

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 377

By: Monson of the Senate

and

Askins of the House

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 567.2, as last amended by Section 3, Chapter 186, O.S.L. 1996, 567.3a, as last amended by Section 1, Chapter 71, O.S.L. 1998, 567.4, 567.5, 567.6, 567.7, as last amended by Section 9, Chapter 250, O.S.L. 1997, 567.8, as last amended by Section 1, Chapter 187, O.S.L. 2000, and 567.12, as last amended by Section 1, Chapter 141, O.S.L. 1992, (59 O.S. Supp. 2000, Sections 567.2, 567.3a, 567.7, 567.8, and 567.12), which relate to the Oklahoma Nursing Practice Act; modifying statement of legislative findings and purpose of act; including therein concern for education and practice of advanced unlicensed assistive persons; providing for construction of act; stating descriptive terms to be used by specific temporarily licensed persons; requiring recognition of additional council's certification of continuing education for nurse anesthetists; adding two positions on Oklahoma Board of Nursing, reducing residency requirement, increasing number of members required to be registered nurses, changing qualifications of specified members, requiring nomination and appointment from specified geographical areas, and adding grounds for removal; deleting limitation on number of names submitted for appointment; construing validity of Board action; requiring notification of ground for removal; requiring applicants for license as registered nurse or practical nurse demonstrate lack of felony conviction within specific period of time, or pardon therefrom, and submit specified criminal history records search; expanding basis on which Board is empowered to take disciplinary actions; authorizing issuance of confidential letter of concern to licensee; requiring practical nursing program be conducted in this state and licensed by specified entity; updating title of recognized approving agency and recognizing additional approving agency; deleting obsolete language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 567.2, as last amended by Section 3, Chapter 186, O.S.L. 1996 (59 O.S. Supp. 2000, Section 567.2), is amended to read as follows:

Section 567.2 ~~The purpose of the Oklahoma Nursing Practice Act, Section 567.1 et seq. of this title, is to safeguard the public health and welfare by requiring any person who practices or offers to practice registered nursing or practical nursing in this state to be a registered nurse or a licensed practical nurse, and to submit sufficient evidence that he or she is qualified so to practice and shall be licensed as hereinafter provided. It shall be unlawful for any person to practice or offer to practice registered nursing, practical nursing or to practice or offer to practice as an advanced practice nurse, or use any title, abbreviation, sign or device to indicate that such person is a licensed registered nurse, or is a licensed practical nurse or an advanced practice nurse unless the person has been duly licensed and registered and recognized as meeting the qualifications as provided for in the Oklahoma Nursing Practice Act~~ licensing, certification, practice, and education of registered and practical nursing and advanced unlicensed assistive persons in this state is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control by the Oklahoma Board of Nursing in the public interest. It is further declared to be a matter of public interest and concern that the education and practice of nursing and advanced unlicensed assistive persons, as defined in the Oklahoma Nursing Practice Act, merit and receive the confidence of the public and that only qualified persons be authorized to practice in this state. The Board shall promulgate rules to identify those essential elements of education and practice necessary to protect the public. The provisions of the Oklahoma Nursing Practice Act shall be liberally construed to best carry out these subjects and purposes.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 567.3a, as last amended by Section 1, Chapter 71, O.S.L. 1998 (59 O.S. Supp. 2000, Section 567.3a), is amended to read as follows:

Section 567.3a As used in the Oklahoma Nursing Practice Act:

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. The registered nurse with temporary recognition to practice as an advanced practice nurse shall use the designation "graduate nurse practitioner", "graduate nurse anesthetist", "graduate clinical nurse specialist", or "graduate nurse-midwife".

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:

- (1) a master's degree in nursing with clinical specialization preparation to function in an expanded role,
- (2) specialty certification from a national certifying organization recognized by the Board,
- (3) a certificate of recognition from the Board, and
- (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:

- (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,
- (2) managing the care of patients or clients with complex nursing problems,
 - (3) enhancing patient or client care by integrating the competencies of clinical practice, education, consultation, and research, and
 - (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:

- (1) has successfully completed the educational program of a school of nurse anesthetists accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs,
- (2) is certified by the 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 recertification by the Council on Recertification of Nurse Anesthetists,
- (3) administers anesthesia under the supervision of a medical doctor, an osteopathic physician, a podiatric physician or a dentist licensed in this state and under conditions in which timely onsite consultation by such doctor, osteopath, podiatric physician or dentist is available, and
- (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, podiatric physician or dentist licensed in this state, and under conditions in which timely, on-site consultation by such medical doctor, osteopathic physician, podiatric 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, or Council on Certification 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 Oklahoma State 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 or Council on Certification 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 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 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 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 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 Oklahoma~~ Department of ~~Vocational and Technical~~ Career and Technology 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 Oklahoma Board of Nursing 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 3. AMENDATORY 59 O.S. 1991, Section 567.4, is amended to read as follows:

Section 567.4 A. The Oklahoma Board of Nursing is hereby established in the State of Oklahoma. The Board shall consist of ~~nine (9)~~ eleven (11) members who shall be citizens of the United States of America, and residents of Oklahoma, for no less period than the previous ~~five (5)~~ three (3) years. ~~Five~~ Six of the members shall be registered nurses, in good standing under the provisions of the Oklahoma Nursing Practice Act, currently engaged in the practice of nursing as a registered nurse and shall have had no less than five (5) years of experience as a registered nurse. At least ~~two~~ one of the registered nurses shall be from the field of nursing education, actively associated with a recognized school of nursing in Oklahoma, and ~~one of them must be in nursing education administration~~ who holds an organizational role of administration/management and is accountable for strategic, operational and/or performance outcomes. At least ~~two~~ one of the

~~registered nurses shall represent nursing service, and one of them must hold the highest level of nursing management within a hospital setting~~ who holds an organizational role of administration/management and is accountable for strategic, operational and/or performance outcomes shall represent nursing service. At least one of the registered nurses shall be currently engaged in the practice of nursing as an Advance Practice Nurse.

Three of the members shall be licensed practical nurses in good standing under the provisions of the Oklahoma Nursing Practice Act and currently engaged in the practice of practical nursing as a licensed practical nurse and shall have had no less than five (5) years of experience as a licensed practical nurse. One of the ~~Board members~~ licensed nurses must be ~~a director of nursing in a licensed employed in long-term care facility.~~ One ~~member~~ of the licensed nurses must be employed in acute care. Two members shall represent the public and shall be an eligible voting resident of this state, knowledgeable in consumer health concerns, and shall neither be nor ever have been associated with the provision of health care or be enrolled in any health-related educational program. ~~This member~~ The public members will be appointed by the Governor to serve coterminously with the Governor. ~~Not more than one registered nurse and one practical nurse Board member shall be appointed from any one congressional district.~~ At least one registered nurse Board member and one licensed practical nurse Board member and one public Board member shall be appointed from a county with a population of less than ~~sixty thousand (60,000)~~ forty thousand (40,000).

B. For the purpose of nominating and appointing members of the Board, this state shall be divided into eight geographical districts, which shall consist of the following counties within the following districts:

- District No. 1 Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,
Grant, Hay, Ellis, Woodward, Major, Garfield,
Noble, Dewey, Blaine, Kingfisher and Logan;
- District No. 2 Roger Mills, Custer, Beckham, Washita, Caddo,
Greer, Kiowa, Harmon, Jackson, Comanche, Tillman
and Cotton;
- District No. 3 Canadian, Grady, McClain, Garvin, Stephens,
Murray, Jefferson, Carter and Love;
- District No. 4 Oklahoma;
- District No. 5 Lincoln, Okfuskee, Cleveland, Pottawatomie,
Seminole, Hughes, Pontotoc, Coal, Johnston,
Marshall and Bryan;
- District No. 6 Creek and Tulsa;
- District No. 7 Osage, Washington, Nowata, Craig, Ottawa,
Pawnee, Payne, Rogers, Mayes and Delaware; and
- District No. 8 Wagner, Cherokee, Adair, Okmulgee, Muskogee,
Sequoyah, McIntosh, Haskell, Leflore, Pittsburg,
Latimer, Atoka, Pushmataha, McCurtain and
Choctaw.

Not more than one registered nurse and one practical nurse and
one public member shall be appointed from any one geographical
district.

C. The Governor shall appoint the Registered Nurse Board members from a ~~total~~ list of ~~not less than five (5)~~ names submitted by the Oklahoma Nurses Association and Oklahoma chapters of nationally recognized registered nurse organizations. The Governor shall appoint the licensed practical nurse Board members from a list of ~~no less than five (5)~~ names submitted by the Oklahoma State Association of LPN's and Oklahoma chapters of nationally recognized practical nurse organizations. Individuals who are members of the Oklahoma Board of Nursing prior to the effective date of this act

shall be allowed to fulfill their terms and be eligible for reappointment.

~~C.~~ D. The Registered Nurse and Licensed Practical Nurse members shall be appointed for a term of five (5) years. Upon the death, resignation, or removal of any member, a list from the aforementioned organizations ~~will~~ shall be submitted to the Governor, who shall appoint a member to fill the vacancy.

1. In addition to the grounds for removal by the Governor of members appointed to the Board provided in Section 2 of Title 74 of the Oklahoma Statutes, it is a ground for removal if a member:

- a. does not have at the time of appointment the qualifications required by subsection A of this section,
- b. is not employed in nursing for a period of twelve (12) consecutive months during the term for which the member was appointed,
- c. is absent from more than half of the regularly scheduled Board meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the Board, or
- d. cannot discharge the duties as a Board member for a substantial part of the term for which the member is appointed because of illness or disability.

2. The validity of an action of the Board is not affected by the fact that it is taken when a ground for removal of a Board member exists.

3. If the President of the Board has knowledge that a potential ground for removal exists, the President shall then notify the Governor that a potential ground for removal exists.

~~D.~~ E. A quorum shall be a majority of the Board which must include at least three ~~(3)~~ registered nurses and one ~~(1)~~ licensed practical nurse.

~~E.~~ F. The members of the Board shall annually elect from their number a president, vice-president and a secretary who shall also be the treasurer, and other such officers as necessary to conduct the business of the Board. It shall hold six ~~(6)~~ regular business meetings during each calendar year. Special meetings may be called by the president or secretary with five (5) days' notice to each member of the Board. The Board shall have a seal; it shall make and adopt all necessary rules not inconsistent with the laws of this state, the United States, or with ~~this act~~ the Oklahoma Nursing Practice Act; and it shall perform the duties and transact the business required under the provisions of ~~this~~ the act. The Board shall cause to be kept a record of all meetings for the Board and give notice of all meetings in accordance with the Administrative Procedures Act and the Open Meetings Act. A list of all persons duly licensed and qualified under this act shall be maintained by the Board. Each member of the Board shall receive, in addition to actual and necessary travel expenses as provided in the State Travel Reimbursement Act, compensation of One Hundred Dollars (\$100.00) for each regular scheduled monthly meeting attended, not to exceed more than six (6) meetings per year. All monies received by the Board shall be held by the treasurer of the Board for meeting the expenses of the Board and for the promotion of nursing education, to employ an attorney to assist the Board and other state and county officials in carrying out the provisions of ~~this act~~ the Oklahoma Nursing Practice Act, and such other purposes which the Board may determine, and shall be disbursed as directed by the Board. The Board is authorized to adopt and, from time to time, revise such rules and regulations, not inconsistent with ~~this act~~ the Oklahoma Nursing Practice Act, as may be necessary to enable it to carry into effect the provisions of ~~this~~ the act. The Board shall appoint and employ a qualified person, who shall be a registered nurse, to serve as Executive Director and shall fix ~~his or her~~ the Executive Director's

compensation, require a satisfactory bond, and define ~~his or her~~ the Executive Director's duties.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 567.5, is amended to read as follows:

Section 567.5 A. An applicant for license to practice as a registered nurse shall submit to the Oklahoma Board of Nursing certified written evidence that said applicant:

1. ~~has~~ Has completed the basic professional curricula of a school of nursing approved by the Board, and holds or is entitled to hold a diploma or degree therefrom; ~~and~~

2. ~~has~~ Has never been convicted in this state, the United States or another state of any felony offense unless five (5) years have elapsed since the date of the criminal conviction or the termination of any probation or other requirements imposed on the applicant by the sentencing court, whichever shall last occur, or a presidential or gubernatorial pardon for the criminal offense has been received;

3. Has had submitted a criminal history records search conducted by the Oklahoma State Bureau of Investigation not less than three (3) months old; and

4. Has met such other qualifications as the Board may prescribe in its rules and regulations.

An applicant for a license shall be required to pass a written examination in such subjects as the Board may determine. Upon successfully passing such an examination, the Board shall issue to the applicant a license to practice as a registered nurse. An applicant who fails such examination shall be subject to reexamination according to the rules ~~and regulations~~ of the Board. The passing criteria shall be established by the Board in its rules.

B. The Board may issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a registered nurse under the laws of another state,

territory, the District of Columbia or a foreign country, if such applicant meets the qualifications required for licensing as a registered nurse in ~~the State of Oklahoma~~ this state.

C. Any person who holds a license to practice as a registered nurse in this state shall have the right to the title "Registered Nurse" and to the abbreviation "R.N." 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 registered nurse. Any individual doing so shall be guilty of a misdemeanor, which shall be punishable, upon conviction, by imprisonment in the county jail for not more than one (1) year or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine for each offense.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 567.6, is amended to read as follows:

Section 567.6 A. An applicant for a license to practice as a licensed practical nurse shall submit to the Board certified evidence that the applicant:

1. ~~has~~ Has received a high school diploma or a graduate equivalency degree;

2. ~~has~~ Has successfully completed the prescribed curricula in a state-approved program of practical nursing and holds or is entitled to hold a diploma or certificate therefrom, or equivalent courses in a state-approved program of nursing; ~~and~~

3. ~~Such~~ Has never been convicted in this state, the United States or another state of any felony offense unless five (5) years have elapsed since the date of the criminal conviction or the termination of any probation or other requirements imposed on the applicant by the sentencing court, whichever shall last occur, or a presidential or gubernatorial pardon for the criminal offense has been received;

4. Has submitted a criminal history records search conducted by the Oklahoma State Bureau of Investigation not less than three (3) months old; and

5. Has met such other reasonable preliminary qualification requirements as the Board may prescribe.

The applicant for a license to practice as a licensed practical nurse shall be required to pass a written examination in such subjects as the Board may require. Upon successfully passing such examination the Board shall issue to the applicant a license to practice as a licensed practical nurse. An applicant who fails such examination shall be subject to reexamination according to the rules and regulations of the Board. The passing criteria shall be established by the Board in its rules.

B. The Board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse, or is entitled to perform similar services under a different title, according to the laws of another state, territory, the District of Columbia or a foreign country if such applicant meets the requirements for licensed practical nurses in the State of Oklahoma.

C. Any person holding a license to practice as a licensed attendant issued by the Board, which is valid on July 1, 1953, shall be deemed to be a licensed practical nurse under the provisions of this act.

D. Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title "Licensed Practical Nurse" and to the abbreviation "L.P.N." 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 licensed practical nurse.

Any individual doing so shall be guilty of a misdemeanor, which shall be punishable, upon conviction, by imprisonment in the county

jail for not more than one (1) year or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine for each offense.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 567.7, as last amended by Section 9, Chapter 250, O.S.L. 1997 (59 O.S. Supp. 2000, 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~~ submit a written ~~notice~~ request 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. 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 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 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 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 7. AMENDATORY 59 O.S. 1991, Section 567.8, as last amended by Section 1, Chapter 187, O.S.L. 2000 (59 O.S. Supp. 2000, Section 567.8), is amended to read as follows:

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

1. To deny, revoke or suspend any:
 - a. license to practice registered nursing or licensed practical nursing,
 - b. recognition for practice as an advanced practice nurse, or

c. certification as an advanced unlicensed assistive person;

2. To assess administrative penalties; or

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 or material deception in procuring or attempting to procure:

a. a license to practice registered nursing, licensed practical nursing, or recognition to practice 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~~ reasonably related to the qualifications, functions, or duties of any licensee or advanced unlicensed assistant, or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed, or any conduct resulting in the revocation of a deferred or suspended sentence or probation imposed pursuant to such conviction;

3. ~~Is unfit or incompetent by reason of negligence~~ Fails to care adequately for patients or to conform to the minimum standards of acceptable nursing or advanced unlicensed assistant practice that, in the opinion of the Board, exposes a patient or other person unnecessarily to risk of harm;

4. ~~Is habitually intemperate or addicted to habit-forming drugs~~ intemperate in the use of alcohol or drugs which the Board determines endangers or could endanger patients;

5. Exhibits through a pattern of practice or other behavior 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, including deterioration through the aging process or loss of motor skills, mental illness, or disability that results in inability to practice with reasonable judgment, skill or safety;

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 promulgated 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.

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.

D. The Board may cause to be investigated all reported violations of the Oklahoma Nursing Practice Act.

E. The Board may authorize the Executive Director to issue a confidential letter of concern to a licensee when evidence does not

warrant formal proceedings, but the Executive Director has noted indications of possible errant conduct that could lead to serious consequences and formal action.

F. All individual proceedings before the Board shall be conducted in accordance with the Administrative Procedures Act.

~~F.~~ G. At a hearing the accused shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on behalf of the accused, 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.

~~G.~~ H. 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.

~~H.~~ I. 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 pursuant to the Administrative Procedures Act.

~~I.~~ J. 1. Any person who has been determined by the Board to have violated any provisions of the Oklahoma Nursing Practice Act or any rule or order issued pursuant thereto shall be liable for an administrative penalty of not more than One Hundred Dollars (\$100.00) for each day that said violation continues. The maximum administrative penalty shall not exceed Five Hundred Dollars (\$500.00) for each count of which any holder of a certificate or license has been determined to be in violation of the Oklahoma Nursing Practice Act or rule promulgated or order issued thereto.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of this section, after notice and an opportunity for hearing is given to the accused. In determining the

amount of the penalty, the Board shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to practice, and any show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Nursing Practice Act.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 567.12, as last amended by Section 1, Chapter 141, O.S.L. 1992 (59 O.S. Supp. 2000, Section 567.12), is amended to read as follows:

Section 567.12 A. To qualify as an approved program for registered nurses, the program must be conducted in the State of Oklahoma in an accredited college or university leading to an associate, baccalaureate, or higher degree in nursing. Such programs shall meet the standards fixed by the Oklahoma Board of Nursing and prescribed in its rules.

~~B. For a practical nursing program operated in an area vocational and technical school or a skill center to qualify as an approved program for practical nurses, the program must be approved by the State Board of Vocational and Technical Education and To~~
qualify as an approved program for practical nurses, the program be shall be conducted in this state in a school or skill center approved by the Oklahoma Department of Career and Technology Education or licensed by the Oklahoma Board of Private Vocational Schools. Such programs shall meet the standards fixed by the Oklahoma Board of Nursing as prescribed in its rules, which rules shall conform to the provisions of this subsection.

1. The nursing education program for practical nurses shall be administered by a licensed practical nurse coordinator who:

- a. is a registered nurse with a minimum of an associate degree or diploma in nursing currently licensed in Oklahoma,

- b. has a minimum of a baccalaureate degree, preferably in nursing,
- c. has a minimum of two (2) years full-time-equivalent practice as a registered nurse in a clinical setting, within the last five (5) years preceding the first date of first employment as a teacher, and
- d. has at least one (1) academic year, full-time experience in a nursing education program.

2. All nurse faculty of a nursing program for practical nurses shall:

- a. hold a valid license to practice as a registered nurse with a minimum of an associate degree or diploma in nursing in this state, and
- b. present evidence of a minimum of two (2) years full-time-equivalent practice as a registered nurse in a clinical setting, within the last five (5) years preceding the first date of first employment as a teacher.

3. Nursing faculty who teach in programs offering the certificate in practical nursing shall have completed at least fifteen (15) semester hours in nursing, general education, social sciences, physical sciences or counseling and guidance. These credits shall be in addition to the pre-service basic program in nursing unless the person holds a baccalaureate degree in nursing.

4. Schools shall establish the baccalaureate degree as minimum preparation for teaching and a nurse faculty member shall have a written plan for obtaining a baccalaureate degree, preferably in nursing.

5. Faculty employed in schools conducted by public comprehensive high school systems shall meet the requirements for teacher certification established by the State Department of Education.

~~C. For a program for practical nurses operated by an entity other than an area vocational-technical school to qualify as an approved program, the program must be conducted in the State of Oklahoma and meet the standards fixed by the Oklahoma Board of Nursing as prescribed in its rules.~~

SECTION 9. This act shall become effective November 1, 2001.

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