

SB 1589

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THE STATE SENATE
Thursday, February 17, 2000

Senate Bill No. 1589

SENATE BILL NO. 1589 - By: MONSON of the Senate and SEIKEL of the House.

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 567.8, as last amended by Section 3, Chapter 288, O.S.L. 1996 (59 O.S. Supp. 1999, Section 567.8), which relates to nursing licensure and certification; expanding powers of the Oklahoma Board of Nursing; modifying criteria for imposition of disciplinary action; allowing levying of fines and imposing of payment of costs as a condition of disciplinary action; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 567.8, as last amended by Section 3, Chapter 288, O.S.L. 1996 (59 O.S. Supp. 1999, Section 567.8), is amended to read as follows:

Section 567.8 A. The Oklahoma Board of Nursing shall have the power ~~to~~:

- 1. To deny, revoke or suspend any:
 - a. license to practice registered nursing~~r~~ or licensed practical nursing, ~~or~~
 - b. recognition for practice as an advanced practice nurse, or
 - c. certification as an advanced unlicensed assistive person~~r~~;

2. To levy fines; or ~~to~~

1 3. To otherwise discipline a licensee or advanced unlicensed
2 assistive person.

3 B. The Board shall impose a disciplinary action pursuant to the
4 provisions of subsection A of this section upon proof that the
5 person:

6 1. Is guilty of fraud or deceit in procuring or attempting to
7 procure:

8 a. a license to practice registered nursing, ~~or~~ licensed
9 practical nursing, or advanced practice nursing, or

10 b. certification as an advanced unlicensed assistive
11 person;

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

14 3. Is unfit or incompetent by reason of negligence;

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

17 5. Exhibits actual or potential inability to practice nursing
18 with sufficient knowledge or reasonable skills and safety due to
19 impairment caused by illness, use of alcohol, drugs, chemicals or
20 any other substance, or as a result of any mental or physical
21 condition;

22 6. Has been adjudicated as mentally incompetent, mentally ill,
23 chemically dependent or dangerous to the public or has been

1 committed by a court of competent jurisdiction, within or without
2 this state;

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

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

7 9. Violated a rule adopted by the Board, an order of the Board,
8 or a state or federal law relating to the practice of registered,
9 practical or advanced practice nursing or advanced unlicensed
10 assisting, or a state or federal narcotics or controlled dangerous
11 substance law; or

12 10. Has had disciplinary actions taken against the individual's
13 registered or practical nursing license, advanced unlicensed
14 assistive certification, or any health-related license, in this or
15 any state, territory or country.

16 ~~B.~~ C. Any person who supplies the Board information in good
17 faith shall not be liable in any way for damages with respect to
18 giving such information.

19 ~~C.~~ D. The Board may cause to be investigated all reported
20 violations of the Oklahoma Nursing Practice Act, Section 567.1 et
21 seq. of this title.

1 ~~D.~~ E. All individual proceedings before the Board shall be
2 conducted in accordance with the Administrative Procedures Act,
3 ~~Section 308a et seq. of Title 75 of the Oklahoma Statutes.~~

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

11 ~~F.~~ G. A person whose license is revoked may not apply for
12 reinstatement during the time period set by the Board, which shall
13 not exceed five (5) years. The Board on its own motion may at any
14 time reconsider its action.

15 ~~G.~~ H. Any person whose license is revoked or who applies for
16 renewal of registration and who is rejected by the Board shall have
17 the right to appeal from such action to the district court of the
18 county of the person's residence.

19 I. As a condition of any disciplinary action, the Board may, in
20 addition to any fines levied, impose the payment of costs incurred
21 by the Board for fees related to attorneys, probation and
22 monitoring, and other related costs, including, but not limited to,
23 staff salaries and travel, subpoenas and witnesses.

1 SECTION 2. This act shall become effective November 1, 2000.
2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-14-00 -
3 DO PASS, As Coauthored.