

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1638

BY: PAULK

AS INTRODUCED

AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS;

CREATING THE OKLAHOMA NURSING PRACTICE ACT OF 1994;
DEFINING TERMS; CREATING THE OKLAHOMA BOARD OF
NURSE LICENSURE AND NURSING EDUCATION; PROVIDING
FOR APPOINTMENT, QUALIFICATION, TERMS, VACANCIES
AND MEETINGS; SPECIFYING POWERS AND DUTIES;
PROHIBITING CERTAIN ACTIONS; REQUIRING EXAMINATION
AND LICENSURE; PROVIDING FOR PROCEDURES; PROVIDING
FOR FEES; CREATING THE OKLAHOMA BOARD OF NURSE
LICENSURE AND NURSING EDUCATION REVOLVING FUND;
PROVIDING FOR DEPOSITS AND EXPENDITURES; PROVIDING
FOR QUALIFICATION OF APPLICANTS; PROVIDING FOR
VIOLATIONS AND PENALTIES; PROVIDING FOR
CONSTRUCTION OF THE ACT; SPECIFYING USE OF CERTAIN
ABBREVIATIONS; CREATING THE ADVISORY COUNCIL;
PROVIDING FOR MEMBERSHIP AND DUTIES; PROVIDING
LEGISLATIVE INTENT FOR COMPREHENSIVE PROGRAM OF
ARTICULATION; REPEALING 59 O.S. 1981, SECTIONS
567.1, 567.2, 567.3, AS AMENDED BY SECTION 3,
CHAPTER 192, O.S.L. 1984, 567.4, AS AMENDED BY
SECTION 34, CHAPTER 178, O.S.L. 1985, 567.5, 567.6,
567.7, 567.8, 567.9, 567.10, 567.11, 567.12,
567.13, 567.14, 567.15, 567.16, 567.51, AS AMENDED
BY SECTION 1, CHAPTER 129, O.S.L. 1988, 577.1,

577.2, 577.3, 577.4, 577.5 AND 577.6 (59 O.S. SUPP. 1990, SECTIONS 567.3, 567.4 AND 567.51), WHICH RELATE TO THE OKLAHOMA NURSING PRACTICE ACT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 20 of this act shall be known and may be cited as the "Oklahoma Nursing Practice Act of 1994".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.2 of Title 59, unless there is a duplication in numbering, reads as follows:

As used in the Oklahoma Nursing Practice Act of 1994:

1. "Board" means the Oklahoma Board of Nurse Licensure and Nursing Education;

2. "Practice of nursing as a registered nurse" means the performance of service, for compensation, requiring substantial specialized nursing skills and knowledge, which is based on a foundation in the biological, physical, behavioral, psychological, and sociological sciences. This knowledge and skill is the basis for assessment, analysis, planning, intervention, and human responses to actual or potential health problems, nursing management of illness, injury, infirmity, restoration of optimal functioning, or death with dignity. Such practice includes direct care, teaching, and the execution of the medical regimen including the administration of medications and treatments, direction of personnel, case management, teaching, research, counseling, and evaluation of practice. The registered nurse functions in

structured and unstructured health care situations, which may or may not have established policies, procedures, and protocols and which may or may not have the potential for variations requiring independent nursing decisions. The registered nurse advocates health care rights for clients and is accountable to the client for the quality of nursing care rendered;

3. "Registered Nurse" means a person who has successfully completed a nursing education program approved by the Board, has received at least an associate degree in nursing from an accredited college or university and has been licensed in this state as a registered nurse;

4. "Practice of nursing as a licensed practical nurse" means the performance, for compensation, of nursing services in the care of those not acutely ill, such as the convalescent, aged or infirm, in other care, such as in the case of those more acutely ill under the supervision or direction of a registered nurse, registered nurse practitioner I, registered nurse practitioner II, licensed physician or dentist, which includes the administration of medications and treatments prescribed by a licensed physician or dentist, and the teaching of nurse aides;

5. "Licensed Practical Nurse" means a person who has successfully completed a nursing education program approved by the Board, has received a certificate in practical nursing from an approved practical nursing program, and has been licensed in this state to practice as a licensed practical nurse;

6. "Registered Nurse Practitioner I" means a registered nurse who has received at least a baccalaureate degree through a nursing education program developed by specialists in the field and approved by the Board, preparing the registered nurse practitioner I to perform an expanded role in the delivery of primary health care in a specialized field and has been licensed in this state as a registered nurse practitioner I;

7. "Registered Nurse Practitioner II" means a person who has received a Master of Science degree through a nursing education program developed by specialists in the field and approved by the Board preparing a registered nurse practitioner II to perform a more expanded role in the delivery of primary health care in specialized areas and has been licensed in this state as a registered nurse practitioner II;

8. "Certified Registered Nurse Anesthetist" means a registered nurse practitioner, certified by the American Association of Nurse Anesthetists, who administers anesthesia under the direction of a medical doctor, osteopathic physician, or dentist licensed to practice in this state;

9. "Nurse-midwife" means a registered nurse practitioner, who has been certified by the American College of Nurse-Midwives as a nurse-midwife and has the right to use the title Certified Nurse-Midwife and the abbreviation "CNM";

10. "Practice of nurse-midwifery" means the performance of providing management of care of normal newborns and women antepartally, intrapartally, postpartally, and gynecologically occurring within a health care system which provides for medical consultation, medical management or referral and is in accordance with the functions, standards, and qualifications for nurse-midwifery practice as defined by the American College of Nurse Midwives; and

11. "Accredited college or university" means a post secondary institution that has voluntarily met predetermined structure, process, and outcome criteria established by a regional nongovernmental accrediting association recognized and approved by the Council on Post Secondary Accreditation and the U.S. Office of Education or its successor organizations.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Board of Nurse Licensure and Nursing Education which shall consist of nine (9) members who shall be citizens of the United States of America, and residents of Oklahoma, for no less than the previous five (5) years. The Board shall be composed as follows:

1. Five (5) of the members shall be registered nurses, in good standing under the provisions of the Oklahoma Nursing Practice Act of 1994 currently engaged in the practice of nursing as a registered nurse and shall have no less than five (5) years of experience as a registered nurse. At least two (2) of the registered nurses shall be from the field of nursing education, actively associated with a recognized school of nursing in Oklahoma, and one (1) of them must be in nursing education administration. At least two (2) of the registered nurses shall represent nursing service, and one (1) of them must hold a high level of nursing management within a hospital setting.

2. Three (3) of the members shall be licensed practical nurses in good standing under the provisions of the Oklahoma Nursing Practice Act of 1994 and currently engaged in the practice of practical nursing as a licensed practical nurse and shall have no less than five (5) years of experience as a licensed practical nurse.

3. One member shall represent the public and shall be an eligible voting resident of this state, knowledgeable in consumer health concerns, and shall neither be nor ever have been associated with the provision of health care or be enrolled in any health related educational program and who is not the spouse of such a person. This member will be appointed by the Governor to serve co-terminously with the Governor.

4. Not more than one (1) practical nurse Board member shall be appointed from any one (1) congressional district as constituted in accordance with the latest Federal Decennial Census.

5. At least one (1) licensed practical nurse Board member shall be appointed from a county with a population of less than sixty thousand (60,000) persons.

B. The Governor shall appoint the registered nurse Board members from a list of not less than five (5) names submitted by Oklahoma chapters of nationally recognized nurse organizations.

The Governor shall appoint the licensed practical nurse board members from a list of not less than five (5) names submitted by Oklahoma chapters of nationally recognized practical nurse organizations.

C. Persons serving on the Oklahoma Board of Nurse Registration and Nursing Education pursuant to the provisions of Section 567.4 of Title 59 of the Oklahoma Statutes on July 1, 1994 shall complete the term for which they were appointed. Terms of board members selected after the effective date of this act shall be five (5) years.

D. Members may be removed in the manner provided by law for removal of officers not subject to impeachment. Appointment to fill vacant unexpired terms shall be made in the same manner as the original appointment. Members shall serve until their successor has been appointed and qualified.

E. No member shall serve more than two consecutive terms for which the member is qualified.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board shall meet at least twice each calendar year and may meet at such additional times as deemed appropriate by a majority of the Board. Special meetings of the Board may be called

by an officer of the Board upon five (5) days' notice to each member.

B. The Board shall annually elect a president, vice president, and secretary-treasurer. The president shall preside at all meetings. In the absence of the president, the vice president shall preside. The secretary-treasurer shall be responsible for the maintenance of official records of the Board.

C. Four members shall constitute a quorum and a majority of those present at a meeting shall be necessary for official action.

D. Board members shall be reimbursed for expenses incurred in the performance of their official duties pursuant to the provisions of the State Travel Reimbursement Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board shall have the following powers and duties:

1. Prescribe rules and regulations necessary to implement the provisions of the Oklahoma Nursing Practice Act of 1994;

2. Issue, deny, suspend, revoke, or reinstate licenses to practice nursing;

3. Establish minimum educational requirements for licensing;

4. Be responsible for the conducting and scoring of examinations for licensure;

5. Approve or disapprove nursing education programs conducted for the preparation of students for nursing licensure;

6. Cause the prosecution of any person who violates any provision of the Oklahoma Nursing Practice Act of 1994;

7. Maintain a current register of all licensed nurses;

8. Maintain a permanent record of Board proceedings;

9. Employ and set the compensation for such employees as are necessary to assist the Board in carrying out its duties and

responsibilities including appointment of an Executive Director for the Board.

10. Fix and collect all fees authorized by law including examination fees, reexamination fees, initial license fees, and renewal fees;

11. File all reports required by law with the Governor and Legislature, including annual reports of financial status;

12. Participate in and pay fees to a national organization of state boards of nursing such as the National Council of State Boards of Nursing, Inc., or its successor organization or other like organization;

13. Conduct public hearings, investigations, and studies of nursing practice, nursing education, and related matters and prepare and issue such publications as in the judgment of the Board will allow the nursing profession to provide safe and effective nursing services to the public; and

14. Exercise such other powers and duties necessary to implement the provisions of the Oklahoma Nursing Practice Act of 1994.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 1994, no person shall practice nursing in this state unless such person submits sufficient evidence of qualifications required to practice nursing and be licensed pursuant to the provisions of the Oklahoma Nursing Practice Act of 1994.

B. An applicant for licensure shall be required to pass a written examination in such subjects as the Board may determine appropriate. The passing score shall be established by the Board in its rules and regulations. An applicant who fails such examination shall be eligible for reexamination as provided in the rules and regulations.

C. Except as otherwise provided by law no license shall be issued for longer than two (2) years. On or before April 1 of each even-numbered year an application for renewal of license shall be sent by the Executive Director to each registered nurse to whom a license or renewal license was issued in the preceding license period. On or before April 1 of each odd-numbered year an application for renewal of license shall be sent by the Executive Director to each licensed practical nurse to whom a license or renewal license was issued in the preceding license period.

D. An applicant for license renewal shall complete the appropriate application and return it with the renewal fee to the Board by June 30 of the current year. Upon receipt of the application and fee, the Executive Director shall verify the accuracy of the information provided on the application. The Board shall issue renewal licenses upon proper verification.

E. Unless otherwise suspended or revoked or canceled, a renewal shall be valid for the next two (2) years beginning July 1 of the year the renewal is issued and expiring on June 30 of the following second year. Such renewal license shall render the licensee a legal practitioner of nursing during the period stated on the license.

F. A licensee who allows a license to lapse by failing to renew in the manner provided may be reinstated by meeting such requirements as the Board may provide for in its rules and regulations.

G. Any licensee who desires such license to be placed in an inactive status shall send a written notice to that effect to the Board. The Board shall place the name of said licensee upon a nonpracticing list. During the period of inactive status the licensee shall not practice nursing nor be subject to the payment of renewal fees. If a licensee on inactive status desires to resume practice, application for returning the license to active status, with the appropriate fee, shall be made to the Board by said person.

H. The Board may issue temporary licenses to nurses from another state upon proper application stating the purpose of said license. No temporary license may be issued for more than ninety (90) days. A temporary license may be renewed at the discretion of the Board but shall not extend over a period longer than one (1) year.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.7 of Title 59, unless there is created a duplication in numbering, as follows:

A. The fees for an initial license to practice nursing shall not exceed the following amounts:

1. To practice as a registered nurse \$125.00
2. To practice as a registered nurse practitioner \$125.00
3. To practice as a licensed practical nurse \$ 85.00

In addition to the fee to practice as a registered nurse, the fee for recognition as a certified registered nurse anesthetist or certified nurse-midwife shall not exceed Seventy-five Dollars (\$75.00).

B. The renewal fees, which shall be for each two-year renewal period, shall not exceed Forty Dollars (\$40.00).

C. Full fees shall be charged for complete reexaminations.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Nurse Licensure and Nursing Education to be designated the "Oklahoma Board of Nurse Licensure and Nursing Education Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of all monies received by the Board from fees or other sources. All monies

accruing to the credit of said funds are hereby appropriated and may be budgeted and expended by the Board to implement and continue carrying out the purposes of the Oklahoma Nursing Practice Act of 1994. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment. The Board shall pay into the General Revenue Fund of the state ten percent (10%) of the gross fees received by the Board.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.9 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An applicant for a registered nurse license shall submit to the Board certified written evidence that the applicant:

1. Is of good moral character;
2. Has completed the curricula of a nursing education program which has been approved by the Board;
3. Holds at least an associate degree in nursing from an accredited college or university;
4. Has met such other qualifications as the Board has prescribed; and
5. Has successfully passed a written examination in such subjects as the Board may require.

B. The Board may issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a registered nurse or its equivalent pursuant to the laws of another state, territory, District of Columbia, or foreign country if such applicant meets the qualifications required for licensure as a registered nurse in this state.

C. Any person who holds a license to practice as a registered nurse in this state shall have the right to the title "Registered Nurse" and to the abbreviation "R.P.N.". No other person shall assume such title or use such abbreviation, or any other words,

letters, signs, or figures to indicate that such person is a licensed registered nurse.

D. Any person who is a licensed registered nurse pursuant to the laws of this state on July 1, 1994, shall be deemed to be a registered nurse pursuant to the provisions of the Oklahoma Nursing Practice Act of 1994.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.10 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An applicant for a registered nurse practitioner I or registered nurse practitioner II license shall submit to the Board certified written evidence that the applicant:

1. Is of good moral character;
2. Has completed the curricula of a nursing education program which has been approved by the Board;
3. Holds a baccalaureate degree in nursing from an accredited college or university or holds a master of science degree in nursing from an accredited college or university;
4. Has met such other qualifications as the Board may prescribe;
5. Has successfully passed a written examination in such subjects as the Board may require for their specialty area;

B. The Board may issue a license to practice nursing as a registered nurse practitioner I or registered nurse practitioner II without examination to an applicant who has been duly licensed as a registered nurse practitioner I or registered nurse practitioner II or its equivalent pursuant to the laws of another state, territory, District of Columbia, or foreign country if such applicant meets the qualifications required for licensure as a registered nurse practitioner I or registered nurse practitioner II in this state.

C. Any person who holds a license to practice as a registered nurse practitioner I in this state shall have the right to the title

"Registered Nurse Practitioner I" and to the abbreviation "R.P.N.P.I". Any person who holds a license to practice as a registered nurse practitioner II in this state shall have the right to the title "Registered Nurse Practitioner II" and to the abbreviation "R.P.N.P.II". No other person shall assume such title or use such abbreviation, or any other words, letters, signs, or figures to indicate such person is a licensed registered nurse practitioner I or a licensed registered nurse practitioner II.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.11 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An applicant for a licensed practical nurse license shall submit to the Board certified written evidence that the applicant:

1. Is of good moral character;
2. Has completed the curricula of a nursing education program which has been approved by the Board;
3. Holds a certificate in practical nursing from an approved practical nursing program;
4. Has met such other qualifications as the Board may prescribe; and
5. Has successfully passed a written examination in such subjects as the Board may require.

B. The Board may issue a license to practice nursing as a licensed practical nurse without examination to an applicant who has been duly licensed as a licensed practical nurse or its equivalent pursuant to the laws of another state, territory, District of Columbia, or foreign country if such applicant meets the qualifications required for licensure as a licensed practical nurse in this state.

C. Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to the title "Licensed Practical Nurse" and to the abbreviation "L.P.N.". No

other person shall assume such title or use such abbreviation, or any other words, letters, signs, or figures to indicate that such person is a licensed practical nurse.

D. Any person who is a licensed practical nurse pursuant to the laws of this state on July 1, 1994, shall be deemed to be a licensed practical nurse pursuant to the provisions of the Oklahoma Nursing Act of 1994.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.12 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An applicant for certified nurse practitioner anesthetist shall submit written certified evidence to the Board that the applicant:

1. Holds a license to practice as a registered nurse practitioner in this state;

2. Has successfully completed the educational program of a school of nurse anesthetists accredited by the American Association of Nurse Anesthetists;

3. Is certified by the American Association of Nurse Anesthetists as a certified registered nurse anesthetist within one (1) year following completion of such educational program, and continues to maintain such certification current; and

B. The certified registered nurse anesthetist shall administer anesthesia under the supervision of a medical doctor, an osteopathic physician or dentist licensed in this state and under conditions in which timely on-site consultation by such doctor, osteopath or dentist is available, shall have the right to use both the title "Certified Registered Nurse Anesthetist" and the abbreviation "C.R.P.N.A.".

C. Nothing in this act shall prohibit the administration of local or topical anesthetics as now permitted by law. Provided further, nothing in this section shall limit the authority of the

Board of Governors of Registered Dentists to establish the qualifications for dentists who direct the administration of anesthesia.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma State Statutes as Section 578.13 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A registered nurse practitioner shall be permitted to practice as a nurse-midwife if such registered nurse practitioner is certified by the American College of Nurse-Midwives and complies with the provisions of the Oklahoma Nursing Practice Act of 1994.

B. The provisions of this section shall not apply to:

1. Any certified nurse-midwife who is acting within official duties and subject to the employment of the United States or any bureau, division or agency thereof;

2. The practice of nurse-midwifery incidental to a program of study by students enrolled in a nurse-midwifery education program which has been approved by the American College of Nurse-Midwives;

3. A person performing duties as required in the physical or mental care of a patient and carrying out medical orders prescribed by a licensed physician in a licensed hospital or institution or state institution, or by a person qualified to perform such services by a licensed medical or osteopathic physician in any program of medical care or other program financed by the Department of Human Services;

4. Any person licensed to perform such service in this state under any other law; or

5. The practice of midwifery in connection with spiritual convictions and practices of any established church or religious denomination. No person practicing lay midwifery shall represent her/himself as a certified nurse-midwife.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.14 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. To qualify as an approved nursing education program preparing students for licensure as a registered nurse in this state, the program shall be conducted by an accredited college or university that provides a prescribed program of study for a minimum of two (2) academic years. Such program shall provide a course of study and clinical experience in nursing of adults and children and meet the standards established by the Board. A certificate of graduation or a diploma shall not be issued to a student until the completion of all prescribed courses.

B. To qualify as an approved nursing education program preparing students for licensure as a Registered Nurse Practitioner I in this state, the program shall be conducted by an accredited college or university that offers a career mobility program; associate degree in nursing at two (2) years and an additional two (2) years for a baccalaureate degree in nursing. Such a program shall provide a course of study and clinical experience in a specialty area and meet the standards established by the Board. A certificate of graduation or a diploma shall not be issued to a student until the completion of all prescribed courses in each respective degree.

C. To qualify as an approved nursing education program preparing students for licensure as a licensed practical nurse in this state, the program shall be conducted by a school that provides a prescribed program of study for a maximum of twelve (12) months. Such program shall provide a course of study and clinical experience in practical nursing of adults and children and meet the standards established by the Board. Certificate of graduation or a diploma shall not be issued to a student until the completion of all prescribed courses.

D. At least every five (5) years or as otherwise determined by the Board, the Executive Director, or other authorized employee shall review all nursing education programs in this state. Written reports of each review shall be retained by the Board. If the Board determines that any nursing education program is not maintaining the standards established by the Board, notice specifying the defects shall be submitted to the institution offering the nursing education program. Failure to correct the reported defects to the satisfaction of the Board within one (1) year from the receipt of the unfavorable report shall result in the nursing education program being discontinued as an approved nursing education program.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.15 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board shall have the power to deny, suspend, or revoke any license to practice nursing, or to otherwise discipline a licensee upon proof that the person:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or

2. Has been finally adjudicated guilty of a felony or of a crime that would constitute a felony pursuant to the laws of this state; or

3. Is unfit or incompetent by reason of gross negligence; or

4. Is habitually intemperate or addicted to the use of habit-forming drugs; or

5. Is judicially determined to be mentally incompetent; or

6. Is guilty of unprofessional conduct as defined by the Board in its rules and regulations; or

7. Is guilty of willfully or repeatedly violating any of the provisions of the Oklahoma Nursing Practice Act of 1994.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.16 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board, upon receipt of a written complaint charging a person with any of the actions specified as grounds for disciplinary action, shall fix a time and place for a hearing on the charges. A copy of the charges and notice of time and place of the hearing shall be given, in writing, to the accused at least ten (10) days prior to the hearing.

If it is deemed advisable by the Board, and in order to mitigate irresponsible charges, the Board may direct the Executive Director to investigate any charge which would require disciplinary action.

B. Any person whose license has been revoked may apply for reinstatement after two (2) years from the date of the Board action. The Board on its own motion may reconsider and change the action taken at any time.

C. Any person or entity aggrieved by any action taken by the Board may appeal such action to the district court of Oklahoma County.

D. All hearing proceedings and appellate procedures shall be conducted in accordance with Article II of the Administrative Procedures Act.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.17 of Title 59, unless there is created a duplication in numbering, reads as follows:

No person shall practice or offer to practice nursing in this state or use any title, abbreviation, sign, designation, or device indicating licensure unless said person has complied with the provisions of the Oklahoma Nursing Practice Act of 1994.

Any person violating the provisions of the Oklahoma Nursing Practice Act of 1994 or who willfully makes any false representations to the Board in applying for licensure, upon

conviction, shall be guilty of a misdemeanor, punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for the first offense and not less than One Hundred Dollars (\$100.00) for each subsequent offense. Each day of violation shall constitute a separate offense.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.18 of Title 59, unless there is created a duplication in numbering to read as follows:

A. The Oklahoma Nursing Practice Act shall not be construed to affect or apply to:

1. Gratuitous nursing of the sick by friends or members of the family;

2. Registered nurses, registered nurse practitioners or licensed practical nurses from any state called in attendance temporarily to a patient in any county in this state;

3. The practice of nursing which is incidental to the program of study by students enrolled in nursing education programs approved by the Board, or by graduates of such nursing education programs pending the result of the first licensing examination scheduled by the Board following such graduation;

4. The practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of official duties;

5. The performance by any person of such duties as required in the physical or mental care of a patient in the carrying out of medical orders prescribed by a licensed physician in a currently licensed hospital, currently licensed nursing home, state institution, or rendering nursing care in the recipient's own home by a person certified as qualified to perform such services by a licensed medical or osteopathic physician in any program of medical care or other program financed by the Department of Human Services;

provided, that such person shall not represent her/himself to the public as a graduate or licensed nurse; and

6. The rendering of service by a physician's trained assistant pursuant to the provisions of Section 492 of Title 59 of the Oklahoma Statutes.

B. Nothing in the Oklahoma Nursing Practice Act of 1994 shall be construed to affect or apply to the practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well recognized church or religious denomination provided that no person practicing such nonmedical nursing shall represent him/herself as a graduate or licensed nurse.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.19 of Title 59, unless there is created a duplication in numbering, reads as follows:

Whenever the abbreviation "R.N." appears in any law, it shall be deemed to refer to a registered nurse. Whenever the abbreviation "C.R.N.A." appears in any law, it shall be deemed to refer to certified registered nurse anesthetist.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.20 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created an Advisory Council to the Board. The Advisory Council shall consist of eight (8) members, one to be selected by each of the following: The Oklahoma State Medical Association, the Oklahoma Hospital Association, the Oklahoma State Nursing Home Association, Oklahoma Chapters of Nationally Recognized Nurses Associations, Oklahoma Chapters of Nationally Recognized Chapters of Licensed Practical Nurses, the Oklahoma State Dental Association, the Oklahoma Osteopathic Association, and State Federation of Chapters of the American Association of University Professors or successor organizations.

The Advisory Council shall elect from its members, a president, a vice president, and a secretary. Quarterly meetings of the Advisory Council shall be held to review the activities of the Board, one of which will be the annual meeting to review activities of the previous year. A quorum of the Advisory Council shall consist of five (5) members.

The Council shall function in an advisory capacity as a constructive force in establishing and maintaining standards of nursing and licensure regulations in the interest of public protection. Any proposed rules and regulations of the Board shall be forwarded to the Secretary of the Advisory Council for distribution to its members at least thirty (30) days prior to the date of the public hearing so the Council may advise the Board as to its recommendation for accepting or rejecting such rules and regulations for consistency with the Oklahoma Nursing Practice Act of 1994 or other acts as regards health occupations and the public interest. The Board will prepare a quarterly report to the Advisory Council of activities and actions of the previous quarter and an annual report at the end of each fiscal year.

SECTION 21. It is the intent of this legislation that on the effective date of this act, The Regents for Higher Education, The Board of Vocational and Technical Education and the Oklahoma Board of Nurse Licensure and Education shall enter into negotiations to develop a comprehensive program of articulation insuring that educational achievements are transferrable between the approved institutions for nursing education. Not later than twelve (12) months after the effective date of this act, the Regents for Higher Education, deemed to be the lead agency for the purpose of this section shall present a report to the House of Representatives, the Senate and the Governor outlining the program of articulation and the progress of articulation.

SECTION 22. REPEALER 59 O.S. 1981, Sections 567.1, 567.2, 567.3, as amended by Section 3, Chapter 192, O.S.L. 1984, 567.4, as amended by Section 34, Chapter 178, O.S.L. 1985, 567.5, 567.6, 567.7, 567.8, 567.9, 567.10, 567.11, 567.12, 567.13, 567.14, 567.15, 567.16, 567.51, as amended by Section 1, Chapter 129, O.S.L. 1988, 577.1, 577.2, 577.3, 577.4, 577.5 and 577.6 (59 O.S. Supp. 1990, Sections 567.3, 567.4 and 567.51), are hereby repealed.

SECTION 23. This act shall become effective January 1, 1992.

43-1-5055 KSM