



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2025-6A

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

January 31, 2025

Re: Williams, Case No. 3.2020110021.25

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 holds a single-state registered nurse (RN) license, which was temporarily suspended on July 23, 2024, following an incident on July 17, 2024, in which a body fluid test returned a positive result for ethyl alcohol.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse has “violated . . . an order of the Board.” 59 O.S. Supp. 2023, § 567.8(B)(9).

In May 2021, after a Board complaint, the Board issued an order based on findings that the Respondent had failed to complete one-year probation requirements under a 2017 Texas Board of Nursing Agreed Order and had submitted an invalid urine sample during a pre-employment drug test with a Staffing Agency. *See* A.G. Op. 2021-27A. In July 2021, Oklahoma’s Board of Nursing suspended Respondent’s license for three months due to Respondent’s failure to comply with the Oklahoma Board’s May 2021 order. Respondent entered into an Agreed Supplemental Order in September 2022, along with three subsequent supplemental orders (“Orders”). The Orders returned Respondent’s license to active status and placed the license on probation, and required, among other things, regular body fluid testing. *See* A.G. Op. 2024-24A

On September 20, 2024, the Board issued an Order to Appear and Show Cause with Notice of Hearing for alleged violations of the 2021 Board Order. Specifically, on July 17, 2024, a body fluid test returned a positive result for ethyl alcohol. The Respondent admitted to consuming alcohol over the July 4th weekend during an interview with the Medical Review Officer on July 21, 2024, and further acknowledged drinking wine "occasionally" and "socially with friends" during a conversation with Board staff on July 23, 2024. This admission violated the 2021 Board Order and the four Supplemental Orders, which require the Respondent to remain free from alcohol, prescription medications not prescribed for the Respondent and illegal substances.

The Board now proposes to keep the Respondent's license suspended pending acceptance to the Board's Peer Assistance Program (PAP) within sixty days. If the Respondent is not accepted to PAP within sixty days or defaults from PAP, the license will be revoked for two years. If the license is revoked, the Respondent must meet the Board's guidelines for reinstatement and pay an administrative penalty of \$500.00. Upon reinstatement after revocation, the license will be temporarily suspended, and the Respondent will again be referred to PAP. If the Respondent is not accepted to PAP within sixty days of reinstatement after revocation, or if the Respondent defaults from PAP, the license will be revoked for five years. The Board may reasonably believe the proposed action is necessary to deter future violations.

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