



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-869A

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

December 7, 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 5.034.018. The licensee's license lapsed on February 1, 2017, and the licensee continued to work as a Licensed Practical Nurse until September 27, 2017 without an active license. The licensee submitted an application for reinstatement on September 29, 2017. The Board proposes to grant the application, require licensee to complete a remedial education course, and pay an administrative penalty of \$800.

The Oklahoma Nursing Practice Act authorizes corrective action when a nurse "[i]s guilty of unprofessional conduct," or has "[v]iolated a rule promulgated by the Board." 59 O.S.Supp.2017, §§ 567.8a(A); 567.8(B)(7), (9). Unprofessional conduct is defined as "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(H). The Act further states that "[n]o person shall practice or offer to practice . . . practical nursing . . . in this state unless the person has complied with the provisions of the [Act]." 59 O.S.2011, § 567.14(A). The Board may reasonably believe that 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.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL