An Act

ENROLLED HOUSE
BILL NO. 1081

By: Ownbey of the House

and

Simpson of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 567.4, as amended by Section 1, Chapter 228, O.S.L. 2013 (59 O.S. Supp. 2014, Section 567.4), which relates to the Oklahoma Board of Nursing; including certain duties of Executive Director; permitting Board to impose corrective action; requiring Board to promulgate certain rules; providing for codification; and providing an effective date.

SUBJECT: Oklahoma Board of Nursing

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 567.4, as amended by Section 1, Chapter 228, O.S.L. 2013 (59 O.S. Supp. 2014, Section 567.4), is amended to read as follows:

Section 567.4 A. The Oklahoma Board of Nursing is hereby established in the State of Oklahoma. The Board shall consist of eleven (11) members who shall be citizens of the United States of America, and residents of Oklahoma, for at least the previous three (3) years. Six of the members shall be Registered Nurses, in good standing under the provisions of the Oklahoma Nursing Practice Act, currently engaged in the practice of nursing as a Registered Nurse and shall have had no less than five (5) years of experience as a Registered Nurse. At least two of the Registered Nurses shall be from the field of nursing education, actively associated with a recognized school of nursing in Oklahoma, and who hold an organizational role of administration/management and who are

accountable for strategic, operational and/or performance outcomes. At least two of the Registered Nurses who hold an organizational role of administration/management and who are accountable for strategic, operational and/or performance outcomes shall represent nursing service. At least one of the Registered Nurses shall be currently engaged in the practice of nursing as an Advanced Practice Registered Nurse. Three of the members shall be Licensed Practical Nurses in good standing under the provisions of the Oklahoma Nursing Practice Act and currently engaged in the practice of practical nursing as a Licensed Practical Nurse and shall have had no less than five (5) years of experience as a Licensed Practical Nurse. One of the licensed nurses must be employed in the field of long-term care. One of the licensed nurses shall be employed in the area of acute care. Two members shall represent the public and shall be eligible voters of this state, knowledgeable in consumer health concerns, and shall neither be nor ever have been associated with the provision of health care, nor be enrolled in any health-related educational program. The public members shall be appointed by the Governor to serve coterminously with the Governor. At least one Registered Nurse Board member, one Licensed Practical Nurse Board member and one public Board member shall be appointed from a county with a population of less than forty thousand (40,000).

B. For the purpose of nominating, appointing or reappointing members to the Board, this state shall be divided into eight geographical districts, consisting of counties within the districts as follows:

District No. 1 Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Ellis, Woodward, Major, Garfield, Noble, Dewey, Blaine, Kingfisher and Logan;

District No. 2 Roger Mills, Custer, Beckham, Washita, Caddo, Greer, Kiowa, Harmon, Jackson, Comanche, Tillman and Cotton;

District No. 3 Canadian, Grady, McClain, Garvin, Stephens, Murray, Jefferson, Carter and Love;

District No. 4 Oklahoma;

District No. 5 Lincoln, Okfuskee, Cleveland, Pottawatomie, Seminole, Hughes, Pontotoc, Coal, Johnston, Marshall and Bryan;

District No. 6 Creek and Tulsa;

District No. 7 Osage, Washington, Nowata, Craig, Ottawa, Pawnee, Payne, Rogers, Mayes and Delaware; and

District No. 8 Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell, Leflore, Pittsburg, Latimer, Atoka, Pushmataha, McCurtain and Choctaw.

Not more than one Registered Nurse and one Licensed Practical Nurse and one public member shall be appointed from any one geographical district.

C. The Governor shall appoint the Registered Nurse Board members from a list of names submitted by the Oklahoma Nurses Association and Oklahoma chapters of nationally recognized Registered Nurse organizations. The Governor shall appoint the Licensed Practical Nurse Board members from a list of names submitted by the Oklahoma chapters of nationally recognized nursing organizations. Individuals who are members of the Oklahoma Board of Nursing prior to September 1, 1991, shall be allowed to fulfill their terms and be eligible for reappointment.

D. The Registered Nurse and Licensed Practical Nurse members shall be appointed for terms of five (5) years. Upon the death, resignation, or removal of any member, a list from the aforementioned organizations shall be submitted to the Governor who shall appoint a member to fill the vacancy.

1. In addition to the grounds for removal by the Governor of members appointed to the Board provided in Section 2 of Title 74 of the Oklahoma Statutes, it is a ground for removal if a member:

a. does not have at the time of appointment the qualifications required by subsection A of this section,

b. is not employed in nursing for a period of twelve (12) consecutive months during the term for which the member was appointed,

c. is absent from more than half of the regularly scheduled Board meetings that the member is eligible

to attend during a calendar year, unless the absence is excused by a majority vote of the Board, or

d. cannot discharge the duties as a Board member for a substantial portion of the term for which the member is appointed because of illness or disability.

2. The validity of an action of the Board is not affected by the fact that it is taken when a ground for removal of a Board member exists.

3. If the president of the Board has knowledge that a potential ground for removal exists, the president shall then notify the Governor that a potential ground for removal exists.

E. A quorum shall be a majority of the Board which must include at least three Registered Nurses and one Licensed Practical Nurse.

F. The members of the Board shall annually elect from their number a president, vice-president and a secretary who shall also be the treasurer, and other such officers as necessary to conduct the business of the Board. It shall hold six regular business meetings during each calendar year. Special meetings may be called by the president or secretary with five (5) days' notice to each member of the Board. The Board shall have a seal; it shall make and adopt all necessary rules not inconsistent with the laws of this state, the United States, or with the Oklahoma Nursing Practice Act; and it shall perform the duties and transact the business required under the provisions of the act. The Board shall cause to be kept a record of all meetings of the Board and give notice of all meetings in accordance with the Administrative Procedures Act and the Open ~~Meetings~~ Meeting Act. A list of all persons duly licensed and qualified under this act shall be maintained by the Board. Each member of the Board shall receive, in addition to actual and necessary travel expenses as provided in the State Travel Reimbursement Act, compensation of One Hundred Dollars ($100.00) for each regular scheduled monthly meeting attended, not to exceed more than six meetings per year. All monies received by the Board shall be held by the treasurer of the Board for meeting the expenses of the Board and for the promotion of nursing education, to employ an attorney to assist the Board and other state and county officials in carrying out the provisions of the Oklahoma Nursing Practice Act, and such other purposes which the Board may determine, and shall be disbursed as directed by the Board. The Board is authorized to adopt and revise rules, not inconsistent with the provisions of the

Oklahoma Nursing Practice Act, as may be necessary to enable it to carry into effect the provisions of the act, including rules establishing fees, charges and reimbursement costs. The Board shall appoint and employ a qualified person, who shall be a Registered Nurse to serve as Executive Director, and shall fix the compensation, notwithstanding any other provision of law including Section 3601.2 of Title 74 of the Oklahoma Statutes, in an amount not in excess of the maximum salary proposed for the Oklahoma Board of Nursing and set forth in the most recent Compensation Report prepared by or for the Office of Management and Enterprise Services, require a satisfactory bond, and define the duties of the Executive Director to include:

1. The authority and responsibility for the operations and administration of the agency and such additional powers and duties as prescribed by the Board. As chief executive of the Board, the Executive Director shall manage all aspects of the agency, including personnel, financial and other resources, in support of the Oklahoma Nursing Practice Act, its rules and policies, and the Board's mission and strategic plan;

2. The authority to accept orders as set forth in paragraph 3 of this subsection on behalf of the Board and where ratification by the Board is not required. The Executive Director shall report summaries of dispositions to the Board at its regular meetings;

3. a. Orders issued under Section 2 of this act,

b. Agreed disciplinary orders requiring an applicant or licensee to enter and comply with the Peer Assistance Program,

c. Agreed disciplinary orders for the reinstatement or endorsement of a license/certificate/recognition when the applicant has practiced without an active Oklahoma license/certificate/recognition, and

d. Agreed disciplinary orders for the voluntary surrender of a license/certification/recognition.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 567.8a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Board of Nursing may impose a corrective action as set forth in the Board rules on a person licensed or regulated under this act who violates the act or a rule. The corrective action may include remedial education, an administrative penalty, or any combination of remedial education and an administrative penalty. The corrective action shall not be considered as disciplinary action. However, the Board may consider a corrective action in an individual's subsequent violation of the Oklahoma Nursing Practice Act, Board rule or corrective action order.

B. The Board shall promulgate rules to implement the provisions of this section.

SECTION 3. This act shall become effective November 1, 2015.

Passed the House of Representatives the 25th day of February, 2015.

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Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2015.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20 _____, at _____ o'clock _____ M.

By: _____