



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-103A

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

February 16, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in Board case 3.180.17. The proposed action is to impose a severe reprimand, assess a \$1,500 fine, and require completion of a course in nursing law. The licensee had a 2005 misdemeanor charge for disturbing the peace, which resulted in a deferred sentence. The licensee failed to disclose the case on license renewal applications in 2007, 2009, and 2011. The licensee was charged with a felony and misdemeanor in 2012 but was only convicted of misdemeanor obstructing an officer, resulting in a deferred sentence. The licensee continued to fail to disclose criminal history in 2013 and 2015 renewal applications. The renewal applications clearly required disclosure of the criminal history at issue.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to discipline licensees who engage in “deceit or material misrepresentation in procuring or attempting to procure . . . a license” as well as those who engage in “unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(1)(a), (7). The Board’s rules include submitting falsified documents to the Board as a form of unprofessional conduct. OAC 485:10-11-1(b)(3)(E). These statutes and rules reflect the State’s important interest in the integrity of information provided during the license application process, which also implicates the trustworthiness of patient documentation. The Board may reasonably believe that the licensee’s long course of fraudulent conduct requires the agreed penalty contemplated by the proposed action.

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 of Oklahoma’s policies requiring complete and accurate information in the professional licensure process as well as an adequate standard of professionalism within the nursing profession.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA