

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1275

By: Ownbey of the House

and

Jolley of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to professions and occupations;
13 amending 59 O.S. 2001, Section 567.3a, which relates
14 to definitions; modifying certain terms; amending 59
15 O.S. 2001, Section 567.5, as amended by Section 2,
16 Chapter 190, O.S.L. 2003 (59 O.S. Supp. 2010, Section
17 567.5), which relates to applicant requirements to
18 practice as registered nurse; requiring minimum age;
19 applicant requirements to practice as Advanced
20 Practice Registered Nurse; amending 59 O.S. 2001,
21 Section 567.6, as amended by Section 3, Chapter 190,
22 O.S.L. 2003 (59 O.S. Supp. 2010, Section 567.6),
23 which relates to applicant requirements to practice
24 as licensed practical nurse; requiring minimum age;
 requiring certificate to practice as Advanced
 Unlicensed Assistant; providing requirements for
 certificate to practice as Advanced Unlicensed
 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.

1 2003 (59 O.S. Supp. 2010, Section 567.8), which
2 relates to the denial, revocation or suspension of a
3 license or certification; adding items for which
4 discipline action may be imposed; modifying who may
5 issue subpoenas; providing Board shall retain
6 jurisdiction over certain individuals; providing for
7 immediate suspension upon proof of incarceration;
8 amending 59 O.S. 2001, Section 567.11, which relates
9 to exceptions to applicability of certain act;
10 providing exceptions for nurses with licenses in
11 another state under certain circumstances; providing
12 that certain education programs meet certain
13 requirements; amending 59 O.S. 2001, Section 567.17,
14 as amended by Section 6, Chapter 190, O.S.L. 2003 (59
15 O.S. Supp. 2010, Section 567.17), which relates to a
16 peer assistance program; requiring the payment of
17 costs; requiring conditions to be placed on license
18 under certain circumstance; requiring criminal
19 background checks; permitting certain persons to
20 rescind or withdraw license instanter under certain
21 circumstance; amending 74 O.S. 2001, Section 3601.1,
22 as last amended by Section 5, Chapter 300, O.S.L.
23 2008 (74 O.S. Supp. 2010, Section 3601.1), which
24 relates to the maximum number of employees at certain
state agencies; increasing the maximum number of
employees at certain board; providing for
codification; and providing an effective date.

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

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

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

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

1 2. "The practice of nursing" means the performance of services
2 provided for purposes of nursing diagnosis and treatment of human
3 responses to actual or potential health problems consistent with
4 educational preparation. Knowledge and skill are the basis for
5 assessment, analysis, planning, intervention, and evaluation used in
6 the promotion and maintenance of health and nursing management of
7 illness, injury, infirmity, restoration or optimal function, or
8 death with dignity. Practice is based on understanding the human
9 condition across the human lifespan and understanding the
10 relationship of the individual within the environment. This
11 practice includes execution of the medical regime including the
12 administration of medications and treatments prescribed by any
13 person authorized by state law to so prescribe;

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

- 16 a. assessing the health status of individuals, families
17 and groups,
- 18 b. analyzing assessment data to determine nursing care
19 needs,
- 20 c. establishing goals to meet identified health care
21 needs,
- 22 d. planning a strategy of care,

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- e. establishing priorities of nursing intervention to implement the strategy of care,
- f. implementing the strategy of care,
- g. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the provisions of the Oklahoma Nursing Practice Act,
- h. providing safe and effective nursing care rendered directly or indirectly,
- i. evaluating responses to interventions,
- j. teaching the principles and practice of nursing,
- k. managing and supervising the practice of nursing,
- l. collaborating with other health professionals in the management of health care,
- m. performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation, and
- n. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

4. "Licensed practical nursing" means the practice of nursing under the supervision or direction of a registered nurse, licensed

1 physician or dentist. This directed scope of nursing practice
2 includes, but is not limited to:

- 3 a. contributing to the assessment of the health status of
4 individuals and groups,
- 5 b. participating in the development and modification of
6 the plan of care,
- 7 c. implementing the appropriate aspects of the plan of
8 care,
- 9 d. delegating such tasks as may safely be performed by
10 others, consistent with educational preparation and
11 that do not conflict with the Oklahoma Nursing
12 Practice Act,
- 13 e. providing safe and effective nursing care rendered
14 directly or indirectly,
- 15 f. participating in the evaluation of responses to
16 interventions,
- 17 g. teaching basic nursing skills and related principles,
- 18 h. performing additional nursing procedures in accordance
19 with knowledge and skills acquired through education
20 beyond nursing preparation, and
- 21 i. delegating those nursing tasks as defined in the rules
22 of the Board that may be performed by an advanced
23 unlicensed assistive person;

1 5. ~~"Advanced practice nurse~~ Practice Registered Nurse" means a
2 licensed ~~registered nurse who~~ Registered Nurse:

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

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

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

1 ~~Temporary recognition shall expire when advanced practice status~~
2 ~~is granted or one hundred twenty (120) days following the test date,~~
3 ~~whichever comes first. If the temporary recognition certification~~
4 ~~holder fails to be certified, temporary recognition shall expire~~
5 ~~upon receipt of the test results. Temporary recognition shall not~~
6 ~~be renewable.~~

7 ~~The registered nurse with temporary recognition to practice as~~
8 ~~an advanced practice nurse shall not be eligible to apply for~~
9 ~~prescriptive authority~~

10 a. who has completed an advanced practice registered
11 nursing education program in preparation for one of
12 four recognized advanced practice registered nurse
13 roles,

14 b. who has passed a national certification examination
15 recognized by the Board that measures the advanced
16 practice registered nurse role and specialty
17 competencies and who maintains recertification in the
18 role and specialty through a national certification
19 program,

20 c. who has acquired advanced clinical knowledge and
21 skills in preparation for providing both direct and
22 indirect care to patients; however, the defining
23 factor for all Advanced Practice Registered Nurses is

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 that a significant component of the education and
2 practice focuses on direct care of individuals,
3 d. whose practice builds on the competencies of
4 Registered Nurses by demonstrating a greater depth and
5 breadth of knowledge, a greater synthesis of data, and
6 increased complexity of skills and interventions, and
7 e. who has obtained a license as an Advanced Practice
8 Registered Nurse in one of the following roles:
9 Certified Registered Nurse Anesthetist, Certified
10 Nurse-Midwife, Clinical Nurse Specialist, or Certified
11 Nurse Practitioner.

12 Only those persons who hold a license to practice advanced
13 practice registered nursing in this state shall have the right to
14 use the title "Advanced Practice Registered Nurse" and to use the
15 abbreviation "APRN". Only those persons who have obtained a license
16 in the following disciplines shall have the right to fulfill the
17 roles and use the applicable titles: Certified Registered Nurse
18 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and
19 the abbreviation "CNM", Clinical Nurse Specialist and the
20 abbreviation "CNS", and Certified Nurse Practitioner and the
21 abbreviation "CNP".

22 It shall be unlawful for any person to assume the role or use
23 the title Advanced Practice Registered Nurse or use the abbreviation

1 "APRN" or use the respective specialty role titles and abbreviations
2 or to use any other titles or abbreviations that would reasonably
3 lead a person to believe the user is an Advanced Practice Registered
4 Nurse, unless permitted by this act. Any individual doing so shall
5 be guilty of a misdemeanor, which shall be punishable, upon
6 conviction, by imprisonment in the county jail for not more than one
7 (1) year or by a fine of not less than One Hundred Dollars (\$100.00)
8 nor more than One Thousand Dollars (\$1,000.00), or by both such
9 imprisonment and fine for each offense;

10 6. ~~"Advanced registered nurse practitioner" means a licensed~~
11 ~~registered nurse who has met the requirements of paragraph 5 of this~~
12 ~~section. The advanced registered nurse practitioner~~ "Certified
13 Nurse Practitioner" is an Advanced Practice Registered Nurse who
14 performs in an expanded role in the delivery of health care ~~that is:~~
15 a. consistent with advanced educational preparation as ~~an~~
16 ~~advanced practice nurse~~ a Certified Nurse Practitioner
17 in an area of specialty,
18 b. functions within the ~~advanced registered nurse~~
19 ~~practitioner~~ Certified Nurse Practitioner scope of
20 practice ~~denoted~~ for the selected area of
21 specialization, and
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1 c. is in accord with the standards for ~~advanced practice~~
2 ~~nurses~~ Certified Nurse Practitioners as identified by
3 the certifying body and approved by the Board.

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

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

20 ~~Any person who is recognized by the Board as an advanced~~
21 ~~registered nurse practitioner and wishes to practice as an advanced~~
22 ~~registered nurse practitioner in this state shall have the right to~~
23 ~~use the title "Advanced Registered Nurse Practitioner" and to the~~

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

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

8 (1) a master's degree or higher in nursing with
9 clinical specialization preparation to function
10 in an 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~~ Clinical Nurse
16 Specialist valid on January 1, 1994, granted by a

17 national certifying organization recognized by
18 the Board, shall be deemed to be a ~~clinical nurse~~

19 ~~specialist~~ Clinical Nurse Specialist under the

20 provisions of the Oklahoma Nursing Practice Act.

21 b. In the expanded role, the ~~clinical nurse specialist~~
22 Clinical Nurse Specialist performs at an advanced

23

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UNDERLINED language denotes Amendments to present Statutes.
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~~Strike thru~~ language denotes deletion from present Statutes.

1 practice level which shall include, but not be limited
2 to:

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

13 c. ~~A clinical nurse specialist~~ Clinical Nurse Specialist
14 in accordance with the scope of practice of such
15 ~~clinical nurse specialist~~ 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~~ Clinical Nurse
2 Specialist accepts responsibility, accountability, and
3 obligation to practice in accordance with usual and
4 customary advanced practice nursing standards and
5 functions as defined by the scope of practice/role
6 definition statements for the ~~clinical nurse~~
7 ~~specialist.~~

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

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

1 ~~letters, signs, or figures to indicate that the person using the~~
2 ~~same is a certified nurse midwife.~~

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

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

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

1 10. a. ~~"Certified registered nurse anesthetist" means any~~
2 ~~person who holds a license to practice as a registered~~
3 ~~nurse in this state and Registered Nurse Anesthetist"~~
4 ~~is an Advanced Practice Registered Nurse who:~~
5 (1) ~~has successfully completed the educational~~
6 ~~program of a school of nurse anesthetists~~
7 ~~accredited by the Council on Accreditation of~~
8 ~~Nurse Anesthesia Educational Programs,~~
9 ~~(2)~~ is certified by the Council on Certification of
10 Nurse Anesthetists as a Certified Registered
11 Nurse Anesthetist within one (1) year following
12 completion of ~~such educational~~ an approved
13 certified registered nurse anesthetist education
14 program, and continues to maintain such
15 recertification by the Council on Recertification
16 of Nurse Anesthetists, and
17 ~~(3)~~ (2) administers anesthesia under the supervision of a
18 medical doctor, an osteopathic physician, a
19 podiatric physician or a dentist licensed in this
20 state and under conditions in which timely onsite
21 consultation by such doctor, osteopath, podiatric
22 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

1 authorization to order, select, obtain and administer
2 drugs shall:

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

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

14 (3) ~~provide evidence of professional liability~~
15 ~~insurance coverage, and~~

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

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

- 1 (1) ordered, selected, obtained or administered drugs
2 outside of the ~~certified registered nurse~~
3 ~~anesthetist~~ Certified Registered Nurse
4 Anesthetist scope of practice or ordered,
5 selected, obtained or administered drugs for
6 other than therapeutic purposes, or
7 (2) violated any provision of state laws or rules or
8 federal laws or regulations pertaining to the
9 practice of nursing or the authority to order,
10 select, obtain and administer drugs.

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

17 f. The Board shall provide by rule for biennial
18 application renewal and reauthorization of authority
19 to order, select, obtain and administer drugs for
20 ~~certified registered nurse anesthetists~~ Certified
21 Registered Nurse Anesthetists. At the time of
22 application renewal, a ~~certified registered nurse~~
23 ~~anesthetist~~ Certified Registered Nurse Anesthetist
24

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

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

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

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

- a. ~~State Department of Health,~~
- b. ~~Oklahoma State Regents for Higher Education,~~
- c. ~~Oklahoma Department of Career and Technology
Education,~~
- d. ~~Oklahoma Board of Nursing,~~
- e. ~~Oklahoma Hospital Association,~~
- f. ~~Oklahoma Nurses Association,~~
- g. ~~The Nursing Home Association of Oklahoma,~~
- h. ~~Oklahoma State Association of Licensed Practical
Nurses, and~~
- i. ~~Oklahoma Home Care Association.~~

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

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

1 by the Board that trains the Advanced Unlicensed Assistant to
2 perform specified technical skills identified by the Board in acute
3 care settings under the direction and supervision of the Registered
4 Nurse or Licensed Practical Nurse.

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

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

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

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

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

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

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

6 5. Has met such other qualifications as the Board may prescribe
7 in its rules.

8 C. An applicant for a license shall be required to pass a
9 written examination in such subjects as the Board may determine.

10 Upon an applicant successfully passing such an examination, the
11 Board ~~shall~~ may issue to the applicant a license to practice as a
12 ~~registered nurse~~ Registered Nurse. An applicant who fails such
13 examination shall be subject to reexamination according to the rules
14 of the Board. The passing criteria shall be established by the
15 Board in its rules.

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

22 ~~C.~~ E. Any person who holds a license to practice as a
23 registered nurse in this state shall have the right to use both the

1 title "Registered Nurse" and the abbreviation "R.N." No other
2 person shall assume such title or use such abbreviation, or any
3 other words, letters, signs or figures to indicate that the person
4 using the same is a registered nurse. Any individual doing so shall
5 be guilty of a misdemeanor, which shall be punishable, upon
6 conviction, by imprisonment in the county jail for not more than one
7 (1) year or by a fine of not less than One Hundred Dollars (\$100.00)
8 nor more than One Thousand Dollars (\$1,000.00), or by both such
9 imprisonment and fine for each offense.

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

13 A. All applicants for a license to practice as an Advanced
14 Practice Registered Nurse shall be subject to Section 567.8 of Title
15 59 of the Oklahoma Statutes.

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

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

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

21 3. Have completed an advanced practice registered nursing
22 education program in one of the four advanced practice registered
23 nurse roles and a specialty area recognized by the Board. Effective

1 January 1, 2016, the applicant shall have completed an accredited
2 graduate level advanced practice registered nursing education
3 program in at least one of the following population foci:
4 family/individual across the lifespan, adult-gerontology, neonatal,
5 pediatrics, women's health/gender-related, or psychiatric/mental
6 health;

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

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

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

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

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

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

21 4. Have completed an advanced practice registered nursing
22 education program in one of the four roles and a specialty area
23 recognized by the Board. Effective January 1, 2016, the applicant

1 shall have completed an accredited graduate level advanced practice
2 registered nursing education program in at least one of the
3 following population foci: family/individual across the lifespan,
4 adult-gerontology, neonatal, pediatrics, women's health/gender-
5 related, or psychiatric/mental health;

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

9 6. Meet continued competency requirements as set forth in Board
10 rules; and

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

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

16 E. The Board may reinstate a license as set forth in Board
17 rules.

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

21 Section 567.6 A. All applicants for a license to practice as a
22 Licensed Practical Nurse shall be subject to Section 567.8 of this
23 title.

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

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

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

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

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

22 5. Is a minimum of eighteen (18) years of age; and
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1 6. Has met such other reasonable preliminary qualification
2 requirements as the Board may prescribe.

3 C. The applicant for a license to practice as a ~~licensed~~
4 ~~practical nurse~~ Licensed Practical Nurse shall be required to pass a
5 written examination in such subjects as the Board may require. Upon
6 the applicant successfully passing such examination the Board shall
7 may issue to the applicant a license to practice as a ~~licensed~~
8 ~~practical nurse~~ Licensed Practical Nurse. An applicant who fails
9 such examination shall be subject to reexamination according to the
10 rules of the Board. The passing criteria shall be established by
11 the Board in its rules.

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

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

1 ~~D.~~ F. Any person who holds a license to practice as a ~~licensed~~
2 ~~practical nurse~~ Licensed Practical Nurse in this state shall have
3 the right to use both the title "Licensed Practical Nurse" and the
4 abbreviation "L.P.N." No other person shall assume such title or
5 use such abbreviation or any other words, letters, signs, or figures
6 to indicate that the person using the same is a ~~licensed practical~~
7 ~~nurse~~ Licensed Practical Nurse.

8 Any individual doing so shall be guilty of a misdemeanor, which
9 shall be punishable, upon conviction, by imprisonment in the county
10 jail for not more than one (1) year or by a fine of not less than
11 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars
12 (\$1,000.00), or by both such imprisonment and fine for each offense.

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

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

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

22 1. Has successfully completed the prescribed curricula in a
23 state-approved education program for Advanced Unlicensed Assistants

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 and holds or is entitled to hold a diploma or certificate therefrom,
2 or equivalent courses in a formal program of instruction;

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

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

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

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

14 C. The applicant for a certificate to practice as an Advanced
15 Unlicensed Assistant shall be required to pass an examination in
16 such subjects as the Board may require. Upon the applicant
17 successfully passing such examination, the Board may issue to the
18 applicant a certificate to practice as an Advanced Unlicensed
19 Assistant. An applicant who fails such examination shall be subject
20 to reexamination according to the rules of the Board. The passing
21 criteria shall be established by Board rules.

22 D. Any person who holds a certificate to practice as an
23 Advanced Unlicensed Assistant in this state shall have the right to

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1 use both the title "Advanced Unlicensed Assistant" and the
2 abbreviation "A.U.A.". No other person shall assume such title or
3 use such abbreviation or any other words, letters, signs, or figures
4 to indicate that the person using the same is an Advanced Unlicensed
5 Assistant. Any individual doing so shall be guilty of a
6 misdemeanor, which shall be punishable, upon conviction, by
7 imprisonment in the county jail for not more than one (1) year or by
8 a fine of not less than One Hundred Dollars (\$100.00) nor more than
9 One Thousand Dollars (\$1,000.00), or by both such imprisonment and
10 fine for each offense.

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

14 Section 567.7 A. Upon expiration of an initial license or
15 certificate issued pursuant to the Oklahoma Nursing Practice Act, a
16 license or certificate shall be renewed every two (2) years
17 according to a schedule published by the Oklahoma Board of Nursing,
18 provided that the application is complete and qualifying criteria
19 continues to be met.

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

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1 C. Any licensee or certificate holder who desires to retire
2 temporarily from the practice of nursing in this state shall submit
3 a written request to that effect to the Board. It shall be the duty
4 of the Board to place the name of such licensee or certificate
5 holder upon the nonpracticing list in accordance with the rules of
6 the Board. During the period of temporary retirement, the licensee
7 or certificate holder shall not practice nursing, Advanced Practice
8 Registered Nursing or practice as an Advanced Unlicensed Assistant
9 nor be subject to the payment of any renewal fees. When the
10 licensee or certificate holder desires to resume practice, such
11 licensee or certificate holder shall meet such requirements as the
12 Board may prescribe in its rules.

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

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

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

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

- 12 1. To deny, revoke or suspend any:
 - 13 a. ~~license~~ licensure to practice ~~registered nursing or~~
14 ~~licensed practical nursing~~ as a Licensed Practical
15 Nurse,
 - 16 b. ~~recognition for~~ licensure to practice as an advanced
17 ~~practice nurse~~ a Registered Nurse, or
 - 18 c. ~~certification as an advanced unlicensed assistive~~
19 ~~person~~ licensure to practice as an Advanced Practice
20 Registered Nurse,
 - 21 d. certification to practice as an advanced unlicensed
22 assistive person,
 - 23 e. authorization for prescriptive authority, or

1 f. authority to order, select, obtain and administer
2 drugs;

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

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

6 B. The Board shall impose a disciplinary action against the
7 person pursuant to the provisions of subsection A of this section
8 upon proof ~~that the~~ of one or more of the following items. The
9 person:

10 1. Is guilty of ~~fraud or~~ deceit or material ~~deception~~
11 misrepresentation in procuring or attempting to procure:

12 a. a license to practice registered nursing, licensed
13 practical nursing, or recognition to practice advanced
14 practice nursing, or

15 b. certification as an advanced unlicensed assistive
16 person;

17 2. Is guilty of a felony, or any offense reasonably related to
18 the qualifications, functions or duties of any licensee or advanced
19 unlicensed assistant, or any offense an essential element of which
20 is fraud, dishonesty, or an act of violence, or for any offense
21 involving moral turpitude, whether or not sentence is imposed, or
22 any conduct resulting in the revocation of a deferred or suspended
23 sentence or probation imposed pursuant to such conviction;

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

5 4. Is intemperate in the use of alcohol or drugs, which use the
6 Board determines endangers or could endanger patients;

7 5. Exhibits through a pattern of practice or other behavior
8 actual or potential inability to practice nursing with sufficient
9 knowledge or reasonable skills and safety due to impairment caused
10 by illness, use of alcohol, drugs, chemicals or any other substance,
11 or as a result of any mental or physical condition, including
12 deterioration through the aging process or loss of motor skills,
13 mental illness, or disability that results in inability to practice
14 with reasonable judgment, skill or safety; provided, however, the
15 provisions of this paragraph shall not be utilized in a manner that
16 conflicts with the provisions of the Americans with Disabilities
17 Act;

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

22 7. Is guilty of unprofessional conduct as defined in the rules
23 of the Board;

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

3 9. Violated a rule promulgated by the Board, an order of the
4 Board, or a state or federal law relating to the practice of
5 registered, practical or advanced practice nursing or advanced
6 unlicensed assisting, or a state or federal narcotics or controlled
7 dangerous substance law; ~~or~~

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

12 11. Has defaulted from the Peer Assistance Program for any
13 reason;

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

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

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

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

1 E. The Board may authorize the executive director to issue a
2 confidential letter of concern to a licensee when evidence does not
3 warrant formal proceedings, but the executive director has noted
4 indications of possible errant conduct that could lead to serious
5 consequences and formal action.

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

8 G. At a hearing the accused shall have the right to appear
9 either personally or by counsel, or both, to produce witnesses and
10 evidence on behalf of the accused, to cross-examine witnesses and to
11 have subpoenas issued by the designated Board staff. If the accused
12 is found guilty of the charges the Board may refuse to issue a
13 renewal of license to the applicant, revoke or suspend a license, or
14 otherwise discipline a licensee.

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

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

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

6 2. The amount of the penalty shall be assessed by the Board
7 pursuant to the provisions of this section, after notice and an
8 opportunity for hearing is given to the accused. In determining the
9 amount of the penalty, the Board shall include, but not be limited
10 to, consideration of the nature, circumstances, and gravity of the
11 violation and, with respect to the person found to have committed
12 the violation, the degree of culpability, the effect on ability of
13 the person to continue to practice, and any show of good faith in
14 attempting to achieve compliance with the provisions of the Oklahoma
15 Nursing Practice Act.

16 K. The Board shall retain jurisdiction over any person issued a
17 license, certificate or temporary license pursuant to this act,
18 regardless of whether the license, certificate or temporary license
19 has expired, lapsed or been relinquished during or after the alleged
20 occurrence or conduct prescribed by this act.

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

1 M. In the event disciplinary action is imposed in an
2 administrative proceeding, the Board shall have the authority to
3 recover the monies expended by the Board in pursuing any
4 disciplinary action, including but not limited to costs of
5 investigation, probation or monitoring fees, administrative costs,
6 witness fees, attorney fees and court costs. This authority shall
7 be in addition to the Board's authority to impose discipline as set
8 out in subsection A of this section.

9 N. The Executive Director shall immediately suspend the license
10 of any person upon proof that the person has been sentenced to a
11 period of continuous incarceration serving a penal sentence for
12 commission of a misdemeanor or felony. The suspension shall remain
13 in effect until the Board acts upon the licensee's written
14 application for reinstatement of the license.

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

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

19 1. Gratuitous nursing of the sick by friends or members of the
20 family;

21 2. ~~Registered or licensed practical nurses from any state~~
22 ~~called in attendance temporarily to a patient in any county in this~~
23 ~~state~~ Any nurse who has an active, unencumbered license in another

1 state or territory who is physically present in this state on a
2 nonroutine, nonregular basis for a period not to exceed seven (7)
3 consecutive days in any given year;

4 3. The practice of nursing which is associated with a program
5 of study by students enrolled in nursing education programs approved
6 by the Board;

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

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

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

16 7. The practice of nursing in connection with healing by prayer
17 or spiritual means alone in accordance with the tenets and practice
18 of any well-recognized church or religious denomination provided
19 that no person practicing such nursing holds himself out to be a
20 graduate or registered nurse or licensed practical nurse; or

21 8. A nurse who has an active, unencumbered license from another
22 state or territory, who has no health-related license in a
23 disciplinary status, and who is relocating to this state pursuant to

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1 a spouse's official military orders; provided, that this exemption
2 from this act shall continue for one hundred twenty (120) days after
3 the nurse has submitted an application and fees for licensure to the
4 Board prior to employment in this state and has furnished to the
5 employer satisfactory evidence of current, unencumbered licensure in
6 another state or territory.

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

10 A. Effective January 1, 2016, advanced practice registered
11 nursing education programs that the applicant has successfully
12 completed must meet the following requirements to be considered for
13 approval by the Board:

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

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

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

6 B. The Board shall, by administrative rules, set requirements
7 for approval of advanced practice registered nursing education
8 programs, approve such programs as meet the requirements, and
9 identify the process for determining program compliance with
10 standards.

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

14 Section 567.17 A. There is hereby established a peer
15 assistance program to rehabilitate nurses whose competency may be
16 compromised because of the abuse of drugs or alcohol, so that such
17 nurses can be treated and can return to or continue the practice of
18 nursing in a manner which will benefit the public. The program
19 shall be under the supervision and control of the Oklahoma Board of
20 Nursing.

21 B. The Board shall appoint one or more peer assistance
22 evaluation advisory committees hereinafter called the "peer
23 assistance committees". Each of these committees shall be composed

1 of members, the majority of which shall be licensed nurses with
2 expertise in chemical dependency. The peer assistance committees
3 shall function under the authority of the Oklahoma Board of Nursing
4 in accordance with the rules of the Board. The committee members
5 shall serve without pay, but may be reimbursed for the expenses
6 incurred in the discharge of their official duties in accordance
7 with the State Travel Reimbursement Act.

8 C. The Board shall appoint and employ a qualified person, who
9 shall be a registered nurse, to serve as program coordinator and
10 shall fix such person's compensation. The Board shall define the
11 duties of the program coordinator who shall report directly to the
12 Executive Director of the Board and be subject to the Executive
13 Director's direction and control.

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

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

21 F. Records of the nurse enrolled in the peer assistance program
22 shall be maintained in the program office in a place separate and
23 apart from the Board's records. The records shall be made public
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1 only by subpoena and court order; provided, however, confidential
2 treatment shall be cancelled upon default by the nurse in complying
3 with the requirements of the program.

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

11 H. A nurse's participation in the peer assistance program in no
12 way precludes additional proceedings by the Board for acts or
13 omissions of acts not specifically related to the circumstances
14 resulting in the nurse's entry into the program. However, in the
15 event the nurse defaults from the program, the Board may discipline
16 the nurse for those acts which led to the nurse entering the
17 program.

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

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

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

9 L. As used in this section, unless the context otherwise
10 requires:

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

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

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

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

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

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

13 3. The Board shall forward the fingerprints along with the
14 applicable fee for a national fingerprint criminal history records
15 search to the Bureau;

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

19 5. Any and all state and federal criminal history record
20 information obtained by the Board from the Bureau or the FBI which
21 is not already a matter of public record shall be deemed nonpublic.
22 The confidential information shall be restricted to the exclusive
23 use of the Board, its members, officers, investigators, agents, and
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1 attorneys in evaluating the applicant's eligibility or
2 disqualification for licensure; and

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

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

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

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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

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

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

22 C. The duties and compensation of employees, not otherwise
23 prescribed by law, necessary to perform the duties imposed upon the

1 Oklahoma Public Employees Retirement System Board of Trustees by law
2 shall be set by the Board of Trustees.

3 D. Temporary employees of the Oklahoma Used Motor Vehicle and
4 Parts Commission between the dates of November 1 and January 31
5 annually shall not be counted toward the maximum number of full-
6 time-equivalent employees provided for in this section.

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

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-24-2011 -
10 DO PASS, PLACED ON CONSENT CALENDAR, As Amended and Coauthored.

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