



OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2025-10A

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

February 19, 2025

Re: Hayes, Case No. 3.2023090159.25

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's single-state RN license lapsed on January 1, 2025, and Respondent's single-state LPN license is inactive.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of a felony," "[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[.]"<sup>1</sup> 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)(2–3, 7–8).

In a December 2024 complaint, Board staff alleged that Respondent's conduct unnecessarily exposed a patient or other person to risk of harm and jeopardized patients' lives, health or safety. Specifically, on or about July 1, 2021, while working as a staff nurse at a Hospital in Tulsa, Oklahoma, Respondent displayed erratic behavior. At approximately 2:00 p.m., a Hospital Human Resources Representative, Hospital Security, and Hospital Management requested that Respondent submit to a drug and alcohol test. However, Respondent refused. A subsequent search of Respondent's locker revealed multiple full and empty cans of White Claw.<sup>3</sup> As a result, Respondent was escorted out of the hospital by security, and her employment was forfeited due to her refusal to submit to a drug and alcohol test.

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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 failing to utilize appropriate judgment in "administering safe nursing practice" and "patient care[.]" OAC 485:10-11-1(b)(4)(D).

<sup>3</sup> White Claw is an alcoholic seltzer water beverage that contains 5% alcohol.

Additionally, on or about April 20, 2023, the District Attorney for McIntosh County, Oklahoma, charged Respondent with first-degree burglary in Case No. CF-2023-63. On August 16, 2023, Respondent pled guilty to the charge. The court imposed a two-year deferred sentence, supervised probation, and ordered Respondent to pay fines and costs.

Moreover, Respondent failed to cooperate with the Oklahoma Board of Nursing's investigation. Respondent did not participate in scheduled telephonic investigative conferences on July 22, 2024, and August 14, 2024. The Board sent correspondence for these conferences, but was returned marked "Return to Sender," "Unclaimed," and "Unable to Forward."

At a hearing held January 30, 2025, the Board proposed an emergency order of temporary suspension, lifting the lapsed status of Respondent's single-state RN license and the inactive status of the single-state LPN license, and temporarily suspending both licenses pending a hearing on the merits of the complaint. The Board also directed Respondent to file an application for reinstatement with any request for a hearing on the merits of the complaint. Given the serious nature of the allegations and Respondent's lack of cooperation, the Board reasonably believes 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", written in a cursive style.

CHERYL DIXON

*Deputy General Counsel*