



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-741A

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

October 19, 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 case 3.104.18. The applicant is a licensed practical nurse (LPN) seeking to take the NCLEX-RN exam. The Board proposes to grant the application, but issue a severe reprimand and require the applicant to (i) submit an evaluation for Board review; (ii) submit to periodic drug screens until the evaluation is reviewed; (iii) complete an education course; and (iv) pay a \$1,000 administrative penalty.

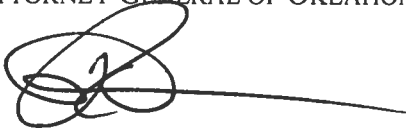
In, the applicant was licensed as a LPN in 2008. In 2009, the applicant pled guilty to misdemeanor DUI. In 2011, the applicant's license was suspended for violating the terms of a Stipulated Settlement and Order with the Board. The licensee applied for reinstatement in March 2013 and submitted renewal applications in September 2013 and September 2015, none of which disclosed the DUI. In 2017, the applicant applied to take the NCLEX-RN exam and again failed to report the DUI. The licensee denies issues with substance use but has agreed to submit documentation of the successful completion of an evaluation.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "is guilty of deceit or material misrepresentation in procuring or attempting to procure" a license. 59 O.S.Supp.2016, § 567.8(B)(1)(a). "Deceit or material misrepresentation" includes, among other things, 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). For violations of the Act, the Board may assess administrative penalties and "otherwise discipline licensees." *Id.* § 567.8(A)(2)-(3). The Board may reasonably believe that the proposed action will protect patients and ensure safe nursing practice.

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.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



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