



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-132A

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

April 19, 2018

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 in case 3.178.18. The applicant entered the NCLEX testing facility with prohibited items. As a result, the National Council of State Boards of Nursing cancelled the applicant's test results. In August 2017, the applicant submitted a rewrite application, which was denied by the Board for two years (See A.G. Opin. 2017-748A). In November 2017, the licensee requested a hearing on the denial of the rewrite application. The Board proposes to deny the request for reconsideration of the Board's denial of the applicant's rewrite application, because two years has not yet passed.

Under the Oklahoma Nursing Practice Act, the Board is authorized to regulate and control "[t]he education, certification and licensure of . . . nurses . . . and the practice of . . . nursing . . . in this state[.]" 59 O.S.2011, § 567.2(A). The Act authorizes the Board to impose discipline when an applicant "is guilty of deceit or material misrepresentation in procuring or attempting to procure" a license. 59 O.S.Supp.2017, §§ 567a(A), 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 Board may reasonably believe that the proposed action is necessary to 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's policy to protect public health, safety, and welfare by ensuring that licensure applicants are truthful.

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