



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-84A

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 pursuant to a consent agreement in Board case 10.060.17. The proposed action is to grant an application to sit for the Registered Nurse licensure exam. The action also requires the applicant, if licensed, to complete a course in nursing law, obtain a substance abuse evaluation within 60 days of licensure, and submit to body fluid testing twice a month until the Board reviews the evaluation. The applicant has a criminal history involving substance abuse, including a Driving While Intoxicated conviction from 2013. The applicant failed to disclose on the application an earlier 2010 misdemeanor conviction for marijuana possession. The application clearly required disclosure of the applicant's entire criminal history.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.20, authorizes the Board to deny applications where the applicant engages in deceit or material misrepresentation on an application or where the applicant engages in unprofessional conduct under the Board's rules, 59 O.S.Supp.2016, § 567.8(B)(1)(a), (7). The Board's rules define unprofessional conduct to include the submission of false documents to the Board. OAC 485:10-11-1(b)(3)(E). The statutes also authorize the Board to discipline licensees who are "intemperate in the use of alcohol or drugs" in a way that "could endanger patients." 59 O.S.Supp.2016, § 567.8(B)(4). The Board's chosen action can be reasonably thought to assess whether additional action is necessary to protect patients from the risk of harm related to substance abuse while deterring 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 policies requiring adequate nursing care not compromised by substance abuse as well as complete and accurate information during the professional licensure process.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA