



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-510A

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

August 9, 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 in Board case 3.319.16. The proposed action is to grant the application for licensure by examination and upon licensure require the applicant to complete educational courses in nursing law and critical thinking. In 2013, the licensee was charged with felony counts of theft and conspiracy to commit theft in Colorado. The licensee pled guilty to theft, and the conspiracy count was dismissed. The licensee was ordered to serve a three year deferred sentence, ending January 9, 2017, however on May 10, 2016, the court granted the licensee's motion to have the deferred sentence terminated early and dismissed.

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 a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee,” 59 O.S.Supp.2015, § 567.8(B)(2). The action seeks to enforce requirements that the Board consider relevant criminal history when evaluating the fitness of a nurse. The Board may reasonably believe that educational requirements are necessary to ensure the licensee may be trusted with patients’ belongings.

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 nurses with relevant criminal history are trustworthy.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA