

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 275

By: Monson of the Senate

and

Paulk of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Pharmacy Act, the Oklahoma Nursing Practice Act and the Uniform Controlled Dangerous Substances Act; amending 59 O.S. 1991, Sections 353.6 and 353.7, as amended by Sections 5 and 6, Chapter 199, O.S.L. 1993, 355, 355.1, 567.3a, as last amended by Section 13, Chapter 318, O.S.L. 1996, Section 5, Chapter 186, O.S.L. 1996, and 567.7, as last amended by Section 6, Chapter 186, O.S.L. 1996 (59 O.S. Supp. 1996, Sections 353.6, 353.7, 567.3a, 567.4a and 567.7), which relate to meetings for examination of applicants, definitions, prescriptive authority recognition and licensure; providing for certain authority for certain nurses under certain circumstances; removing limit on number of times certain examination shall be held; expanding rulemaking jurisdiction of the State Board of Pharmacy; modifying definitions; expanding list of entities exempt from certain requirement; authorizing certified registered nurse anesthetists to order, select, obtain and administer drugs subject to certain conditions; requiring certain list; requiring termination of certain authority under certain circumstances; requiring promulgation of rules by the Oklahoma Board of Nursing to establish a Formulary Advisory Council; requiring development of inclusionary drug formulary; providing for composition and operational needs of Council; clarifying statutory references; stating application for licensure and renewal fee; amending 63 O.S. 1991, Sections 2-101, as last amended by Section 14 or Enrolled House Bill No. 1436 of the 1st Session of the 46th Oklahoma Legislature, 2-302 and 2-303, as amended by Sections 4 and 5, Chapter 306, O.S.L. 1996, and 2-312, as last amended by Section 10, Chapter 186, O.S.L. 1996 (63 O.S. Supp. 1996, Sections 2-302, 2-303 and 2-312), which relate to the Uniform Controlled Dangerous Substances Act; modifying definitions; requiring certain entities to furnish certain list; expanding list of persons required to register and pay certain fees; allowing certain advanced practice nurse to order, select, obtain and administer certain controlled dangerous substances in certain settings; amending Section 9, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.9), which relates to licensure of physician assistants; clarifying language and references; repealing Section 6 of Enrolled Senate Bill No. 59 of the 1st Session of the 46th Oklahoma

Legislature, which relates to licensure of physician assistants; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.1b of Title 59, unless there is created a duplication in numbering, reads as follows:

Authority to order, select, obtain and administer drugs shall be allowed for a certified registered nurse anesthetist, pursuant to rules adopted by the Oklahoma Board of Nursing, only when engaged in the preanesthetic preparation or evaluation; anesthesia induction, maintenance or emergence; or postanesthesia care practice of nurse anesthesia. A certified registered nurse anesthetist may order, select, obtain and administer drugs only during the perioperative or periobstetrical period.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 353.6, as amended by Section 5, Chapter 199, O.S.L. 1993 (59 O.S. Supp. 1996, Section 353.6), is amended to read as follows:

Section 353.6 Meetings for the examination of applicants for registration and granting of certificates shall be held at least one time ~~but not more than three times~~ each year at a time and place to be fixed by the Board. At least ten (10) days' notice shall be publicly given of the time and place of each meeting at which there is an examination of candidates for registration.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 353.7, as amended by Section 6, Chapter 199, O.S.L. 1993 (59 O.S. Supp. 1996, Section 353.7), is amended to read as follows:

Section 353.7 The State Board of Pharmacy shall have the powers and duties to:

1. Regulate the practice of pharmacy;
2. Regulate the sale of drugs, medicines, chemicals and poisons;
3. Regulate the dispensing of drugs and medicines in all places where drugs and medicines are compounded or dispensed;

4. Enter and inspect, by its members or by its duly authorized representatives, any and all places, including premises, equipment, contents and records, where drugs, medicines, chemicals or poisons are stored, sold, vended, given away, compounded, dispensed or manufactured;

5. Employ the number of inspectors necessary to carry out the provisions of ~~this act~~ the Oklahoma Pharmacy Act at an annual salary to be fixed by the Board, and to authorize necessary expenses. Such inspectors shall have the same powers and authority as that granted to peace officers by the laws of this state for the purpose of enforcing the Oklahoma Pharmacy Act. In addition, such inspectors shall have the authority and the duty to confiscate all drugs, medicines, chemicals or poisons found to be stored, sold, vended, given away, compounded, dispensed or manufactured contrary to the provisions of the Oklahoma Pharmacy Act;

6. Prescribe minimum standards with respect to floor space and other physical characteristics of pharmacies, as may be reasonably necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public~~;~~ and to refuse the issuance of new or renewal licenses for failure to comply with ~~said~~ such standards;

7. Examine and issue appropriate certificates of registration as pharmacists to all applicants whom it shall deem qualified to be such under the provisions of the Oklahoma Pharmacy Act;

8. Investigate complaints, hold hearings and subpoena witnesses and records;

9. Initiate prosecution;

10. Reprimand ~~or~~ or place on probation any holder of a certificate, license or permit; suspend or revoke certificates, licenses or permits, and levy fines not to exceed Five Hundred Dollars (\$500.00) for each count ~~of~~ for which any holder of a certificate, license or permit has been convicted in Board hearings;

11. Adopt and establish rules of professional conduct appropriate to the establishment and maintenance of a high

standard of integrity and dignity in the profession of pharmacy, ~~and such.~~ Such rules shall be subject to amendment or repeal by the Board as the need may arise;

12. Perform such other duties, exercise such other powers and employ such other personnel as the provisions and enforcement of the Oklahoma Pharmacy Act may require; and

13. Make and publish uniform rules such as may be necessary for carrying out and enforcing the provisions of the Oklahoma Pharmacy Act, Oklahoma drug laws and rules, federal drug laws and regulations, and such other areas as in its discretion may be necessary to protect the health, safety and welfare of the public.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 355, is amended to read as follows:

Section 355. As used in Section 353.1 et seq. of this act title:

1. "Dangerous drugs" means any drug intended for use by ~~man~~ humans which, because of its toxicity or other ~~potentiality~~ potential 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~~ medical doctor, dentist, podiatrist, osteopathic physician, veterinarian, or optometrist licensed to practice and authorized to prescribe medication within the scope of ~~his~~ practice of such practitioner; 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 package by the licensed practitioner to ~~his~~ such practitioner's patients.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 355.1, is amended to read as follows:

Section 355.1 A. Except as provided for in Section 353.1 et seq. of ~~Title 59 of the Oklahoma Statutes~~ this title, only a licensed practitioner may dispense dangerous drugs to ~~his~~ such practitioner's patients, and only for the expressed purpose of serving the best interests and promoting the welfare of ~~his~~ such patients. The dangerous drugs shall be dispensed in an appropriate container to which a label has been affixed, such label to include the name and office address of the licensed practitioner, date dispensed, name of patient, directions for administration, prescription number, the trade or generic name and the quantity and strength, not meaning ingredients, of the drug therein contained; provided, this requirement shall not apply to compounded medicines. The licensed practitioner shall keep a suitable book, file or record in which shall be preserved for a period of not less than five (5) years a record of every dangerous drug compounded or dispensed by the licensed practitioner.

B. A licensed practitioner desiring to dispense dangerous drugs pursuant to this section shall register annually with ~~his~~ the appropriate licensing board as a dispenser, through a regulatory procedure adopted and prescribed by ~~his~~ such licensing board.

C. A licensed practitioner who dispenses professional samples to ~~his~~ patients shall be exempt from the requirement of subsection B of this section if:

1. The licensed practitioner furnishes the professional samples to the patient in the package provided by the manufacturer;
2. No charge is made to the patient; and
3. An appropriate record is entered in the patient's chart.

D. This section shall not apply to the services provided through the State Department of Health, city/county health departments, or the Department of Mental Health and Substance Abuse Services.

E. This section shall not apply to organizations and services incorporated as state or federal tax-exempt charitable nonprofit entities and/or organizations and services receiving all or part of their operating funds from a local, state or federal governmental entity; provided, such organizations and services shall comply with the labeling and recordkeeping requirements set out in subsection A of this section.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 567.3a, as last amended by Section 13, Chapter 318, O.S.L. 1996 (59 O.S. Supp. 1996, Section 567.3a), is amended to read as follows:

Section 567.3a As used in the Oklahoma Nursing Practice Act, Section ~~567.3a~~ 567.1 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 the human 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,
- 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,
- 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.

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 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;

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;

7. a. "Clinical nurse specialist" means a licensed registered nurse who holds:
 - ~~a.~~ (1) a master's degree in nursing with clinical specialization preparation to function in an expanded role,
 - ~~b.~~ (2) specialty certification from a national certifying organization recognized by the Board,
 - ~~c.~~ (3) a certificate of recognition from the Board, and
 - ~~d.~~ (4) 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.
- b. In the expanded role, the clinical nurse specialist performs at an advanced practice level which shall include, but not be limited to:
 - ~~a.~~ (1) 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.~~ (2) managing the care of patients or clients with complex nursing problems,
 - ~~c.~~ (3) enhancing patient or client care by integrating the competencies of clinical practice, education, consultation, and research, and
 - ~~d.~~ (4) referring patients or clients to other services.
- c. 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.

d. 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.

e. 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. "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;

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;

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

~~a.~~ (1) has successfully completed the educational program of a school of nurse anesthetists accredited by the ~~American Association Council~~ Council on Accreditation of Nurse Anesthetists Anesthesia Educational Programs,

~~b.~~ (2) is certified by the ~~American Association Council~~ Council on Certification 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~~ recertification by the Council on Recertification of Nurse Anesthetists,

~~c.~~ (3) 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.~~ (4) has received a certificate of recognition from the Board.
- b. A certified registered nurse anesthetist, under the supervision of a medical doctor, osteopathic physician or dentist licensed in this state, and under conditions in which timely, on-site consultation by such medical doctor, osteopathic physician or dentist is available, shall be authorized, pursuant to rules adopted by the Oklahoma Board of Nursing, to order, select, obtain and administer legend drugs, Schedules II through V controlled substances, devices, and medical gases only when engaged in the preanesthetic preparation and evaluation; anesthesia induction, maintenance and emergence; and postanesthesia care. A certified registered nurse anesthetist may order, select, obtain and administer drugs only during the perioperative or periobstetrical period.
- c. A certified registered nurse anesthetist who applies for authorization to order, select, obtain and administer drugs shall:
- (1) be currently recognized as a certified registered nurse anesthetist in this state,
 - (2) provide evidence of completion, within the two-year period immediately preceding the date of application, of a minimum of fifteen (15) units of continuing education in advanced pharmacology related to the administration of anesthesia as recognized by the Council on Recertification of Nurse Anesthetists,
 - (3) provide evidence of professional liability insurance coverage, and
 - (4) complete and submit a notarized application, on a form prescribed by the Board, accompanied by the application fee established pursuant to this section.

- d. The authority to order, select, obtain and administer drugs shall be terminated if a certified registered nurse anesthetist has:
- (1) ordered, selected, obtained or administered drugs outside of the certified registered nurse anesthetist scope of practice or ordered, selected, obtained or administered drugs for other than therapeutic purposes, or
- (2) violated any provision of state laws or rules or federal laws or regulations pertaining to the practice of nursing or the authority to order, select, obtain and administer drugs.
- e. The Oklahoma Board of Nursing shall notify the Board of Pharmacy within two (2) working days after termination of or a change in the authority to order, select, obtain and administer drugs for a certified registered nurse anesthetist.
- f. The Board shall provide by rule for biennial application renewal and reauthorization of authority to order, select, obtain and administer drugs for certified registered nurse anesthetists. At the time of application renewal, a certified registered nurse anesthetist shall submit documentation of a minimum of eight (8) units of continuing education, completed during the previous two (2) years, in advanced pharmacology relating to the administration of anesthesia, as recognized by the Council on Recertification of Nurse Anesthetists.
- g. 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.

h. 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~~ Dentistry to establish the qualifications for dentists who direct the administration of anesthesia;

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~~ registered nurse practitioner, a clinical nurse specialist, or a certified nurse-midwife, and who is not in training as an intern, resident, or fellow. To be eligible to supervise ~~an~~ such 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;

12. "Supervision of an advanced practice ~~nurses~~ nurse with prescriptive authority" means overseeing and accepting responsibility for the ordering and transmission by an advanced registered nurse practitioner, a clinical nurse specialist, or a certified nurse-midwife 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 7. AMENDATORY Section 5, Chapter 186, O.S.L. 1996 (59 O.S. Supp. 1996, Section 567.4a), is amended to read as follows:

Section 567.4a The rules regarding prescriptive authority recognition promulgated by the Oklahoma Board of Nursing pursuant to paragraphs 6 through ~~13~~ 9, 11 and 12 of Section 4 567.3a of this ~~act~~ title 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 Examiners. Such procedure shall include a written statement that defines appropriate referral, consultation, and collaboration between the advanced practice nurse, recognized to prescribe as defined in paragraphs 6 through 9, 11 and 12 of Section 4 567.3a of this act title, and the supervising physician. The written statement shall include a method of assuring availability of the supervising 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 in the restoration and maintenance of health in a program beyond basic registered nurse preparation, 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 in the restoration and maintenance of health in a program beyond basic registered nurse preparation, approved by the Board, within the two-year period immediately preceding the effective date of application for renewal of prescriptive authority;

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

5. Define the method for communicating authority to prescribe or termination of same, and the formulary to the Board of Pharmacy, all pharmacies, 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. a. Establish a Formulary Advisory Council that shall develop and submit to the Board recommendations for an exclusionary formulary that shall list drugs or categories of drugs that shall not be prescribed by advanced practice nurses recognized to prescribe by the Oklahoma Board of Nursing. The Formulary Advisory Council shall also develop and submit to the Board recommendations for practice-specific prescriptive standards for each category of advanced practice nurse recognized to prescribe by the Oklahoma Board of Nursing pursuant to the provisions of ~~this act~~ the Oklahoma Nursing Practice Act. The Board shall either accept or reject the recommendations made by the Council. No amendments to the recommended exclusionary formulary may be made by the Board without the approval of the Formulary Advisory Council.
- b. The Formulary Advisory Council shall be composed of twelve (12) members as follows:
 - (1) four members, to include a pediatrician, an obstetrician-gynecological physician, a general internist, and a family practice physician; provided that three of such members shall be appointed by the Oklahoma State Medical Association, and one shall be appointed by the Oklahoma Osteopathic Association,
 - (2) four members who are registered pharmacists, appointed by the Oklahoma Pharmaceutical Association, and
 - (3) four members, one of whom shall be an advanced registered nurse practitioner, one of whom shall

be a clinical nurse specialist, one of whom shall be a certified nurse-midwife, and one of whom shall be a current member of the Oklahoma Board of Nursing, all of whom shall be appointed by the Oklahoma Board of Nursing.

- c. 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 Council shall serve at the pleasure of the appointing authority for a term of three (3) years. The terms of the members shall be staggered. Members of the Council may serve beyond the expiration of their term of office until a successor is appointed by the original appointing authority. A vacancy on the Council shall be filled for the balance of the unexpired term by the original appointing authority.
- d. Members of the Council shall elect a chair and a vice-chair from among the membership of the Council. For the transaction of business, at least seven members, with a minimum of two members present from each of the identified categories of physicians, pharmacists and advanced practice nurses, shall constitute a quorum. The Council shall recommend and the Board shall approve and implement an initial exclusionary formulary on or before January 1, 1997. The Council and the Board shall annually review the approved exclusionary formulary and shall make any necessary revisions utilizing the same procedures used to develop the initial exclusionary formulary.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 567.4b of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. The rules regarding authorization for a certified registered nurse anesthetist to order, select, obtain and

administer drugs, promulgated by the Oklahoma Board of Nursing pursuant to paragraph 10 of Section 567.3a of Title 59 of the Oklahoma Statutes, shall provide for establishment of a Formulary Advisory Council to develop and submit to the Board recommendations for an inclusionary formulary that lists drugs or categories of drugs that may be ordered, selected, obtained or administered by certified registered nurse anesthetists authorized by the Board to order, select, obtain and administer drugs.

2. Such Formulary Advisory Council shall also develop and submit to the Board recommendations for practice-specific standards for ordering, selecting, obtaining and administering drugs for a certified registered nurse anesthetist authorized by the Board to order, select, obtain and administer drugs pursuant to the provisions of the Oklahoma Nursing Practice Act.

3. The Board shall either accept or reject the recommendations of the Council. No amendments to the recommended inclusionary formulary may be made by the Board without the approval of the Formulary Advisory Council.

B. 1. The Formulary Advisory Council shall be composed of five (5) members as follows:

- a. two certified registered nurse anesthetists, appointed by the Oklahoma Association of Nurse Anesthetists located in this state,
- b. two anesthesiologists, appointed by the Oklahoma Society of Anesthesiologists located in this state, and
- c. a hospital-based pharmacist appointed by the Oklahoma Pharmaceutical Association located in this state.

2. 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.

3. a. Members of the Formulary Advisory Council shall serve at the pleasure of their appointing authority for a term of three (3) years. The terms of the members shall be staggered. Members of the Council

may serve beyond the expiration of their term of office until a successor is appointed by the original appointing authority. A vacancy on the Council shall be filled for the balance of the unexpired term by the original appointing authority.

- b. Members of the Council shall elect a chair and a vice-chair from among the membership of the Council. Three members shall constitute a quorum for the transaction of business.

C. The Council shall recommend and the Board shall approve and implement an initial inclusionary formulary on or before January 1, 1998. The Council and the Board shall annually review and evaluate the approved inclusionary formulary and shall make any necessary revisions utilizing the same procedures used to develop the initial inclusionary formulary.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 567.7, as last amended by Section 6, Chapter 186, O.S.L. 1996 (59 O.S. Supp. 1996, Section 567.7), is amended to read as follows:

Section 567.7 A. Licenses issued 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. A licensee who applies for reinstatement of a license shall 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 licensee desires to resume practice, such licensee shall meet such requirements as the Board may prescribe in its rules.

D. ~~Initial applications~~ An initial application 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). An initial application 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~~ a registered nurse and licensed practical nurse which shall not exceed Sixty Dollars (\$60.00).

F. The Board shall by rule 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. An initial application ~~and~~ or a biennial renewal application 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 an initial application and Sixty Dollars (\$60.00) for a biennial renewal application.

H. An initial application ~~and~~ or a biennial renewal application 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 an initial application and Sixty Dollars (\$60.00) for a biennial renewal application.

I. An initial application and a biennial renewal application for recognition for authority to order, select, obtain and administer drugs for a certified registered nurse anesthetist 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 an initial application and Sixty Dollars (\$60.00) for a biennial renewal application.

SECTION 10. AMENDATORY 63 O.S. 1991, Section 2-101, as last amended by Section 14 of Enrolled House Bill No. 1436 of the 1st Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 2-101. As used in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title:

1. "Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient, animal or research subject by:

- a. a practitioner (or, in the presence of the practitioner, by the authorized agent of the practitioner), or
- b. the patient or research subject at the direction and in the presence of the practitioner;

2. "Agent" means a peace officer appointed by and who acts in behalf of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or an authorized person who acts on behalf of or at the direction of a person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes controlled dangerous substances but does not include a common or contract carrier, public ~~warehouseman~~ warehouse or employee thereof, or a person required to register under the Uniform Controlled Dangerous Substances Act;

3. "Board" means the Advisory Board to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

4. "~~Bureau of Narcotics and Dangerous Drugs~~" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs, ~~United States Department of Justice Control~~;

5. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine or ecgonine;

6. "Commissioner" or "Director" means the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

7. "Control" means to add, remove or change the placement of a drug, substance or immediate precursor under the Uniform Controlled Dangerous Substances Act;

8. "Controlled dangerous substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform

Controlled Dangerous Substances Act, Section 2-101 et seq. of this title;

9. "Counterfeit substance" means a controlled substance which, or the container or labeling of which without authorization, bears the trademark, trade name or other identifying marks, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance;

10. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled dangerous substance, whether or not there is an agency relationship;

11. "Dispense" means to deliver a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such distribution.

"Dispenser" is a practitioner who delivers a controlled dangerous substance to an ultimate user or human research subject;

12. "Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance;

13. "Distributor" means a commercial entity engaged in the distribution or reverse distribution of narcotics and dangerous drugs and who complies with all regulations promulgated by the federal Drug Enforcement Administration and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

14. "Drug" means articles:

- a. recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; ~~articles,~~
- b. intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; ~~articles (,~~

c. other than food~~),~~ intended to affect the structure or any function of the body of man or other animals~~;~~ and ~~articles~~

d. intended for use as a component of any article specified in this paragraph; ~~but~~

provided, however, the term "drug" does not include devices or their components, parts or accessories;

15. "Drug-dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence;

16. "Home care agency" means any sole proprietorship, partnership, association, corporation, or other organization which administers, offers, or provides home care services, for a fee or pursuant to a contract for such services, to clients in their place of residence;

17. "Home care services" means skilled or personal care services provided to clients in their place of residence for a fee;

18. "Hospice" means a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program ~~located in a municipality with a population in excess of twenty-five thousand (25,000)~~ which provides a continuum of home and inpatient care for the terminally ill patient and the patient's family. Such term shall also include a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program ~~located in a municipality with a population of less than twenty-five thousand (25,000)~~ if such program is licensed pursuant to the provisions of this act. A hospice program offers palliative and supportive care to meet the special needs arising out of the physical, emotional and spiritual stresses which are experienced during the final stages of illness and during dying and bereavement. This care is

available twenty-four (24) hours a day, seven (7) days a week, and is provided on the basis of need, regardless of ability to pay. "Class A" Hospice refers to Medicare certified hospices. "Class B" refers to all other providers of hospice services;

19. "Imitation controlled substance" means a substance that is not a controlled dangerous substance, which by dosage unit appearance, color, shape, size, markings or by representations made, would lead a reasonable person to believe that the substance is a controlled dangerous substance. In the event the appearance of the dosage unit is not reasonably sufficient to establish that the substance is an "imitation controlled substance", the court or authority concerned should consider, in addition to all other factors, the following factors as related to "representations made" in determining whether the substance is an "imitation controlled substance":

- a. statements made by an owner or by any other person in control of the substance concerning the nature of the substance, or its use or effect,
- b. statements made to the recipient that the substance may be resold for inordinate profit,
- c. whether the substance is packaged in a manner normally used for illicit controlled substances,
- d. evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,
- e. prior convictions, if any, of an owner, or any other person in control of the object, under state or federal law related to controlled substances or fraud, and
- f. the proximity of the substances to controlled dangerous substances;

20. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled dangerous substance,

the control of which is necessary to prevent, curtail or limit such manufacture;

21. "Laboratory" means a laboratory approved by the Director as proper to be entrusted with the custody of controlled dangerous substances and the use of controlled dangerous substances for scientific and medical purposes and for purposes of instruction;

22. "Manufacture" means the production, preparation, propagation, compounding or processing of a controlled dangerous substance, either directly or indirectly by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacturer" includes any person who packages, repackages or labels any container of any controlled dangerous substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;

23. "Marihuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination;

24. "Medical purpose" means an intention to utilize a controlled dangerous substance for physical or mental treatment, for diagnosis, or for the prevention of a disease condition not in violation of any state or federal law and not for the purpose of satisfying physiological or psychological dependence or other abuse;

25. "Mid-level practitioner" means an advanced practice nurse as defined and within parameters specified in Section 567.3a of Title 59 of the Oklahoma Statutes;

26. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of
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vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- a. opium, coca leaves and opiates,
- b. a compound, manufacture, salt, derivative or preparation of opium, coca leaves or opiates,
- c. cocaine, its salts, optical and geometric isomers, and salts of isomers,
- d. ecgonine, its derivatives, their salts, isomers and salts of isomers, and
- e. a substance, and any compound, manufacture, salt, derivative or preparation thereof, which is chemically identical with any of the substances referred to in subparagraphs a through d of this paragraph, except that the words "narcotic drug" as used in Section 2-101 et seq. of this title shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

~~26.~~ 27. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under the Uniform Controlled Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms;

~~27.~~ 28. "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof;

~~28.~~ 29. "Peace officer" means a police officer, sheriff, deputy sheriff, district attorney's investigator, investigator from the Office of the Attorney General, or any other person elected or appointed by law to enforce any of the criminal laws of this state or of the United States;

~~29.~~ 30. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

~~30.~~ 31. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

~~31.~~ 32. "Practitioner" means:

- a. (1) a medical doctor or osteopathic physician,
- (2) a dentist,
- (3) a podiatrist,
- (4) an optometrist,
- (5) a veterinarian,
- (6) ~~an advanced practice nurse recognized to prescribe by the Oklahoma Board of Nursing as an advanced registered nurse practitioner, clinical nurse specialist or certified nurse-midwife, subject to the medical direction of a supervising physician, pursuant to Section 567.3a of Title 59 of the Oklahoma Statutes,~~
- ~~(7)~~ a scientific investigator, or
- ~~(8)~~ (7) any other person,

licensed, registered or otherwise permitted to prescribe, distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state, or

- b. a pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state;

~~32.~~ 33. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled dangerous substance;

~~33.~~ 34. "State" means the State of Oklahoma or any other state of the United States;

~~34.~~ 35. "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for

the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household;

~~35.~~ 36. "Drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act including, but not limited to:

- a. kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,
- b. kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances,
- c. isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled dangerous substance,
- d. testing equipment used or intended for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,
- e. scales and balances used or intended for use in weighing or measuring controlled dangerous substances,
- f. diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled dangerous substances,

- g. separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana,
- h. blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances,
- i. capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled dangerous substances,
- j. containers and other objects used or intended for use in parenterally injecting controlled dangerous substances into the human body,
- k. hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled dangerous substances into the human body, and
- l. objects used or intended for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:
 - (1) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
 - (2) water pipes,
 - (3) carburetion tubes and devices,
 - (4) smoking and carburetion masks,
 - (5) roach clips, meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand,
 - (6) miniature cocaine spoons and cocaine vials,
 - (7) chamber pipes,
 - (8) carburetor pipes,
 - (9) electric pipes,
 - (10) air-driven pipes,
 - (11) chillums,

(12) bonges, or

(13) ice pipes or chillers.

~~Provided;~~ provided, however, the term "drug paraphernalia" shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation or pipes designed for smoking tobacco;

~~36.~~ 37. "Synthetic controlled substance" means a substance that is not a controlled dangerous substance, but is a substance that produces a like or similar physiological or psychological effect on the human central nervous system that currently has no accepted medical use in treatment in the United States and has a potential for abuse. The court or authority concerned with establishing that the substance is a synthetic controlled substance should consider, in addition to all other factors, the following factors as related to "representations made" in determining whether the substance is a synthetic controlled substance:

- a. statements made by an owner or by any other person in control of the substance concerning the nature of the substance, its use or effect,
- b. statements made to the recipient that the substance may be resold for an inordinate profit,
- c. prior convictions, if any, of an owner or any person in control of the substance, under state or federal law related to controlled dangerous substances, and
- d. the proximity of the substance to any controlled dangerous substance;

~~37.~~ 38. "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinols of marihuana;

~~38.~~ 39. "Isomer" means the optical isomer, except as used in subsection C of Section 2-204 of this title and paragraph 4 of subsection A of Section 2-206 of this title. As used in subsection C of Section 2-204 of this title, "isomer" means the optical, positional or geometric isomer. As used in paragraph 4

of subsection A of Section 2-206 of this title, the term "isomer" means the optical or geometric isomer; and

~~39.~~ 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines.

SECTION 11. AMENDATORY 63 O.S. 1991, Section 2-302, as amended by Section 4, Chapter 306, O.S.L. 1996 (63 O.S. Supp. 1996, Section 2-302), is amended to read as follows:

Section 2-302. A. Every person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes any controlled dangerous substance, within this state, or who proposes to engage in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of any controlled dangerous substance, within this state, shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with ~~the rules and regulations~~ promulgated by ~~him~~ the Director. Persons registered by the Director under Section 2-101 et seq. of this title to manufacture, distribute, dispense, or conduct research with controlled dangerous substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this article.

Manufacturers, distributors, home care agencies, hospices, home care services, and scientific researchers shall obtain a registration annually. Other practitioners shall obtain a registration for a period to be determined by the Director that will be for a period not less than one (1) year nor more than three (3) years.

B. Every trainer or handler of a canine controlled dangerous substances detector who, in the ordinary course of ~~their~~ such trainer's or handler's profession, desires to possess any controlled dangerous substance, annually, shall obtain a registration issued by the Director for a fee of Thirty-five

Dollars (\$35.00). Such persons shall be subject to all applicable provisions of Section 2-101 et seq. of this title and such applicable rules ~~and regulations~~ promulgated by the Director for those individuals identified in subparagraph a of paragraph 28 of Section 2-101 of this title. Persons registered by the Director pursuant to this subsection may possess controlled dangerous substances to the extent authorized by their registration and in conformity with the other provisions of this article.

C. The following persons shall not be required to register and may lawfully possess controlled dangerous substances under the provisions of Section 2-101 et seq. of this title:

1. An agent, or an employee thereof, of any registered manufacturer, distributor, dispenser or user for scientific purposes of any controlled dangerous substance if such agent is acting in the usual course of ~~his~~ such agent's or employee's business or employment;

2. Any person lawfully acting under the direction of a person authorized to administer controlled dangerous substances under Section 2-312 of this title;

3. A common or contract carrier or ~~warehouseman~~ warehouseman, or an employee thereof, whose possession of any controlled dangerous substance is in the usual course of ~~his~~ such carrier's or warehouseman's business or employment;

4. An ultimate user or a person in possession of any controlled dangerous substance pursuant to a lawful order of a practitioner;

5. An individual pharmacist acting in the usual course of ~~his~~ such pharmacist's employment with a pharmacy registered under this act;

6. A nursing home licensed by this state; and

7. Registered nurses and licensed practical nurses.

D. The Director may, by ~~regulation~~ rule, waive the requirement for registration ~~and/or~~ or fee for registration of certain manufacturers, distributors, dispensers, prescribers, administrators, or users for scientific purposes if ~~he~~ the Director finds it consistent with the public health and safety.

E. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, dispenses, prescribes, administers, or uses for scientific purposes controlled dangerous substances.

F. The Director is authorized to inspect the establishment of a registrant or applicant for registration in accordance with ~~the~~ rules ~~and regulations~~ promulgated by ~~him~~ the Director.

G. No person engaged in a profession or occupation for which a license to engage in such activity is provided by law shall be registered under this act unless such person holds a valid license of ~~his~~ such person's profession or occupation.

H. Registrations shall be issued on the first day of November of each year. Registrations may be issued at other times, however, upon certification of the professional licensing board.

I. The licensing boards of all professions and occupations to which the use of controlled dangerous substances is incidental shall furnish a current list to the Director, not later than the first day of October of each year, of the persons holding valid licenses. All such persons except persons exempt from registration requirements under subsection C of this section shall be subject to the registration requirements of Section 2-101 et seq. of this title.

J. The licensing board of any professional defined as a mid-level practitioner shall notify and furnish to the Director, not later than the first day of October of each year that such professional holds a valid license, a current listing of individuals licensed and registered with their respective boards to prescribe, order, select, obtain and administer controlled dangerous substances. The licensing board shall immediately notify the Director of any action subsequently taken against any such individual.

SECTION 12. AMENDATORY 63 O.S. 1991, Section 2-303, as amended by Section 5, Chapter 306, O.S.L. 1996 (63 O.S. Supp. 1996, Section 2-303), is amended to read as follows:

Section 2-303. A. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall register an applicant to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes controlled dangerous substances included in Schedules I through V of Section 2-101 et seq. of this title unless ~~he~~ the Director determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

1. Maintenance of effective controls against diversion of particular controlled dangerous substances and any Schedule I or II substance compounded therefrom into other than legitimate medical, scientific or industrial channels, including examination of the fitness of his employees or agents to handle dangerous substances;

2. Compliance with applicable state and local law;

3. Prior conviction record of applicant under federal or state laws relating to the manufacture, distribution or dispensing of such substances;

4. Furnishing by the applicant false or fraudulent material information in any application filed under Section 2-101 et seq. of this title;

5. Past experience in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of controlled dangerous substances, and the existence in the establishment of effective controls against diversion;

6. Denial, suspension or revocation of the applicant's federal registration to manufacture, distribute or dispense controlled dangerous substances as authorized by federal law; and

7. Such other factors as may be relevant to and consistent with the public health and safety.

Nothing herein shall be deemed to require individual licensed pharmacists to register under the provisions of ~~this act~~ the Uniform Controlled Dangerous Substances Act.

B. Registration granted under subsection A of this section shall not entitle a registrant to manufacture, distribute,

dispense, prescribe, administer or use for scientific purposes controlled dangerous substances in Schedule I or II other than those specified in the registration.

C. Practitioners shall be registered to dispense, prescribe, administer or use for scientific purposes substances in Schedules II through V if they are authorized to carry on their respective activities under the laws of this state. A registration application by a practitioner who wishes to conduct research with Schedule I substances shall be accompanied by evidence of the applicant's federal registration to conduct such activity and shall be referred to the Medical Research Commission for advice. The Medical Research Commission shall promptly advise the Director concerning the qualifications of each practitioner requesting such registration. Registration for the purpose of bona fide research or of use for scientific purposes with Schedule I substances by a practitioner deemed qualified by the Medical Research Commission may be denied only on a ground specified in subsection A of Section 2-304 of this title or if there are reasonable grounds to believe that the applicant will abuse or unlawfully transfer such substances or fail to safeguard adequately ~~his~~ such applicant's supply of such substances against diversion from legitimate medical or scientific use.

D. 1. The Director shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of any controlled dangerous substances prior to ~~the effective date of this act~~ June 4, 1991, and who are registered or licensed by the state. Fees for registration under this section shall be as follows:

Practitioners <u>and</u>			
<u>mid-level practitioners</u>	\$35.00	per year	of
			registration
Home Care Agencies,			
Hospices & Home Care Services	\$35.00	annually	
Distributors	\$50.00	annually	

Manufacturers \$100.00 annually

2. A registrant shall be required to pay double the amount of the above-listed fee for any renewal of registration received more than sixty (60) days late.

3. A Ten Dollar (\$10.00) fee shall be charged for a duplicate registration certificate.

E. Compliance by manufacturers and distributors with the provisions of the Federal Controlled Substances Act, 21 U.S.C., Section 801 et seq., respecting registration, excluding fees, shall be deemed sufficient to qualify for registration under this act.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 2-312, as last amended by Section 10, Chapter 186, O.S.L. 1996 (63 O.S. Supp. 1996, Section 2-312), is amended to read as follows:

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

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

C. An advanced practice nurse who is recognized to prescribe by the Oklahoma Board of Nursing as an advanced registered nurse practitioner, clinical nurse specialist or certified nurse-

midwife, who 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.

D. An advanced practice nurse who is recognized to order, select, obtain and administer drugs by the Oklahoma Board of Nursing as a certified registered nurse anesthetist pursuant to Section 1 of this act and who has complied with the registration requirements of the Uniform Controlled Dangerous Substances Act, in good faith and in the course of such practitioner's professional practice only, may order, select, obtain and administer Schedules II through V controlled dangerous substances in a preanesthetic preparation or evaluation; anesthesia induction, maintenance or emergence; or postanesthesia care setting only. A certified registered nurse anesthetist may order, select, obtain and administer such drugs only during the perioperative or periobstetrical period.

SECTION 14. AMENDATORY Section 9, Chapter 289, O.S.L. 1993 (59 O.S. Supp. 1996, Section 519.9), is amended to read as follows:

Section 519.9 Any person who holds a certificate as a physician assistant from the State Board of Medical Licensure and Supervision prior to ~~the effective date of this act~~ June 3, 1993, shall be granted ~~a certificate~~ licensure as a physician assistant under the provisions of Section 519.1 et seq. of this act ~~title~~.

SECTION 15. REPEALER Section 6 of Enrolled Senate Bill No. 59 of the 1st Session of the 46th Oklahoma Legislature, is hereby repealed.

SECTION 16. This act shall become effective November 1, 1997.

46-1-1380 CJ