ENGROSSED SENATE
BILL NO. 537

By: Robinson of the Senate

and

Anthony of the House

[nursing - definitions and disciplinary actions - advanced unlicensed assistive persons - noncodification - effective date]

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 567.3a, as amended by Section 2, Chapter 97, O.S.L. 1994 (59 O.S. Supp. 1994, 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, and

n. delegating those nursing tasks as defined in the rules of the Board that may be performed by advanced unlicensed assistive persons;

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, and

i. delegating those nursing tasks as defined in the rules of the Board that may be performed by advanced unlicensed assistive persons;

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;

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.

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";

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 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.

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";

8. "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";

9. "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. "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 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."

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; and

11. "Advanced unlicensed assistive persons" means any person who has successfully completed a training program approved by the Board and is certified by the Board to function in an assistive role to the licensed nurse in the providing of patient or client care activities, as defined in the rules of the Board.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 567.8, as amended by Section 4, Chapter 97, O.S.L. 1994 (59 O.S. Supp. 1994, Section 567.8), is amended to read as follows:

Section 567.8 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 practice nurse, or the certification as an advanced unlicensed assistive person, or to otherwise discipline a licensee or advanced unlicensed assistive person 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 residence~~ in which the person resides.

SECTION 3. This act shall not apply to any individual who is certified as a nurses aide under requirements of the Oklahoma State Department of Health, or who is enrolled in a nurse aide training and competency evaluation program approved by the Department as a prerequisite to certification.

SECTION 4. Section 3 of this act shall not be codified in the Oklahoma Statutes.

SECTION 5. This act shall become effective November 1, 1995.

Passed the Senate the 8th day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives