



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-497A

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 10.003.17. The proposed action is to grant the application for licensure by examination, however the applicant will be required to complete courses in nursing law and critical thinking, and the license will be reprimanded. 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 to a 2003 misdemeanor charge of aggravated driving under the influence (“DUI”) and a 2008 misdemeanor charge of public intoxication and pled no contest to a 2010 misdemeanor charge of larceny. In an application for licensure by examination, the applicant failed to report the public intoxication and larceny charges.

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 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 information in applications for licensure is truthful and complete.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA