SENATE FLOOR VERSION
April 7, 2011
As Amended

ENGROSSED HOUSE
BILL NO. 1275 By: Ownbey of the House

and

Jolley of the Senate

[professions and occupations - applicant requirements to practice as registered nurse - codification - an effective date]

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

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

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

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

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 death with dignity. Practice is based on understanding the human

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

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

a. assessing the health status of individuals, families and groups,

b. analyzing assessment data to determine nursing care needs,

c. establishing goals to meet identified health care needs,

d. planning a strategy of care,

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 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 that do not conflict with the Oklahoma Nursing Practice Act,

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

f. participating in the evaluation of responses to interventions,

g. teaching basic nursing skills and related principles,

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

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

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

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

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

~~c. has received a certificate of recognition from the Board.~~

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

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

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

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

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

b. who has passed a national certification examination recognized by the Board that measures the advanced

practice registered nurse role and specialty competencies and who maintains recertification in the role and specialty through a national certification program,

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

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

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

Only those persons who hold a license to practice advanced practice registered nursing in this state shall have the right to use the title "Advanced Practice Registered Nurse" and to use the abbreviation "APRN". Only those persons who have obtained a license in the following disciplines shall have the right to fulfill the

roles and use the applicable titles: Certified Registered Nurse Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and the abbreviation "CNM", Clinical Nurse Specialist and the abbreviation "CNS", and Certified Nurse Practitioner and the abbreviation "CNP".

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

6. ~~"Advanced registered nurse practitioner" means a licensed registered nurse who has met the requirements of paragraph 5 of this section. The advanced registered nurse practitioner~~ "Certified Nurse Practitioner" is an Advanced Practice Registered Nurse who performs in an expanded role in the delivery of health care ~~that is~~:

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

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

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

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

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

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

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

(1) a master's degree or higher in nursing with clinical specialization preparation to function in an expanded role,

(2) specialty certification from a national certifying organization recognized by the Board,

(3) a certificate of recognition from the Board, and

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

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

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

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

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

(4) referring patients or clients to other services.

c. A ~~clinical nurse specialist~~ Clinical Nurse Specialist in accordance with the scope of practice of such ~~clinical nurse specialist~~ Clinical Nurse Specialist shall be eligible to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section, and subject to the medical direction of a supervising physician. This authorization shall not include dispensing drugs, but shall not preclude, subject to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. AMENDATORY 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), is amended to read as follows:

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

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

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

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

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

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

SECTION 7. AMENDATORY 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), is amended to read as follows:

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

1. To deny, revoke or suspend any:

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

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

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

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

e. authorization for prescriptive authority, or

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

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

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

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

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

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,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. "Peer assistance committee" means the peer assistance evaluation advisory committee created in this section, which is appointed by the Oklahoma Board of Nursing to carry out specified duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State Board of Cosmetology	16
Board of Dentistry	5
Oklahoma State Board of Embalmers and Funeral Directors	5
State Board of Registration for Professional Engineers and Land Surveyors	10
State Board of Medical Licensure and Supervision/ Board of Podiatric Medical Examiners/State Board of Examiners of Perfusionists	29
Commission on Marginally Producing Oil and Gas Wells	5
Oklahoma Motor Vehicle Commission	6
Oklahoma Board of Nursing	~~26~~ 30
Oklahoma State Board of Examiners for Nursing Home Administrators	4
Board of Examiners in Optometry	3
State Board of Osteopathic Examiners	7
Oklahoma Peanut Commission	2
Oklahoma State Board of Pharmacy	10
State Board of Examiners of Psychologists	2
Oklahoma Real Estate Commission	26
Board of Examiners for Speech-Language Pathology and Audiology	2
Oklahoma Used Motor Vehicle and Parts Commission	12

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-11 - DO PASS, As Amended.