



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-3A

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

January 31, 2025

Re: Browder, Case No. 3.2024020274.25

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing (“Board”) intends to take in the above-referenced case. Respondent held a multistate LPN license that lapsed on July 1, 2023.

The Oklahoma Nursing Practice Act (“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 or “[h]as had disciplinary actions taken against” the license . . . in this or any state, territory or country.” 59 O.S.2021, § 567.8(B)(3), (7), (10).

On January 31, 2024, the Arkansas State Board of Nursing (ARBON) issued a Cease and Desist Order to the Respondent after an investigation found that the Respondent removed and scanned oxycodone for a patient but failed to administer it, despite the patient requesting pain medication. A subsequent drug test of the Respondent revealed positive results for oxycodone and oxymorphone.

Additionally, the Respondent failed to cooperate with the Board’s investigation, missing two telephonic conferences in May and June 2024, despite the Respondent receiving notice at their mailing address of record with the Board. The Respondent also failed to update their mailing address, as indicated by returned mail for the scheduled conference.

As a result of the ARBON Order and the Respondent’s lack of cooperation, the Respondent’s LPN license is now lapsed and encumbered. Pursuant to 59 O.S.2021, § 567.21 Article III(c)(5),

¹Unprofessional 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).

a multistate license requires an active, unencumbered license. The Board now proposes to convert the Respondent's lapsed multistate LPN license to a single-state license and temporarily suspend it pending a hearing on the merits of the complaint. The Respondent's multistate privilege to practice in all compact states will be deactivated during the pendency of the Order.

The Board's proposed actions are in line with the Oklahoma Nursing Practice Act's provisions to protect public health, safety, and welfare by ensuring that nurses meet professional conduct standards. The Board may reasonably believe the proposed actions are necessary to deter future violations and protect the public.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the proposed action to temporarily suspend the Respondent's multistate LPN license, convert it to a single-state license, deactivate the multistate privileges, and require the Respondent to file an application for reinstatement pending a hearing on the merits of the complaint.

A handwritten signature in cursive script that reads "Cheryl Dixon".

CHERYL DIXON

Deputy General Counsel