



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-255A

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

July 13, 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 pursuant to a consent agreement in case 5.070.18. The respondent is an applicant to take the NCLEX-LPN (licensed practical nurse) exam. The respondent was charged with a misdemeanor in 1999. In March 2018, the respondent falsified the NCLEX-LPN application by failing to disclose the 1999 misdemeanor. The Board proposes to grant the NCLEX-LPN application, but require the completion of 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. 59 O.S.Supp.2017, §§ 567.8a(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 applications are truthful and complete.

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