



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-75A

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

February 11, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken by the Oklahoma Board of Nursing pursuant to consent agreements in Board cases 3.275.16, 3.279.16, 3.305.16, 3.307.16, and 10.068.16. The applicant or licensee in each failed to disclose professional discipline or a criminal conviction on a license renewal or application even though such applications require disclosure of such information. The licensee in Board case 3.275.16 failed to disclose professional discipline in Illinois on a 2012 renewal application and would be issued a severe reprimand, be fined \$500, and be required to complete a course in nursing law. The applicant in Board case 3.279.16 failed to disclose a 2007 misdemeanor conviction for careless driving and leaving the scene of an accident on a 2015 license application. That licensee would be reprimanded and required to complete class in nursing law.

In Board case 3.305.16, the licensee is a licensed practical nurse applying for a registered nurse license. The licensee failed to disclose two misdemeanor convictions—one dismissed charge involving a bogus check and one conviction involving illegal possession of a deer—across the original 2013 licensed practical nurse application, a 2015 license renewal, and a 2015 registered nurse application. That licensee would be severely reprimanded, fined \$1500, and required to complete a course in nursing law.

In Board case 3.307.16, the applicant failed to disclose a 2010 conviction for driving with a suspended license. That licensee would be required to complete a course in nursing law and would be reprimanded. In Board case 10.068.16, the applicant failed to report 2010 and 2011 misdemeanor traffic-related convictions. That action would impose a \$1000 penalty, severely reprimand the license, and require a course in nursing law.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to impose discipline on nurses who provide fraudulent information when applying for nursing licenses, *see* 59 O.S.Supp.2015, § 567.8(B)(1)(a). Each respondent failed to disclose required information. The Board may reasonably believe that moderate fines, reprimands, and educational requirements will adequately deter future violations. The differences in discipline

across cases reflect different circumstances. First-time licensed practical nurse applicants received less discipline while individuals with more violations or who have already received licenses received harsher discipline.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that these actions advance the State of Oklahoma's policy to require full and accurate disclosure of information on licensing applications.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is fluid and cursive, with a large initial "E" and "S".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA