



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-473A

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

August 5, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in Board case 3.031.17. The proposed action is to grant the application for licensure by examination, but require the applicant to complete a course in nursing law. Upon licensure, the license will be reprimanded and an evaluation for substance use disorder will be required, as well as body fluid testing twice per month. Any violation connected to the body fluid testing will result in the immediate, temporary suspension of the license. Failure to comply with the primary provisions of the order will result in a three month suspension and additional fines. The applicant failed to report criminal history from 2009 in an application for licensure by examination. Specifically, in 2009 the licensee was charged in Michigan for one count of "assault, battery, resist or obstruct a police officer" and one count of refusing to obey a lawful order of a police officer. The licensee was convicted of the second count, the first was dismissed. The applicant was also charged with crimes in 2006, including driving under the influence ("DUI").

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse "[i]s guilty of deceit or material misrepresentation in procuring or attempting to procure" a license or "[i]s guilty of a felony, or any offense reasonably related to the qualification, functions or duties of any licensee." 59 O.S.Supp.2015, § 567.8(B)(1)(a), (2). "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). The Board's application requires 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 criminal history and failure to disclose information warrants the Board's disciplinary measures and will deter violations 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 of Oklahoma's policy to protect the public health, safety, and welfare.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal stroke extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA