



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-499A

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 10.007.17. The proposed action is to grant the application for licensure by examination; however the licensee will be required to complete a course in nursing law. In addition, the licensee will be fined \$1,000 and severely reprimanded. Failure to comply with the primary provisions of the order will result in a three month suspension of the license and additional fines. The licensee failed to disclose a 2010 charge of driving under the influence ("DUI") of alcohol in three practical nursing license renewal applications submitted in 2011, 2013, and 2015, and also failed to disclose the charge in an application for registered nursing licensure by examination submitted in 2016.

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 is "guilty of unprofessional conduct," 59 O.S.Supp.2015, § 567.8(B)(1)(a), (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." OAC 485:10-11-1(b)(3)(E). 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. The Board may reasonably believe that the applicant's failure to disclose information warrants the disciplinary action in order to 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 information submitted in applications to the Board is truthful and complete.

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