



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-289A

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

July 24, 2018

Dear Executive Director Glazier:

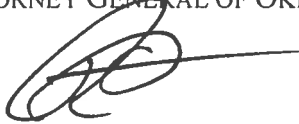
This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to consent agreement in case 6.049.18. In April 2007 the licensee, a licensed practical nurse (LPN), was charged with Larceny of Controlled Dangerous Substance, a felony. On July 1, 2007, the licensee's license lapsed. In November 2017, the licensee submitted a LPN reinstatement application, but failed to disclose the 2007 felony. The licensee has requested a referral to the Board's Peer Assistance Program (PAP). The Board proposes to grant the application, temporarily suspend the license pending acceptance to PAP, and impose conditions on the license in the event the licensee is not accepted or terminates/defaults from PAP.

The Oklahoma Nursing Practice Act authorizes the Executive Director of the Board to enter "agreed disciplinary orders requiring a[] . . . licensee to enter and comply with the [PAP]." 59 O.S.Supp.2017, § 567.4(F)(2), (3)(b). The Act also authorizes the Board to impose discipline when a nurse "is guilty of deceit or material misrepresentation in procuring or attempting to procure . . . a license," "is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee . . . or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude," or "is guilty of unprofessional conduct." *Id.* § 567.8(B)(1)(a)(2), (7). Deceit and material misrepresentation includes "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" and "conduct detrimental to the public interest." OAC 485:10-11-1(b)(3)(E), (H). The Board may reasonably believe that the proposed action is necessary to deter future violations and to ensure nurses are working substance free.

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
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