced practice registered nurse-certified registered nurse anesthetist (APRN-CRNA).

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline, including a denial of licensure, when a nurse has “had disciplinary actions taken against the individual’s registered or practical nursing license, advanced unlicensed assistive certification, or any professional or occupational license, registration or certification in this or any state, territory or country[.]” 59 O.S.2021, § 567.8(B)(10).

Miller’s RN and APRN-CRNA are both active with conditions as Miller is meeting the terms of a May 2024 agreed Stipulations, Settlement and Order (2024 Stipulated Order) for a 2022 misdemeanor Driving While Intoxicated to which she plead guilty and received a 16-month deferred sentence and other conditions. In the 2024 Stipulated Order, Miller agreed to submit to body fluid testing at least 2 times per month for 12 months; submit an Evaluation to the Board for consideration of further Orders; completion of education courses Nursing Jurisprudence and Critical Thinking; pay a \$500.00 administrative penalty; and a severe reprimand. Miller also had a 2007 Stipulated Order for a 2005 misdemeanor DUI and completed the terms of the 2007 Stipulated Order on March 5, 2009.

On September 13, 2024, Board staff received Miller’s Evaluation that did not meet the Board’s Evaluation Criteria. On September 27, 2024, Board staff notified the Evaluator and received a Revised Evaluation Report which met the Board’s Evaluation Criteria on October 3, 2024. On February 7, 2025, Board staff noticed Miller and her counsel for the Review of Evaluation Hearing to occur on March 27, 2025. After an agreed continuance, the Evaluation Hearing was rescheduled for May 21, 2025. Millers’ agreed 2024 Stipulated Order states that “the Evaluation may be reviewed by an Informal Disposition Panel, for the purpose of recommending to the Board, such

further Orders regarding Respondent's license(s) as may be deemed necessary and proper to include but not limited to: referral to the Board's Peer Assistance Program, probation/supervised practice up to 2880 worked hours, extension of body fluid testing, counseling, and/or education course(s) and/or any further Orders."

After the Board considered Miller's Evaluation, it does not accept it and is ordering Miller to submit a new Evaluation that meets the Board's Evaluation Criteria. Body fluid testing will continue until the Board reviews the new Evaluation.

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