



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-517A

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

August 11, 2016

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken under the auspices of the Oklahoma Board of Nursing in Board cases 5.050.16 and 5.053.16. The proposed actions are to reinstate the applicants' licenses but require each to take a nursing law course and pay a fine. The licensee in 5.050.16 will be fined \$200 while the licensee in 5.053.16 will be fined \$1,400. The applicants allowed their licenses to lapse without being renewed and then worked for a period of time without active licenses. The licensee in 5.050.16 worked for over two and one-half months, and had also allowed the license to lapse in 1998. The licensee in 5.053.16 worked for about seven and one-half months.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules, 59 O.S.Supp.2015, § 567.8a. The Act prohibits the practice of nursing without a valid license. 59 O.S.Supp.2015, § 567.14(A). The Act elsewhere makes clear that licenses must be renewed every two years. 59 O.S.2011, § 567.7(A). The actions seek to enforce the straightforward requirement that nurses maintain current licenses. The Board may reasonably believe that imposing conditions on reinstatement of the licenses will help ensure the licenses are kept up to date in the future. The higher fine in case 5.053.16 reflects the longer period of time during which the licensee worked without a valid license.

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 protect the public health, safety, and welfare by ensuring the public receives nursing care from professionals properly licensed to serve them.

A handwritten signature in red ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA