



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-798A

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

November 17, 2017

Dear Executive Director Glazier:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to a consent agreement in case 5.032.18. The licensee falsified a NCLEX-LPN exam application by failing to disclose a previous misdemeanor charge. The Board proposes to grant the application, but require the licensee to complete a remedial education course.

The Oklahoma Nursing Practice Act authorizes "corrective action" 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.2017, §§ 567.8a(A); 567.8(B)(1)(a), (7). "Deceit or material misrepresentation" include 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 may reasonably believe that the applicant's failure to disclose the misdemeanor charge warrants the proposed action.

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's policy to protect public health, safety, and welfare by ensuring that licensure applications contain information that is truthful and complete.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL