



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-240A

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

June 27, 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 against licensee H.S. The licensee submitted a Certificate for Incorporation request form and the required \$15.00 fee on September 26, 2017. On October 11, 2017, the agency received a charge back notification from the Oklahoma State Treasurer of \$15.00 for the dishonored fees submitted by the licensee. The Board proposes to issue a notice of the dishonored payment and impending suspension by certified mail, informing the licensee that the licensee must remit payment of \$15.00 plus an additional \$25.00 insufficient funds processing fee within ten days of the delivery of the letter to avoid the suspension of licensee's license.

The Oklahoma Nursing Practice Act requires the Board to "suspend the license or certificate of a person who submits a check, money draft, or similar instrument for payment of a fee which is not honored by the financial institution named," and requires the licensee to pay "the fees and any and all costs associated with notice and collection." 59 O.S.Supp.2017, § 567.7(E); *see also* OAC 485:10-1-3(a)(3)(I). The Board action is statutorily required and is, therefore, reasonable in light of the circumstances.

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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Ryan Chaffin".

RYAN CHAFFIN
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL