



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-729A

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

October 19, 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 consent agreements in cases 3.081.18, 3.090.18, and 10.014.18. The applicants in cases 3.081.18 and 3.090.18 applied to take the NCLEX-LPN exam in March 2017 and June 2017, respectively. The applicant in case 10.014.18 applied to take the NCLEX-RN exam in June 2017. The applicants falsified their applications by failing to report one or more misdemeanor charges. In each case, the Board proposes to grant the application, but issue a reprimand and require the applicant to take an additional education course.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "is guilty of deceit or material misrepresentation in procuring or attempting to procure" a license. 59 O.S.Supp.2016, § 567.8(B)(1)(a). "Deceit or material misrepresentation" includes, among other things, 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, § 567.5(B)(3). The Board may reasonably believe that additional education and a reprimand will protect patients 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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL