



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-748A

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

October 20, 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 in case 10.015.18 (application to take NCLEX-RN exam). The Board proposes to deny the application and rewrite application for 2 years. The applicant may seek further review by submitting a written request for hearing to the Board.

In March 2017, the applicant submitted an application to take NCLEX-RN. In May 2017, the applicant was observed entering the testing center with an item that violated of the National Council of State Boards of Nursing (NCSBN) rule prohibiting testing aids. On June 28, 2017, the Board was advised by NCSBN that it had cancelled the applicant's exam results. In August 2017, the licensee submitted an Application for Rewrite of the NCLEX-RN exam.

Under the Oklahoma Nursing Practice Act, the Board is authorized to regulate and control "[t]he education, certification and licensure of . . . nurses . . . and the practice of . . . nursing . . . in this state[.]" 59 O.S.2011, § 567.2(A). The Act authorizes the Board to impose discipline when a nurse or applicant "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). For violations of the Act, the Board may assess administrative penalties and "otherwise discipline licensees." *Id.* § 567.8(A)(2)-(3). The Board may reasonably believe that the denial of the applications 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.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

RYAN CHAFFIN  
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