



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-23A

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

January 24, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency actions to be taken by the Oklahoma Board of Nursing under an agreed order in Board case 6.015.17. The licensee failed to disclose, for the second time, a misdemeanor criminal conviction on a license renewal application even though the application requires disclosure of criminal history. In 2012, the licensee failed to disclose charges of driving under the influence of alcohol, driving left of center, and driving without a license. The licensee received a two-year deferred sentence for these misdemeanors. On the 2016 renewal application, the licensee failed to disclose a misdemeanor conviction from 2015 for larceny of merchandise. The Court changed the licensee's sentence for this misdemeanor because of repeated violations and an inability to gain compliance from the licensee. The Board has also severely reprimanded the licensee for nursing violations.

Based on the licensee's prior discipline and new violations, the proposed action is a referral to the Board's Peer Assistance Program, a drug and alcohol monitoring program. If the licensee is not accepted or defaults from the program, the agreed order allows the Board to revoke the license to practice registered nursing for two years and impose a \$1,500 fine.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes agreed disciplinary orders requiring an applicant or licensee to enter and comply with the Peer Assistance Program, *see* 59 O.S.Supp.2016, § 567.4(F)(3)(b). The Act authorizes the Board to impose discipline on nurses who provide fraudulent information when applying for a nursing license, *see* 59 O.S.Supp.2016, § 567.8(B)(1)(a). In addition, the Board must discipline nurses "guilty of a felony, or any offense reasonably related to the qualifications, functions, or duties" of a nurse "or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude . . . or any conduct resulting in the revocation of a deferred or suspended sentence or probation." 59 O.S.Supp.2016, § 567.8(B)(2).

Because the licensee twice failed to provide mandatory disclosures pertaining to criminal history, the Board may reasonably believe a referral to the Peer Assistance Program, with severe conditions upon default, will adequately 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 of Oklahoma's policy to require full and accurate disclosure of information on licensing applications.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA