

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 747

By: Yen

COMMITTEE SUBSTITUTE

An Act relating to childbirth; amending 59 O.S. 2011, Section 567.3a, which relates to the Oklahoma Nursing Practice Act; prohibiting Certified Nurse-Midwives from performing certain services under certain circumstances; providing exceptions; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, 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

1 death with dignity. Practice is based on understanding the human
2 condition across the human lifespan and understanding the
3 relationship of the individual within the environment. This
4 practice includes execution of the medical regime including the
5 administration of medications and treatments prescribed by any
6 person authorized by state law to so prescribe;

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

- 9 a. assessing the health status of individuals, families
10 and groups,
- 11 b. analyzing assessment data to determine nursing care
12 needs,
- 13 c. establishing goals to meet identified health care
14 needs,
- 15 d. planning a strategy of care,
- 16 e. establishing priorities of nursing intervention to
17 implement the strategy of care,
- 18 f. implementing the strategy of care,
- 19 g. delegating such tasks as may safely be performed by
20 others, consistent with educational preparation and
21 that do not conflict with the provisions of the
22 Oklahoma Nursing Practice Act,
- 23 h. providing safe and effective nursing care rendered
24 directly or indirectly,

- i. evaluating responses to interventions,
- j. teaching the principles and practice of nursing,
- k. managing and supervising the practice of nursing,
- l. collaborating with other health professionals in the management of health care,
- m. performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation, and
- n. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

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

- a. contributing to the assessment of the health status of individuals and groups,
- b. participating in the development and modification of the plan of care,
- c. implementing the appropriate aspects of the plan of care,
- d. delegating such tasks as may safely be performed by others, consistent with educational preparation and

- 1 that do not conflict with the Oklahoma Nursing
2 Practice Act,
- 3 e. providing safe and effective nursing care rendered
4 directly or indirectly,
- 5 f. participating in the evaluation of responses to
6 interventions,
- 7 g. teaching basic nursing skills and related principles,
- 8 h. performing additional nursing procedures in accordance
9 with knowledge and skills acquired through education
10 beyond nursing preparation, and
- 11 i. delegating those nursing tasks as defined in the rules
12 of the Board that may be performed by an advanced
13 unlicensed assistive person;

14 5. "Advanced Practice Registered Nurse" means a licensed

15 Registered Nurse:

- 16 a. who has completed an advanced practice registered
17 nursing education program in preparation for one of
18 four recognized advanced practice registered nurse
19 roles,
- 20 b. who has passed a national certification examination
21 recognized by the Board that measures the advanced
22 practice registered nurse role and specialty
23 competencies and who maintains recertification in the
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1 role and specialty through a national certification
2 program,

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

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

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

18 Only those persons who hold a license to practice advanced
19 practice registered nursing in this state shall have the right to
20 use the title "Advanced Practice Registered Nurse" and to use the
21 abbreviation "APRN". Only those persons who have obtained a license
22 in the following disciplines shall have the right to fulfill the
23 roles and use the applicable titles: Certified Registered Nurse
24 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and

1 the abbreviation "CNM", Clinical Nurse Specialist and the
2 abbreviation "CNS", and Certified Nurse Practitioner and the
3 abbreviation "CNP".

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

16 6. "Certified Nurse Practitioner" is an Advanced Practice
17 Registered Nurse who performs in an expanded role in the delivery of
18 health care:

- 19 a. consistent with advanced educational preparation as a
20 Certified Nurse Practitioner in an area of specialty,
- 21 b. functions within the Certified Nurse Practitioner
22 scope of practice for the selected area of
23 specialization, and
24

1 c. is in accord with the standards for Certified Nurse
2 Practitioners as identified by the certifying body and
3 approved by the Board.

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

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

18 7. a. "Clinical Nurse Specialist" is an Advanced Practice
19 Registered Nurse who holds:

- 20 (1) a master's degree or higher in nursing with
21 clinical specialization preparation to function
22 in an expanded role,
23 (2) specialty certification from a national
24 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 valid on January 1, 1994, granted by a national certifying organization recognized by the Board, shall be deemed to be a Clinical Nurse Specialist under the provisions of the Oklahoma Nursing Practice Act.

b. In the expanded role, the 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 in accordance with the scope of practice of such Clinical Nurse Specialist shall be eligible to obtain recognition as authorized

1 by the Board to prescribe, as defined by the rules
2 promulgated by the Board pursuant to this section, and
3 subject to the medical direction of a supervising
4 physician. This authorization shall not include
5 dispensing drugs, but shall not preclude, subject to
6 federal regulations, the receipt of, the signing for,
7 or the dispensing of professional samples to patients.

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

14 8. "Nurse-Midwife" is a qualified registered nurse who has
15 received a certificate of recognition from the Oklahoma Board of
16 Nursing who possesses evidence of certification according to the
17 requirements of the American College of Nurse-Midwives.

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

3 The Certified Nurse-Midwife accepts responsibility,
4 accountability, and obligation to practice in accordance with usual
5 and customary advanced practice registered nursing standards and
6 functions as defined by the scope of practice/role definition
7 statements for the Certified Nurse-Midwife;

8 9. "Nurse-midwifery practice" means providing management of
9 care of normal newborns and women, antepartally, intrapartally,
10 postpartally and gynecologically, occurring within a health care
11 system which provides for medical consultation, medical management
12 or referral, and is in accord with the standards for nurse-midwifery
13 practice as defined by the American College of Nurse-Midwives;
14 provided, a midwife shall not administer the delivery of a child
15 when the mother is undergoing a Vaginal Birth After Cesarean (VBAC),
16 experiences fetal malpresentation or has had multiple gestations
17 unless the delivery is performed:

18 a. in a hospital licensed by the State Department of
19 Health, or
20 b. when medically necessary to preserve the life or
21 health of the mother or child in a non-hospital
22 setting;

23 10. a. "Certified Registered Nurse Anesthetist" is an
24 Advanced Practice Registered Nurse who:

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

9 (2) administers anesthesia under the supervision of a
10 medical doctor, an osteopathic physician, a
11 podiatric physician or a dentist licensed in this
12 state and under conditions in which timely onsite
13 consultation by such doctor, osteopath, podiatric
14 physician or dentist is available.

15 b. A Certified Registered Nurse Anesthetist, under the
16 supervision of a medical doctor, osteopathic
17 physician, podiatric physician or dentist licensed in
18 this state, and under conditions in which timely, on-
19 site consultation by such medical doctor, osteopathic
20 physician, podiatric physician or dentist is
21 available, shall be authorized, pursuant to rules
22 adopted by the Oklahoma Board of Nursing, to order,
23 select, obtain and administer legend drugs, Schedules
24 II through V controlled substances, devices, and

1 medical gases only when engaged in the preanesthetic
2 preparation and evaluation; anesthesia induction,
3 maintenance and emergence; and postanesthesia care. A
4 Certified Registered Nurse Anesthetist may order,
5 select, obtain and administer drugs only during the
6 perioperative or periobstetrical period.

7 c. A Certified Registered Nurse Anesthetist who applies
8 for authorization to order, select, obtain and
9 administer drugs shall:

- 10 (1) be currently recognized as a Certified Registered
11 Nurse Anesthetist in this state,
 - 12 (2) provide evidence of completion, within the two-
13 year period immediately preceding the date of
14 application, of a minimum of fifteen (15) units
15 of continuing education in advanced pharmacology
16 related to the administration of anesthesia as
17 recognized by the Council on Recertification of
18 Nurse Anesthetists or the Council on
19 Certification of Nurse Anesthetists, and
 - 20 (3) complete and submit a notarized application, on a
21 form prescribed by the Board, accompanied by the
22 application fee established pursuant to this
23 section.
- 24

1 d. The authority to order, select, obtain and administer
2 drugs shall be terminated if a Certified Registered
3 Nurse Anesthetist has:

4 (1) ordered, selected, obtained or administered drugs
5 outside of the Certified Registered Nurse
6 Anesthetist scope of practice or ordered,
7 selected, obtained or administered drugs for
8 other than therapeutic purposes, or

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

13 e. The Oklahoma Board of Nursing shall notify the Board
14 of Pharmacy after termination of or a change in the
15 authority to order, select, obtain and administer
16 drugs for a Certified Registered Nurse Anesthetist.

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

1 pharmacology relating to the administration of
2 anesthesia, as recognized by the Council on
3 Recertification of Nurse Anesthetists or the Council
4 on Certification of Nurse Anesthetists.

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

11 11. "Supervising physician" means an individual holding a
12 current license to practice as a physician from the State Board of
13 Medical Licensure and Supervision or the State Board of Osteopathic
14 Examiners, who supervises a Certified Nurse Practitioner, a Clinical
15 Nurse Specialist, or a Certified Nurse-Midwife, and who is not in
16 training as an intern, resident, or fellow. To be eligible to
17 supervise such Advanced Practice Registered Nurse, such physician
18 shall remain in compliance with the rules promulgated by the State
19 Board of Medical Licensure and Supervision or the State Board of
20 Osteopathic Examiners;

21 12. "Supervision of an Advanced Practice Registered Nurse with
22 prescriptive authority" means overseeing and accepting
23 responsibility for the ordering and transmission by a Certified
24 Nurse Practitioner, a Clinical Nurse Specialist, or a Certified

1 Nurse-Midwife of written, telephonic, electronic or oral
2 prescriptions for drugs and other medical supplies, subject to a
3 defined formulary; and

4 13. "Advanced Unlicensed Assistant" means any person who has
5 successfully completed a certified training program approved by the
6 Board that trains the Advanced Unlicensed Assistant to perform
7 specified technical skills identified by the Board in acute care
8 settings under the direction and supervision of the Registered Nurse
9 or Licensed Practical Nurse.

10 SECTION 2. This act shall become effective November 1, 2017.

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