



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-21A

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

June 14, 2021

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 3.2020100109.21. In April 2016, the Respondent admitted to a misdemeanor charge relating to bogus checks and agreed to pay restitution of \$180. In the same month, while in Arkansas, the Respondent tested positive for Oxazepam, Alprazolam, Hydrocodone, and Hydromorphone in a pre-employment drug test, which led the Arkansas Board of Nursing to issue a Cease and Desist Order, citing unprofessional conduct and a failed drug test. When the Respondent renewed her Oklahoma RN license in September 2016, and again in April 2020, when she sought to reinstate her lapsed license, she failed to disclose the misdemeanor charge or Arkansas investigation. The Board proposes to deny the reinstatement application, lift the lapsed status and suspend the license pending an appearance before the Board and an application for reinstatement.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse, among other things, “[i]s guilty of deceit or material misrepresentation” while attempting to procure a nursing license, or “[h]as had disciplinary actions taken against the . . . nursing license[.]” 59 O.S.Supp.2020, § 567.8(B) (1), (10). Deceit or material misrepresentation includes “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 nurses meet minimum standards of professional conduct.

A handwritten signature in black ink, appearing to read "D. G. [unclear]".

ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL