

1 STATE OF OKLAHOMA

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

3 SENATE BILL 544

By: Sykes

4  
5  
6 AS INTRODUCED

7 An Act relating to the practice of certified  
8 registered nurse anesthetists; amending 59 O.S. 2001,  
9 Sections 353.1b, as amended by Section 2, Chapter  
10 321, O.S.L. 2009 and 567.3a (59 O.S. Supp. 2010,  
11 Section 353.1b), which relate to nursing; modifying  
12 authority and duties of certified registered nurse  
13 anesthetists; modifying definitions; defining term;  
14 amending 63 O.S. 2001, Section 2-312, which relates  
15 to the Uniform Controlled Dangerous Substances Act;  
16 modifying the authority of certain nurses to  
17 administer controlled dangerous substances; and  
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 59 O.S. 2001, Section 353.1b, as  
21 amended by Section 2, Chapter 321, O.S.L. 2009 (59 O.S. Supp. 2010,  
22 Section 353.1b), is amended to read as follows:

23 Section 353.1b A certified registered nurse anesthetist ~~has~~  
24 authority, in collaboration with a medical doctor, an osteopathic  
physician, a podiatric physician or a dentist licensed in this  
state, shall be authorized to order, select, obtain and administer  
legend drugs, Schedules II through V controlled substances, devices,  
and medical gases pursuant to rules adopted by the Oklahoma Board of

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

7 SECTION 2. AMENDATORY 59 O.S. 2001, Section 567.3a, is  
8 amended to read as follows:

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

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

24

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

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

1 m. performing additional nursing functions in accordance  
2 with knowledge and skills acquired beyond basic  
3 nursing preparation, and

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

7 4. "Licensed practical nursing" means the practice of nursing  
8 under the supervision or direction of a registered nurse, licensed  
9 physician or dentist. This directed scope of nursing practice  
10 includes, but is not limited to:

11 a. contributing to the assessment of the health status of  
12 individuals and groups,

13 b. participating in the development and modification of  
14 the plan of care,

15 c. implementing the appropriate aspects of the plan of  
16 care,

17 d. delegating such tasks as may safely be performed by  
18 others, consistent with educational preparation and  
19 that do not conflict with the Oklahoma Nursing  
20 Practice Act,

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

23 f. participating in the evaluation of responses to  
24 interventions,

- 1           g.    teaching basic nursing skills and related principles,
- 2           h.    performing additional nursing procedures in accordance
- 3                with knowledge and skills acquired through education
- 4                beyond nursing preparation, and
- 5           i.    delegating those nursing tasks as defined in the rules
- 6                of the Board that may be performed by an advanced
- 7                unlicensed assistive person;

8           5.    "Advanced practice nurse" means a licensed registered nurse  
9 who:

- 10           a.    has successfully completed a formal program of study
- 11                approved by the Board which is designed to prepare
- 12                registered nurses to perform in an expanded role in
- 13                the delivery of health care,
- 14           b.    is nationally certified by an appropriate certifying
- 15                body, recognized by the Board, and
- 16           c.    has received a certificate of recognition from the
- 17                Board.

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

21           A registered nurse who has completed educational requirements as  
22 an advanced practice nurse and has registered for a Board-approved  
23 national certifying exam may apply for temporary recognition pending  
24 certification. Temporary recognition shall not exceed one (1) year

1 from the date of graduation. The registered nurse with temporary  
2 recognition to practice as an advanced practice nurse shall use the  
3 designation "graduate registered nurse practitioner", "graduate  
4 registered nurse anesthetist", "graduate clinical nurse specialist",  
5 or "graduate nurse-midwife".

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

12 The registered nurse with temporary recognition to practice as  
13 an advanced practice nurse shall not be eligible to apply for  
14 prescriptive authority;

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

- 19 a. consistent with advanced educational preparation as an  
20 advanced practice nurse in an area of specialty,  
21 b. functions within the advanced registered nurse  
22 practitioner scope of practice denoted for the area of  
23 specialization, and  
24

1           c.    is in accord with the standards for advanced practice  
2                   nurses as identified by the certifying body and  
3                   approved by the Board.

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

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

19           Any person who is recognized by the Board as an advanced  
20 registered nurse practitioner and wishes to practice as an advanced  
21 registered nurse practitioner in this state shall have the right to  
22 use the title "Advanced Registered Nurse Practitioner" and to the  
23 abbreviation "ARNP". No other person shall assume such title or use  
24 such abbreviation or any other words, letters, signs, or figures to

1 indicate that the person using the same is an advanced registered  
2 nurse practitioner;

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

18 b. In the expanded role, the clinical nurse specialist  
19 performs at an advanced practice level which shall  
20 include, but not be limited to:  
21 (1) practicing as an expert clinician in the  
22 provision of direct nursing care to a selected  
23 population of patients or clients in any setting,  
24 including private practice,

- (2) managing the care of patients or clients with complex nursing problems,
- (3) enhancing patient or client care by integrating the competencies of clinical practice, education, consultation, and research, and
- (4) referring patients or clients to other services.

- c. A clinical nurse specialist in accordance with the scope of practice of such clinical nurse specialist shall be eligible to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section, and subject to the medical direction of a supervising physician. This authorization shall not include dispensing drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.
- d. The clinical nurse specialist accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the 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

1 the title "Clinical Nurse Specialist" and abbreviation  
2 "CNS". No other person shall assume such title or use  
3 such abbreviation or any other words, letters, signs,  
4 or figures to indicate that the person using the same  
5 is a clinical nurse specialist;

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

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

23 The certified nurse-midwife accepts responsibility,  
24 accountability, and obligation to practice in accordance with usual

1 and customary advanced practice nursing standards and functions as  
2 defined by the scope of practice/role definition statements for the  
3 certified nurse-midwife;

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

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

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

17 (2) is certified by the Council on Certification of  
18 Nurse Anesthetists as a Certified Registered  
19 Nurse Anesthetist within one (1) year following  
20 completion of such educational program, and  
21 continues to maintain such recertification by the  
22 Council on Recertification of Nurse Anesthetists,

23 (3) administers anesthesia ~~under the supervision of~~  
24 in collaboration with a medical doctor, an

1 osteopathic physician, a podiatric physician or a  
2 dentist licensed in this state ~~and under~~  
3 ~~conditions in which timely onsite consultation by~~  
4 ~~such doctor, osteopath, podiatric physician or~~  
5 ~~dentist is available, and~~

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

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

1           physician, podiatric physician, or dentist licensed in  
2           this state.

3           c.   "Collaboration" means the cooperative working  
4           relationship with a medical doctor, osteopathic  
5           physician, podiatric physician or dentist, each  
6           contributing that person's respective expertise in the  
7           provision of patient care, and such collaborative  
8           practice includes the discussion of patient treatment  
9           and cooperation in the management and delivery of  
10           health care.

11           d.   The certified registered nurse anesthetist accepts  
12           responsibility, accountability, and obligation to  
13           practice in accordance with usual and customary  
14           advanced practice nursing standards and functions as  
15           defined by the scope and practice and role definition  
16           statements of a certified registered nurse  
17           anesthetist.

18           e.   A certified registered nurse anesthetist who applies  
19           for authorization to order, select, obtain and  
20           administer drugs shall:

- 21           (1) be currently recognized as a certified registered  
22           nurse anesthetist in this state,  
23           (2) provide evidence of completion, within the two-  
24           year period immediately preceding the date of

1 application, of a minimum of fifteen (15) units  
2 of continuing education in advanced pharmacology  
3 related to the administration of anesthesia as  
4 recognized by the Council on Recertification of  
5 Nurse Anesthetists or the Council on  
6 Certification of Nurse Anesthetists,

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

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

13 ~~d.~~

14 f. The authority to order, select, obtain and administer  
15 drugs shall be terminated if a certified registered  
16 nurse anesthetist has:

17 (1) ordered, selected, obtained or administered drugs  
18 outside of the certified registered nurse  
19 anesthetist scope of practice or ordered,  
20 selected, obtained or administered drugs for  
21 other than therapeutic purposes, or

22 (2) violated any provision of state laws or rules or  
23 federal laws or regulations pertaining to the  
24

1 practice of nursing or the authority to order,  
2 select, obtain and administer drugs.

3 ~~e.~~

4 g. The Oklahoma Board of Nursing shall notify the Board  
5 of Pharmacy within two (2) working days after  
6 termination of or a change in the authority to order,  
7 select, obtain and administer drugs for a certified  
8 registered nurse anesthetist.

9 ~~f.~~

10 h. The Board shall provide by rule for biennial  
11 application renewal and reauthorization of authority  
12 to order, select, obtain and administer drugs for  
13 certified registered nurse anesthetists. At the time  
14 of application renewal, a certified registered nurse  
15 anesthetist shall submit documentation of a minimum of  
16 eight (8) units of continuing education, completed  
17 during the previous two (2) years, in advanced  
18 pharmacology relating to the administration of  
19 anesthesia, as recognized by the Council on  
20 Recertification of Nurse Anesthetists or the Council  
21 on Certification of Nurse Anesthetists.

22 ~~g.~~

23 i. Any person who is recognized by the Board as a  
24 certified registered nurse anesthetist shall have the

1 right to use both the title "Certified Registered  
2 Nurse Anesthetist" and the abbreviation "CRNA". No  
3 other person shall assume such title or use such  
4 abbreviation or any other words, letters, signs, or  
5 figures to indicate that the person using the same is  
6 a certified registered nurse anesthetist.

7 ~~h.~~

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

14 11. "Supervising physician" means an individual holding a  
15 current license to practice as a physician from the State Board of  
16 Medical Licensure and Supervision or the State Board of Osteopathic  
17 Examiners, who supervises an advanced registered nurse practitioner,  
18 a clinical nurse specialist, or a certified nurse-midwife, and who  
19 is not in training as an intern, resident, or fellow. To be  
20 eligible to supervise such advanced practice nurse, such physician  
21 shall remain in compliance with the rules promulgated by the State  
22 Board of Medical Licensure and Supervision or the State Board of  
23 Osteopathic Examiners;

1       12. "Supervision of an advanced practice nurse with  
2 prescriptive authority" means overseeing and accepting  
3 responsibility for the ordering and transmission by an advanced  
4 registered nurse practitioner, a clinical nurse specialist, or a  
5 certified nurse-midwife of written, telephonic, electronic or oral  
6 prescriptions for drugs and other medical supplies, subject to a  
7 defined formulary; and

8       13. "Advanced unlicensed assistive person" means any person who  
9 has successfully completed a certified training program developed by  
10 a working committee composed of representatives of the following  
11 entities:

- 12           a. State Department of Health,
- 13           b. Oklahoma State Regents for Higher Education,
- 14           c. Oklahoma Department of Career and Technology  
15           Education,
- 16           d. Oklahoma Board of Nursing,
- 17           e. Oklahoma Hospital Association,
- 18           f. Oklahoma Nurses Association,
- 19           g. The Nursing Home Association of Oklahoma,
- 20           h. Oklahoma State Association of Licensed Practical  
21           Nurses, and
- 22           i. Oklahoma Home Care Association.

23       The working committee shall also develop a list of the functions  
24 that an advanced unlicensed assistive person shall be able to

1 perform upon completion of the certification training program. The  
2 working committee shall submit the certification training program  
3 and list of functions to the Oklahoma Board of Nursing for review  
4 and approval. The Board shall promulgate rules to enact the  
5 provisions of this paragraph.

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

11 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-312, is  
12 amended to read as follows:

13 Section 2-312. A. A physician, podiatrist, optometrist or a  
14 dentist who has complied with the registration requirements of the  
15 Uniform Controlled Dangerous Substances Act, in good faith and in  
16 the course of such person's professional practice only, may  
17 prescribe and administer controlled dangerous substances, or may  
18 cause the same to be administered by medical or paramedical  
19 personnel acting under the direction and supervision of the  
20 physician, podiatrist, optometrist or dentist, and only may dispense  
21 controlled dangerous substances pursuant to the provisions of  
22 Sections ~~355~~, 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

23 B. A veterinarian who has complied with the registration  
24 requirements of the Uniform Controlled Dangerous Substances Act, in

1 good faith and in the course of the professional practice of the  
2 veterinarian only, and not for use by a human being, may prescribe,  
3 administer, and dispense controlled dangerous substances and may  
4 cause them to be administered by an assistant or orderly under the  
5 direction and supervision of the veterinarian.

6 C. An advanced practice nurse who is recognized to prescribe by  
7 the Oklahoma Board of Nursing as an advanced registered nurse  
8 practitioner, clinical nurse specialist or certified nurse-midwife,  
9 who is subject to medical direction by a supervising physician,  
10 pursuant to Section 567.3a of Title 59 of the Oklahoma Statutes, and  
11 who has complied with the registration requirements of the Uniform  
12 Controlled Dangerous Substances Act, in good faith and in the course  
13 of professional practice only, may prescribe and administer Schedule  
14 III, IV and V controlled dangerous substances.

15 D. An advanced practice nurse who is recognized to order,  
16 select, obtain and administer drugs by the Oklahoma Board of Nursing  
17 as a certified registered nurse anesthetist pursuant to Section  
18 353.1b of Title 59 of the Oklahoma Statutes and who has complied  
19 with the registration requirements of the Uniform Controlled  
20 Dangerous Substances Act, in good faith and in the course of such  
21 practitioner's professional practice only, may order, select, obtain  
22 and administer Schedules II through V controlled dangerous  
23 substances in a ~~preanesthetic preparation or evaluation; anesthesia~~  
24 ~~induction, maintenance or emergence; or postanesthesia care setting~~

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

6 E. A physician assistant who is recognized to prescribe by the  
7 State Board of Medical Licensure and Supervision under the medical  
8 direction of a supervising physician, pursuant to subsection D of  
9 Section 519.6 of Title 59 of the Oklahoma Statutes, and who has  
10 complied with the registration requirements of the Uniform  
11 Controlled Dangerous Substances Act, in good faith and in the course  
12 of professional practice only, may prescribe and administer Schedule  
13 II through V controlled dangerous substances.

14 SECTION 4. This act shall become effective November 1, 2011.

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