



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-169A

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

November 18, 2015

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 10.065.16. The proposed action is to deny an application for licensure by endorsement. The applicant failed to disclose a misdemeanor conviction for criminal trespass to real property in the criminal history section of the application. Applicant did disclose a conviction for retail theft. The applicant failed to respond to the Board's request for information about the failure to disclose applicant's entire criminal history.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2015, §§ 567.1–567.20, authorizes the Board to deny licenses or impose discipline when persons falsify their applications for licensure; when they are “guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee . . . , or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,” 59 O.S.Supp.2015, § 567.8(B)(1)(a), (2). The Board's application requires the disclosure of all criminal history so that the Board may make an informed decision on licensure of individuals with statutorily relevant criminal histories. The action seeks to enforce the statutory mandate that information on the application be fully truthful and complete. In these circumstances, the Board may reasonably believe that the applicant's failure to disclose information and failure to respond to requests for information warrant the denial of a license. The applicant retains the ability to request additional proceedings.

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 to protect patient health, safety, and welfare.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA