



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-504A

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 3.006.17. The proposed action is to reprimand the license, require the licensee to undergo an evaluation for fitness to practice, and require submission to body fluid testing twice per month. The licensee will be fined \$2,000 and must pay investigative costs of \$602.31. The licensee pled guilty to a 2006 charge of negligent homicide with a motor vehicle and later violated conditions of probation. In 2013, the licensee was arrested based on a charge of “drive, operate, or actual physical control of motor vehicle with BAC of .08 or more” and subsequently received a deferred sentence. The licensee failed to disclose the negligent homicide conviction in a 2009 application for licensure by examination, as well as in applications for reinstatement submitted in 2011, 2013, and 2015.

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,” or is “guilty of unprofessional conduct,” 59 O.S.Supp.2015, § 567.8(B)(1)(a), (2), (7). “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,” and “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(E), (H). The Board’s applications require the disclosure of all criminal history so that the Board may make an informed decision on licensure of individuals with statutorily relevant criminal histories. Nurses must use great care to ensure patient health and safety. The Board may reasonably believe that the seriousness of the licensee’s criminal history, including negligent homicide and misuse of alcohol, and the licensee’s failure to disclose the negligent homicide in applications, 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 ensuring nursing care is not compromised by substance abuse and that information in applications is truthful and complete.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a long horizontal line extending from the top of the signature.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA