

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1827

By: Johnson

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 567.3a, which relates to the
9 Oklahoma Nursing Practice Act; modifying definition;
10 and providing an effective date.

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

- 16 1. "Board" means the Oklahoma Board of Nursing;
- 17 2. "The practice of nursing" means the performance of services
18 provided for purposes of nursing diagnosis and treatment of human
19 responses to actual or potential health problems consistent with
20 educational preparation. Knowledge and skill are the basis for
21 assessment, analysis, planning, intervention, and evaluation used in
22 the promotion and maintenance of health and nursing management of
23 illness, injury, infirmity, restoration or optimal function, or
24 death with dignity. Practice is based on understanding the human

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

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

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

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

11 4. "Licensed practical nursing" means the practice of nursing
12 under the supervision or direction of a registered nurse, licensed
13 physician or dentist. This directed scope of nursing practice
14 includes, but is not limited to:

- 15 a. contributing to the assessment of the health status of
- 16 individuals and groups,
- 17 b. participating in the development and modification of
- 18 the plan of care,
- 19 c. implementing the appropriate aspects of the plan of
- 20 care,
- 21 d. delegating such tasks as may safely be performed by
- 22 others, consistent with educational preparation and
- 23 that do not conflict with the Oklahoma Nursing
- 24 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.

1 A registered nurse who has completed educational requirements as
2 an advanced practice nurse and has registered for a Board-approved
3 national certifying exam may apply for temporary recognition pending
4 certification. Temporary recognition shall not exceed one (1) year
5 from the date of graduation. The registered nurse with temporary
6 recognition to practice as an advanced practice nurse shall use the
7 designation "graduate registered nurse practitioner", "graduate
8 registered nurse anesthetist", "graduate clinical nurse specialist",
9 or "graduate nurse-midwife".

10 Temporary recognition shall expire when advanced practice status
11 is granted or one hundred twenty (120) days following the test date,
12 whichever comes first. If the temporary recognition certification
13 holder fails to be certified, temporary recognition shall expire
14 upon receipt of the test results. Temporary recognition shall not
15 be renewable.

16 The registered nurse with temporary recognition to practice as
17 an advanced practice nurse shall not be eligible to apply for
18 prescriptive authority;

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

23 a. consistent with advanced educational preparation as an
24 advanced practice nurse in an area of specialty,

1 b. functions within the advanced registered nurse
2 practitioner scope of practice denoted for the area of
3 specialization, and

4 c. is in accord with the standards for advanced practice
5 nurses as identified by the certifying body and
6 approved by the Board.

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

16 The advanced registered nurse practitioner accepts
17 responsibility, accountability, and obligation to practice in
18 accordance with usual and customary advanced practice nursing
19 standards and functions as defined by the scope of practice/role
20 definition statements for the advanced registered nurse
21 practitioner.

22 Any person who is recognized by the Board as an advanced
23 registered nurse practitioner and wishes to practice as an advanced
24 registered nurse practitioner in this state shall have the right to

1 use the title "Advanced Registered Nurse Practitioner" and to the
2 abbreviation "ARNP". No other person shall assume such title or use
3 such abbreviation or any other words, letters, signs, or figures to
4 indicate that the person using the same is an advanced registered
5 nurse practitioner;

6 7. a. "Clinical nurse specialist" means a licensed
7 registered nurse who holds:
8 (1) a master's degree in nursing with clinical
9 specialization preparation to function in an
10 expanded role,
11 (2) specialty certification from a national
12 certifying organization recognized by the Board,
13 (3) a certificate of recognition from the Board, and
14 (4) any nurse holding a specialty certification as a
15 clinical nurse specialist valid on January 1,
16 1994, granted by a national certifying
17 organization recognized by the Board, shall be
18 deemed to be a clinical nurse specialist under
19 the provisions of the Oklahoma Nursing Practice
20 Act.

21 b. In the expanded role, the clinical nurse specialist
22 performs at an advanced practice level which shall
23 include, but not be limited to:
24

- (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

1 scope of practice/role definition statements for the
2 clinical nurse specialist.

3 e. Any person who is recognized by the Board as a
4 clinical nurse specialist shall have the right to use
5 the title "Clinical Nurse Specialist" and abbreviation
6 "CNS". No other person shall assume such title or use
7 such abbreviation or any other words, letters, signs,
8 or figures to indicate that the person using the same
9 is a clinical nurse specialist;

10 8. "Nurse-midwife" means a qualified registered nurse who has
11 received a certificate of recognition from the Oklahoma Board of
12 Nursing who possesses evidence of certification according to the
13 requirements of the American College of Nurse-Midwives, and has the
14 right to use the title "Certified Nurse-Midwife" and the
15 abbreviation "CNM". No other person shall assume such title or use
16 such abbreviation or any other words, letters, signs, or figures to
17 indicate that the person using the same is a certified nurse-
18 midwife.

19 A certified nurse-midwife in accordance with the scope of
20 practice of such certified nurse-midwife shall be eligible to obtain
21 recognition as authorized by the Board to prescribe, as defined by
22 the rules promulgated by the Board pursuant to this section and
23 subject to the medical direction of a supervising physician. This
24 authorization shall not include the dispensing of drugs, but shall

1 not preclude, subject to federal regulations, the receipt of, the
2 signing for, or the dispensing of professional samples to patients.

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

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

14 10. a. "Certified registered nurse anesthetist" means any
15 person who holds a license to practice as a registered
16 nurse in this state and who:

17 (1) has successfully completed the educational
18 program of a school of nurse anesthetists
19 accredited by the Council on Accreditation of
20 Nurse Anesthesia Educational Programs,

21 (2) is certified by the Council on Certification of
22 Nurse Anesthetists as a Certified Registered
23 Nurse Anesthetist within one (1) year following
24 completion of such educational program, and

1 continues to maintain such recertification by the
2 Council on Recertification of Nurse Anesthetists,
3 (3) administers anesthesia ~~under the supervision of~~
4 in consultation with a medical doctor, an
5 osteopathic physician, a podiatric physician or a
6 dentist licensed in this state ~~and under~~
7 ~~conditions in which timely onsite consultation by~~
8 ~~such doctor, osteopath, podiatric physician or~~
9 ~~dentist is available, and~~
10 (4) has received a certificate of recognition from
11 the Board.

12 b. A certified registered nurse anesthetist, ~~under the~~
13 ~~supervision of a medical doctor, osteopathic~~
14 ~~physician, podiatric physician or dentist licensed in~~
15 ~~this state, and under conditions in which timely, on-~~
16 ~~site consultation by such medical doctor, osteopathic~~
17 ~~physician, podiatric physician or dentist is~~
18 ~~available,~~ shall be authorized, pursuant to rules
19 adopted by the Oklahoma Board of Nursing, to order,
20 select, obtain and administer legend drugs, Schedules
21 II through V controlled substances, devices, and
22 medical gases ~~only when engaged in the preanesthetic~~
23 ~~preparation and evaluation; anesthesia induction,~~
24 ~~maintenance and emergence; and postanesthesia care. A~~

1 ~~certified registered nurse anesthetist may order,~~
2 ~~select, obtain and administer drugs only during the~~
3 ~~perioperative or periobstetrical period in~~
4 consultation with a medical doctor, osteopathic
5 physician, podiatric physician, or dentist licensed in
6 this state.

7 c. A certified registered nurse anesthetist who applies
8 for authorization to order, select, obtain and
9 administer drugs shall:

- 10 (1) be currently recognized as a certified registered
11 nurse anesthetist in this state,
12 (2) provide evidence of completion, within the two-
13 year period immediately preceding the date of
14 application, of a minimum of fifteen (15) units
15 of continuing education in advanced pharmacology
16 related to the administration of anesthesia as
17 recognized by the Council on Recertification of
18 Nurse Anesthetists or the Council on
19 Certification of Nurse Anesthetists,
20 (3) provide evidence of professional liability
21 insurance coverage, and
22 (4) complete and submit a notarized application, on a
23 form prescribed by the Board, accompanied by the
24

1 application fee established pursuant to this
2 section.

3 d. The authority to order, select, obtain and administer
4 drugs shall be terminated if a certified registered
5 nurse anesthetist has:

6 (1) ordered, selected, obtained or administered drugs
7 outside of the certified registered nurse
8 anesthetist scope of practice or ordered,
9 selected, obtained or administered drugs for
10 other than therapeutic purposes, or

11 (2) violated any provision of state laws or rules or
12 federal laws or regulations pertaining to the
13 practice of nursing or the authority to order,
14 select, obtain and administer drugs.

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

20 f. The Board shall provide by rule for biennial
21 application renewal and reauthorization of authority
22 to order, select, obtain and administer drugs for
23 certified registered nurse anesthetists. At the time
24 of application renewal, a certified registered nurse

1 anesthetist shall submit documentation of a minimum of
2 eight (8) units of continuing education, completed
3 during the previous two (2) years, in advanced
4 pharmacology relating to the administration of
5 anesthesia, as recognized by the Council on
6 Recertification of Nurse Anesthetists or the Council
7 on Certification of Nurse Anesthetists.

8 g. Any person who is recognized by the Board as a
9 certified registered nurse anesthetist shall have the
10 right to use both the title "Certified Registered
11 Nurse Anesthetist" and the abbreviation "CRNA". No
12 other person shall assume such title or use such
13 abbreviation or any other words, letters, signs, or
14 figures to indicate that the person using the same is
15 a certified registered nurse anesthetist.

16 h. This paragraph shall not prohibit the administration
17 of local or topical anesthetics as now permitted by
18 law. Provided further, nothing in this paragraph
19 shall limit the authority of the Board of Dentistry to
20 establish the qualifications for dentists who direct
21 the administration of anesthesia;

22 11. "Supervising physician" means an individual holding a
23 current license to practice as a physician from the State Board of
24 Medical Licensure and Supervision or the State Board of Osteopathic

1 Examiners, who supervises an advanced registered nurse practitioner,
2 a clinical nurse specialist, or a certified nurse-midwife, and who
3 is not in training as an intern, resident, or fellow. To be
4 eligible to supervise such advanced practice nurse, such physician
5 shall remain in compliance with the rules promulgated by the State
6 Board of Medical Licensure and Supervision or the State Board of
7 Osteopathic Examiners;

8 12. "Supervision of an advanced practice nurse with
9 prescriptive authority" means overseeing and accepting
10 responsibility for the ordering and transmission by an advanced
11 registered nurse practitioner, a clinical nurse specialist, or a
12 certified nurse-midwife of written, telephonic, electronic or oral
13 prescriptions for drugs and other medical supplies, subject to a
14 defined formulary; and

15 13. "Advanced unlicensed assistive person" means any person who
16 has successfully completed a certified training program developed by
17 a working committee composed of representatives of the following
18 entities:

- 19 a. State Department of Health,
- 20 b. Oklahoma State Regents for Higher Education,
- 21 c. Oklahoma Department of Career and Technology
22 Education,
- 23 d. Oklahoma Board of Nursing,
- 24 e. Oklahoma Hospital Association,

- 1 f. Oklahoma Nurses Association,
- 2 g. The Nursing Home Association of Oklahoma,
- 3 h. Oklahoma State Association of Licensed Practical
- 4 Nurses, and
- 5 i. Oklahoma Home Care Association.

6 The working committee shall also develop a list of the functions
7 that an advanced unlicensed assistive person shall be able to
8 perform upon completion of the certification training program. The
9 working committee shall submit the certification training program
10 and list of functions to the Oklahoma Board of Nursing for review
11 and approval. The Board shall promulgate rules to enact the
12 provisions of this paragraph.

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

18 SECTION 2. This act shall become effective November 1, 2009.

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20 52-1-6126 SAB 01/06/09
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