



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-82A

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

February 15, 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 in Board case 10.052.17. The proposed action is to deny an application by a Licensed Practical Nurse to sit for the Registered Nurse licensure exam. The denial affords the applicant an opportunity to request a hearing and present evidence to the Board supporting the application. The applicant currently has criminal charges pending in federal court concerning healthcare fraud and conspiracy to commit healthcare fraud.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to deny applications where the applicant is “guilty of a felony, or any offense reasonably related to the qualifications” of the applicant, or “any offense an essential element of which is fraud” or “dishonesty,” 59 O.S.Supp.2016, § 567.8(B)(2). The Act also allows a license to be denied where an applicant would be guilty of unprofessional conduct, *id.* § 567.8(B)(7), which the Board’s rules define to include preparing falsified patient records and engaging in fraudulent billing practices, OAC 485:10-11-1(b)(3)(A), (S). The Board could reasonably believe that it should defer any licensing decision until after resolution of the applicant’s serious criminal charges involving fraud and dishonesty. The Board’s initial denial reasonably advances the State’s interests, while the applicant has the opportunity to seek a hearing and provide additional information to support the application.

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 requiring adequate standards of nursing care not compromised by fraudulent conduct.

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