



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-717A

Kim Glazier, Executive Director
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

October 11, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in Board case 5.022.18. The Board proposes to grant the licensee's application to endorse the licensed practical nursing (LPN) license, but require the licensee to complete a remedial education course, and pay a \$500 administrative penalty.

The licensee is a LPN seeking to endorse the license to Oklahoma. In April 1990, the licensee was charged with DWI and ordered to pay a fine and surcharge. In July 2017, the licensee applied to endorse the licensee's LPN license to Oklahoma, but failed to report the 1990 charge. It is the falsification for which the licensee is being issued a corrective action.

The Oklahoma Nursing Practice Act authorizes "corrective actions" when nurses violate the Act or its implementing administrative rules. *See* 59 O.S.Supp.2016, § 567.8a(A). Such an action may include education and an administrative penalty, and it is not considered a disciplinary action. *See id.* Elsewhere, the Act authorizes disciplinary action when a nurse "is guilty of deceit or material misrepresentation in procuring or attempting to procure . . . a license." *Id.* § 567.8(B)(1)(a). "Deceit or material misrepresentation" includes, but is not limited to, any "false representation of facts in connection with an application for licensure." OAC 485:10-11-1(b)(1)(A). The Act requires applicants to disclose all criminal history for consideration by the Board. 59 O.S.Supp.2016, § 567.6(B)(3). The Board may reasonably believe that additional education and the administrative penalty will protect patient health and safety and ensure safe nursing practice in the future.

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.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



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