



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-74A

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

February 14, 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 3.126.17. The proposed action is to impose a severe reprimand, assess a \$2,000 fine, and require completion of courses in nursing law, nursing ethics, and therapeutic communication for a Registered Nurse.

The licensee was twice convicted of domestic abuse-related misdemeanor crimes in 2013. The licensee failed to disclose those convictions during license renewal applications in 2014 and 2016. Those applications clearly required disclosure of criminal convictions. The licensee also had two reported altercations with long-term care residents in 2015, one involving aggressive verbal communication and another involving rough physical contact with a resident.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to impose discipline on licensees who engage in fraud or misrepresentation on a license application, who are criminally convicted of crimes involving violent acts, and who engage in “unprofessional conduct as defined in the rules of the Board,” 59 O.S.Supp.2016, § 567.8(B)(1)(a), (2), (7). The Board’s professional conduct rules prohibit “verbally or physically abusing patients” and “falsifying documents submitted to the Board.” OAC 485:10-11-1(b)(3)(B), (E).

These statutes and rules reflect the State’s important interests in obtaining complete, accurate information as part of the professional licensure process as well as in ensuring the health and safety of patients. The proposed action, which has the licensee’s consent, reasonably deters future violations and equips the licensee to avoid potentially harmful or abusive patient care in future patient interactions.

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 full, accurate information during the professional licensure process and an adequate standard of nursing care that does not jeopardize patient life, health, or safety.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA