

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 46

By: Crain

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Section 567.3a, which relates
9 to the Oklahoma Nursing Practice Act; requiring the
Oklahoma State Board of Nursing to promulgate certain
rules; and providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2001, Section 567.3a, is
15 amended to read as follows:

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

17 1. "Board" means the Oklahoma Board of Nursing;

18 2. "The practice of nursing" means the performance of services
19 provided for purposes of nursing diagnosis and treatment of human
20 responses to actual or potential health problems consistent with
21 educational preparation. Knowledge and skill are the basis for
22 assessment, analysis, planning, intervention, and evaluation used in
23 the promotion and maintenance of health and nursing management of
24 illness, injury, infirmity, restoration or optimal function, or

1 death with dignity. Practice is based on understanding the human
2 condition across the human lifespan and understanding the
3 relationship of the individual within the environment. This
4 practice includes execution of the medical regime including the
5 administration of medications and treatments prescribed by any
6 person authorized by state law to so prescribe;

7 3. "Registered nursing" means the practice of the full scope of
8 nursing which includes, but is not limited to:

- 9 a. assessing the health status of individuals, families
10 and groups,
- 11 b. analyzing assessment data to determine nursing care
12 needs,
- 13 c. establishing goals to meet identified health care
14 needs,
- 15 d. planning a strategy of care,
- 16 e. establishing priorities of nursing intervention to
17 implement the strategy of care,
- 18 f. implementing the strategy of care,
- 19 g. delegating such tasks as may safely be performed by
20 others, consistent with educational preparation and
21 that do not conflict with the provisions of the
22 Oklahoma Nursing Practice Act,
- 23 h. providing safe and effective nursing care rendered
24 directly or indirectly,

- 1 i. evaluating responses to interventions,
- 2 j. teaching the principles and practice of nursing,
- 3 k. managing and supervising the practice of nursing,
- 4 l. collaborating with other health professionals in the
- 5 management of health care,
- 6 m. performing additional nursing functions in accordance
- 7 with knowledge and skills acquired beyond basic
- 8 nursing preparation, and
- 9 n. delegating those nursing tasks as defined in the rules
- 10 of the Board that may be performed by an advanced
- 11 unlicensed assistive person.

12 The Board shall promulgate rules defining the duties permitted
13 within the scope of practice of a registered nurse following
14 guidelines set by the United States Department of Labor. Any
15 deviation from such guidelines shall require written explanation;

16 4. "Licensed practical nursing" means the practice of nursing
17 under the supervision or direction of a registered nurse, licensed
18 physician or dentist. This directed scope of nursing practice
19 includes, but is not limited to:

- 20 a. contributing to the assessment of the health status of
- 21 individuals and groups,
- 22 b. participating in the development and modification of
- 23 the plan of care,
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- 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.

The Board shall promulgate rules defining the duties permitted within the scope of practice of a licensed practical nurse following guidelines set by the United States Department of Labor. Any deviation from such guidelines shall require written explanation;

5. "Advanced practice nurse" means a licensed registered nurse who:

- 1 a. has successfully completed a formal program of study
- 2 approved by the Board which is designed to prepare
- 3 registered nurses to perform in an expanded role in
- 4 the delivery of health care,
- 5 b. is nationally certified by an appropriate certifying
- 6 body, recognized by the Board, and
- 7 c. has received a certificate of recognition from the
- 8 Board.

9 The term "advanced practice nurse" shall include advanced
10 registered nurse practitioners, clinical nurse specialists, nurse-
11 midwives and certified registered nurse anesthetists.

12 A registered nurse who has completed educational requirements as
13 an advanced practice nurse and has registered for a Board-approved
14 national certifying exam may apply for temporary recognition pending
15 certification. Temporary recognition shall not exceed one (1) year
16 from the date of graduation. The registered nurse with temporary
17 recognition to practice as an advanced practice nurse shall use the
18 designation "graduate registered nurse practitioner", "graduate
19 registered nurse anesthetist", "graduate clinical nurse specialist",
20 or "graduate nurse-midwife".

21 Temporary recognition shall expire when advanced practice status
22 is granted or one hundred twenty (120) days following the test date,
23 whichever comes first. If the temporary recognition certification
24 holder fails to be certified, temporary recognition shall expire

1 upon receipt of the test results. Temporary recognition shall not
2 be renewable.

3 The registered nurse with temporary recognition to practice as
4 an advanced practice nurse shall not be eligible to apply for
5 prescriptive authority;

6 6. "Advanced registered nurse practitioner" means a licensed
7 registered nurse who has met the requirements of paragraph 5 of this
8 section. The advanced registered nurse practitioner performs in an
9 expanded role in the delivery of health care that is:

- 10 a. consistent with advanced educational preparation as an
11 advanced practice nurse in an area of specialty,
- 12 b. functions within the advanced registered nurse
13 practitioner scope of practice denoted for the area of
14 specialization, and
- 15 c. is in accord with the standards for advanced practice
16 nurses as identified by the certifying body and
17 approved by the Board.

18 An advanced registered nurse practitioner in accordance with the
19 scope of practice of the advanced registered nurse practitioner
20 shall be eligible to obtain recognition as authorized by the Board
21 to prescribe, as defined by the rules promulgated by the Board
22 pursuant to this section and subject to the medical direction of a
23 supervising physician. This authorization shall not include
24 dispensing drugs, but shall not preclude, subject to federal

1 regulations, the receipt of, the signing for, or the dispensing of
2 professional samples to patients.

3 The advanced registered nurse practitioner accepts
4 responsibility, accountability, and obligation to practice in
5 accordance with usual and customary advanced practice nursing
6 standards and functions as defined by the scope of practice/role
7 definition statements for the advanced registered nurse
8 practitioner.

9 Any person who is recognized by the Board as an advanced
10 registered nurse practitioner and wishes to practice as an advanced
11 registered nurse practitioner in this state shall have the right to
12 use the title "Advanced Registered Nurse Practitioner" and to the
13 abbreviation "ARNP". No other person shall assume such title or use
14 such abbreviation or any other words, letters, signs, or figures to
15 indicate that the person using the same is an advanced registered
16 nurse practitioner;

- 17 7. a. "Clinical nurse specialist" means a licensed
18 registered nurse who holds:
- 19 (1) a master's degree in nursing with clinical
20 specialization preparation to function in an
21 expanded role,
 - 22 (2) specialty certification from a national
23 certifying organization recognized by the Board,
 - 24 (3) a certificate of recognition from the Board, and

1 (4) any nurse holding a specialty certification as a
2 clinical nurse specialist valid on January 1,
3 1994, granted by a national certifying
4 organization recognized by the Board, shall be
5 deemed to be a clinical nurse specialist under
6 the provisions of the Oklahoma Nursing Practice
7 Act.

8 b. In the expanded role, the clinical nurse specialist
9 performs at an advanced practice level which shall
10 include, but not be limited to:

- 11 (1) practicing as an expert clinician in the
12 provision of direct nursing care to a selected
13 population of patients or clients in any setting,
14 including private practice,
15 (2) managing the care of patients or clients with
16 complex nursing problems,
17 (3) enhancing patient or client care by integrating
18 the competencies of clinical practice, education,
19 consultation, and research, and
20 (4) referring patients or clients to other services.

21 c. A clinical nurse specialist in accordance with the
22 scope of practice of such clinical nurse specialist
23 shall be eligible to obtain recognition as authorized
24 by the Board to prescribe, as defined by the rules

1 promulgated by the Board pursuant to this section, and
2 subject to the medical direction of a supervising
3 physician. This authorization shall not include
4 dispensing drugs, but shall not preclude, subject to
5 federal regulations, the receipt of, the signing for,
6 or the dispensing of professional samples to patients.

7 d. The clinical nurse specialist accepts responsibility,
8 accountability, and obligation to practice in
9 accordance with usual and customary advanced practice
10 nursing standards and functions as defined by the
11 scope of practice/role definition statements for the
12 clinical nurse specialist.

13 e. Any person who is recognized by the Board as a
14 clinical nurse specialist shall have the right to use
15 the title "Clinical Nurse Specialist" and abbreviation
16 "CNS". No other person shall assume such title or use
17 such abbreviation or any other words, letters, signs,
18 or figures to indicate that the person using the same
19 is a clinical nurse specialist;

20 8. "Nurse-midwife" means a qualified registered nurse who has
21 received a certificate of recognition from the Oklahoma Board of
22 Nursing who possesses evidence of certification according to the
23 requirements of the American College of Nurse-Midwives, and has the
24 right to use the title "Certified Nurse-Midwife" and the

1 abbreviation "CNM". No other person shall assume such title or use
2 such abbreviation or any other words, letters, signs, or figures to
3 indicate that the person using the same is a certified nurse-
4 midwife.

5 A certified nurse-midwife in accordance with the scope of
6 practice of such certified nurse-midwife shall be eligible to obtain
7 recognition as authorized by the Board to prescribe, as defined by
8 the rules promulgated by the Board pursuant to this section and
9 subject to the medical direction of a supervising physician. This
10 authorization shall not include the dispensing of drugs, but shall
11 not preclude, subject to federal regulations, the receipt of, the
12 signing for, or the dispensing of professional samples to patients.

13 The certified nurse-midwife accepts responsibility,
14 accountability, and obligation to practice in accordance with usual
15 and customary advanced practice nursing standards and functions as
16 defined by the scope of practice/role definition statements for the
17 certified nurse-midwife;

18 9. "Nurse-midwifery practice" means providing management of
19 care of normal newborns and women, antepartally, intrapartally,
20 postpartally and gynecologically, occurring within a health care
21 system which provides for medical consultation, medical management
22 or referral, and is in accord with the standards for nurse-midwifery
23 practice as defined by the American College of Nurse-Midwives;

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

4 (1) has successfully completed the educational
5 program of a school of nurse anesthetists
6 accredited by the Council on Accreditation of
7 Nurse Anesthesia Educational Programs,

8 (2) is certified by the Council on Certification of
9 Nurse Anesthetists as a Certified Registered
10 Nurse Anesthetist within one (1) year following
11 completion of such educational program, and
12 continues to maintain such recertification by the
13 Council on Recertification of Nurse Anesthetists,

14 (3) administers anesthesia under the supervision of a
15 medical doctor, an osteopathic physician, a
16 podiatric physician or a dentist licensed in this
17 state and under conditions in which timely onsite
18 consultation by such doctor, osteopath, podiatric
19 physician or dentist is available, and

20 (4) has received a certificate of recognition from
21 the Board.

22 b. A certified registered nurse anesthetist, under the
23 supervision of a medical doctor, osteopathic
24 physician, podiatric physician or dentist licensed in

1 this state, and under conditions in which timely, on-
2 site consultation by such medical doctor, osteopathic
3 physician, podiatric physician or dentist is
4 available, shall be authorized, pursuant to rules
5 adopted by the Oklahoma Board of Nursing, to order,
6 select, obtain and administer legend drugs, Schedules
7 II through V controlled substances, devices, and
8 medical gases only when engaged in the preanesthetic
9 preparation and evaluation; anesthesia induction,
10 maintenance and emergence; and postanesthesia care. A
11 certified registered nurse anesthetist may order,
12 select, obtain and administer drugs only during the
13 perioperative or periobstetrical period.

14 c. A certified registered nurse anesthetist who applies
15 for authorization to order, select, obtain and
16 administer drugs shall:

- 17 (1) be currently recognized as a certified registered
18 nurse anesthetist in this state,
- 19 (2) provide evidence of completion, within the two-
20 year period immediately preceding the date of
21 application, of a minimum of fifteen (15) units
22 of continuing education in advanced pharmacology
23 related to the administration of anesthesia as
24 recognized by the Council on Recertification of

1 Nurse Anesthetists or the Council on
2 Certification of Nurse Anesthetists,

3 (3) provide evidence of professional liability
4 insurance coverage, and

5 (4) complete and submit a notarized application, on a
6 form prescribed by the Board, accompanied by the
7 application fee established pursuant to this
8 section.

9 d. The authority to order, select, obtain and administer
10 drugs shall be terminated if a certified registered
11 nurse anesthetist has:

12 (1) ordered, selected, obtained or administered drugs
13 outside of the certified registered nurse
14 anesthetist scope of practice or ordered,
15 selected, obtained or administered drugs for
16 other than therapeutic purposes, or

17 (2) violated any provision of state laws or rules or
18 federal laws or regulations pertaining to the
19 practice of nursing or the authority to order,
20 select, obtain and administer drugs.

21 e. The Oklahoma Board of Nursing shall notify the Board
22 of Pharmacy within two (2) working days after
23 termination of or a change in the authority to order,
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1 select, obtain and administer drugs for a certified
2 registered nurse anesthetist.

3 f. The Board shall provide by rule for biennial
4 application renewal and reauthorization of authority
5 to order, select, obtain and administer drugs for
6 certified registered nurse anesthetists. At the time
7 of application renewal, a certified registered nurse
8 anesthetist shall submit documentation of a minimum of
9 eight (8) units of continuing education, completed
10 during the previous two (2) years, in advanced
11 pharmacology relating to the administration of
12 anesthesia, as recognized by the Council on
13 Recertification of Nurse Anesthetists or the Council
14 on Certification of Nurse Anesthetists.

15 g. Any person who is recognized by the Board as a
16 certified registered nurse anesthetist shall have the
17 right to use both the title "Certified Registered
18 Nurse Anesthetist" and the abbreviation "CRNA". No
19 other person shall assume such title or use such
20 abbreviation or any other words, letters, signs, or
21 figures to indicate that the person using the same is
22 a certified registered nurse anesthetist.

23 h. This paragraph shall not prohibit the administration
24 of local or topical anesthetics as now permitted by

1 law. Provided further, nothing in this paragraph
2 shall limit the authority of the Board of Dentistry to
3 establish the qualifications for dentists who direct
4 the administration of anesthesia;

5 11. "Supervising physician" means an individual holding a
6 current license to practice as a physician from the State Board of
7 Medical Licensure and Supervision or the State Board of Osteopathic
8 Examiners, who supervises an advanced registered nurse practitioner,
9 a clinical nurse specialist, or a certified nurse-midwife, and who
10 is not in training as an intern, resident, or fellow. To be
11 eligible to supervise such advanced practice nurse, such physician
12 shall remain in compliance with the rules promulgated by the State
13 Board of Medical Licensure and Supervision or the State Board of
14 Osteopathic Examiners;

15 12. "Supervision of an advanced practice nurse with
16 prescriptive authority" means overseeing and accepting
17 responsibility for the ordering and transmission by an advanced
18 registered nurse practitioner, a clinical nurse specialist, or a
19 certified nurse-midwife of written, telephonic, electronic or oral
20 prescriptions for drugs and other medical supplies, subject to a
21 defined formulary; and

22 13. "Advanced unlicensed assistive person" means any person who
23 has successfully completed a certified training program developed by
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1 a working committee composed of representatives of the following
2 entities:

- 3 a. State Department of Health,
- 4 b. Oklahoma State Regents for Higher Education,
- 5 c. Oklahoma Department of Career and Technology
6 Education,
- 7 d. Oklahoma Board of Nursing,
- 8 e. Oklahoma Hospital Association,
- 9 f. Oklahoma Nurses Association,
- 10 g. The Nursing Home Association of Oklahoma,
- 11 h. Oklahoma State Association of Licensed Practical
12 Nurses, and
- 13 i. Oklahoma Home Care Association.

14 The working committee shall also develop a list of the functions
15 that an advanced unlicensed assistive person shall be able to
16 perform upon completion of the certification training program. The
17 working committee shall submit the certification training program
18 and list of functions to the Oklahoma Board of Nursing for review
19 and approval. The Board shall promulgate rules to enact the
20 provisions of this paragraph.

21 Any person who has successfully completed the certification
22 training program provided for in this paragraph shall be certified
23 by the Board as an advanced unlicensed assistive person and as such
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1 shall be qualified to assist a licensed nurse in providing patient
2 or client care as defined in rules promulgated by the Board.

3 SECTION 2. This act shall become effective November 1, 2007.

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