



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-167A

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

November 18, 2015

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 10.059.16. The proposed action is to grant the applicant's license by endorsement but require completion of an educational course in nursing law, issue a severe reprimand, and impose a \$500 fine. The applicant failed to disclose a driving while intoxicated conviction from 2010 in Missouri in the application for licensure by endorsement.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to deny licenses or impose discipline when persons falsify their applications for licensure; when they are “guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee . . . , or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude”; and when they are “intemperate in the use of alcohol or drugs” in a way that could endanger patients, 59 O.S.Supp.2015, § 567.8(B)(1)(a), (2), (4).

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 action seeks to enforce the statutory mandate that information on the application be fully truthful and complete. In these circumstances, the Board may reasonably believe that penalties and additional education are 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 patient health, safety, and welfare.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written over a faint circular stamp.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA