



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-39A

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

January 27, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding agency action the Oklahoma Board of Nursing intends to take against JLO, a registered nurse. The proposed action is to suspend the registered nursing license and allow for the possibility of reinstatement upon application. The licensee pled guilty to felony charges of theft, fraud, embezzlement, and conversion of property owned by a hospital. The court sentenced licensee to one year and one day of imprisonment, three years of supervision probation upon release, and payment of \$574,385.94 for restitution. The Executive Director received written confirmation of the penal sentence of continuous incarceration.

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 incarcerated in a penal institution, the Board may reasonably believe suspending 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 "E. Scott Pruitt", with a long horizontal line extending to the right.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA