



MIKE HUNTER
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-7A

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

February 5, 2021

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 in case 3.2020100259.21. In 2018, the licensee was charged with multiple felonies involving forged documents and exploitation by a caretaker. In January 2019, the licensee submitted an application for reinstatement of a lapsed license and falsified the application by failing to disclose the felony charges. The licensee did not cooperate with the Board's investigation, failing to attend investigative conferences, filing untimely responses, and declining to attend the Board's hearing. The Board proposes to revoke the license for five years and require payment of \$4,000 in administrative fees and \$1,037.96 in investigative costs upon reinstatement.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse "[i]s guilty of deceit or material misrepresentation in procuring or attempting to procure" a nursing license, or "[i]s guilty of unprofessional conduct." 59 O.S.Supp.2020, § 567.8(B)(1), (7). Board rules define "unprofessional conduct" to include the "failure to cooperate with a lawful investigation by Board of Nursing staff." OAC 485:10-11-1(b)(3)(V). The Board may reasonably believe that the proposed action is necessary to deter 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's policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

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MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL