



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-468A

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 3.021.17. The proposed action is to grant the application for licensure by examination subject to the completion of courses in nursing law and critical thinking. The applicant will also be severely reprimanded. If the applicant fails to comply with the terms of the order, the license will be suspended for three months and additional fines will be imposed. The applicant failed to report criminal history in an application for licensure by examination, including a 1996 misdemeanor conviction for theft, and 1997 drug charges that were eventually dropped.

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 and will 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 requiring information in applications for nursing licensure to be truthful and complete.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA