



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-811A

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

November 28, 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 5.031.18. The applicant is before the board for failing to disclose a 2009 misdemeanor charge on an application to take the NCLEX-LPN exam. The Board proposes to grant the application, but require the applicant to complete a remedial education course.

The Oklahoma Nursing Practice Act authorizes "corrective action" when a nurse "is guilty of deceit or material misrepresentation in procuring or attempting to procure" a license or is "guilty of unprofessional conduct." 59 O.S.Supp.2017, §§ 567a(A), 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 may reasonably believe that the proposed action is warranted for failure to disclose the criminal charge.

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 that licensure applications are truthful and complete.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL