

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1275

6 By: Ownbey

7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2001, Section 567.3a, which relates
10 to definitions; modifying certain terms; amending 59
11 O.S. 2001, Section 567.5, as amended by Section 2,
12 Chapter 190, O.S.L. 2003 (59 O.S. Supp. 2010, Section
13 567.5), which relates to applicant requirements to
14 practice as registered nurse; requiring minimum age;
15 applicant requirements to practice as Advanced
16 Practice Registered Nurse; amending 59 O.S. 2001,
17 Section 567.6, as amended by Section 3, Chapter 190,
18 O.S.L. 2003 (59 O.S. Supp. 2010, Section 567.6),
19 which relates to applicant requirements to practice
20 as licensed practical nurse; requiring minimum age;
21 requiring certificate to practice as Advanced
22 Unlicensed Assistant; providing requirements for
23 certificate to practice as Advanced Unlicensed
24 Assistant; amending 59 O.S. 2001, Section 567.7, as
amended by Section 4, Chapter 190, O.S.L. 2003 (59
O.S. Supp. 2010, Section 567.7), which relates to the
renewal or reinstatement of a license; requiring
suspension of license or certificate for nonpayment
after notification; providing for reinstatement if
payment is made; amending 59 O.S. 2001, Section
567.8, as amended by Section 5, Chapter 190, O.S.L.
2003 (59 O.S. Supp. 2010, Section 567.8), which
relates to the denial, revocation or suspension of a
license or certification; adding items for which
discipline action may be imposed; modifying who may
issue subpoenas; providing Board shall retain
jurisdiction over certain individuals; providing for
immediate suspension upon proof of incarceration;
amending 59 O.S. 2001, Section 567.11, which relates
to exceptions to applicability of certain act;

1 providing exceptions for nurses with licenses in
2 another state under certain circumstances; providing
3 that certain education programs meet certain
4 requirements; amending 59 O.S. 2001, Section 567.17,
5 as amended by Section 6, Chapter 190, O.S.L. 2003 (59
6 O.S. Supp. 2010, Section 567.17), which relates to a
7 peer assistance program; requiring the payment of
8 costs; requiring conditions to be placed on license
9 under certain circumstance; requiring criminal
10 background checks; permitting certain persons to
11 rescind or withdraw license instanter under certain
12 circumstance; amending 74 O.S. 2001, Section 3601.1,
13 as last amended by Section 5, Chapter 300, O.S.L.
14 2008 (74 O.S. Supp. 2010, Section 3601.1), which
15 relates to the maximum number of employees at certain
16 state agencies; increasing the maximum number of
17 employees at certain board; providing for
18 codification; and providing an effective date.

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

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

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

- 23 1. "Board" means the Oklahoma Board of Nursing;
- 24 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

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,

- 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
2 Practice 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~~ Practice Registered Nurse" means a
15 licensed ~~registered nurse who~~ Registered Nurse:

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~~
19 ~~the 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.~~

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~~
17 ~~upon receipt of the test results. Temporary recognition shall not~~
18 ~~be renewable.~~

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

- 22 a. who has completed an advanced practice registered
23 nursing education program in preparation for one of
24

1 four recognized advanced practice registered nurse
2 roles,

3 b. who has passed a national certification examination
4 recognized by the Board that measures the advanced
5 practice registered nurse role and specialty
6 competencies and who maintains recertification in the
7 role and specialty through a national certification
8 program,

9 c. who has acquired advanced clinical knowledge and
10 skills in preparation for providing both direct and
11 indirect care to patients; however, the defining
12 factor for all Advanced Practice Registered Nurses is
13 that a significant component of the education and
14 practice focuses on direct care of individuals,

15 d. whose practice builds on the competencies of
16 Registered Nurses by demonstrating a greater depth and
17 breadth of knowledge, a greater synthesis of data, and
18 increased complexity of skills and interventions, and

19 e. who has obtained a license as an Advanced Practice
20 Registered Nurse in one of the following roles:
21 Certified Registered Nurse Anesthetist, Certified
22 Nurse-Midwife, Clinical Nurse Specialist, or Certified
23 Nurse Practitioner.

1 Only those persons who hold a license to practice advanced
2 practice registered nursing in this state shall have the right to
3 use the title "Advanced Practice Registered Nurse" and to use the
4 abbreviation "APRN". Only those persons who have obtained a license
5 in the following disciplines shall have the right to fulfill the
6 roles and use the applicable titles: Certified Registered Nurse
7 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and
8 the abbreviation "CNM", Clinical Nurse Specialist and the
9 abbreviation "CNS", and Certified Nurse Practitioner and the
10 abbreviation "CNP".

11 It shall be unlawful for any person to assume the role or use
12 the title Advanced Practice Registered Nurse or use the abbreviation
13 "APRN" or use the respective specialty role titles and abbreviations
14 or to use any other titles or abbreviations that would reasonably
15 lead a person to believe the user is an Advanced Practice Registered
16 Nurse, unless permitted by this act. Any individual doing so shall
17 be guilty of a misdemeanor, which shall be punishable, upon
18 conviction, by imprisonment in the county jail for not more than one
19 (1) year or by a fine of not less than One Hundred Dollars (\$100.00)
20 nor more than One Thousand Dollars (\$1,000.00), or by both such
21 imprisonment and fine for each offense;

22 ~~6. "Advanced registered nurse practitioner" means a licensed~~
23 ~~registered nurse who has met the requirements of paragraph 5 of this~~
24 ~~section. The advanced registered nurse practitioner "Certified~~

1 Nurse Practitioner" is an Advanced Practice Registered Nurse who
2 performs in an expanded role in the delivery of health care ~~that is:~~

3 a. consistent with advanced educational preparation as ~~an~~
4 ~~advanced practice nurse~~ a Certified Nurse Practitioner
5 in an area of specialty,

6 b. functions within the ~~advanced registered nurse~~
7 ~~practitioner~~ Certified Nurse Practitioner scope of
8 practice ~~denoted~~ for the selected area of
9 specialization, and

10 c. is in accord with the standards for ~~advanced practice~~
11 ~~nurses~~ Certified Nurse Practitioners as identified by
12 the certifying body and approved by the Board.

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

23 The ~~advanced registered nurse practitioner~~ Certified Nurse
24 Practitioner accepts responsibility, accountability, and obligation

1 to practice in accordance with usual and customary advanced practice
2 registered nursing standards and functions as defined by the scope
3 of practice/role definition statements for the ~~advanced registered~~
4 ~~nurse practitioner.~~

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

13 7. a. "~~Clinical nurse specialist~~ Nurse Specialist" means a
14 ~~licensed registered nurse~~ is an Advanced Practice
15 Registered Nurse who holds:

- 16 (1) a master's degree or higher in nursing with
17 clinical specialization preparation to function
18 in an expanded role,
19 (2) specialty certification from a national
20 certifying organization recognized by the Board,
21 (3) a certificate of recognition from the Board, and
22 (4) any nurse holding a specialty certification as a
23 ~~clinical nurse specialist~~ Clinical Nurse
24 Specialist valid on January 1, 1994, granted by a

1 national certifying organization recognized by
2 the Board, shall be deemed to be a ~~clinical nurse~~
3 ~~specialist~~ Clinical Nurse Specialist under the
4 provisions of the Oklahoma Nursing Practice Act.

5 b. In the expanded role, the ~~clinical nurse specialist~~
6 Clinical Nurse Specialist performs at an advanced
7 practice level which shall include, but not be limited
8 to:

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

19 c. A ~~clinical nurse specialist~~ Clinical Nurse Specialist
20 in accordance with the scope of practice of such
21 ~~clinical nurse specialist~~ Clinical Nurse Specialist
22 shall be eligible to obtain recognition as authorized
23 by the Board to prescribe, as defined by the rules
24 promulgated by the Board pursuant to this section, and

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

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

21 8. ~~"Nurse-midwife" means~~ "Nurse-Midwife" is a qualified
22 registered nurse who has received a certificate of recognition from
23 the Oklahoma Board of Nursing who possesses evidence of
24 certification according to the requirements of the American College

1 of Nurse-Midwives, and has the right to use the title "Certified
2 Nurse Midwife" and the abbreviation "CNM". No other person shall
3 assume such title or use such abbreviation or any other words,
4 letters, signs, or figures to indicate that the person using the
5 same is a certified nurse midwife.

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

15 The ~~certified nurse midwife~~ Certified Nurse-Midwife accepts
16 responsibility, accountability, and obligation to practice in
17 accordance with usual and customary advanced practice registered
18 nursing standards and functions as defined by the scope of
19 practice/role definition statements for the ~~certified nurse midwife~~
20 Certified Nurse-Midwife;

21 9. "Nurse-midwifery practice" means providing management of
22 care of normal newborns and women, antepartally, intrapartally,
23 postpartally and gynecologically, occurring within a health care
24 system which provides for medical consultation, medical management

1 or referral, and is in accord with the standards for nurse-midwifery
2 practice as defined by the American College of Nurse-Midwives;

3 10. a. ~~"Certified registered nurse anesthetist" means any~~
4 ~~person who holds a license to practice as a registered~~
5 ~~nurse in this state and~~ Registered Nurse Anesthetist"
6 is an Advanced Practice Registered Nurse who:

7 (1) ~~has successfully completed the educational~~
8 ~~program of a school of nurse anesthetists~~
9 ~~accredited by the Council on Accreditation of~~
10 ~~Nurse Anesthesia Educational Programs,~~

11 ~~(2)~~ is certified by the Council on Certification of
12 Nurse Anesthetists as a Certified Registered
13 Nurse Anesthetist within one (1) year following
14 completion of ~~such educational~~ an approved
15 certified registered nurse anesthetist education
16 program, and continues to maintain such
17 recertification by the Council on Recertification
18 of Nurse Anesthetists, and

19 ~~(3)~~ (2) administers anesthesia under the supervision of a
20 medical doctor, an osteopathic physician, a
21 podiatric physician or a dentist licensed in this
22 state and under conditions in which timely onsite
23 consultation by such doctor, osteopath, podiatric
24 physician or dentist is available, ~~and~~

1 ~~(4) has received a certificate of recognition from~~
2 ~~the Board.~~

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

21 c. A ~~certified registered nurse anesthetist~~ Certified
22 Registered Nurse Anesthetist who applies for
23 authorization to order, select, obtain and administer
24 drugs shall:

1 (1) be currently recognized as a ~~certified registered~~
2 ~~nurse anesthetist~~ Certified Registered Nurse
3 Anesthetist in this state,

4 (2) provide evidence of completion, within the two-
5 year period immediately preceding the date of
6 application, of a minimum of fifteen (15) units
7 of continuing education in advanced pharmacology
8 related to the administration of anesthesia as
9 recognized by the Council on Recertification of
10 Nurse Anesthetists or the Council on
11 Certification of Nurse Anesthetists, and

12 (3) ~~provide evidence of professional liability~~
13 ~~insurance coverage, and~~

14 ~~(4)~~ complete and submit a notarized application, on a
15 form prescribed by the Board, accompanied by the
16 application fee established pursuant to this
17 section.

18 d. The authority to order, select, obtain and administer
19 drugs shall be terminated if a ~~certified registered~~
20 ~~nurse anesthetist~~ Certified Registered Nurse
21 Anesthetist has:

22 (1) ordered, selected, obtained or administered drugs
23 outside of the ~~certified registered nurse~~
24 ~~anesthetist~~ Certified Registered Nurse

1 Anesthetist scope of practice or ordered,
2 selected, obtained or administered drugs for
3 other than therapeutic purposes, or

4 (2) violated any provision of state laws or rules or
5 federal laws or regulations pertaining to the
6 practice of nursing or the authority to order,
7 select, obtain and administer drugs.

8 e. The Oklahoma Board of Nursing shall notify the Board
9 of Pharmacy ~~within two (2) working days~~ after
10 termination of or a change in the authority to order,
11 select, obtain and administer drugs for a ~~certified~~
12 ~~registered nurse anesthetist~~ Certified Registered
13 Nurse Anesthetist.

14 f. The Board shall provide by rule for biennial
15 application renewal and reauthorization of authority
16 to order, select, obtain and administer drugs for
17 ~~certified registered nurse anesthetists~~ Certified
18 Registered Nurse Anesthetists. At the time of
19 application renewal, a ~~certified registered nurse~~
20 ~~anesthetist~~ Certified Registered Nurse Anesthetist
21 shall submit documentation of a minimum of eight (8)
22 units of continuing education, completed during the
23 previous two (2) years, in advanced pharmacology
24 relating to the administration of anesthesia, as

1 recognized by the Council on Recertification of Nurse
2 Anesthetists or the Council on Certification of Nurse
3 Anesthetists.

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

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

18 11. "Supervising physician" means an individual holding a
19 current license to practice as a physician from the State Board of
20 Medical Licensure and Supervision or the State Board of Osteopathic
21 Examiners, who supervises ~~an advanced registered nurse practitioner~~
22 a Certified Nurse Practitioner, a ~~clinical nurse specialist~~ Clinical
23 Nurse Specialist, or a ~~certified nurse-midwife~~ Certified Nurse-
24 Midwife, and who is not in training as an intern, resident, or

1 fellow. To be eligible to supervise such ~~advanced practice~~
2 ~~registered nurse~~ Advanced Practice Registered Nurse, such physician
3 shall remain in compliance with the rules promulgated by the State
4 Board of Medical Licensure and Supervision or the State Board of
5 Osteopathic Examiners;

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

15 13. "Advanced ~~unlicensed assistive person~~ Unlicensed Assistant"
16 means any person who has successfully completed a certified training
17 program ~~developed by a working committee composed of representatives~~
18 ~~of the following 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 approved~~
18 ~~by the Board that trains the Advanced Unlicensed Assistant to~~
19 ~~perform specified technical skills identified by the Board in acute~~
20 ~~care settings under the direction and supervision of the Registered~~
21 ~~Nurse or Licensed Practical Nurse.~~

22 SECTION 2. AMENDATORY 59 O.S. 2001, Section 567.5, as
23 amended by Section 2, Chapter 190, O.S.L. 2003 (59 O.S. Supp. 2010,
24 Section 567.5), is amended to read as follows:

1 Section 567.5 A. All applicants for a license to practice as a
2 Registered Nurse shall be subject to Section 567.8 of this title.

3 B. An applicant for a license to practice as a ~~registered nurse~~
4 Registered Nurse shall submit to the Oklahoma Board of Nursing
5 certified written evidence that the applicant:

6 1. Has completed the basic professional curricula of a school
7 of nursing approved by a state board of nursing, and holds or is
8 entitled to hold a diploma or degree therefrom;

9 2. Has never been convicted in this state, the United States or
10 another state or territory of any felony, unless five (5) years have
11 elapsed since the date of the criminal conviction or the termination
12 of any probation or other requirements imposed on the applicant by
13 the sentencing court, whichever shall last occur, or a presidential
14 or gubernatorial pardon for the criminal offense has been received,
15 provided that the provisions of this paragraph shall not be
16 effective until November 1, 2003;

17 3. Has submitted a criminal history records search ~~conducted by~~
18 ~~the Oklahoma State Bureau of Investigation that is not more than~~
19 ~~ninety (90) days old~~ that complies with Section 567.18 of this
20 title; and

21 4. Is a minimum of eighteen (18) years of age; and

22 5. Has met such other qualifications as the Board may prescribe
23 in its rules.

24

1 C. An applicant for a license shall be required to pass a
2 written examination in such subjects as the Board may determine.
3 Upon an applicant successfully passing such an examination, the
4 Board ~~shall~~ may issue to the applicant a license to practice as a
5 ~~registered nurse~~ Registered Nurse. An applicant who fails such
6 examination shall be subject to reexamination according to the rules
7 of the Board. The passing criteria shall be established by the
8 Board in its rules.

9 ~~B.~~ D. The Board may issue a license to practice nursing as a
10 registered nurse without examination to an applicant who has been
11 duly licensed as a ~~registered nurse~~ Registered Nurse under the laws
12 of another state, territory, the District of Columbia or a foreign
13 country, if such applicant meets the qualifications required for
14 licensing as a ~~registered nurse~~ Registered Nurse in this state.

15 ~~C.~~ E. Any person who holds a license to practice as a
16 registered nurse in this state shall have the right to use both the
17 title "Registered Nurse" and the abbreviation "R.N." No other
18 person shall assume such title or use such abbreviation, or any
19 other words, letters, signs or figures to indicate that the person
20 using the same is a registered nurse. Any individual doing so shall
21 be guilty of a misdemeanor, which shall be punishable, upon
22 conviction, by imprisonment in the county jail for not more than one
23 (1) year or by a fine of not less than One Hundred Dollars (\$100.00)

24

1 nor more than One Thousand Dollars (\$1,000.00), or by both such
2 imprisonment and fine for each offense.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 567.5a of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. All applicants for a license to practice as an Advanced
7 Practice Registered Nurse shall be subject to Section 567.8 of Title
8 59 of the Oklahoma Statutes.

9 B. An applicant for an initial license to practice as an
10 Advanced Practice Registered Nurse shall:

11 1. Submit a completed written application and appropriate fees
12 as established by the Board;

13 2. Hold a current Registered Nurse license in this state;

14 3. Have completed an advanced practice registered nursing
15 education program in one of the four advanced practice registered
16 nurse roles and a specialty area recognized by the Board. Effective
17 January 1, 2016, the applicant shall have completed an accredited
18 graduate level advanced practice registered nursing education
19 program in at least one of the following population foci:

20 family/individual across the lifespan, adult-gerontology, neonatal,
21 pediatrics, women's health/gender-related, or psychiatric/mental
22 health;

23

24

1 4. Be currently certified in an advanced practice specialty
2 certification consistent with educational preparation and by a
3 national certifying body recognized by the Board; and

4 5. Provide any and all other evidence as required by the Board
5 in its rules.

6 C. The Board may issue a license by endorsement to an Advanced
7 Practice Registered Nurse licensed under the laws of another state
8 if the applicant meets the qualifications for licensure in this
9 state. An applicant by endorsement shall:

10 1. Submit a completed written application and appropriate fees
11 as established by the Board;

12 2. Hold a current Registered Nurse license in this state;

13 3. Hold recognition as an Advanced Practice Registered Nurse in
14 a state or territory;

15 4. Have completed an advanced practice registered nursing
16 education program in one of the four roles and a specialty area
17 recognized by the Board. Effective January 1, 2016, the applicant
18 shall have completed an accredited graduate level advanced practice
19 registered nursing education program in at least one of the
20 following population foci: family/individual across the lifespan,
21 adult-gerontology, neonatal, pediatrics, women's health/gender-
22 related, or psychiatric/mental health;

1 5. Be currently certified in an advanced practice specialty
2 certification consistent with educational preparation and by a
3 national certifying body recognized by the Board;

4 6. Meet continued competency requirements as set forth in Board
5 rules; and

6 7. Provide any and all other evidence as required by the Board
7 in its rules.

8 D. An Advanced Practice Registered Nurse license issued under
9 this section shall be renewed concurrently with the registered nurse
10 license provided that qualifying criteria continue to be met.

11 E. The Board may reinstate a license as set forth in Board
12 rules.

13 SECTION 4. AMENDATORY 59 O.S. 2001, Section 567.6, as
14 amended by Section 3, Chapter 190, O.S.L. 2003 (59 O.S. Supp. 2010,
15 Section 567.6), is amended to read as follows:

16 Section 567.6 A. All applicants for a license to practice as a
17 Licensed Practical Nurse shall be subject to Section 567.8 of this
18 title.

19 B. An applicant for a license to practice as a ~~licensed~~
20 ~~practical nurse~~ Licensed Practical Nurse shall submit to the
21 Oklahoma Board of Nursing certified evidence that the applicant:

22 1. Has received a high school diploma or a ~~graduate equivalency~~
23 ~~degree~~ General Educational Development (G.E.D.) credential;
24

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

5 3. Has never been convicted in this state, the United States or
6 another state or territory of any felony, unless five (5) years have
7 elapsed since the date of the criminal conviction or the termination
8 of any probation or other requirements imposed on the applicant by
9 the sentencing court, whichever shall last occur, or a presidential
10 or gubernatorial pardon for the criminal offense has been received,
11 provided that the provisions of this paragraph shall not be
12 effective until November 1, 2003;

13 4. Has submitted a criminal history records search ~~conducted by~~
14 ~~the Oklahoma State Bureau of Investigation that is not more than~~
15 ~~ninety (90) days old~~ that complies with Section 567.18 of this
16 title; and

17 5. Is a minimum of eighteen (18) years of age; and

18 6. Has met such other reasonable preliminary qualification
19 requirements as the Board may prescribe.

20 C. The applicant for a license to practice as a ~~licensed~~
21 ~~practical nurse~~ Licensed Practical Nurse shall be required to pass a
22 written examination in such subjects as the Board may require. Upon
23 the applicant successfully passing such examination the Board shall
24 may issue to the applicant a license to practice as a ~~licensed~~

1 ~~practical nurse~~ Licensed Practical Nurse. An applicant who fails
2 such examination shall be subject to reexamination according to the
3 rules of the Board. The passing criteria shall be established by
4 the Board in its rules.

5 ~~B. D.~~ D. The Board may issue a license to practice as a ~~licensed~~
6 ~~practical nurse~~ Licensed Practical Nurse without examination to any
7 applicant who has been duly licensed or registered as a Licensed
8 Practical Nurse, or is entitled to perform similar services under a
9 different title, according to the laws of another state, territory,
10 the District of Columbia or a foreign country if such applicant
11 meets the requirements for ~~licensed practical nurses~~ Licensed
12 Practical Nurses in the State of Oklahoma.

13 ~~C. E.~~ E. Any person holding a license to practice as a licensed
14 attendant issued by the Board, which is valid on July 1, 1953, shall
15 be deemed to be a ~~licensed practical nurse~~ Licensed Practical Nurse
16 under the provisions of this act.

17 ~~D. F.~~ F. Any person who holds a license to practice as a ~~licensed~~
18 ~~practical nurse~~ Licensed Practical Nurse in this state shall have
19 the right to use both the title "Licensed Practical Nurse" and the
20 abbreviation "L.P.N." No other person shall assume such title or
21 use such abbreviation or any other words, letters, signs, or figures
22 to indicate that the person using the same is a ~~licensed practical~~
23 ~~nurse~~ Licensed Practical Nurse.

24

1 Any individual doing so shall be guilty of a misdemeanor, which
2 shall be punishable, upon conviction, by imprisonment in the county
3 jail for not more than one (1) year or by a fine of not less than
4 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars
5 (\$1,000.00), or by both such imprisonment and fine for each offense.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 567.6a of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. All applicants for a certificate to practice as an Advanced
10 Unlicensed Assistant shall be subject to Section 567.8 of Title 59
11 of the Oklahoma Statutes.

12 B. An applicant for a certificate to practice as an Advanced
13 Unlicensed Assistant shall submit to the Oklahoma Board of Nursing
14 certified evidence that the applicant:

15 1. Has successfully completed the prescribed curricula in a
16 state-approved education program for Advanced Unlicensed Assistants
17 and holds or is entitled to hold a diploma or certificate therefrom,
18 or equivalent courses in a formal program of instruction;

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

1 3. Has submitted a criminal history records search that is
2 compliant with Section 567.18 of Title 59 of the Oklahoma Statutes;

3 4. Is a minimum of eighteen (18) years of age; and

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

6 C. The applicant for a certificate to practice as an Advanced
7 Unlicensed Assistant shall be required to pass an examination in
8 such subjects as the Board may require. Upon the applicant
9 successfully passing such examination, the Board may issue to the
10 applicant a certificate to practice as an Advanced Unlicensed
11 Assistant. An applicant who fails such examination shall be subject
12 to reexamination according to the rules of the Board. The passing
13 criteria shall be established by Board rules.

14 D. Any person who holds a certificate to practice as an
15 Advanced Unlicensed Assistant in this state shall have the right to
16 use both the title "Advanced Unlicensed Assistant" and the
17 abbreviation "A.U.A.". No other person shall assume such title or
18 use such abbreviation or any other words, letters, signs, or figures
19 to indicate that the person using the same is an Advanced Unlicensed
20 Assistant. Any individual doing so shall be guilty of a
21 misdemeanor, which shall be punishable, upon conviction, by
22 imprisonment in the county jail for not more than one (1) year or by
23 a fine of not less than One Hundred Dollars (\$100.00) nor more than

24

1 One Thousand Dollars (\$1,000.00), or by both such imprisonment and
2 fine for each offense.

3 SECTION 6. AMENDATORY 59 O.S. 2001, Section 567.7, as
4 amended by Section 4, Chapter 190, O.S.L. 2003 (59 O.S. Supp. 2010,
5 Section 567.7), is amended to read as follows:

6 Section 567.7 A. Upon expiration of an initial license or
7 certificate issued pursuant to the Oklahoma Nursing Practice Act, a
8 license or certificate shall be renewed every two (2) years
9 according to a schedule published by the Oklahoma Board of Nursing,
10 provided that the application is complete and qualifying criteria
11 continues to be met.

12 B. A licensee or certificate holder who applies for
13 reinstatement of a license or certificate shall meet such
14 requirements as the Board may prescribe in its rules.

15 C. Any licensee or certificate holder who desires to retire
16 temporarily from the practice of nursing in this state shall submit
17 a written request to that effect to the Board. It shall be the duty
18 of the Board to place the name of such licensee or certificate
19 holder upon the nonpracticing list in accordance with the rules of
20 the Board. During the period of temporary retirement, the licensee
21 or certificate holder shall not practice nursing, Advanced Practice
22 Registered Nursing or practice as an Advanced Unlicensed Assistant
23 nor be subject to the payment of any renewal fees. When the
24 licensee or certificate holder desires to resume practice, such

1 licensee or certificate holder shall meet such requirements as the
2 Board may prescribe in its rules.

3 D. The Board is authorized to establish by rule fees to be
4 charged for the purpose of implementing and enforcing the provisions
5 of the Oklahoma Nursing Practice Act; provided, however, ~~fees~~ no
6 single fee for an initial application for licensure, or
7 certification ~~or recognition~~, or for renewal, reinstatement or
8 return to active practice shall ~~not~~ exceed One Hundred Twenty-five
9 Dollars (\$125.00).

10 E. The Executive Director shall suspend the license or
11 certificate of a person who submits a check, money draft, or similar
12 instrument for payment of a fee which is not honored by the
13 financial institution named. The suspension becomes effective ten
14 (10) days following delivery by certified mail of written notice of
15 the dishonor and the impending suspension to the person's address on
16 file. Upon notification of suspension, the person may reinstate the
17 authorization to practice upon payment of the fees and any and all
18 costs associated with notice and collection. The suspension shall
19 be exempt from the Administrative Procedures Act.

20 SECTION 7. AMENDATORY 59 O.S. 2001, Section 567.8, as
21 amended by Section 5, Chapter 190, O.S.L. 2003 (59 O.S. Supp. 2010,
22 Section 567.8), is amended to read as follows:

23 Section 567.8 A. The Oklahoma Board of Nursing shall have the
24 power to take any or all of the following actions:

1 1. To deny, revoke or suspend any:

2 a. ~~license~~ licensure to practice ~~registered nursing or~~
3 ~~licensed practical nursing~~ as a Licensed Practical
4 Nurse,

5 b. ~~recognition for~~ licensure to practice as an ~~advanced~~
6 ~~practice nurse~~ a Registered Nurse, or

7 c. ~~certification as an advanced unlicensed assistive~~
8 ~~person~~ licensure to practice as an Advanced Practice
9 Registered Nurse,

10 d. certification to practice as an advanced unlicensed
11 assistive person,

12 e. authorization for prescriptive authority, or

13 f. authority to order, select, obtain and administer
14 drugs;

15 2. To assess administrative penalties; ~~or~~ and

16 3. To otherwise discipline ~~a licensee~~ applicants, licensees or
17 advanced unlicensed assistive person persons.

18 B. The Board shall impose a disciplinary action against the
19 person pursuant to the provisions of subsection A of this section
20 upon proof ~~that the~~ of one or more of the following items. The
21 person:

22 1. Is guilty of ~~fraud or~~ deceit or material ~~deception~~
23 misrepresentation in procuring or attempting to procure:
24

- 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 any offense 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. Fails to adequately care for patients or to conform to the minimum standards of acceptable nursing or advanced unlicensed assistant practice that, in the opinion of the Board, unnecessarily exposes a patient or other person to risk of harm;

4. Is intemperate in the use of alcohol or drugs, which use 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,

1 mental illness, or disability that results in inability to practice
2 with reasonable judgment, skill or safety; provided, however, the
3 provisions of this paragraph shall not be utilized in a manner that
4 conflicts with the provisions of the Americans with Disabilities
5 Act;

6 6. Has been adjudicated as mentally incompetent, mentally ill,
7 chemically dependent or dangerous to the public or has been
8 committed by a court of competent jurisdiction, within or without
9 this state;

10 7. Is guilty of unprofessional conduct as defined in the rules
11 of the Board;

12 8. Is guilty of any act that jeopardizes a patient's life,
13 health or safety as defined in the rules of the Board;

14 9. Violated a rule promulgated by the Board, an order of the
15 Board, or a state or federal law relating to the practice of
16 registered, practical or advanced practice nursing or advanced
17 unlicensed assisting, or a state or federal narcotics or controlled
18 dangerous substance law; ~~or~~

19 10. Has had disciplinary actions taken against the individual's
20 registered or practical nursing license, advanced unlicensed
21 assistive certification, or any health-related license, in this or
22 any state, territory or country;

23 11. Has defaulted from the Peer Assistance Program for any
24 reason;

1 12. Fails to maintain professional boundaries with patients, as
2 defined in the Board rules; or

3 13. Engages in sexual misconduct, as defined in Board rules,
4 with a current or former patient or key party, inside or outside the
5 health care setting.

6 C. Any person who supplies the Board information in good faith
7 shall not be liable in any way for damages with respect to giving
8 such information.

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

11 E. The Board may authorize the executive director to issue a
12 confidential letter of concern to a licensee when evidence does not
13 warrant formal proceedings, but the executive director has noted
14 indications of possible errant conduct that could lead to serious
15 consequences and formal action.

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

18 G. At a hearing the accused shall have the right to appear
19 either personally or by counsel, or both, to produce witnesses and
20 evidence on behalf of the accused, to cross-examine witnesses and to
21 have subpoenas issued by the designated Board staff. If the accused
22 is found guilty of the charges the Board may refuse to issue a
23 renewal of license to the applicant, revoke or suspend a license, or
24 otherwise discipline a licensee.

1 H. A person whose license is revoked may not apply for
2 reinstatement during the time period set by the Board. The Board on
3 its own motion may at any time reconsider its action.

4 I. Any person whose license is revoked or who applies for
5 renewal of registration and who is rejected by the Board shall have
6 the right to appeal from such action pursuant to the Administrative
7 Procedures Act.

8 J. 1. Any person who has been determined by the Board to have
9 violated any provisions of the Oklahoma Nursing Practice Act or any
10 rule or order issued pursuant thereto shall be liable for an
11 administrative penalty not to exceed Five Hundred Dollars (\$500.00)
12 for each count for which any holder of a certificate or license has
13 been determined to be in violation of the Oklahoma Nursing Practice
14 Act or any rule promulgated or order issued thereto.

15 2. The amount of the penalty shall be assessed by the Board
16 pursuant to the provisions of this section, after notice and an
17 opportunity for hearing is given to the accused. In determining the
18 amount of the penalty, the Board shall include, but not be limited
19 to, consideration of the nature, circumstances, and gravity of the
20 violation and, with respect to the person found to have committed
21 the violation, the degree of culpability, the effect on ability of
22 the person to continue to practice, and any show of good faith in
23 attempting to achieve compliance with the provisions of the Oklahoma
24 Nursing Practice Act.

1 K. The Board shall retain jurisdiction over any person issued a
2 license, certificate or temporary license pursuant to this act,
3 regardless of whether the license, certificate or temporary license
4 has expired, lapsed or been relinquished during or after the alleged
5 occurrence or conduct prescribed by this act.

6 L. In the event disciplinary action is imposed, any person so
7 disciplined shall be responsible for any and all costs associated
8 with satisfaction of the discipline imposed.

9 M. In the event disciplinary action is imposed in an
10 administrative proceeding, the Board shall have the authority to
11 recover the monies expended by the Board in pursuing any
12 disciplinary action, including but not limited to costs of
13 investigation, probation or monitoring fees, administrative costs,
14 witness fees, attorney fees and court costs. This authority shall
15 be in addition to the Board's authority to impose discipline as set
16 out in subsection A of this section.

17 N. The Executive Director shall immediately suspend the license
18 of any person upon proof that the person has been sentenced to a
19 period of continuous incarceration serving a penal sentence for
20 commission of a misdemeanor or felony. The suspension shall remain
21 in effect until the Board acts upon the licensee's written
22 application for reinstatement of the license.

23 SECTION 8. AMENDATORY 59 O.S. 2001, Section 567.11, is
24 amended to read as follows

1 Section 567.11 The Oklahoma Nursing Practice Act shall not be
2 construed to affect or apply to:

3 1. Gratuitous nursing of the sick by friends or members of the
4 family;

5 2. ~~Registered or licensed practical nurses from any state~~
6 ~~called in attendance temporarily to a patient in any county in this~~
7 ~~state~~ Any nurse who has an active, unencumbered license in another
8 state or territory who is physically present in this state on a
9 nonroutine, nonregular basis for a period not to exceed seven (7)
10 consecutive days in any given year;

11 3. The practice of nursing which is associated with a program
12 of study by students enrolled in nursing education programs approved
13 by the Board;

14 4. Persons trained and competency-certified to provide care
15 pursuant to state or federal law, rules or regulations;

16 5. The practice of any legally qualified nurse of another state
17 who is employed by the United States Government or any bureau,
18 division or agency thereof, while in the discharge of his or her
19 official duties;

20 6. The rendering of service by a physician's trained assistant
21 under the direct supervision and control of a licensed physician,
22 all as authorized by Section 492 of this title; ~~or~~

23 7. The practice of nursing in connection with healing by prayer
24 or spiritual means alone in accordance with the tenets and practice

1 of any well-recognized church or religious denomination provided
2 that no person practicing such nursing holds himself out to be a
3 graduate or registered nurse or licensed practical nurse; or

4 8. A nurse who has an active, unencumbered license from another
5 state or territory, who has no health-related license in a
6 disciplinary status, and who is relocating to this state pursuant to
7 a spouse's official military orders; provided, that this exemption
8 from this act shall continue for one hundred twenty (120) days after
9 the nurse has submitted an application and fees for licensure to the
10 Board prior to employment in this state and has furnished to the
11 employer satisfactory evidence of current, unencumbered licensure in
12 another state or territory.

13 SECTION 9. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 567.12a of Title 59, unless
15 there is created a duplication in numbering, reads as follows:

16 A. Effective January 1, 2016, advanced practice registered
17 nursing education programs that the applicant has successfully
18 completed must meet the following requirements to be considered for
19 approval by the Board:

20 1. The education program must be a graduate-level program
21 offered by a university accredited by an accrediting body that is
22 recognized by the U.S. Secretary of Education or the Council for
23 Higher Education Accreditation;

1 2. The program holds accreditation or holds candidacy, pre-
2 accreditation, or applicant status for accreditation from the
3 National League for Nursing Accrediting Commission, the Commission
4 on Collegiate Nursing Education, the American College of Nurse-
5 Midwives Division on Accreditation, or the American Association of
6 Nurse Anesthetists' Council on Accreditation of Nurse Anesthesia
7 Educational Programs; and

8 3. The curriculum of the program must prepare the graduate to
9 practice in one of the four identified advanced practice registered
10 nurse roles and in at least one of the six population foci.

11 B. The Board shall, by administrative rules, set requirements
12 for approval of advanced practice registered nursing education
13 programs, approve such programs as meet the requirements, and
14 identify the process for determining program compliance with
15 standards.

16 SECTION 10. AMENDATORY 59 O.S. 2001, Section 567.17, as
17 amended by Section 6, Chapter 190, O.S.L. 2003 (59 O.S. Supp. 2010,
18 Section 567.17), is amended to read as follows:

19 Section 567.17 A. There is hereby established a peer
20 assistance program to rehabilitate nurses whose competency may be
21 compromised because of the abuse of drugs or alcohol, so that such
22 nurses can be treated and can return to or continue the practice of
23 nursing in a manner which will benefit the public. The program
24

1 shall be under the supervision and control of the Oklahoma Board of
2 Nursing.

3 B. The Board shall appoint one or more peer assistance
4 evaluation advisory committees hereinafter called the "peer
5 assistance committees". Each of these committees shall be composed
6 of members, the majority of which shall be licensed nurses with
7 expertise in chemical dependency. The peer assistance committees
8 shall function under the authority of the Oklahoma Board of Nursing
9 in accordance with the rules of the Board. The committee members
10 shall serve without pay, but may be reimbursed for the expenses
11 incurred in the discharge of their official duties in accordance
12 with the State Travel Reimbursement Act.

13 C. The Board shall appoint and employ a qualified person, who
14 shall be a registered nurse, to serve as program coordinator and
15 shall fix such person's compensation. The Board shall define the
16 duties of the program coordinator who shall report directly to the
17 Executive Director of the Board and be subject to the Executive
18 Director's direction and control.

19 D. The Board is authorized to adopt and revise rules, not
20 inconsistent with the Oklahoma Nursing Practice Act, as may be
21 necessary to enable it to carry into effect the provisions of this
22 section.

23

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1 E. A portion of licensing fees for each nurse not to exceed Ten
2 Dollars (\$10.00) may be used to implement and maintain the peer
3 assistance program.

4 F. Records of the nurse enrolled in the peer assistance program
5 shall be maintained in the program office in a place separate and
6 apart from the Board's records. The records shall be made public
7 only by subpoena and court order; provided, however, confidential
8 treatment shall be cancelled upon default by the nurse in complying
9 with the requirements of the program.

10 G. Any person making a report to the Board or to a peer
11 assistance committee regarding a nurse suspected of practicing
12 nursing while habitually intemperate or addicted to the use of
13 habit-forming drugs, or a nurse's progress or lack of progress in
14 rehabilitation, shall be immune from any civil or criminal action
15 resulting from such reports, provided such reports are made in good
16 faith.

17 H. A nurse's participation in the peer assistance program in no
18 way precludes additional proceedings by the Board for acts or
19 omissions of acts not specifically related to the circumstances
20 resulting in the nurse's entry into the program. However, in the
21 event the nurse defaults from the program, the Board may discipline
22 the nurse for those acts which led to the nurse entering the
23 program.

24

1 I. The Executive Director of the Board shall suspend the
2 license immediately upon notification that the licensee has
3 defaulted from the peer assistance program, and shall assign a
4 hearing date for the matter to be presented to the Board.

5 J. Any person who enters the peer assistance program
6 voluntarily or otherwise shall be responsible for any and all costs
7 associated with participation in the peer assistance program.

8 K. A nurse may apply to participate in the peer assistance
9 program by choice or may be directed to apply to the program by an
10 order of the Board. In either case, conditions shall be placed on
11 the nurse's license to practice nursing during the period of
12 participation in the peer assistance program.

13 L. As used in this section, unless the context otherwise
14 requires:

- 15 1. "Board" means the Oklahoma Board of Nursing; and
- 16 2. "Peer assistance committee" means the peer assistance
17 evaluation advisory committee created in this section, which is
18 appointed by the Oklahoma Board of Nursing to carry out specified
19 duties.

20 SECTION 11. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 567.18 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23
24

1 A. The criminal background check shall include a criminal
2 history records search conducted by the Oklahoma State Bureau of
3 Investigation that is not more than ninety (90) days old.

4 B. Contingent upon available resources by the Board, all
5 criminal background checks effective January 1, 2013, shall include
6 all the following:

7 1. Submission of a full set of fingerprints to the Board for
8 the purpose of permitting a state and federal criminal history
9 records search pursuant to Section 150.9 of Title 74 of the Oklahoma
10 Statutes and Public Law 92-54 that is not more than ninety (90) days
11 old. The Oklahoma State Bureau of Investigation may exchange these
12 fingerprints with the Federal Bureau of Investigation;

13 2. The applicant shall furnish the Board fingerprints as
14 established by Board rules and a money order or cashier's check made
15 payable to the Oklahoma State Bureau of Investigation;

16 3. The Board shall forward the fingerprints along with the
17 applicable fee for a national fingerprint criminal history records
18 search to the Bureau;

19 4. The Bureau shall retain one set of fingerprints in the
20 Automated Fingerprint Identification System and submit the other set
21 to the FBI for a national criminal history records search;

22 5. Any and all state and federal criminal history record
23 information obtained by the Board from the Bureau or the FBI which
24 is not already a matter of public record shall be deemed nonpublic.

1 The confidential information shall be restricted to the exclusive
2 use of the Board, its members, officers, investigators, agents, and
3 attorneys in evaluating the applicant's eligibility or
4 disqualification for licensure; and

5 6. Fingerprint images may be rejected by the OSBI and the FBI
6 for a variety of reasons, including, but not limited to, fingerprint
7 quality or an inability by the OSBI or FBI to classify the
8 fingerprints. These rejections require the applicant to be
9 fingerprinted again. Applicants with fingerprints rejected for
10 improper registration will be required to re-register, re-pay and be
11 re-fingerprinted. Applicant is responsible for insuring and
12 verifying that all data is correct in the fingerprinting process.

13 SECTION 12. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 567.19 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 If a license is issued pursuant to this act to a person not
17 entitled under this act to be licensed, the Executive Director may
18 rescind or withdraw the license instanter, pending the final outcome
19 of proceedings. In such cases, the Executive Director shall notify
20 the licensee of such action by certified mail, return receipt
21 requested, and shall include in such notice a provision that the
22 licensee may request a hearing concerning the emergency action and
23 opportunity to show that the license should be reinstated.

24

1 SECTION 13. AMENDATORY 74 O.S. 2001, Section 3601.1, as
2 last amended by Section 5, Chapter 300, O.S.L. 2008 (74 O.S. Supp.
3 2010, Section 3601.1), is amended to read as follows:

4 Section 3601.1 A. For purposes of Sections 3601.1 through 3603
5 of this title, the term "employee" means a full-time employee or any
6 number of part-time employees whose combined weekly hours of
7 employment equal those of a full-time employee, but shall not
8 include temporary employees working on a seasonal basis between May
9 1 and October 31.

10 B. Beginning July 1, 2008, the maximum number of full-time-
11 equivalent employees for each of the following agencies, boards,
12 commissions, departments, or programs shall not exceed the numbers
13 specified in this section, except as may be authorized pursuant to
14 the provisions of Section 3603 of this title.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
18 Board of Managers of the State Insurance Fund	591
19 Oklahoma Employment Security Commission	1150
20 Oklahoma Accountancy Board	11
21 Board of Governors of the Licensed Architects, 22 Landscape Architects and Interior Designers of 23 Oklahoma	4
24 Board of Chiropractic Examiners	3

1	State Board of Cosmetology	16
2	Board of Dentistry	5
3	Oklahoma State Board of Embalmers and Funeral	
4	Directors	5
5	State Board of Registration for Professional	
6	Engineers and Land Surveyors	10
7	State Board of Medical Licensure and Supervision/	
8	Board of Podiatric Medical Examiners/State	
9	Board of Examiners of Perfusionists	29
10	Commission on Marginally Producing Oil and Gas	
11	Wells	5
12	Oklahoma Motor Vehicle Commission	6
13	Oklahoma Board of Nursing	26 <u>30</u>
14	Oklahoma State Board of Examiners for Nursing	
15	Home Administrators	4
16	Board of Examiners in Optometry	3
17	State Board of Osteopathic Examiners	7
18	Oklahoma Peanut Commission	2
19	Oklahoma State Board of Pharmacy	10
20	State Board of Examiners of Psychologists	2
21	Oklahoma Real Estate Commission	26
22	Board of Examiners for Speech-Language Pathology	
23	and Audiology	2
24	Oklahoma Used Motor Vehicle and Parts Commission	12

1	State Board of Veterinary Medical Examiners	6
2	Oklahoma Wheat Utilization, Research and Market	
3	Development Commission	7
4	Oklahoma Firefighters Pension and Retirement	
5	System	13
6	Oklahoma Police Pension and Retirement System	12
7	Teachers' Retirement System of Oklahoma	52
8	Oklahoma Public Employees Retirement System	63
9	Oklahoma Student Loan Authority	85
10	Oklahoma Industrial Finance Authority/Oklahoma	
11	Development Finance Authority	10
12	State and Education Employees Group Insurance	
13	Board	178
14	Oklahoma Capital Investment Board	4
15	State Board of Licensed Social Workers	1
16	Oklahoma State Employees Benefits Council	38
17	Oklahoma State Banking Department	46
18	Liquefied Petroleum Gas Administration	10

19 C. The duties and compensation of employees, not otherwise
20 prescribed by law, necessary to perform the duties imposed upon the
21 Oklahoma Public Employees Retirement System Board of Trustees by law
22 shall be set by the Board of Trustees.

23 D. Temporary employees of the Oklahoma Used Motor Vehicle and
24 Parts Commission between the dates of November 1 and January 31

1 annually shall not be counted toward the maximum number of full-
2 time-equivalent employees provided for in this section.

3 SECTION 14. This act shall become effective November 1, 2011.

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