



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-718A

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

October 11, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to consent agreement in Board case 5.026.18. The Board proposes to grant the applicant's application to take the NCLEX-RN examination, but require the applicant to take a remedial education course.

In October 2000, the applicant was arrested and charged with misdemeanor DUI, and received a 6-month deferred sentence. In July 2017, the applicant applied to take the NCLEX-RN exam but failed to report the 2000 misdemeanor charge.

The Oklahoma Nursing Practice Act authorizes "corrective actions" when nurses violate the Act or its implementing administrative rules. *See* 59 O.S.Supp.2016, § 567.8a. Such an action may include education and an administrative penalty, and it is not considered a disciplinary action. *See id.* Elsewhere, the Act authorizes disciplinary action when a nurse "is guilty of deceit or material misrepresentation in procuring or attempting to procure" a license. *Id.* § 567.8(B)(1)(a). "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). The Act requires applicants to disclose all criminal history for consideration by the Board. 59 O.S.Supp.2016, § 567.5(B)(3). The Board may reasonably believe that additional education will protect patient health and safety and ensure safe nursing practice in the future.

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's policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ryan Chaffin in black ink.

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL