



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-501A

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 10.011.17. The proposed action is to grant the application for licensure by endorsement, however the applicant will be fined \$500, severely reprimanded, and required to complete a course in nursing law. Failure to comply with the primary provisions of the order will result in a three month suspension of the license and additional fines. The applicant pled guilty in March 2000 to a felony charge of forgery of controlled dangerous drug prescriptions and was found guilty in September 2000 of a misdemeanor charge of "aiding an unauthorized departure." The applicant's license was subject to past discipline in Arkansas based on the forged prescriptions, as well as methamphetamine use. In an application for licensure by endorsement, the applicant failed to disclose the September 2000 misdemeanor charge.

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, "[i]s guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee," is "guilty of unprofessional conduct," or "[h]as had disciplinary actions taken against the individual's [license] . . . in this or any state, territory or country," 59 O.S.Supp.2015, § 567.8(B)(1)(a), (2), (7), (10). "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 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 past discipline, criminal history, and omitting information in the application warrants the disciplinary action in order 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.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA