



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-19A

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

January 18, 2017

Dear Executive Director Glazier:

This office received your request for a written Attorney General Opinion regarding agency action the Oklahoma Board of Nursing intends to take against SKM, a registered nurse. The proposed action is to suspend the license and allow for the possibility of reinstatement upon application. The licensee pled guilty to a felony charge for Manslaughter-First Degree and a misdemeanor charge for Overtaking a Bicycle. The Court gave the licensee a sentence of fifteen years with all but ten months suspended. The licensee will serve the ten months in a county jail on work release.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, mandates the Executive Director to immediately suspend the license of any person upon proof that the person has been sentenced to a period of continuous incarceration serving a penal sentence for commission of a misdemeanor or felony. 59 O.S.Supp.2016, § 567.8(N). The Board’s rules define “continuous incarceration” as “a period of confinement inside a penal institution, pursuant to a sentence from a court of competent jurisdiction” and such “confinement continues uninterrupted by periods of liberty from its beginning to its end.” OAC 485:10-1-2.

The suspension shall remain in effect until the Board acts upon the licensee's written application for reinstatement of the license. 59 O.S.Supp.2016, § 567.8(N). The Act authorizes the Board to deny or revoke licenses when individuals are “guilty of a felony . . . or any offense an essential element of which is fraud, dishonesty, or an act of violence.” 59 O.S.Supp.2016, § 567.8(B)(2). Because of the licensee’s court-imposed sentence, of which part is served in a penal institution, the Board may reasonably believe a suspension of the license is necessary to protect the health and safety of the public and uphold standards of professionalism among nurses.

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 policy that registered nurses meet minimum standards and not pose a risk of harm to patients.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a large, stylized flourish above the name.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA