

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 587

By: Monson, Haney and Muegge
of the Senate

and

Bastin and Boyd (Laura)
of the House

(professions and occupations - public health and safety -
amending 59 O.S. - registered nurses - rules - fees -
amending 63 O.S. - controlled dangerous substances -
prescribe and administer - codification -
effective date)

AUTHORS: Substitute Paulk as principal House author and show Bastin
as coauthor

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

"(professions and occupations - public health and safety -
amending 6 sections in Title 59 - Oklahoma Pharmacy Act
- Oklahoma Nursing Practice Act - amending 63 O.S.,
Section 2-312 - Uniform Controlled Dangerous Substances
Act - codification - effective dates - emergency)

SECTION 1. AMENDATORY 59 O.S. 1991, Section 353.1, as
amended by Section 2, Chapter 199, O.S.L. 1993 (59 O.S. Supp. 1995,
Section 353.1), is amended to read as follows:

Section 353.1 For the purposes of the Oklahoma Pharmacy Act:

1. "Pharmacy" means a place regularly licensed by the Oklahoma State Board of Pharmacy in which prescriptions, drugs, medicines, chemicals and poisons are compounded or dispensed;

2. "Pharmacist" means a person registered by the Oklahoma State Board of Pharmacy to engage in the practice of pharmacy;

3. "Drugs" means all medicinal substances and preparations recognized by the United States Pharmacopoeia and National Formulary, or any revision thereof, and all substances and preparations intended for external and internal use in the cure, diagnosis, mitigation, treatment or prevention of disease in humans and all substances and preparations, other than food, intended to affect the structure or any function of the body of a human;

4. "Medicine" means any drug or combination of drugs which has the property of curing, preventing, treating, diagnosing or mitigating diseases, or which is used for that purpose;

5. "Poison" means any substance which when introduced into the system, either directly or by absorption, produces violent, morbid or fatal changes, or which destroys living tissue with which such substance comes into contact;

6. "Chemical" means any medicinal substance, whether simple or compound or obtained through the process of the science and art of chemistry, whether of organic or inorganic origin;

7. "Prescription" means and includes any order for drug or medical supplies written or signed or transmitted by word of mouth, telephone or other means of communication by a legally competent practitioner ~~of medicine, dentistry, osteopathy, optometry certified by the Board of Examiners in Optometry, podiatry, or veterinary medicine,~~ licensed by law to prescribe such drugs and medical supplies intended to be filled, compounded, or dispensed by a pharmacist;

8. "Legally competent practitioner" means and includes practitioners of medicine, dentistry, osteopathy, optometry

certified by the Board of Examiners of Optometry, podiatry, or veterinary medicine, or advanced practice nurses recognized by the Board of Nursing in the following categories: advanced registered nurse practitioners, clinical nurse specialists, and certified nurse midwives. Advanced practice nurses for purposes of this section are subject to the medical direction of a supervising physician as defined in Section 4 of this act. The supervising physician shall be identified at the time of origination of the prescription by the advanced practice nurse recognized by the Board of Nursing to prescribe;

9. "Filled prescription" means a packaged prescription medication to which a label has been affixed, which shall contain such information as is required by the Oklahoma Pharmacy Act;

~~9.~~ 10. "Nonprescription drugs" means medicines or drugs which are sold without a prescription and which are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government. Such items shall also include medical and dental supplies, and bottled or nonbulk chemicals which are sold or offered for sale to the general public, if such articles or preparations meet the requirements of the Federal Food, Drug and Cosmetic Act, 21 U.S.C.A., Section 321 et seq.;

~~10.~~ 11. "Hospital" means any institution licensed by this state for the care and treatment of patients;

~~11.~~ 12. "Person" means every individual, copartnership, corporation or association, unless the context otherwise requires;

~~12.~~ 13. "Board" or "State Board" means the Oklahoma State Board of Pharmacy;

~~13.~~ 14. "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient;

~~14.~~ 15. "Dispense" includes sell, distribute, leave with, give away, dispose of, deliver, or supply;

~~15.~~ 16. "Wholesaler" or "Distributor" means a person engaged in the business of distributing dangerous drugs or medicines at wholesale to pharmacies, hospitals, practitioners, government agencies, or other lawful drug outlets permitted to sell or use drugs or medicines;

~~16.~~ 17. "Dangerous drug", "legend drug" or "prescription drug" means a drug which, under federal law, is required, prior to being dispensed or delivered, to be labeled with either of the following statements: (i) "Caution: Federal law prohibits dispensing without prescription", or (ii) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian", or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only;

~~17.~~ 18. "Manufacturer" means a person engaged in the manufacturing of drugs;

~~18.~~ 19. "Practice of pharmacy" means:

- a. the interpretation and evaluation of prescription orders,
- b. the compounding, dispensing, and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices,
- c. the participation in drug selection and drug utilization reviews,
- d. the proper and safe storage of drugs and devices and the maintenance of proper records thereof,
- e. the responsibility for advising by counseling and providing information, where professionally necessary

or where regulated, of therapeutic values, content, hazards and use of drugs and devices,

f. the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy, and

g. the provision of those acts or services that are necessary to provide pharmaceutical care;

~~19.~~ 20. "Drug outlet" means all pharmacies, wholesalers, manufacturers, or wherever dangerous drugs are stored, and facilities which are engaged in dispensing, delivery or distribution of dangerous drugs;

~~20.~~ 21. "Manufacturing" means the production, preparation, propagation, compounding, conversion, or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical or biological synthesis and includes any packaging or repackaging of the substances or labeling or relabeling of its container, and the promotion and marketing of such drugs or devices. The term "manufacturing" also includes the preparation and promotion of commercially available products from bulk compounds for resale by pharmacies, practitioners or other persons;

~~21.~~ 22. "Assistant pharmacist" means any person presently licensed as an assistant pharmacist in the State of Oklahoma by the Board pursuant to Section 353.10 of this title and for the purposes of this act shall be considered the same as a pharmacist, except where otherwise specified;

~~22.~~ 23. "Packager" means any person, firm, or corporation, except a pharmacy, who transfers dangerous drugs including but not limited to compressed medical gases from one container to another of any type;

~~23.~~ 24. "Continuing professional education" means professional, pharmaceutical education in the general areas of the socioeconomic

and legal aspects of health care; the properties and actions of drugs and dosage forms; and the etiology, characteristics and therapeutics of the diseased state;

~~24.~~ 25. "Accredited program" means those seminars, classes, meetings, work projects and other educational courses approved by the Board for purposes of continuing professional education; and

~~25.~~ 26. "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or device:

- a. as the result of a practitioner's prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice, or
- b. for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing.

Compounding also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 355, is amended to read as follows:

Section 355. As used in ~~this act~~ Sections 355 through 355.2 of this title:

1. "Dangerous drugs" means any drug intended for use by man which, because of its toxicity or other potentiality for harmful effects, or the method of its use, or the collateral measures necessary for its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drugs. This shall include all drugs upon which the manufacturer or distributor has, in compliance with federal law and regulations, placed the following: "Caution - Federal Law prohibits dispensing without prescription";

2. "Licensed practitioner" means a physician, dentist, podiatrist, osteopathic physician, veterinarian, or optometrist licensed to practice and authorized to prescribe medication within the scope of ~~his~~ the practitioner's practice, or an advanced practice nurse recognized by the Board of Nursing who is subject to the medical direction of a supervising physician to prescribe, pursuant to Section 567.3 of this title, in the following categories: advanced registered nurse practitioners, clinical nurse specialists, and certified nurse midwives. Advanced practice nurses are subject to the medical direction of a supervising physician; and

3. "Professional samples" means complimentary drugs packaged in accordance with federal and state statutes and regulations and provided to a licensed practitioner free of charge by manufacturers or distributors and distributed free of charge in ~~such~~ the package by the licensed practitioner to ~~his~~ the patients of such practitioner.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 567.2, as amended by Section 1, Chapter 97, O.S.L. 1994 (59 O.S. Supp. 1995, Section 567.2), is amended to read as follows:

Section 567.2 The purpose of ~~this act~~ the Oklahoma Nursing Practice Act is to safeguard the public health and welfare by requiring any person who practices or offers to practice 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. It shall be unlawful for any person to practice or offer to practice registered nursing, practical nursing or to practice or offer to practice as an advanced practice nurse, or use any title, abbreviation, sign or device to indicate that ~~he or she~~ such person is a licensed registered nurse, or is a licensed practical nurse or an advanced practice nurse unless ~~he or she~~ the person has been duly licensed and registered and recognized as

meeting the qualifications as provided for in ~~this act~~ the Oklahoma Nursing Practice Act.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 567.3a, as amended by Section 2, Chapter 97, O.S.L. 1994 (59 O.S. Supp. 1995, Section 567.3a), is amended to read as follows:

Section 567.3a As used in the Oklahoma Nursing Practice 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 are 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" 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" means the practice of nursing under the supervision 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 practice nurse" 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, ~~and~~
- c. has received a certificate of recognition from the Board.

The term advanced practice nurse shall include advanced registered nurse practitioners, clinical nurse specialists, nurse midwives and certified registered nurse anesthetists~~†~~.

Recognition pending certification: A registered nurse who has completed educational requirements as an advanced practice nurse and has registered for a Board-approved national certifying exam may apply for temporary recognition pending certification. Temporary recognition shall not exceed one (1) year from date of graduation.

The recognition expires when advanced practice status is granted or one hundred twenty (120) days following test date, whichever comes first. If the recognition certification holder fails to be certified, the permit shall expire upon receipt of the test results. It is not renewable.

The registered nurse with temporary recognition to practice as an advanced practice nurse shall not be eligible to apply for prescriptive authority;

6. "Advanced registered nurse practitioner" means a licensed registered nurse who has met the requirements of paragraph 5 of this

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

- a. consistent with advanced educational preparation as an advanced practice nurse in an area of specialty,
- b. functions within the advanced registered nurse practitioner scope of practice denoted for the area of specialization, and
- c. is in accord with the standards for advanced practice nurses as identified by the certifying body and approved by the Board.

An advanced registered nurse practitioner in accordance with the scope of practice of the advanced registered nurse practitioner shall be eligible to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section and subject to the medical direction of a supervising physician. This authorization shall not include dispensing drugs, but shall not preclude the receipt of, the signing for, and the dispensing of professional samples to patients.

The advanced registered nurse practitioner accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the scope of practice/role definition statements for the advanced registered nurse practitioner.

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

7. "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, and
- d. any nurse holding a specialty certification as a clinical nurse specialist valid on January 1, 1994, granted by a national certifying organization recognized by the Board, shall be deemed to be a clinical nurse specialist valid on January 1, 1994, granted by a national certifying organization recognized by the Board, shall be deemed to be a clinical nurse specialist under the provisions of this act.

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, and
- d. referring patients or clients to other services.

A clinical nurse specialist in accordance with the scope of practice of such clinical nurse specialist shall be eligible to

obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section and subject to the medical direction of a supervising physician. This authorization shall not include dispensing drugs, but shall not preclude the dispensing of professional samples to patients.

The clinical nurse specialist accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the scope of practice/role definition statements for the clinical nurse specialist.

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". 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 clinical nurse specialist;

8. Beginning July 1, 2002, an advanced practice nurse or a clinical nurse specialist must demonstrate successful completion of a masters degree in order to be eligible for prescription authority under this act;

9. "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". 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 certified nurse-midwife.

A certified nurse-midwife in accordance with the scope of practice of such certified nurse-midwife shall be eligible to obtain

recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section and subject to the medical direction of a supervising physician. This authorization shall not include the dispensing of drugs, but shall not preclude the receipt of, the signing for, and the dispensing of professional samples to patients.

The certified nurse-midwife accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the scope of practice/role definition statements for the certified nurse-midwife;

~~9.~~ 10. "Nurse-midwifery practice" means 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~~

~~10.~~ 11. "Certified registered nurse anesthetist" means any person who holds a license to practice as a registered nurse in this state and who:

- a. has successfully completed the educational program of a school of nurse anesthetists accredited by the American Association of Nurse Anesthetists,
- b. 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,
- c. administers anesthesia under the supervision of a medical doctor, an osteopathic physician or a dentist licensed in this state and under conditions in which

timely onsite consultation by such doctor, ~~osteopath~~
osteopathic physician or dentist is available, and
d. has received a certificate of recognition from the
Board.

Any person who is recognized by the Board as a certified registered nurse anesthetist shall have the right to use both the title "Certified Registered Nurse Anesthetist" and the abbreviation "~~C.R.N.A.~~" "CRNA". 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 certified registered nurse anesthetist.

This paragraph shall not prohibit the administration of local or topical anesthetics as now permitted by law. Provided further, nothing in this paragraph shall limit the authority of the Board of Governors of Registered Dentists to establish the qualifications for dentists who direct the administration of anesthesia.

Nothing in this act shall preclude a certified registered nurse anesthetist from administering anesthesia as authorized in this paragraph;

12. "Supervising physician" means an individual holding a current license to practice as a physician from the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners, who supervises APNs, and is not in training as an intern, resident, or fellow; and

13. "Supervision" means overseeing and accepting the responsibility for the ordering and transmission of those written, telephonic, electronic and oral prescriptions of drugs and other medical supplies from the formulary defined.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 567.4a of Title 59, unless there is created a duplication in numbering, reads as follows:

The rules regarding prescriptive authority recognition promulgated by the Oklahoma Board of Nursing pursuant to paragraphs 6 through 11 of Section 567.3a of Title 59 of the Oklahoma Statutes shall:

1. Define the procedure for documenting supervision by a physician licensed in Oklahoma to practice by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Physicians. This procedure shall include a written statement that defines appropriate referral, consultation, and collaboration between the advanced practice nurse recognized to prescribe as defined in Section 4 of this act and the identified physician. Further, this statement shall include a method of assuring availability of the physician through direct contact, telecommunications or other appropriate electronic means for consultation, assistance with medical emergencies, or patient referral. The written statement shall be part of the initial application and the renewal application submitted to the Board for recognition for prescriptive authority for the advanced practice nurse. Changes to the written statement shall be filed with the Board within thirty (30) days of the change and shall be effective on filing;

2. Define minimal requirements for initial application for prescriptive authority which shall include, but not be limited to, evidence of completion of a minimum of forty-five (45) contact hours or three (3) academic credit hours of education in pharmacotherapeutics, clinical application, and use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health in a program beyond basic registered nurse preparation and approved by the Board. Such contact hours or academic credits shall be obtained within a time period of three (3) years immediately preceding the date of application for prescriptive authority;

3. Define minimal requirements for application for renewal of prescriptive authority which shall include, but not be limited to, documentation of a minimum of fifteen (15) contact hours or one (1) academic credit hour of education in pharmacotherapeutics, clinical application, and use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health in a program beyond basic registered nurse preparation and approved by the Board, within the two-year period immediately preceding the effective date of application for renewal or prescriptive authority;

4. Require that beginning July 1, 2002, an advanced practice nurse must demonstrate successful completion of a master's degree in order to be eligible for prescriptive authority under this act;

5. Define the method for communicating authority to prescribe or termination of same to the Board of Pharmacy and all registered pharmacists;

6. Define terminology used in such rules;

7. Define the parameters for the prescribing practices of the advanced practice nurse;

8. Define the methods for termination of prescriptive authority for advanced practice nurses; and

9. Establish a Formulary Advisory Council that shall develop and submit to the Board an exclusionary formulary that shall list drugs not available to be prescribed by advanced practice nurses recognized by the Board of Nursing to prescribe. The Formulary Advisory Council shall develop practice-specific prescriptive proficiency standards for each category of advanced practice nurse authorized to prescribe under this Act. The Board shall either accept or reject the recommendations made by this council. No amendments to the recommended formulary may be made by the Board without the approval of the Formulary Advisory Council. Membership of the Formulary Advisory Council shall be:

- a. four members who shall include a pediatrician, an ob-gyn physician, a general internist, and a family practice physician, three of whom shall be appointed by the Oklahoma State Medical Association, and one of whom shall be appointed by the Oklahoma Osteopathic Association,
- b. four registered pharmacists appointed by the Oklahoma Pharmaceutical Association,
- c. four members, one an advanced registered nurse practitioner, one a clinical nurse specialist, one a certified nurse midwife, and one who is a current member of the Oklahoma Board of Nursing appointed by the Oklahoma Board of Nursing, and
- d. two members who shall be appointed by the Governor, who shall have no financial or business interest in the health care field nor have a member of their immediate family who is a health care provider.

All professional members of the Formulary Advisory Council shall be in active clinical practice, at least fifty percent (50%) of the time, within their defined area of specialty. The members of the Formulary Advisory Committee shall serve at the pleasure of the appointing authority for a term of three (3) years. The terms of the members shall be staggered. An initial formulary shall be in place no later than January 1, 1997. The approved formulary shall be reviewed for revision at least annually.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 567.7, as amended by Section 3, Chapter 97, O.S.L. 1994 (59 O.S. Supp. 1995, Section 567.7), is amended to read as follows:

Section 567.7 A. Licenses issued ~~under this act~~ pursuant to the Oklahoma Nursing Practice Act shall be renewed every two (2) years according to a schedule published by the Oklahoma Board of Nursing.

B. ~~Licenses~~ A licensee who ~~apply~~ applies for reinstatement of ~~their~~ a license must meet such requirements as the Board may prescribe in its rules.

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 in accordance with the rules of the Board. During the period of temporary retirement the licensee shall not practice nursing nor be subject to the payment of any renewal fees. When the ~~licensees~~ licensee ~~desire~~ desires to resume practice, ~~they~~ such licensee must meet such requirements as the Board may prescribe in its rules.

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).

E. The Board is authorized to fix the biennial renewal license fee for the registered nurse and licensed practical nurse which shall not exceed Sixty Dollars (\$60.00).

F. The Board shall by rules establish the fees for reexamination of any applicant who fails an examination but such fees shall not exceed the amounts specified herein for licensure.

G. Initial applications and renewal applications for recognition for advanced practice shall be accompanied by a fee established by the Board not to exceed the actual administrative and material costs of One Hundred Dollars (\$100.00) for initial application and Sixty Dollars (\$60.00) for biennial renewal.

H. Initial applications and renewal applications for recognition for prescriptive authority for advanced practice nurses

shall be accompanied by a fee established by the Board not to exceed the actual administrative and material costs of One Hundred Dollars (\$100.00) for initial application and Sixty Dollars (\$60.00) for biennial renewal.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 567.8, as amended by Section 4, Chapter 97, O.S.L. 1994 (59 O.S. Supp. 1995, Section 567.8), is amended to read as follows:

Section 567.8 A. The Oklahoma Board of Nursing 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 practice nurse 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 registered nursing, or licensed practical nursing or advanced practice nursing;

2. Is guilty of a felony or of any offense that shall constitute a felony under the laws of this state;

3. Is unfit or incompetent by reason of negligence;

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

5. Exhibits actual or potential inability to practice nursing with sufficient knowledge 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;

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;

7. Is guilty of unprofessional conduct as defined in the rules;

8. Is guilty of any act that jeopardizes a patient's life, health or safety as defined in the rules;

9. Violated a rule adopted by the Board, an order of the Board, or a state or federal law relating to the practice of registered, practical or advanced practice nursing, or a state or federal narcotics or controlled dangerous 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. Any person who supplies the Board information in good faith shall not be liable in any way for 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. 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.

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.

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~~ the person's residence.

SECTION 8. AMENDATORY 63 O.S. 1991, Section 2-312, as amended by Section 5, Chapter 52, O.S.L. 1994 (63 O.S. Supp. 1995, Section 2-312), is amended to read as follows:

Section 2-312. A. A physician, podiatrist or a dentist who has complied with the registration requirements of ~~Section 2-101 et seq. of this title~~ the Uniform Controlled Dangerous Substances Act in good faith and in the course of ~~his~~ such person's professional practice only may prescribe and administer controlled dangerous substances, or ~~he~~ may cause the same to be administered by medical or paramedical personnel acting under ~~his~~ direction and supervision of the physician, podiatrist or dentist, and only may dispense controlled dangerous substances pursuant to the provisions of Sections 355 ~~through~~, 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

B. A veterinarian who has complied with the registration requirements of ~~Section 2-101 et seq. of this title~~ the Uniform Controlled Dangerous Substances Act in good faith and in the course of ~~his~~ professional practice of the veterinarian only, and not for use by a human being, may prescribe, administer, and dispense controlled dangerous substances and ~~he~~ may cause them to be administered by an assistant or orderly under ~~his~~ direction and supervision of the veterinarian.

C. An advanced practice nurse who is recognized by the Board of Nursing as an advanced registered nurse practitioner, clinical nurse specialist or certified nurse midwife to prescribe and is subject to medical direction by a supervising physician, pursuant to Section 567.3a of Title 59 of the Oklahoma Statutes, and who has complied with the registration requirements of the Uniform Controlled Dangerous Substances Act, in good faith and in the course of professional practice only may prescribe and administer Schedule III, IV and V controlled dangerous substances.

SECTION 9. Section 5 of this act shall become effective July 1, 1996.

SECTION 10. Sections 1 through 4 and Sections 6 through 8 of this act shall become effective November 1, 1996.

SECTION 11. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 11th day of April, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate