



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-464A

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 3.015.17. The proposed action is to grant the licensee's application for reinstatement and accept the licensee's voluntary surrender of the license for three months. Prior to reinstatement, the licensee will be required to complete courses in nursing law and nursing ethics and must pay a \$500 fine. Upon reinstatement, the licensee will be placed on probation for six months, during which time the licensee must work as a nurse in a hospital under supervision. The licensee must also provide quarterly self-assessment reports. If the licensee fails to comply with the terms of the order, the license will be suspended for three months and additional fines will be imposed. The license lapsed in August of 2015, and the licensee subsequently applied for reinstatement. In September of 2015, the licensee pled guilty to six felony counts of forgery after falsifying an employer's signature on the employer's personal checks and depositing them in the licensee's bank account.

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 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)(2), (7). Unprofessional conduct includes “conduct detrimental to the public interest.” OAC 485:10-11-1(b)(3)(H). Nurses commonly care for patients without supervision and often have access to patients' personal belongings. The action seeks to enforce requirements aimed at ensuring that nurses who commit felonies involving dishonesty and theft are suitable to continue providing nursing care. The Board may reasonably believe that its action will deter dishonest conduct in the future and ensure that a nurse can be trusted with patients and their belongings.

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 nurses meet minimum professional standards.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a large, stylized flourish above the name.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA