ATTORNEY GENERAL OPINION
2017-61A

Kim Glazier, Executive Director   February 13, 2017
Oklahoma Board of Nursing
2915 N. Classen Blvd., Ste. 524
Oklahoma City, Oklahoma 73106

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 in Board cases 10.046.17, 10.047.17, 10.049.17, and 10.050.17. The proposed actions are to deny the applications for endorsement of licenses to Oklahoma. The applicants may seek further review of the Board's denial by submitting a written request for a hearing. The applicants failed to report a complete criminal history in their applications. The Board proposed granting the endorsement applications on the condition the applicants accept a severe reprimand, take a nursing jurisprudence course, and pay a $500 or $1000 fine. The applicants either refused or did not respond to the Board's offer.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline when a nurse "is guilty of deceit or material misrepresentation in procuring or attempting to procure" a license or is "guilty of unprofessional conduct," 59 O.S.Supp.2016, § 567.8(B)(1)(a), (7). "Deceit or material misrepresentation" includes any "false representation of facts in connection with an application for licensure." OAC 485:10-11-1(b)(1)(A). Unprofessional conduct includes "falsifying documents submitted to the Board of Nursing." OAC 485:10-11-1(b)(3)(E). The Board's applications require a full disclosure of criminal record so that the Board may make an informed decision on licensure of individuals with statutorily relevant criminal histories. The Board may reasonably believe each applicant's failure to disclose such information warrants a denial of application, subject to a hearing before the Board if requested by the applicant.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that these actions advance the State of Oklahoma's policy to protect the public health, safety, and welfare by ensuring that licensure applications contain information that is truthful and complete.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA