



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-38A

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

June 16, 2025

Re: Oliver, Case No. 3.2023070014.25

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding the action that the Oklahoma Board of Nursing intends to take in the above-referenced case. Respondent is licensed with a single-state registered nurse (RN) license and a single-state licensed practical nurse (LPN) license. The LPN license is inactive.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse is “guilty of deceit or material misrepresentation in procuring or attempting to procure a license to practice registered nursing [or] licensed practical nursing . . . ,” “[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[.]”¹ “[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)(1)(a), (B)(2), (3), (7) and (8).

In an April 16, 2025 complaint, Board staff alleged that Respondent is guilty of deceit or material misrepresentation in procuring or attempting to procure a license to practice as an RN or LPN.

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 “[f]ai[ing] to utilize appropriate judgment in administering safe nursing practice” and “patient care[.]” OAC 485:10-11-1(b)(4)(D).

Specifically, Respondent has an extensive criminal record of misdemeanors and felonies from 2008 through 2014 as detailed in the complaint.

On or about February 29, 2016, February 26, 2018, and February 22, 2020, Respondent submitted to the Board RN Renewal Applications ("2016 Application"), ("2018 Application"), and ("2020 Application"). Respondent falsified the Applications by answering "N" to the following question:

Have you ever been summoned, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty to, the violation of any law or ordinance or the commission of any misdemeanor or felony, or have you been requested to appear before any prosecuting attorney or investigative agency in any matter, not previously reported in writing to the Oklahoma Board of Nursing? (Include all such incidents no matter how minor the infraction whether guilty or not.)

Respondent's answers were false as he failed to disclose 2013 and 2014 felonies.

On or about February 27, 2022, Respondent submitted to the Board an RN Renewal Application to practice single-state registered nursing ("2022 Application"). Respondent falsified the Application by checking "No. None of the above apply" to the following question:

Have you been charged and/or convicted in any criminal offense not previously reported in writing to the Oklahoma Board of Nursing, including those pending appeal? (You may exclude minor traffic violations, but must report all DUI/DWI charges and/or DUI/DWI convictions) Check all that apply:

Respondent's answer was false as he failed to disclose multiple DUI/DWI's including the 2013 and 2014 felonies for DUI/DWI's. Respondent should have checked "pled nolo contendere, no contest, or guilty" and "been granted pre-trial diversion, to include but not limited to Drug Court?"

On or about June 15, 2023, Respondent, while employed by a staffing agency in Boca Raton, Florida ("Agency") and contracted to work at a hospital in Norman, Oklahoma ("Hospital"), physically abused Patient 1, when Respondent slapped Patient #1 across the forehead with an open hand, after Patient 1 became combative. Respondent was escorted out of the hospital by security and his Agency contract was immediately terminated.

Notice of Hearing and the complaint were mailed to Respondent at the address on file. Multiple attempts by telephone and email to notify Respondent of the hearing were unsuccessful. Finally on May 20, 2025, Respondent contacted Board staff via telephone and stated that he had moved out of state and was unemployed. Board staff informed Respondent that since he had not received the Notice of Hearing and the complaint that an Emergency Order of Temporary Suspension would be requested against his license. Given the serious nature of the allegations, the Board may reasonably believe that this emergency 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.

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