



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-59A

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

November 3, 2025

Re: McLearen, Case No. 3.2025020352.26

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 is licensed with a single-state licensed practical nurse (LPN) license that is temporarily suspended pursuant to a Stipulated Order entered into on November 12, 2024 (“Stipulated Order:”).

The Oklahoma Nursing Practice Act (“Act”) authorizes the Board to impose discipline when a nurse “violate[s] a rule [or] . . . an order of the Board.” 59 O.S.2021, § 567.8(B)(9).

Respondent entered into the Stipulated Order after being charged with and plead guilty to misdemeanor Driving Under the Influence (DUI) while under the influence of drugs on January 19, 2023. On January 11, 2024, Respondent was charged with felony DUI under the influence of alcohol and felony transporting an open container Respondent’s violation of the terms and conditions of her probation, which caused the court to accelerate the deferred judgment she had received previously.

On July 20, 2023, Respondent had submitted to the Board an LPN Renewal Application in which Respondent fraudulently stated in response to a question on criminal charges or convictions, “No, None of the above apply.” On December 28-29, 2023, Respondent appeared excessively tired throughout her shift at a nursing home and displayed impaired behavior sufficient to be taken by ambulance to a hospital for evaluation. Respondent’s Stipulated Order, signed on November 12, 2025, states that any further violation of the Board’s body fluid testing guidelines for Respondent to appear and show cause why her LPN license should not be revoked or other action by the Board.

On August 19, 2025, Board staff issued an Order to Appear and Show Cause with a Notice of Hearing for Respondent’s violation of the Stipulated Order after failing to submit to a required body fluid test on December 26, 2024. Additionally, on January 11, 2024, Respondent was charged

with felony DUI involving alcohol and a misdemeanor transporting an open container. To which Respondent again plead guilty.

After a hearing on the matter, the Board has determined that further orders of the Board are warranted. Respondent failed to show cause why no further action should be taken against her single-state LPN license. Respondent is referred to the Board's Peer Assistance Program ("PAP") with the terms and conditions provided in the Board's Order. Respondent's LPN license is to remain suspended pending entry into a PAP. If Respondent fails to enter a PAP or defaults/terminates from PAP, the LPN license will be revoked for two (2) years.

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