



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-680A

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

September 21, 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 5.017.18. The proposed action is to grant the applicant's application to take the NCLEX-RN examination and require the respondent to take a course in nursing jurisprudence.

The applicant is an applicant to take the NCLEX-RN exam. In September 2012, the applicant was charged with Interference with Official Process and Public Intoxication, both misdemeanors. The applicant entered a plea of No Contest. The Court ordered 6 months of probation and that the applicant pay fines and court costs. In June 2017, the applicant submitted to the Board an application to take the NCLEX-RN exam and falsified the application by failing to report the 2012 misdemeanor charges. It is the falsification for which the Board has proposed to issue the corrective action.

The Oklahoma Nursing Practice Act, 59 O.S.2011 & Supp.2016, §§ 567.1–567.26, authorizes “corrective actions” when nurses violate the Act or its implementing administrative rules. *See* 59 O.S.Supp.2016, § 567.8a. Such an action may include education and an administrative penalty, and it is not considered a disciplinary action. *See id.* Elsewhere, the Act authorizes disciplinary action when a nurse “is guilty of deceit or material misrepresentation in procuring or attempting to procure” a license. *Id.* § 567.8(B)(1)(a). “Deceit or material misrepresentation” includes any “false representation of facts in connection with an application for licensure.” OAC 485:10-11-1(b)(1)(A). The Board’s applications require the disclosure of all criminal history so that the Board may make an informed decision on licensure of individuals with statutorily relevant criminal histories. 59 O.S.Supp.2016, § 567.5(B)(3). All applicants are subject to 59 O.S.Supp.2016, § 567.8. *See* 59 O.S.2011 & Supp.2016, §§ 567.5(A); 567.5a(A); 567.6(A); 567.6a(A). The Board may reasonably believe that additional education will protect patient health and safety and ensure safe nursing practice in the future.

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 the public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.



MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN  
DEPUTY CHIEF – ASSISTANT ATTORNEY GENERAL