

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1589

By: Monson

AS INTRODUCED

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~~7~~ or licensed practical nursing, ~~or~~

b. recognition for practice as an advanced practice nurse, or

c. certification as an advanced unlicensed assistive person~~7i~~

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

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

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

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

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

b. certification as an advanced unlicensed assistive person;

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

3. Is unfit or incompetent by reason of negligence;

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

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

6. Has been adjudicated as mentally incompetent, mentally ill, chemically dependent or dangerous to the public or has been committed by a court of competent jurisdiction, within or without this state;

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

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

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

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

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

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

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

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

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

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

I. As a condition of any disciplinary action, the Board may, in addition to any fines levied, impose the payment of costs incurred by the Board for fees related to attorneys, probation and

monitoring, and other related costs, including, but not limited to,  
staff salaries and travel, subpoenas and witnesses.

SECTION 2. This act shall become effective November 1, 2000.

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CJ

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