



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-12A

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

February 19, 2025

Re: Mulford, Case No. 3.2023110352.25

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's single-state RN license lapsed on June 1, 2024, and Respondent submitted an Inactive Application on December 12, 2023, requesting the Board place the RN license on inactive status.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[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[.]"¹ "[i]s guilty of any act that jeopardizes a patient's life, health or safety[.]"² "[f]ails to maintain professional boundaries with patients"³ or "[e]ngages in sexual misconduct . . . with a . . . patient[.]" 59 O.S.2021, § 567.8(B)(3, 7–8, and 12–13).

According to a Board complaint filed in December 2024, an Amended Petition was filed in the Oklahoma County District Court, Case No. CJ-2022-6263, against Respondent for harmful and offensive contact with a patient on or about December 28, 2022. While working as a registered nurse at a Hospital in Oklahoma City, Respondent deliberately and inappropriately touched a patient in a sexual manner without the patient's consent. That case was settled and the court dismissed the case with prejudice on September 15, 2023. Additionally, Respondent had an affirmative duty to maintain current contact information with the Board but failed to do so which

¹ Unprofessional conduct includes "conduct detrimental to the public interest" or "engaging in conduct with a patient . . . that is sexual or may reasonably be interpreted as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient[.]" OAC 485:10-11-1(b)(3)(H), (Q).

² 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).

³ Conduct that violates professional boundaries includes "behavior that jeopardizes or could impair the relationship of trust that should exist between nurse and patient." OAC 485:10-11-1(b)(5).

has led to Respondent failing to cooperate with the Board's investigation despite numerous attempts to contact Respondent.

At a January 30, 2025, hearing, the Board proposed an emergency order of temporary suspension, lifting the lapsed status of Respondent's single-state RN license and summarily suspending it 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 failure to engage with the Board, the Board believes 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 that reads "Cheryl Dixon". The signature is written in a cursive, flowing style.

CHERYL DIXON

Deputy General Counsel