

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1760

BY: VAUGHN (Ray)

AS INTRODUCED

AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS;

AMENDING 59 O.S. 1981, SECTIONS 567.2, 567.4, AS  
AMENDED BY SECTION 34, CHAPTER 178, O.S.L. 1985 (59  
O.S. SUPP. 1990, SECTION 567.4), 567.5, 567.6,  
567.7, 567.8, 567.9, 567.11, 567.12, 567.13 AND  
567.14, WHICH RELATE TO NURSES; MODIFYING PURPOSE  
OF ACT; PROVIDING DEFINITIONS; MODIFYING  
COMPOSITION OF NURSING BOARD; PROVIDING CERTAIN  
PROCEDURES FOR THE BOARD; PROVIDING FOR  
REIMBURSEMENT OF BOARD MEMBERS; CHANGING REGISTERED  
NURSE LICENSING APPLICATION REQUIREMENTS; CHANGING  
LICENSED PRACTICAL NURSE APPLICATION REQUIREMENTS;  
MODIFYING RENEWAL, REINSTATEMENT, AND TEMPORARY  
LICENSE REQUIREMENTS; MODIFYING LICENSE FEES;  
MODIFYING DISCIPLINARY POWER OF BOARD OF NURSING;  
INCREASING PENALTIES FOR VIOLATIONS; MODIFYING  
EXCEPTIONS TO APPLICATION OF THE ACT; MODIFYING  
PROCEDURES TO QUALIFY AS APPROVED PROGRAM;  
MODIFYING SCHOOL SURVEY AND WORKING PROCEDURES;  
MODIFYING PROHIBITION AGAINST PRACTICE WITHOUT  
CONFORMITY WITH THE ACT; PROVIDING FOR BOARD TO  
ESTABLISH ADVISORY COMMITTEES; REPEALING 59 O.S.  
1981, SECTIONS 567.3, AS AMENDED BY SECTION 3,  
CHAPTER 192, O.S.L. 1984 (59 O.S. SUPP. 1990,

SECTION 567.3), 567.10 AND 567.16, WHICH RELATE TO  
LICENSURE FOR NURSES; REPEALING 59 O.S. 1981,  
SECTIONS 577.1, 577.2, 577.3, 577.4, 577.5 AND  
577.6, WHICH RELATE TO NURSE MIDWIFERY; PROVIDING  
FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 59 O.S. 1981, Section 567.2, is  
amended to read as follows:

Section 567.2 The purpose of this act is to safeguard the  
public health and welfare by requiring any person who practices or  
offers to practice ~~professional~~ registered nursing or practical  
nursing in this state to be a registered nurse or a licensed  
practical nurse, and to submit sufficient evidence that he or she is  
qualified so to practice and shall be licensed as hereinafter  
provided. This act further safeguards the public by requiring any  
person holding themselves out as an advanced practitioner of nursing  
is qualified so as to practice as hereinafter provided. It shall be  
unlawful for any person to practice or offer to practice  
~~professional~~ registered nursing ~~or~~, practical nursing or offer to  
practice as an advanced practitioner, or use any title,  
abbreviation, sign or device to indicate that he or she is a  
licensed ~~professional~~ registered nurse, or is a licensed practical  
nurse or an advanced practitioner unless he or she has been duly  
licensed and registered ~~under the provisions of this act~~ and  
recognized as meeting the qualifications as provided for in this  
act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 567.3a of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Board" means the Oklahoma Board of Nursing;
2. "The practice of nursing" means the performance of services provided for purposes of nursing diagnosis and treatment of human responses to actual or potential health problems consistent with educational preparation. Knowledge and skill is the basis for assessment, analysis, planning, intervention, and evaluation used in the promotion and maintenance of health and nursing management of illness, injury, infirmity, restoration or optimal function, or death with dignity. Practice is based on understanding the human condition across lifespan and understanding the relationship of the individual within the environment. This practice includes execution of the medical regime including the administration of medications and treatments prescribed by any person authorized by state law to so prescribe;
3. "Registered nursing", abbreviated as "RN" means the practice of the full scope of nursing which includes, but is not limited to:
  - a. assessing the health status of individuals, families and groups,
  - b. analyzing assessment data to determine nursing care needs,
  - c. establishing goals to meet identified health care needs,
  - d. planning a strategy of care,
  - e. establishing priorities of nursing intervention to implement the strategy of care,
  - f. implementing the strategy of care,

- g. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with this act,
- h. providing safe and effective nursing care rendered directly or indirectly,
- i. evaluating responses to interventions,
- j. teaching the principles and practice of nursing,
- k. managing and supervising the practice of nursing,
- l. collaborating with other health professionals in the management of health care, and
- m. performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation;

4. "Licensed practical nursing", abbreviated as "LPN" means the practice of nursing under the supervision and/or direction of a registered nurse, licensed physician or dentist. This directed scope of nursing practice includes, but is not limited to:

- a. contributing to the assessment of the health status of individuals and groups,
- b. participating in the development and modification of the plan of care,
- c. implementing the appropriate aspects of the plan of care,
- d. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with this act,
- e. providing safe and effective nursing care rendered directly or indirectly,
- f. participating in the evaluation of responses to interventions,
- g. teaching basic nursing skills and related principles, and

- h. performing additional nursing procedures in accordance with knowledge and skills acquired through education beyond nursing preparation;

5. "Advanced nurse practitioner" means a licensed registered nurse who:

- a. has successfully completed a formal program of study approved by the Board which is designed to prepare registered nurses to perform in an expanded role in the delivery of health care,
- b. is nationally certified by an appropriate certifying body, recognized by the Board,
- c. has received a certificate of recognition from the Board.

The advanced nurse practitioner performs in an expanded role in the delivery of health care that is:

- a. consistent with educational preparation,
- b. functions with established protocols,
- c. is in accord with the standards for advanced nursing practice as identified by the certifying body and approved by the Board.

Any person who is recognized by the Board as an advanced nurse practitioner and wishes to practice as an advanced nurse practitioner in this state shall have the right to use the title "Advanced Registered Nurse Practitioner" and to the abbreviation "ARNP";

6. "Clinical nurse specialist" means a licensed registered nurse who holds:

- a. a master's degree in nursing with clinical specialization preparation to function in an expanded role,
- b. specialty certification from a national certifying organization recognized by the Board,

- c. a certificate of recognition from the Board.

In the expanded role, the clinical nurse specialist performs at an advanced practice level which shall include but not be limited to:

- a. practicing as an expert clinician in the provision of direct nursing care to a selected population of patients or clients in any setting, including private practice,
- b. managing the care of patients or clients with complex nursing problems,
- c. enhancing patient or client care by integrating the competencies of clinical practice, education, consultation, and research.

Any person who is recognized by the Board as a clinical nurse specialist shall have the right to use the title "Clinical Nurse Specialist" and abbreviation "CNS";

7. "Nurse-midwife" means a qualified registered nurse who has received a certificate of recognition from the Oklahoma Board of Nursing who possesses evidence of certification according to the requirements of the American College of Nurse-Midwives, and has the right to use the title Certified Nurse-Midwife and the abbreviation "CNM";

8. "Nurse-midwifery practice" means the performance for compensation in 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 accord with the standards for nurse-midwifery practice as defined by the American College of Nurse-Midwives; and

9. "Certified registered nurse anesthetist" means a qualified registered nurse who is certified by the American Association of Nurse Anesthetists and administers anesthesia under the supervision of a medical doctor, an osteopathic physician or a dentist. Said

nurse shall have the right to use the title "Certified Registered Nurse Anesthetist" and the abbreviation "CRNA".

SECTION 3. AMENDATORY 59 O.S. 1981, Section 567.4, as amended by Section 34, Chapter 178, O.S.L. 1985 (59 O.S. Supp. 1990, Section 567.4), is amended to read as follows:

Section 567.4 ~~(a)~~ A. The Oklahoma Board of ~~Nurse Registration and Nursing Education~~ is hereby established in the State of Oklahoma. The Board shall consist of ~~five (5)~~ nine (9) members who shall be citizens of the United States of America, and residents of Oklahoma, for no less period than the previous five (5) years. ~~Each member shall be a registered nurse of good moral character and actively engaged in nursing at the time of appointment, shall have not less than five (5) years' experience in nursing since graduation with at least two (2) years' experience of the five (5) years in administration, supervision or teaching in one of the branches of nursing, nursing service, nursing education or public health. At least two of the five-member Board shall be from the field of nursing education actively associated with a recognized school of professional nursing in Oklahoma. The Board shall carry on licensing and educational functions for professional and practical nursing~~ Five of the members shall be registered nurses, in good standing under the provisions of the Oklahoma Nursing Practice Act, currently engaged in the practice of nursing as a registered nurse and shall have had no less than five (5) years of experience as a registered nurse. At least two of the registered nurses shall be from the field of nursing education, actively associated with a recognized school of nursing in Oklahoma, and one of them must be in nursing education administration. At least two of the registered nurses shall represent nursing service, and one of them must hold the highest level of nursing management within a hospital setting. Three of the members shall be licensed practical nurses in good standing under the provisions of the Oklahoma Nursing Practice Act

and currently engaged in the practice of practical nursing as a licensed practical nurse and shall have had no less than five (5) years of experience as a licensed practical nurse. 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. This member will be appointed by the Governor to serve coterminously with the Governor. Not more than one registered nurse and one practical nurse Board member shall be appointed from any one congressional district. At least one registered nurse Board member and one licensed practical nurse Board member shall be appointed from a county with a population of less than sixty thousand (60,000).

~~(b) Immediately after the effective date of Sections 567.1 through 567.15 of this title, the Governor shall appoint, from a list of not less than twelve names submitted by the Oklahoma State Nurses' Association, the members of the Board. Not more than one registered nurse board member shall be appointed from any one congressional district. At least one registered nurse member of the Board shall be appointed from a county with a population of less than sixty thousand (60,000). The members of said Board shall be appointed one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years and one for five (5) years from the dates of their respective appointments. On the expiration of the term of any member of said Board, the Governor shall, from a list of not less than five names submitted by the Oklahoma State Nurses' Association, fill the vacancy by appointment for a term of five (5) years. On the death, resignation or removal of any member, the Governor shall, from a list of not less than five names submitted by the Oklahoma State Nurses' Association, fill the vacancy by appointment for the unexpired portion of any term. Every~~

~~member shall serve until his or her successor is appointed and qualified~~ B. The Governor shall appoint the RN Board members from a total list of not less than five (5) names submitted by the Oklahoma Nurses Association and Oklahoma chapters of nationally recognized registered nurse organizations. The Governor shall appoint the licensed practical nurse Board members from a list of no less than five (5) names submitted by the Oklahoma State Association of LPN's and Oklahoma chapters of nationally recognized practical nurse organizations. Individuals who are members of the Oklahoma Board of Nursing prior to the effective date of this act shall be allowed to fulfill their terms and be eligible for reappointment.

~~(c) On the expiration of the present term of the three licensed practical nurses serving with the Board, the Governor shall appoint three licensed practical nurses from a list of not less than nine names submitted to him by the Oklahoma State Association for Licensed Practical Nurses. These members shall be appointed one for one (1) year, one for two (2) years, and one for three (3) years from the dates of their respective appointments. At least one practical nurse member of the Board shall be appointed from a county with a population of less than sixty thousand (60,000). Each of these three members shall serve for a period of three (3) years or until his successor is appointed and qualified. On the expiration of the term of any licensed practical nurse, the Governor shall fill the vacancy by appointment for a term of three (3) years. On the death, resignation or removal of any member, the Governor shall fill the vacancy by appointment for the unexpired portion of any term. Any members so appointed must be licensed practical nurses who have had not less than three (3) years' experience in their profession and who are citizens of the United States of America, and residents of the State of Oklahoma. Any appointments to fill a vacancy shall be made from a list of not less than three names of eligible licensed practical nurses for each vacancy to be filled, submitted~~

~~to the Governor by the Oklahoma Association for Licensed Practical Nurses. These three members so appointed shall function with the Board to act on all matters pertaining to the licensing and education of practical nurses; and three registered nurse members and two licensed practical nurse members of the Board are necessary to constitute a quorum for action on matters pertaining to practical nursing; and a majority of those present is necessary for any action~~

C. The RN and LPN members shall be appointed for a term of five (5) years. On the death, resignation, or removal of any member a list from the aforementioned organizations will be submitted to the Governor, who shall appoint a member to fill the vacancy. A quorum shall be a majority of the Board which must include at least three (3) registered nurses and one (1) licensed practical nurse.

~~(d) The members of the Board shall as soon as organized and annually thereafter elect from their number a president, and a secretary who shall also be the treasurer. It shall hold two regular business meetings during each calendar year.~~ D. The members of the Board shall annually elect from their number a president, vice-president and a secretary who shall also be the treasurer, and other such officers as necessary to conduct the business of the Board. It shall hold six (6) regular business meetings during each calendar year. Special meetings may be called by the president or secretary with five (5) days' notice to each member of the Board. The Board shall have a seal; it shall make and adopt all necessary rules not inconsistent with the laws of this state, the United States, or with this act; it shall perform the duties and transact the business required under the provisions of this act. ~~Three members of the Board shall constitute a quorum. The secretary shall be required to keep a record of all meetings of the Board including a register of the names of all professional and practical nurses duly registered under this act and give notice of all meetings. Each member of the Board and the practical nurses~~

~~shall receive travel expenses as provided in the State Travel Reimbursement Act.~~ The Board shall cause to be kept a record of all meetings for the Board and give notice of all meetings in accordance with the Administrative Procedures Act and the Open Meetings Act. A list of all persons duly licensed and qualified under this act shall be maintained by the Board. Each member of the Board shall receive, in addition to actual and necessary travel expenses as provided in the State Travel Reimbursement Act, compensation in accordance with approved state law. All monies received by the Board shall be held by the treasurer of the Board for meeting the expenses of the Board and for the promotion of nursing education, to employ an attorney to assist the Board and other state and county officials in carrying out the provisions of this act, and such other purposes which the Board may determine, and shall be disbursed as directed by the Board. The Board is authorized to adopt and, from time to time, revise such rules and regulations, not inconsistent with this act, as may be necessary to enable it to carry into effect the provisions of this act. The Board shall appoint and employ a qualified person, who shall be a registered nurse, to serve as Executive Director and shall fix his or her compensation, require a satisfactory bond, and define his or her duties.

SECTION 4. AMENDATORY 59 O.S. 1981, Section 567.5, is amended to read as follows:

Section 567.5 ~~(a) An applicant for license to practice as a registered nurse shall submit to the Board certified written evidence that said applicant: (1) is of good moral character, (2) has completed at least an approved high school course of study or the equivalent thereof as determined by the State Department of Education, (3) has completed the basic professional curricula of a school of nursing approved by the Board, and holds a diploma or degree therefrom, or both, and (4) has met such other qualifications as the Board may prescribe. An applicant for a license shall be~~

~~required to pass a written examination in such subjects as the Board may determine. Upon successfully passing such an examination, the Board shall issue to the applicant a license to practice nursing as a registered nurse. An applicant who fails such examination shall be subject to reexamination according to the rules and regulations of the Board. The passing score shall be established by the Board in its rules.~~

~~Any person registered as a registered nurse under the laws of this state, which is valid on July 1, 1953, shall be deemed to be a registered nurse under Sections 567.1 through 567.15 of this title~~  
A. An applicant for license to practice as a registered nurse shall submit to the Board certified written evidence that said applicant:

1. has completed the basic professional curricula of a school of nursing approved by the Board, and holds or is entitled to hold a diploma or degree therefrom; and

2. has met such other qualifications as the Board may prescribe in its rules and regulations.

An applicant for a license shall be required to pass a written examination in such subjects as the Board may determine. Upon successfully passing such an examination, the Board shall issue to the applicant a license to practice as a registered nurse. An applicant who fails such examination shall be subject to reexamination according to the rules and regulations of the Board. The passing criteria shall be established by the Board in its rules.

~~(b)~~ 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 under the laws of another state, territory, the District of Columbia or a foreign country, if such applicant meets the qualifications required for licensing as a registered nurse in the State of Oklahoma.

~~(c)~~ 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.N." No other person shall assume such title or use such abbreviation, or any other words, letters, signs, or figures or cap to indicate that the person using the same is a licensed registered nurse. Any individual doing so would be guilty of a felony, punishable by not less than one (1) year in prison or a fine of not less than One Hundred Dollars (\$100.00) or both for each offense.

SECTION 5. AMENDATORY 59 O.S. 1981, Section 567.6, is amended to read as follows:

Section 567.6 ~~(a) An applicant for a license to practice as a licensed practical nurse shall submit to the Board certified evidence that the applicant is (1) of good moral character, (2) has completed at least two (2) years of high school or its equivalent, (3) has successfully completed the prescribed curricula in a state-approved program of practical nursing and holds a diploma or certificate therefrom, (4) and such other reasonable preliminary qualification requirements as the Board may prescribe as to education, maturity, and aptitude, and not in conflict with Sections 567.1 through 567.15 of this title. The applicant for a license to practice as a licensed practical nurse shall be required to pass a written examination in such subjects as the Board may require. Upon successfully passing such examination the Board shall issue to the applicant a license to practice as a licensed practical nurse. An applicant who fails such examination shall be subject to reexamination according to the rules and regulations of the Board. The passing score shall be established by the Board in its rules A.~~  
An applicant for a license to practice as a licensed practical nurse shall submit to the Board certified evidence that the applicant:

1. has completed at least an approved high school course of study or the equivalent;

2. has successfully completed the prescribed curricula in a state-approved program of practical nursing and holds or is entitled

to hold a diploma or certificate therefrom, or equivalent courses in a state-approved program of nursing; and

3. such other reasonable preliminary qualification requirements as the Board may prescribe.

The applicant for a license to practice as a licensed practical nurse shall be required to pass a written examination in such subjects as the Board may require. Upon successfully passing such examination the Board shall issue to the applicant a license to practice as a licensed practical nurse. An applicant who fails such examination shall be subject to reexamination according to the rules and regulations of the Board. The passing criteria shall be established by the Board in its rules.

~~(b)~~ B. The Board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse, or is entitled to perform similar services under a different title, according to the laws of another state, territory, the District of Columbia or a foreign country if such applicant meets the requirements for licensed practical nurses in the State of Oklahoma.

~~(c)~~ C. Any person holding a license to practice as a licensed attendant issued by the Board, which is valid on July 1, 1953, shall be deemed to be a licensed practical nurse under the provisions of this act.

~~(d)~~ D. Any person who submits certified evidence of having had at least two (2) years of general practical nursing experience approved by the Board prior to the passage of this act and within the past five (5) years, and who furnishes evidence of having successfully completed an extension course which has been approved by the Board will be eligible for practical nurse licensure. The fee for this form of licensure shall be Fifteen Dollars (\$15.00). ~~This waiver shall be in effect to July 1, 1954.~~

~~(e) E.~~ Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use 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 the person using the same is a licensed practical nurse.

Any individual doing so shall be guilty of a felony, which shall be punishable, upon conviction, by not less than one (1) year in prison or a fine of not less than One Hundred Dollars (\$100.00) or both for each offense.

SECTION 6. AMENDATORY 59 O.S. 1981, Section 567.7, is amended to read as follows:

Section 567.7 ~~(a) The license issued under the provisions of Sections 567.1 through 567.15 of this title shall be renewed biennially, except as herein provided. Effective in 1980, on or before April 1 of each even year, the Executive Director shall mail an application for renewal of license to every registered nurse to whom a license was issued or renewed in the course of the preceding year. Effective in 1981, on or before April 1 of each odd year, the Executive Director shall mail an application for renewal of license to every practical nurse to whom a license was issued or renewed in the course of the preceding year. The applicants shall complete the application blank and return it to the Board on or before July 1 of the current year, which application shall be accompanied by a renewal fee. Upon the receipt of the application and fee, the Executive Director shall verify the accuracy of the application to the Board and the Board shall issue to the applicant a certificate of renewal for the next two (2) fiscal years beginning July 1 and expiring June 30 of the following two-year period. Such certificate of renewal shall render the holder thereof a legal practitioner of registered nursing, or of licensed practical nursing for the period stated on the renewal. Any licensee who allows his or her license~~

~~to lapse by failing to renew the license may be reinstated by meeting such requirements as the Board may prescribe~~ A. Licenses issued under this act shall be renewed every two (2) years according to a schedule published by the Board.

B. Licensees who apply for reinstatement of their license must meet such requirements as the Board may prescribe in its rules and regulations.

C. Any licensee who desires to retire temporarily from the practice of nursing in this state shall send a written notice to that effect to the Board. It shall be the duty of the Board to place the name of such licensee upon the nonpracticing list. During the period of temporary retirement the licensee shall not practice nursing nor be subject to the payment of any renewal fees. ~~Whenever the licensee desires to resume practice, application for renewal of license and payment of renewal fee for the current renewal period shall be made to the Board~~ When the licensees desire to resume practice, they must meet such requirements as the Board may prescribe in its rules and regulations.

~~(b)~~ D. Initial applications to practice as a registered nurse shall be accompanied by a fee established by the Board not to exceed the actual administrative and material costs not to exceed One Hundred Twenty-five Dollars (\$125.00). Initial applications for a license to practice as a licensed practical nurse shall be accompanied by a fee established by the Board not to exceed the actual administrative and material costs not to exceed Eighty-five Dollars (\$85.00).

~~(c)~~ E. The Board is authorized to fix the ~~annual~~ biennial renewal license fee for the ~~licensed~~ registered ~~professional~~ nurse and licensed practical nurse which shall not exceed ~~Twenty Dollars~~ ~~(\$20.00).~~ ~~The Board is authorized to change the annual renewal period and license fee to a biennial renewal period and biennial license fee beginning July 1, 1980, with the biennial renewal~~

~~license fee to be double the annual renewal license fee~~ Sixty Dollars (\$60.00).

~~(d) F.~~ F. The Board shall by rules or regulations establish the fees for reexamination of any applicant who fails ~~the first~~ an examination but such fees shall not exceed the amounts specified herein for licensure. ~~The full fees shall be charged for any complete reexamination.~~

~~(e) G.~~ G. Initial applications and renewal applications for recognition for advanced practice ~~as a nurse practitioner~~ shall be accompanied by a fee established by the Board not to exceed the actual administrative and material costs ~~not to exceed Eighty-five Dollars (\$85.00) for initial application and Twenty Dollars (\$20.00) for renewal~~ of One Hundred Dollars (\$100.00) for initial application and Sixty Dollars (\$60.00) for biennial renewal.

SECTION 7. AMENDATORY 59 O.S. 1981, Section 567.8, is amended to read as follows:

Section 567.8 ~~(a) A.~~ A. The Board shall have power to deny, revoke or suspend any license to practice registered nursing, or licensed practical nursing, or recognition for practice as an advanced practitioner 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 ~~professional~~ registered nursing, or licensed practical nursing or advanced practical nursing, or (2) is guilty of a felony or of ~~gross immorality~~ any offense that would constitute a felony under the laws of this state, or (3) is unfit or incompetent by reason of ~~gross negligence, disreputable habits or other like causes,~~ or (4) is habitually intemperate or addicted to ~~the use of~~ habit-forming drugs, or (5) ~~is judicially determined to be mentally incompetent,~~ ~~(6) is guilty of unprofessional conduct, or (7) is guilty of wilfully or repeatedly violating any of the provisions of Sections 567.1 through 567.15 of this title~~ exhibits actual or potential

inability to practice nursing with sufficient knowledge and/or reasonable skills and safety due to impairment caused by illness, use of alcohol, drugs, chemicals or any other substance, or as a result of any mental or physical condition, or (6) has been adjudicated as mentally incompetent, mentally ill, chemically dependent or dangerous to the public or has been committed by a court of competent jurisdiction, within or without this state, or (7) is guilty of unprofessional conduct as defined in the rules and regulations, or (8) is guilty of any deliberate act that jeopardizes a patient's life, health or safety as defined in the rules and regulations, or (9) violated a rule adopted by the Board, an order of the Board, or a state or federal law relating to the practice of professional or practical nursing, or a state or federal narcotics or controlled substance law, or (10) has had disciplinary actions taken against the individual's registered or practical nursing license, or any health-related license, in this or any state, territory or country.

~~(b) Upon the filing of a sworn complaint with the Board, charging a person with any of the actions specified as a ground for disciplinary action, the president of the Board shall fix a time and place for a hearing and shall cause a copy of the charges, together with a written notice of the time and place fixed for the hearing, to be served on the accused at least ten (10) days prior thereto. When personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the president of the Board shall cause to be published twice in each of two (2) successive weeks, a notice of the hearing in a newspaper of general circulation published in the county in which the accused last practiced according to the records of the Board, and shall mail a copy of the charges and of such notice to the accused at his or her last-known address by registered mail. When publication of the notice is necessary, the date of the hearing shall not be less than~~

~~ten (10) days after the last date of publication of the notice. If it is deemed advisable by the Board, and in order to mitigate irresponsible or spite charges, the Board may direct the Executive Director to investigate any charge or charges of an action or actions by a licensee that would require disciplinary action by the Board. The attendance of witnesses and the production of books, papers and documents at a hearing may be compelled by subpoenas issued by the Board, which shall be served in accordance with law. At a hearing the Board may administer oaths as may be necessary for the proper conduct of the hearing. The Board shall not be bound by strict and rigid rules of procedure, but its determination shall be based on sufficient legal evidence to sustain it~~ B. Any person who supplies the Board information in good faith shall not be liable in any way in damages with respect to giving such information.

C. The Board may cause to be investigated all reported violations of the Oklahoma Nursing Practice Act.

D. All individual proceedings before the Board shall be conducted in accordance with the Oklahoma Administrative Procedures Act.

~~(e)~~ E. At a hearing the accused shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on his or her behalf, to cross-examine witnesses and to have subpoenas issued by the Board. If the accused is found guilty of the charges the Board may refuse to issue a renewal of license to the applicant, revoke or suspend a license, or otherwise discipline a licensee.

~~(d) Any person who has his or her license revoked may reapply for reinstatement after two (2) years. The Board on its own motion may at any time reconsider its action~~ F. Persons who have their license revoked may not apply for reinstatement during the time period set by the Board, which shall not exceed five (5) years. The Board on its own motion may at any time reconsider its action.

~~(e)~~ G. Any person whose license is revoked or who applies for renewal of registration and who is rejected by the Board, shall have the right to appeal from such action to the district court of the county of his residence.

SECTION 8. AMENDATORY 59 O.S. 1981, Section 567.9, is amended to read as follows:

Section 567.9 ~~Any~~ Except for paragraphs 4 and 5 of subsection A of Section 567.8 of this title, any person violating any of the provisions of this act or who shall willfully make any false representations to the Board in applying for licensure shall be guilty of a misdemeanor, punishable by a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00) for the first offense and not less than One Hundred Dollars (\$100.00) for each subsequent offense. Any person guilty of violating paragraphs 4 and 5 of subsection A of Section 567.8 of this title shall be guilty of a felony, and upon conviction, punished by not less than one (1) year in prison or a fine of not less than Five Hundred Dollars (\$500.00) or by both.

The writ of injunction without bond, is also made available to the Board for the enforcement of this act.

SECTION 9. AMENDATORY 59 O.S. 1981, Section 567.11, is amended to read as follows:

Section 567.11 This act shall not be construed to affect or apply to gratuitous nursing of the sick by friends or members of the family. Provided further, that this act shall not be construed to affect or apply to:

~~(1)~~ 1. Registered or licensed practical nurses from any state called in attendance temporarily to a patient in any county in this state.

~~(2)~~ 2. The practice of nursing which is ~~incidental to the~~ associated with a program of study by students enrolled in nursing education programs approved by the Board, or by graduates of such

~~nursing programs pending the result of the first licensing examination scheduled by the Board following such graduation.~~

~~(3) 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 his or her official duties.~~

3. Graduates of such nursing programs pending the results of the first licensing examination scheduled by the Board following such graduation.

~~(4)~~ 4. The performance by any person of such duties as required in the physical or mental care of a patient and/or carrying out medical orders prescribed by a licensed physician in a currently licensed hospital or a 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 hold herself or himself out to the public as a registered, graduate, trained professional or licensed practical nurse.

~~(5)~~ 5. 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 his or her official duties.

6. The rendering of service by a physician's trained assistant under the direct supervision and control of a licensed physician, all as authorized by 59 O.S., Section 492.

7. Nothing in this act shall prohibit any person licensed in the healing arts in this state under any other act from engaging in the practice for which he or she is duly licensed.

8. Nothing in this act 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 holds himself out to be a ~~professional~~ graduate or registered nurse or licensed practical nurse.

9. The provisions of this act are severable and if any part or provision shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

SECTION 10. AMENDATORY 59 O.S. 1981, Section 567.12, is amended to read as follows:

Section 567.12 To qualify as an approved ~~school~~ program for ~~professional~~ registered nurses, the ~~school~~ program must be conducted in the State of Oklahoma in ~~cooperation with a general hospital providing clinical experience in basic nursing services or be actively affiliated with such a hospital.~~ Such school shall provide a course of study and clinical experience in nursing adults and children, and meeting the standards fixed by the Board and prescribed in its rules; provided, that certificates of graduation or diplomas are not issued to students until the completion of such affiliated courses. ~~Approved schools for professional nurses shall require all persons enrolled to have completed and approved high school educational program~~ an accredited college or university leading to an associate, baccalaureate, or higher degree in nursing. Such programs shall meet the standards fixed by the Board and prescribed in its rules.

~~(a) Approved hospitals in the State of Oklahoma authorized to conduct nursing education and training programs leading to the registered nurse (R.N.) diploma, involving a minimum of twenty-seven (27) months of such education and training, are hereby authorized to cooperate with any accredited college or university whereby such education may be completed in or in cooperation with such college or~~

~~university; and the Oklahoma Board of Nurse Registration and Nursing Education is hereby authorized to recognize such education and training completed at an accredited college under direction of the authorized hospital, as a part of the accepted education and training requirements of a minimum of twenty-seven (27) months' education and training for the registered nurse (R.N.) diploma prerequisite for licensing.~~

~~(b) To qualify as an approved degree or collegiate program of study for professional nurses, the Board may approve a school of nursing conducted by a university or college that provides a prescribed program of study, a minimum of two (2) academic years (or sixty-eight (68) semester hours' credit) in connection with clinical experience in a hospital devoted to professional study offering clinical nursing experience in the care of adults and children, and meeting the standards fixed by the Board and prescribed in its rules; provided, that degrees or certificates of graduation or diplomas are not issued to students until the completion of all prescribed clinical experiences.~~

~~(c) To qualify as an approved school program for practical nurses, the school program must be conducted in the State of Oklahoma in connection with a licensed hospital, or actively affiliated with such a hospital. Such schools shall give a course meeting state-approved technical or vocational school and meet the standards fixed by the Board and prescribed in its rules, and requiring at least twelve (12) months of study with clinical hospital experience in the care of adults and children. Such schools shall require students receiving said training to meet the regulations of the Board as to education, maturity and aptitude. Schools for practical nurses shall be approved if otherwise meeting the requirements of this act and the rules of the Board, although not offering all courses of study and clinical experience prescribed by the Board, if provision is made by the school for supplying such~~

~~courses to its students through other institutions that meet the requirements of the Board, and prescribed in its rules for affiliation; provided, that certificates of graduation are not issued to students until the completion of such affiliated courses. A survey of the institution or institutions with which the school is to be affiliated shall be made by the Executive Director or other authorized employee of the Board who shall submit a written report of the survey to the Board. If, in the opinion of the Board, the requirements for an approved and state accredited school of practical nursing are met, it shall designate the school as an approved and state accredited school of practical nursing.~~

SECTION 11. AMENDATORY 59 O.S. 1981, Section 567.13, is amended to read as follows:

Section 567.13 ~~From time to time as deemed necessary by the Board, and as established in its rules and regulations, it~~ It shall be the duty of the Board, its Executive Director, or other ~~authorized employee~~ registered nurse employees, to survey all ~~schools of professional or practical~~ programs of nursing in the state as prescribed in its rules. Written reports of each survey shall be submitted to the Board. If the Board determines that any designated state-accredited school of professional or practical approved program of nursing is not maintaining the standards required by this act, a warning notice thereof in writing specifying the ~~defect or defects~~ criteria that the program has not met shall be immediately given to the ~~school~~ program by the Board. The ~~school~~ program that fails to correct these conditions to the satisfaction of the Board within a period of one (1) year shall be discontinued as a state-accredited and approved ~~school~~ program.

SECTION 12. AMENDATORY 59 O.S. 1981, Section 567.14, is amended to read as follows:

Section 567.14 No person shall practice or offer to practice ~~professional~~ registered nursing or practical nursing, or advanced

practice nursing in this state unless ~~he (she) has~~ they have conformed with the provisions of this act.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 567.16a of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Board of Nursing may establish advisory committees as necessary to assist the Board in its efforts to protect the health and welfare of the citizens.

SECTION 14. REPEALER 59 O.S. 1981, Sections 567.3, as amended by Section 3, Chapter 192, O.S.L. 1984 (59 O.S. Supp. 1990, Section 567.3), 567.10 and 567.16, are hereby repealed.

SECTION 15. REPEALER 59 O.S. 1981, Sections 577.1, 577.2, 577.3, 577.4, 577.5 and 577.6, are hereby repealed.

SECTION 16. This act shall become effective September 1, 1991.

43-1-6100

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