

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1086

By: Marlatt

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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; deleting  
10 requirement for supervision of certified registered  
11 nurse anesthetists; directing certified registered  
12 nurse anesthetists to consult with certain health care  
13 professionals; deleting requirement for certain on-  
14 site consultation; and providing an effective date.

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

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

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

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

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

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

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

- 10 a. assessing the health status of individuals, families  
11 and groups,
- 12 b. analyzing assessment data to determine nursing care  
13 needs,
- 14 c. establishing goals to meet identified health care 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,

- 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

1 that do not conflict with the Oklahoma Nursing Practice  
2 Act,

3 e. providing safe and effective nursing care rendered  
4 directly or indirectly,

5 f. participating in the evaluation of responses to  
6 interventions,

7 g. teaching basic nursing skills and related principles,

8 h. performing additional nursing procedures in accordance  
9 with knowledge and skills acquired through education  
10 beyond nursing preparation, and

11 i. delegating those nursing tasks as defined in the rules  
12 of the Board that may be performed by an advanced  
13 unlicensed assistive person;

14 5. "Advanced practice nurse" means a licensed registered nurse

15 who:

16 a. has successfully completed a formal program of study  
17 approved by the Board which is designed to prepare  
18 registered nurses to perform in an expanded role in the  
19 delivery of health care,

20 b. is nationally certified by an appropriate certifying  
21 body, recognized by the Board, and

22 c. has received a certificate of recognition from the  
23 Board.

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1 The term "advanced practice nurse" shall include advanced  
2 registered nurse practitioners, clinical nurse specialists, nurse-  
3 midwives and certified registered nurse anesthetists.

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

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

19 The registered nurse with temporary recognition to practice as an  
20 advanced practice nurse shall not be eligible to apply for  
21 prescriptive authority;

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

- 3 a. consistent with advanced educational preparation as an  
4 advanced practice nurse in an area of specialty,
- 5 b. functions within the advanced registered nurse  
6 practitioner scope of practice denoted for the area of  
7 specialization, and
- 8 c. is in accord with the standards for advanced practice  
9 nurses as identified by the certifying body and  
10 approved by the Board.

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

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

1 Any person who is recognized by the Board as an advanced  
2 registered nurse practitioner and wishes to practice as an advanced  
3 registered nurse practitioner in this state shall have the right to  
4 use the title "Advanced Registered Nurse Practitioner" and to the  
5 abbreviation "ARNP". No other person shall assume such title or use  
6 such abbreviation or any other words, letters, signs, or figures to  
7 indicate that the person using the same is an advanced registered  
8 nurse practitioner;

9 7. a. "Clinical nurse specialist" means a licensed registered  
10 nurse who holds:

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

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

4           (1)   practicing as an expert clinician in the provision  
5               of direct nursing care to a selected population of  
6               patients or clients in any setting, including  
7               private practice,

8           (2)   managing the care of patients or clients with  
9               complex nursing problems,

10          (3)   enhancing patient or client care by integrating  
11               the competencies of clinical practice, education,  
12               consultation, and research, and

13          (4)   referring patients or clients to other services.

14          c.    A clinical nurse specialist in accordance with the  
15               scope of practice of such clinical nurse specialist  
16               shall be eligible to obtain recognition as authorized  
17               by the Board to prescribe, as defined by the rules  
18               promulgated by the Board pursuant to this section, and  
19               subject to the medical direction of a supervising  
20               physician. This authorization shall not include  
21               dispensing drugs, but shall not preclude, subject to  
22               federal regulations, the receipt of, the signing for,  
23               or the dispensing of professional samples to patients.

1           d. The clinical nurse specialist accepts responsibility,  
2           accountability, and obligation to practice in  
3           accordance with usual and customary advanced practice  
4           nursing standards and functions as defined by the scope  
5           of practice/role definition statements for the clinical  
6           nurse specialist.

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

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

22          A certified nurse-midwife in accordance with the scope of  
23          practice of such certified nurse-midwife shall be eligible to obtain  
24          recognition as authorized by the Board to prescribe, as defined by

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

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

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

17 10. a. "Certified registered nurse anesthetist" means any  
18 person who holds a license to practice as a registered  
19 nurse in this state and who:

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

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1 (2) is certified by the Council on Certification of  
2 Nurse Anesthetists as a Certified Registered Nurse  
3 Anesthetist within one (1) year following  
4 completion of such educational program, and  
5 continues to maintain such recertification by the  
6 Council on Recertification of Nurse Anesthetists,  
7 (3) administers anesthesia under the supervision of a  
8 medical doctor, an osteopathic physician, a  
9 podiatric physician or a dentist licensed in this  
10 state and under conditions in which timely onsite  
11 consultation by such doctor, osteopath, podiatric  
12 physician or dentist is available, and  
13 (4) has received a certificate of recognition from the  
14 Board.

15 b. A certified registered nurse anesthetist, ~~under the~~  
16 ~~supervision of~~ in consultation with a medical doctor,  
17 osteopathic physician, podiatric physician or dentist  
18 licensed in this state, ~~and under conditions in which~~  
19 ~~timely, on site consultation by such medical doctor,~~  
20 ~~osteopathic physician, podiatric physician or dentist~~  
21 ~~is available,~~ shall be authorized, pursuant to rules  
22 adopted by the Oklahoma Board of Nursing, to order,  
23 select, obtain and administer legend drugs, Schedules  
24 II through V controlled substances, devices, and

1 medical gases only when engaged in the preanesthetic  
2 preparation and evaluation; anesthesia induction,  
3 maintenance and emergence; and postanesthesia care. A  
4 certified registered nurse anesthetist may order,  
5 select, obtain and administer drugs only during the  
6 perioperative or periobstetrical period.

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 of  
15 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 Certification  
19 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  
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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, selected,  
9 obtained or administered drugs for other than  
10 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 of  
16 Pharmacy within two (2) working days after termination  
17 of or a change in the authority to order, select,  
18 obtain and administer drugs for a certified registered  
19 nurse anesthetist.

20 f. The Board shall provide by rule for biennial  
21 application renewal and reauthorization of authority to  
22 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 on  
7 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 Nurse  
11 Anesthetist" and the abbreviation "CRNA". No other  
12 person shall assume such title or use such abbreviation  
13 or any other words, letters, signs, or figures to  
14 indicate that the person using the same is a certified  
15 registered nurse anesthetist.

16 h. This paragraph shall not prohibit the administration of  
17 local or topical anesthetics as now permitted by law.  
18 Provided further, nothing in this paragraph shall limit  
19 the authority of the Board of Dentistry to establish  
20 the qualifications for dentists who direct the  
21 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 is  
3 not in training as an intern, resident, or fellow. To be eligible to  
4 supervise such advanced practice nurse, such physician shall remain  
5 in compliance with the rules promulgated by the State Board of  
6 Medical Licensure and Supervision or the State Board of Osteopathic  
7 Examiners;

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

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

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

- 1           h. Oklahoma State Association of Licensed Practical Nurses,
- 2                   and
- 3           i. Oklahoma Home Care Association.

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

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

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

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18           52-1-606           JM           3/6/2009 1:33:42 AM