



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-717A

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

November 21, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action to be taken by the Oklahoma Board of Nursing pursuant to a consent agreement in Board case 10.040.17. The proposed action is to grant the application for licensure by examination. The license will be reprimanded, and completion of a course in nursing law will be required. The applicant was charged with misdemeanor theft by check in 2004, 2009, and 2011. The applicant pled no contest to the 2011 charge, but failed to report the charge in the application.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse “is guilty of deceit or material misrepresentation in procuring or attempting to procure” a license or is “guilty of unprofessional conduct,” 59 O.S.Supp.2016, § 567.8(B)(1)(a), (7). “Deceit or material misrepresentation” includes any “false representation of facts in connection with an application for licensure.” OAC 485:10-11-1(b)(1)(A). Unprofessional conduct includes “falsifying documents submitted to the Board of Nursing.” OAC 485:10-11-1(b)(3)(E). The Board’s applications require the disclosure of all criminal history so that the Board may make an informed decision on licensure of individuals with statutorily relevant criminal histories. The Board may reasonably believe that the applicant’s failure to disclose information warrants the disciplinary action, which 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 of Oklahoma’s policy to protect the public health, safety, and welfare by ensuring that information in applications is truthful and complete.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA