

ENROLLED HOUSE
BILL NO. 2250

By: Paulk, Sullivan
(Leonard) and Fields of
the House

and

Long (Lewis) of the
Senate

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 1017 and Section 1, Chapter 226, O.S.L. 1992, as amended by Section 1, Chapter 249, O.S.L. 1993 (59 O.S. Supp. 1995, Section 1022), which relate to The Plumbing License Law of 1955; adding an exemption to The Plumbing License Law of 1955; specifying use of certain plumbing code; amending 59 O.S. 1991, Section 1683, as amended by Section 3, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1995, Section 1683), which relates to the Electrical License Act; modifying membership of the Committee of Electrical Examiners; providing for appointment and term; deleting obsolete language; amending 59 O.S. 1991, Sections 61.1, as amended by Section 1, Chapter 87, O.S.L. 1992 and 61.4 (59 O.S. Supp. 1995, Section 61.1), which relate to the State Barber Advisory Board; modifying duties of the State Department of Health and State Board of Health; authorizing the State Barber Advisory Board to administer certain examinations; amending 59 O.S. 1991, Sections 858-701, 858-702, 858-705, as amended by Section 3, Chapter 132, O.S.L. 1992, 858-708, as last amended by Section 2, Chapter 144, O.S.L. 1994, 858-723, as amended by Section 15, Chapter 132, O.S.L. 1992 and 858-726 (59 O.S. Supp. 1995, Sections 858-705, 858-708 and 858-723), which relate to the Oklahoma Certified Real Estate Appraisers Act; modifying purpose, application and uniform standards to reflect certain real estate-related financial transactions; requiring conformity with certain ethics code; modifying qualifications of members of the Real Estate Appraiser Board; modifying certain fees; modifying grounds for revocation or suspension of certificate; permitting certain complaints to be filed by certain persons; permitting certain complaints to be filed under certain circumstances; establishing certain requirements for complaints; providing for certain hearings or proceedings; providing for certain conditions for compliance with the Uniform Standards of Professional Appraisal Practice; requiring certain appraisers to conform with certain ethics standards; specifying certain ethics standards; providing legislative intent; amending 59 O.S. 1991, Section 567.3a, as last amended by

Section 4 of Enrolled Senate Bill No. 587 of the 2nd Session of the 45th Oklahoma Legislature, which relates to the Oklahoma Nursing Practice Act; modifying and adding terms; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1017, is amended to read as follows:

Section 1017. The provisions of ~~the~~ The Plumbing License Law of 1955 shall not apply to:

~~(a) To minor~~ 1. Minor repairs, consisting of repairing or replacing faucets or minor working parts of plumbing fixtures;i

~~(b) To farm~~ 2. Farm buildings located outside any city or town unless such buildings are connected to a public water or sewer system;i

~~(c) To maintenance~~ 3. Maintenance work for state institutions and school districts;i

~~(d) To the~~ 4. The installation, maintenance, repair, renovation of automatic sprinkler systems and related mechanical appurtenances beginning at a point where the pipe or piping system provides water used exclusively for these automatic sprinklers and their related appurtenances and to standpipes connected to automatic sprinkler systems;i

~~(e) To the~~ 5. The construction, installation, maintenance, repair, renovation, and/or removal of pipe or piping systems and related mechanical appurtenances including backflow preventers, appliances and/or equipment used in connection therewith, directly or indirectly within or without any building or structure, from a point or location in a source of potable water supply at which point or location there exists any backflow preventer, provided that said pipe and/or piping systems are for ~~(1)~~i:

a. heating, ~~(2)~~

b. cooling, ~~(3)~~

c. air conditioning, ~~(4)~~

d. refrigeration, or ~~(5)~~

e. boilers and other pressure vessels of whatsoever kind and character.

A "backflow preventer," as used herein, means any permanent mechanical device, or combination of permanent mechanical devices, of whatever material, which, after installation acts to prevent a reversal of the normal directional flow of potable water within the piping system in which it is installed, and shall include, but not be limited to, metal checkvalves and airgaps, either naturally or artificially created. Provided, further, that the exclusionary provisions of this ~~subsection~~ paragraph shall apply only to and within governmental agencies, counties, cities and towns which now have or which hereafter may adopt separate laws relating to the licensing, registration and regulating of persons engaged, for business purposes, in any of the areas of trade hereinbefore specified in this ~~subsection~~ paragraph; the exemptions herein being provided to apply only to these items specifically regulated by any such local laws and ordinances; and

6. An individual who performs plumbing work on such individual's property of residence.

SECTION 2. AMENDATORY Section 1, Chapter 226, O.S.L. 1992, as amended by Section 1, Chapter 249, O.S.L. 1993 (59 O.S. Supp. 1995, Section 1022), is amended to read as follows:

Section 1022. In the interest of protecting the health and sanitation of the citizens of this state, and for the purpose of establishing grounds for administrative sanctions for licensed plumbers, the current published edition of the recommended code pertaining to plumbing regulations endorsed by the Building Officials and Code Administrators International, Inc. (BOCA) National Plumbing Code shall be deemed to be the applicable regulation for the installation of plumbing as of September 1 of the year of publication of the current edition where no ordinance or regulation of a governmental subdivision applies. Provided, however, the standards set forth in Section P-1204.1 of the 1993 edition of the BOCA National Plumbing Code shall be the applicable regulation in all cases.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1683, as amended by Section 3, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1995, Section 1683), is amended to read as follows:

Section 1683. A. There is hereby established the Committee of Electrical Examiners which shall consist of ~~six (6)~~ seven (7) members. All members of the Committee shall be residents of this state.

B. ~~Five~~ 1. ~~Six~~ voting members of the Committee shall be appointed by the State Board of Health as follows:

- ~~1.—One~~ a. one member shall be an electrical inspector selected from a list of names submitted by the Oklahoma Chapter, International Association of Electrical Inspectors~~†~~†
- ~~2.—One~~ b. one member shall be selected from a list of names submitted by the Oklahoma Chapters of the National Electrical Contractors Association~~†~~†
- ~~3.—One~~ c. one member shall be selected from a list of names submitted by the Associated Builders and Constructors~~†~~†
- ~~4.—One~~ d. one member shall be a journeyman wireman selected from a list of names submitted by the International Brotherhood of Electrical Workers~~†~~† ~~and~~
- ~~5.—One~~ e. one member shall be a journeyman wireman selected from lists of names submitted from the electrical construction industry, and
f. one member shall be selected on or before January 1, 1997, from a list of names submitted by the Oklahoma Chapters of Independent Electrical Contractors, Incorporated. The term of the initial appointee shall be for two (2) years.

All members shall each have at least ten (10) years of active experience as licensed electrical contractors, journeyman electricians or as an electrical inspector. No member shall be employed by the same person or firm as any other member of the Committee. The terms of members so appointed shall be staggered and shall be for two (2) years, or until their successors are appointed and qualified. ~~Provided, members serving on the Commission on the effective date of this act shall continue serving until their terms expire. Provided, further, the terms of three of the additional members initially appointed after the effective date of this act shall be for one (1) year.~~

2. The nonvoting member shall be designated by the Board from the staff of the State Department of Health to serve as Program Administrator and serve as the Chief Electrical Inspector for the state.

C. Vacancies which may occur in the membership of the Committee shall be filled by appointment of the Board. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member he or she succeeds was appointed and until his or her successor has been appointed and has qualified. Members of the Committee may be removed from office by the Board for cause in the manner provided by law for the removal of officers not subject to impeachment.

D. The Committee shall assist and advise the Commissioner on all matters relating to the formulation of rules, regulations and standards in accordance with the Electrical License Act. The Committee shall administer the examinations of applicants for licenses as electrical contractors or journeyman electricians provided that such examinations shall be in accordance with the provisions of the Electrical License Act, ~~Section 1680 et seq. of this title.~~ The Committee may authorize the Department to conduct tests on their behalf as the Committee deems necessary.

E. All members of the Committee shall be reimbursed for expenses incurred while in the performance of their duties in accordance with the State Travel Reimbursement Act, ~~Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.~~

F. A majority of the total membership of the Committee shall constitute a quorum for the transaction of business.

G. The Committee shall elect from among its membership a chairperson, vice-chairperson and secretary to serve terms of not more than one (1) year ending on June 30 of the year designated as the end of the officer's term. The chairperson or vice-chairperson shall preside at all meetings. The chairperson, vice-chairperson and secretary shall perform such duties as may be directed by the Committee. The Committee shall meet at such times as the chairperson or presiding officer deems necessary to implement this ~~act~~ section.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 61.1, as amended by Section 1, Chapter 87, O.S.L. 1992 (59 O.S. Supp. 1995, Section 61.1), is amended to read as follows:

Section 61.1 A. The Except as provided in subsection B of Section 61.4 of this title, the State Board of Health is hereby authorized to adopt, amend, and repeal rules and regulations which govern the examining and licensing of barbers, barber apprentices, barber instructors, and barber colleges; the defining of categories and limitations for such licenses; and the sanitary operation and sanitation of barber shops and barber colleges.

B. The Except as provided in subsection B of Section 61.4 of this title, the State Department of Health shall have the power and duty to implement the rules and regulations of the State Board of Health, to issue and renew annual barber, barber apprentice, barber instructor and barber college licenses, to inspect barber licenses, and to inspect the sanitary operating practices of barbers and the sanitary condition of barber shops and barber colleges.

C. The State Department of Health may suspend or revoke or may refuse to issue or renew any barber, barber instructor, barber apprentice, or barber college license for:

1. Unsanitary operating practices or unsanitary conditions of barber shops or barber colleges;

2. Unsanitary practices of barbers, apprentice barbers, or barber instructors;

3. Making a material misstatement in the application for a license, in the renewal of a license, or in the records which are maintained by barber instructors or colleges to comply with Sections

61.1 through 61.6 of this title or the regulations promulgated pursuant thereto; or

4. Any person or entity licensed pursuant to this section who employs an unlicensed person as a barber, barber apprentice, or barber instructor.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 61.4, is amended to read as follows:

Section 61.4 A. The State Barber Advisory Board is hereby created until July 1, 1997, in accordance with the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, which shall consist of five (5) members consisting of four barbers and one lay member. Each member of the State Barber Advisory Board shall be appointed by the Governor and serve at the pleasure of the Governor for a term coterminous with that of the Governor. Provided, each member may continue to serve after the expiration of the member's term until such time as a successor is appointed. The State Barber Advisory Board shall advise the State Board of Health concerning regulations and shall advise and assist the State Department of Health in administering this act ~~and the examinations.~~

B. The State Barber Advisory Board shall develop and administer the examination for licensure as a barber.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 858-701, is amended to read as follows:

Section 858-701. It is the intent of the Legislature to develop a real estate appraiser certification process which meets the federal guidelines set forth in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. The purpose of the Oklahoma Certified Real Estate Appraisers Act is to provide appraisers within the state a process for certification which will allow them to participate in a federally related transaction and real estate-related financial transactions of the agencies, instrumentalities and federally recognized entities as defined and recognized in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. It is not the intent of this legislation to prevent any person who is currently conducting business as an appraiser from continuing such action unless such action ~~is related to a federal transaction~~ involves a federally related transaction or a real estate-related financial transaction as defined in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 858-702, is amended to read as follows:

Section 858-702. A. This act shall ~~not only~~ apply to any appraisal or appraiser involving any transaction or proceeding which does not involve federally related transactions covered by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989:

1. Any appraisal or appraiser involving the following:
 - a. a federally related transaction,
 - b. real estate-related financial transactions of the agencies, instrumentalities, and federally recognized entities covered by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and
 - c. any real estate-related transactions where an appraisal report was made under a written agreement that the appraisal report would follow the Uniform Standards of Professional Appraisal Practice guidelines or where a written appraisal states that it is in compliance with the Uniform Standards of Professional Appraisal Practice; and

2. Appraisers certified or licensed pursuant to the Oklahoma Certified Real Estate Appraisers Act to the extent that the appraisers and any real property valuation performed by them shall conform to the code of ethics as set forth in this act.

B. Certified public accountants, licensed in the States or other U.S. jurisdictions, who perform appraisals of real estate incidental to the performance of professional services they provide to clients are excluded from the licensing and certification provisions of the Oklahoma Certified Real Estate Appraisers Act unless the appraisal is related to a federal transaction a federally related transaction or a real estate-related financial transaction of the agencies, instrumentalities and federally recognized entities covered by the Financial Institutions, Reform, Recovery and Enforcement Act of ~~1986~~ 1989.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 858-705, as amended by Section 3, Chapter 132, O.S.L. 1992 (59 O.S. Supp. 1995, Section 858-705), is amended to read as follows:

Section 858-705. A. There is hereby established as an adjunct to the Department an independent Real Estate Appraiser Board which shall consist of seven (7) regular members and one ex officio member. The ex officio member shall be the Insurance Commissioner. The seven ~~(7)~~ regular members shall be as follows: one from the commercial banking industry; one from the savings and loan industry; one of whom shall be in the real estate sales industry; and four of whom shall be real estate appraisers with no nationally recognized real estate appraisal organization having a plurality of more than two members on the Board.

B. The Governor shall appoint the members of the Real Estate Appraiser Board.

C. Each real estate appraiser member of the Board appointed after July 1, 1991, or within twenty-four (24) months of the effective date of this act, whichever occurs first, must be a state licensed, state certified residential or state certified general real estate appraiser.

D. The term of each member shall be five (5) years; except that of the members first appointed, two shall serve for one (1) year, two shall serve for two (2) years, one shall serve for three (3) years, one shall serve for four (4) years, and one shall serve for five (5) years.

E. Members of the Board shall hold office until the appointment and qualification of their successors. No person shall serve as a member of the Board for more than two consecutive terms. The Governor may remove a member for inefficiency, neglect of duty, or malfeasance in office. The member shall be given notice and an opportunity to be heard prior to removal.

F. The Board shall meet at least once each calendar quarter to conduct its business. Written notice shall be given to each member of the time and place of each meeting of the Board at least ten (10) days before the scheduled date of the meetings.

G. The members of the Board shall elect a vice-chairperson from among the members to preside at Board meetings when the chairperson is absent.

H. A quorum of the Board shall be five ~~(5)~~ members.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 858-708, as last amended by Section 2, Chapter 144, O.S.L. 1994 (59 O.S. Supp. 1995, Section 858-708), is amended to read as follows:

Section 858-708. A. The Insurance Department shall charge and collect fees not to exceed the following:

1. State Licensed Appraiser Certificate (annually) \$150.00

2. State Certified General Appraiser Certificate (annually)	\$150.00
3. State Certified Residential Appraiser Certificate (annually)	\$150.00
4. State Licensed Appraiser Examination	\$150.00
5. State Certified General Appraiser Examination	\$150.00
6. State Certified Residential Appraiser Examination	\$150.00
7. Re-examination Fee	\$150.00
8. Late Fee	\$10.00 <u>\$50.00</u>
9. Reinstatement Fee	\$50.00
10. Duplicate for Lost or Destroyed Certificate	\$5.00
11. Temporary Practice Fee Per Appraisal	\$50.00

B. The Insurance Department shall charge and collect a Federal Registry Fee of Twenty-five Dollars (\$25.00). Said fee shall be transmitted to the Federal Financial Institutions Examination Council.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 858-723, as amended by Section 15, Chapter 132, O.S.L. 1992 (59 O.S. Supp. 1995, Section 858-723), is amended to read as follows:

Section 858-723. A. The rights of any holder under a certificate as a state licensed, state certified residential or state certified general real estate appraiser may be revoked or suspended, or the holder of the certificate may be otherwise disciplined pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, upon any of the grounds set forth in this section. The Board may investigate the actions of a state licensed, state certified residential or state certified general real estate appraiser, and may revoke or suspend the rights of a certificate holder or otherwise discipline a state licensed, state certified residential or state certified general real estate appraiser for any of the following acts or omissions:

1. Procuring or attempting to procure a certificate pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act by knowingly making a false statement, knowingly submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation;

2. Failing to meet the minimum qualifications established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

3. Paying money other than provided for by the Oklahoma Certified Real Estate Appraisers Act to any member or employee of the Board to procure a certificate pursuant to the Oklahoma Certified Real Estate Appraisers Act;

4. A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a felony which is substantially related to the qualifications, functions, and duties of a person

developing real estate appraisals and communicating real estate appraisals to others;

5. An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person;

6. Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act;

7. Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

8. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

9. Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act;

10. ~~Accepting an appraisal assignment as defined in Section 28 of the Oklahoma Certified Real Estate Appraisers Act~~ when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

11. Violating the confidential nature of governmental records to which the appraiser gained access through employment or engagement as an appraiser by a governmental agency; ~~or~~

12. Entry of a final civil judgment against the person on grounds of deceit, fraud, or willful or knowing misrepresentation in the making of any appraisal of real property; or

13. Violating any of the provisions in the code of ethics set forth in this act.

B. In a disciplinary proceeding based upon a civil judgment, the state licensed, state certified residential or state certified general real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

C. 1. A complaint may be filed with the Board against a state licensed or state certified appraiser for any violations relating to a specific transaction of the Oklahoma Certified Real Estate Appraisers Act by any person who is the recipient of, relies upon or uses an appraisal prepared for a federally related transaction or real estate-related financial transaction as described in Section 858-701 of this title.

2. Any person with knowledge of any circumstances surrounding an act or omission by a state licensed or state certified appraiser involving fraud, dishonesty or misrepresentation in any real property valuation-related activity, not limited to federally related transactions, may file a complaint with the Board setting forth all facts surrounding the act or omission.

3. A complaint may be filed against a state licensed or state certified appraiser directly by the Board, if reasonable cause exists for violations of the code of ethics set forth in this act.

4. Any complaint filed pursuant to this subsection shall be in writing and signed by the person filing same and shall be on a form approved by the Board. The state licensed or state certified appraiser shall be entitled to any hearings or subject to any disciplinary proceedings provided for in the Oklahoma Certified Real

Estate Appraisers Act based upon any complaint filed pursuant to this subsection.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 858-726, is amended to read as follows:

Section 858-726. An Oklahoma certified real estate appraiser must comply with the Uniform Standards of Professional Appraisal Practice, as approved by the Appraisal Subcommittee when involved in a federally related transaction or a real estate-related financial transaction of the agencies, instrumentalities and federally recognized entities as defined and recognized by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, or when both the appraiser and user of appraisal services agree in writing that the work product is an appraisal, or when a written appraisal states that it is in compliance with the Uniform Standards of Professional Appraisal Practice.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-732 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. All appraisers certified or licensed pursuant to the Oklahoma Certified Real Estate Appraisers Act must conduct all real property valuations in conformance with the following:

1. An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests;

2. The acceptance of compensation that is contingent upon the reporting of a predetermined value or a direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event is unethical;

3. The payment of undisclosed fees, commissions or things of value in connection with the procurement of real property valuation assignments is unethical;

4. Advertising for or soliciting appraisal assignments in a manner which is false, misleading or exaggerated is unethical; and

5. An appraiser must protect the confidential nature of the appraiser-client relationship.

B. Although this code of ethics is based upon the ethics provisions of the Uniform Standards of Professional Appraisal Practice, it is not the intent of the Legislature to incorporate the standards set forth in the Uniform Standards of Professional Appraisal Practice.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 567.3a, as last amended by Section 4 of Enrolled Senate Bill No. 587 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 567.3a As used in the Oklahoma Nursing Practice Act, Section 567.3a et seq. of this title:

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 the provisions of the Oklahoma Nursing Practice 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 an advanced unlicensed assistive person;

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 the Oklahoma Nursing Practice 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 an advanced unlicensed assistive person;

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~~+~~.

~~6. "Recognition pending certification" means a~~ A registered nurse who has completed educational requirements as an advanced practice nurse and has registered for a Board-approved national certifying exam. ~~Such registered nurse~~ may apply for temporary recognition pending certification. Temporary recognition shall not exceed one (1) year from the date of graduation.

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

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

~~7.~~ 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, subject to federal regulations, the receipt of, the signing for, or 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;

~~8.~~ 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 the Oklahoma Nursing Practice 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, subject to federal regulations, the receipt of, the signing for, or 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;

~~9.~~ 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". 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, subject to federal regulations, the receipt of, the signing for, or 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;

~~10.~~ 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;

~~11.~~ 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 "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;

~~12.~~ 11. "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 an advanced practice nurse, and who is not in training as an intern, resident, or fellow. To be eligible to supervise an advanced practice nurse, such physician shall remain in compliance with the rules promulgated by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners; and

~~13.~~ 12. "Supervision of advanced practice nurses with prescriptive authority" means overseeing and accepting

responsibility for the ordering and transmission of written, telephonic, electronic or oral prescriptions for drugs and other medical supplies, subject to a defined formulary; and

13. "Advanced unlicensed assistive person" means any person who has successfully completed a certified training program developed by a working committee composed of representatives of the following entities:

- a. State Department of Health,
- b. Oklahoma State Regents for Higher Education,
- c. State Department of Vocational and Technical Education,
- d. Oklahoma Board of Nursing,
- e. Oklahoma Hospital Association,
- f. Oklahoma Nurses Association,
- g. The Nursing Home Association of Oklahoma,
- h. Oklahoma State Association of Licensed Practical Nurses, and
- i. Oklahoma Home Care Association.

The working committee shall also develop a list of the functions that an advanced unlicensed assistive person shall be able to perform upon completion of the certification training program. The working committee shall submit the certification training program and list of functions to the Board for their review and approval. The Board shall promulgate rules to enact the provisions of this paragraph.

Any person who has successfully completed the certification training program provided for in this paragraph shall be certified by the Board as an advanced unlicensed assistive person and as such shall be qualified to assist a licensed nurse in providing patient or client care as defined in rules promulgated by the Board.

SECTION 14. This act shall become effective July 1, 1996.

SECTION 15. 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 30th day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 31st day of May, 1996.

President of the Senate