

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2162

By: Paulk, Vaughn, Lindley,
Nance and Wilt of the House

and

Leftwich and Crutchfield of
the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; providing legislative findings; creating the Nursing Workforce Task Force; providing for duties; providing for appointment and qualification; providing for membership; providing for appointment of officers, meetings, subcommittees, vacancies and quorum; providing for reimbursement; providing for public input; requiring cooperation; requiring a final report; providing for termination; creating the Certified School Professional Nurse Staff Task Force; providing legislative findings; providing for duties; providing for appointment and qualification; providing for membership; providing for appointment of officers, meetings, subcommittees, vacancies and quorum; providing for reimbursement; providing for public input; requiring cooperation; requiring a final report; providing for termination; providing for codification; and declaring an emergency.

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 575 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds that:

1. In Oklahoma and across the nation, there are growing concerns about the increasing shortage of licensed nurses;
2. Approximately twenty-seven percent (27%) of the licensed nurses in the United States are between the ages of forty-five (45) and fifty-four (54), and it is projected that over the next ten (10)

years forty percent (40%) of the licensed nurse workforce will be older than fifty (50) years;

3. According to the Harvard Nursing Research Institute, nationally, nursing school enrollment dropped by twenty and nine-tenths percent (20.9%) from 1995 to 1998, while jobs are likely to expand by twenty-three percent (23%) between 1999 and 2006;

4. The insufficient number and the increasing average age of nursing faculty has been identified as contributing to the nursing shortage;

5. Reductions in reimbursement rates from governmental payors and private insurers have made it difficult for many providers to maintain salary levels necessary to recruit and retain licensed nurses; and

6. The quality of patient care in acute and in nonacute settings is dependent on maintaining an adequate supply of licensed nurses in this state.

B. There is hereby established a Nursing Workforce Task Force to:

1. Examine specific Oklahoma studies relating to the nursing shortage;

2. Examine national studies relating to the nursing shortage;

3. Identify strategies to enhance recruitment and retention of licensed nurses into the workforce;

4. Identify strategies to recruit and retain qualified nursing faculty for nursing education programs;

5. Identify workforce data needed to accurately reflect the supply of and demand for licensed nurses;

6. Identify best practice retention models within the employment environment;

7. Identify the roles and responsibilities of private and public organizations in addressing nursing workforce shortage issues; and

8. Investigate and recommend possible funding sources that could be used to implement recommendations of the Task Force, should funding be required.

C. The membership shall consist of the following members:

1. One member of the Oklahoma House of Representatives, appointed by the Speaker;

2. One member of the Oklahoma State Senate, appointed by the President Pro Tempore;

3. Four members appointed by the Governor. One member shall be appointed from a list of names submitted by the Oklahoma Hospital Association and one member shall be appointed from a list of names of members of the Physician Manpower Training Program submitted by the Physician Manpower Training Commission. One member shall be a nursing faculty member from a baccalaureate nursing education program or higher degree, and one member shall be a faculty member from an associate degree program, both of whom shall be selected from a list of names submitted by the Oklahoma Nurses Association;

4. The Executive Director of the Oklahoma Board of Nursing, or designee;

5. The Director of the Oklahoma Department of Career and Technology Education, or designee;

6. One licensed practical nurse appointed by the Oklahoma Association of Licensed Practical Nurses;

7. Three registered nurses appointed by the Oklahoma Nurses Association;

8. The Chancellor of Higher Education, or designee; and

9. The State Commissioner of Health, or designee.

D. The Speaker of the House of Representatives shall appoint a chair from among the appointed committee members. The committee shall elect a vice-chair from among its members.

E. The Chair shall call the first meeting of the Task Force on or before September 1, 2002.

F. Vacancies shall be filled by the appointing authority where such vacancy exists.

G. A majority of the members appointed to the Task Force shall constitute a quorum and a majority present at a meeting may act for the Task Force.

H. Legislative members shall be reimbursed pursuant to the provisions of Section 456 of Title 74 of the Oklahoma Statutes. Nonlegislative members shall be reimbursed by their appointing authority for necessary expenses incurred in the performance of their duties pursuant to the provisions of the State Travel Reimbursement Act.

I. The Task Force may divide into subcommittees in furtherance of its purposes.

J. The Task Force shall actively seek and consider input from the public, the health care business community, long-term care organizations, organizations for elderly or retired persons, public interest organizations, professional organizations, or any other group or person who has an interest in the health care programs of this state and the work of the Task Force. The Task Force shall solicit and accept written comments, recommendations and proposals and may hold public hearings to obtain comments from the public.

K. All departments, officers, agencies and employees of this state, including legislative staff, shall cooperate with the Task Force in carrying out its duties and responsibilities, including providing any information, records and reports as may be requested by the Task Force.

L. The Task Force shall submit a final report, drafted by legislative staff with direction from the Task Force, to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the State Senate no later than July 31, 2003, regarding the findings and recommendations of the Task Force.

M. The Task Force shall terminate on August 1, 2003.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 576 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds that:

1. There is a diminishing supply of certified school nurses serving the health needs of students in the state's school districts;

2. The supply of certified school nurses has not increased in proportion to school enrollment;

3. The increasingly complex health needs of students can no longer be adequately met by the delegation of nursing tasks to unlicensed and untrained school personnel, such as teachers, teacher's assistants, and secretarial staff, without compromising the health of students and exposing school districts to legal liability; and

4. Removing health barriers to learning is essential to the successful education of students and should be addressed in the state's public schools by recognizing the need for additional certified school nurses and establishing a statewide certified school nurse/student ratio.

B. There is hereby established a Certified School Professional Nurse Staff Task Force to:

1. Identify strategies to enhance recruitment and retention of certified school nurses, especially in rural and inner-city areas;

2. Develop methodology for determining caseload factors which may influence the certified school nurse/student ratio at schools including, but not limited to, mandated functions; social, economic and cultural status of a community; special health problems; mobility; and geographic location;

3. Identify a standard certified school nurse/student ratio for the state;

4. Investigate and recommend possible funding sources to implement the certified school nurse to student ratio; and

5. Gather information on work completed by other groups, states, and the federal government related to the certified school nurse shortage.

C. The membership shall consist of the following members:

1. One member of the Oklahoma House of Representatives, appointed by the Speaker;

2. One member of the Oklahoma State Senate, appointed by the President Pro Tempore;

3. Three members appointed by the Governor. One member shall be appointed from a list of names submitted by the Oklahoma Education Coalition. One member shall be appointed from a list of names submitted by the School Nurses Organization of Oklahoma and one member shall be appointed from a list of names submitted by the Oklahoma Nurses Association;

4. The Superintendent of Public Instruction, or designee;

5. The Secretary of Education, or designee;

6. The Executive Director of the Oklahoma Board of Nursing, or designee;

7. The State Director of the State Board of Career and Technology Education, or designee;

8. The State Commissioner of Health, or designee; and

9. One parent who has a child in a public school appointed by the Oklahoma Parent-Teacher Association.

D. The Speaker shall appoint a chair from among the appointed committee members. The Task Force shall elect a vice-chair from among its members.

E. The Chair shall call the first meeting of the Task Force on or before September 1, 2002.

F. Vacancies shall be filled by the appointing authority where such vacancy exists.

G. A majority of the members appointed to the Task Force shall constitute a quorum and a majority present at a meeting may act for the Task Force.

H. Legislative members shall be reimbursed pursuant to the provisions of Section 456 of Title 74 of the Oklahoma Statutes. Nonlegislative members shall be reimbursed by their appointing authority for necessary expenses incurred in the performance of their duties pursuant to the provisions of the State Travel Reimbursement Act.

I. The Task Force may divide into subcommittees in furtherance of its purposes.

J. The Task Force shall actively seek and consider input from the public, school teachers and administrators, the health care business community, nursing associations, parents, public interest organizations, professional organizations, or any other interested group or person in this state. The Task Force shall solicit and accept written comments, recommendations and proposals and may hold public hearings to obtain comments from the public.

K. All departments, officers, agencies, employees and legislative staff of this state shall cooperate with the Task Force in carrying out its duties and responsibilities, including providing any information, records and reports as may be requested by the Task Force.

L. The Task Force shall submit a final report, written by legislative staff with direction from the Task Force, to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the State Senate no later than June 15, 2003, regarding the findings and recommendations of the Task Force.

M. The Task Force shall terminate on August 1, 2003.

SECTION 3. 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.

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