

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1013

By: Cockroft, Ownbey,
Cleveland, Cannaday, West
(Kevin), Murdock, Tadlock,
Osborn (Leslie), Dunnington
and Sanders

8 AS INTRODUCED

9 An Act relating to professions and occupations;
amending 59 O.S. 2011, Section 353.1a, which relates
10 to prescribing authority of advanced practice
registered nurse; removing supervisory physician
11 requirement; updating statutory references; removing
requirement that certain information be identified;
12 amending 59 O.S. 2011, Section 567.3a, which relates
to definitions used in the Oklahoma Nursing Practice
13 Act; modifying and deleting certain definitions;
amending 59 O.S. 2011, Section 567.4a, which relates
14 to prescriptive authority; permitting Oklahoma Board
of Nursing to grant and limit prescribing and
15 ordering authority to certain licensees; deleting
requirements of certain rules promulgated by the
16 Board; amending 59 O.S. 2011, Section 567.5a as
amended by Section 2, Chapter 228, O.S.L. 2013 (59
17 O.S. Supp. 2016, Section 567.5a), which relates to
license to practice as Advanced Practice Registered
18 Nurse; removing requirement to submit certain
statement from Oklahoma physician; amending 63 O.S.
19 2011, Section 2-312, which relates to the authority
to prescribe controlled dangerous substances;
20 updating statutory references; providing advanced
practice registered nurse may only dispense
21 controlled dangerous substances pursuant to certain
provisions; repealing 59 O.S. 2011, Section 567.4b,
22 which relates to the Formulary Advisory Council; and
providing an effective date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.1a, is
3 amended to read as follows:

4 Section 353.1a Prescribing authority shall be allowed, ~~under~~
5 ~~the medical direction of a supervising physician,~~ for an advanced
6 practice nurse recognized by the Oklahoma Board of Nursing in one of
7 the following categories: ~~advanced registered~~ certified nurse
8 practitioners, clinical nurse specialists, or certified nurse-
9 midwives. The advanced practice nurse may write or sign, or
10 transmit by word of mouth, telephone or other means of communication
11 an order for drugs or medical supplies that is intended to be
12 filled, compounded, or dispensed by a pharmacist. ~~The supervising~~
13 ~~physician and the advanced practice nurse shall be identified at the~~
14 ~~time of origination of the prescription and the name of the advanced~~
15 ~~practice nurse shall be printed on the prescription label.~~

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 567.3a, is
17 amended to read as follows:

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

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

20 2. "The practice of nursing" means the performance of services
21 provided for purposes of nursing diagnosis and treatment of human
22 responses to actual or potential health problems consistent with
23 educational preparation. Knowledge and skill are the basis for
24 assessment, analysis, planning, intervention, and evaluation used in

1 the promotion and maintenance of health and nursing management of
2 illness, injury, infirmity, restoration or optimal function, or
3 death with dignity. Practice is based on understanding the human
4 condition across the human lifespan and understanding the
5 relationship of the individual within the environment. This
6 practice includes execution of the medical regime including the
7 administration of medications and treatments prescribed by any
8 person authorized by state law to so prescribe;

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

- 11 a. assessing the health status of individuals, families
12 and groups,
- 13 b. analyzing assessment data to determine nursing care
14 needs,
- 15 c. establishing goals to meet identified health care
16 needs,
- 17 d. planning a strategy of care,
- 18 e. establishing priorities of nursing intervention to
19 implement the strategy of care,
- 20 f. implementing the strategy of care,
- 21 g. delegating such tasks as may safely be performed by
22 others, consistent with educational preparation and
23 that do not conflict with the provisions of the
24 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 Registered Nurse" means a licensed Registered Nurse:

- 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 been educationally prepared to assume responsibility and accountability for health promotion and/or maintenance as well as the assessment, diagnosis and management of patient problems which may include the use and prescription of pharmacological and nonpharmacological interventions,
- f. who has clinical experience of sufficient depth and breadth to reflect the license, and
- g. who has obtained a license as an Advanced Practice Registered Nurse in one of the following roles:
Certified Registered Nurse Anesthetist, Certified

1 Nurse-Midwife, Clinical Nurse Specialist, or Certified
2 Nurse Practitioner.

3 Practicing as an Advanced Practice Registered Nurse means an
4 expanded scope of nursing in a role and population focus approved by
5 the Board, with or without compensation or personal profit, and
6 includes the registered nurse scope of practice. The scope of an
7 Advanced Practice Registered Nurse may include, but is not limited
8 to, performing acts of advanced assessment; diagnosing; prescribing
9 and ordering nonpharmacological interventions, including, but not
10 limited to, durable medical equipment, medical devices, nutrition,
11 blood and blood products; and supportive services, including, but
12 not limited to, home health care, hospice and physical and
13 occupational therapy. Advanced Practice Registered Nurses may serve
14 as primary care providers of record.

15 Advanced Practice Registered Nurses are expected to practice as
16 licensed practitioners within standards established and/or
17 recognized by the Board. Each Advanced Practice Registered Nurse is
18 accountable to patients, the nursing profession and the Board for
19 complying with the requirements of the Oklahoma Nursing Practice Act
20 and accountable for the quality of advanced nursing care rendered,
21 for recognizing limits of knowledge and experience, for planning for
22 the management of situations beyond the Advanced Practice Registered
23 Nurse's expertise and for consulting with or referring patients to
24 other health care providers, as appropriate.

1 Only those persons who hold a license to practice advanced
2 practice registered nursing in this state shall have the right to
3 use the title "Advanced Practice Registered Nurse" and to use the
4 abbreviation "APRN". Only those persons who have obtained a license
5 in the following disciplines shall have the right to fulfill the
6 roles and use the applicable titles: Certified Registered Nurse
7 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and
8 the abbreviation "CNM", Clinical Nurse Specialist and the
9 abbreviation "CNS", and Certified Nurse Practitioner and the
10 abbreviation "CNP".

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

22 6. "Certified Nurse Practitioner" is an Advanced Practice
23 Registered Nurse who ~~performs in an expanded role in the delivery of~~
24 ~~health care:~~

- 1 a. ~~consistent with advanced educational preparation as a~~
2 ~~Certified Nurse Practitioner in an area of specialty,~~
3 b. ~~functions within the Certified Nurse Practitioner~~
4 ~~scope of practice for the selected area of~~
5 ~~specialization, and~~
6 c. ~~is in accord with the standards for Certified Nurse~~
7 ~~Practitioners as identified by the certifying body and~~
8 ~~approved by the Board~~

9 is prepared to function as a licensed practitioner, providing
10 primary or acute care in accordance with education and specialty
11 certification, along the wellness-illness continuum to a specific
12 population in diverse settings. The Certified Nurse Practitioner
13 diagnoses and treats patients with undifferentiated symptoms as well
14 as those with established diagnoses. The Certified Nurse
15 Practitioner practices in accordance with the standards for
16 certified nurse practitioner practice as defined by the professional
17 associations recognized by the Board.

18 A Certified Nurse Practitioner shall be eligible, in accordance
19 with the scope of practice of the Certified Nurse Practitioner, to
20 obtain recognition as authorized by the Board to prescribe and
21 order, as defined by the rules promulgated by the Board pursuant to
22 this section ~~and subject to the medical direction of a supervising~~
23 ~~physician~~. This authorization shall not include dispensing drugs,
24 but shall not preclude, subject to federal regulations, the receipt

1 of, the signing for, or the dispensing of professional samples to
2 patients.

3 The Certified Nurse Practitioner 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 Practitioner;

8 7. a. "Clinical Nurse Specialist" is an Advanced Practice
9 Registered Nurse who holds:

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

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

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

16 ~~(4) any nurse holding a specialty certification as a~~

17 ~~Clinical Nurse Specialist valid on January 1,~~

18 ~~1994, granted by a national certifying~~

19 ~~organization recognized by the Board, shall be~~

20 ~~deemed to be a Clinical Nurse Specialist under~~

21 ~~the provisions of the Oklahoma Nursing Practice~~

22 ~~Act.~~

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

- 4 ~~(1) practicing as an expert clinician in the~~
5 ~~provision of direct nursing care to a selected~~
6 ~~population of patients or clients in any setting,~~
7 ~~including private practice,~~
8 ~~(2) managing the care of patients or clients with~~
9 ~~complex nursing problems,~~
10 ~~(3) enhancing patient or client care by integrating~~
11 ~~the competencies of clinical practice, education,~~
12 ~~consultation, and research, and~~
13 ~~(4) referring patients or clients to other services~~
14 as a licensed practitioner, diagnosing and treating
15 patients with undifferentiated symptoms as well as
16 those with established diagnoses, in a specialized
17 area of nursing practice to specific populations in
18 diverse settings. The Clinical Nurse Specialist
19 practices in accordance with the standards for
20 clinical nurse specialist practice as defined by the
21 professional associations recognized by the Board.

22 ~~e.~~ b. A Clinical Nurse Specialist in accordance with the
23 scope of practice of such Clinical Nurse Specialist
24 shall be eligible to obtain recognition as authorized

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

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

15 8. "Nurse-Midwife" is ~~a qualified registered nurse who has~~
16 ~~received a certificate of recognition from the Oklahoma Board of~~
17 ~~Nursing who possesses evidence of certification according to the~~
18 ~~requirements of the American College of Nurse-Midwives~~ an Advanced
19 Practice Registered Nurse who is prepared to function as a licensed
20 practitioner providing a full range of primary health care services
21 in diverse settings to women throughout the lifespan, including
22 gynecologic care, family planning services, preconception care,
23 prenatal and postpartum care, childbirth, care of the newborn and
24 treating the male partner of female patients for sexually

1 transmitted infection and reproductive health. The Certified Nurse-
2 Midwife practices in accordance with the standards for nurse-midwife
3 practice as defined by the professional associations recognized by
4 the Board.

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

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

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

- 1 ~~10.~~ a. "Certified Registered Nurse Anesthetist" is an
2 Advanced Practice Registered Nurse who:
3 (1) is certified by the Council on Certification of
4 Nurse Anesthetists as a Certified Registered
5 Nurse Anesthetist within one (1) year following
6 completion of an approved certified registered
7 nurse anesthetist education program, and
8 continues to maintain such recertification by the
9 Council on Recertification of Nurse Anesthetists,
10 and
11 (2) administers anesthesia under the supervision of a
12 medical doctor, an osteopathic physician, a
13 podiatric physician or a dentist licensed in this
14 state and under conditions in which timely onsite
15 consultation by such doctor, osteopath, podiatric
16 physician or dentist is available.
17 b. A Certified Registered Nurse Anesthetist, under the
18 supervision of a medical doctor, osteopathic
19 physician, podiatric physician or dentist licensed in
20 this state, and under conditions in which timely, on-
21 site consultation by such medical doctor, osteopathic
22 physician, podiatric physician or dentist is
23 available, shall be authorized, pursuant to rules
24 adopted by the Oklahoma Board of Nursing, to order,

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

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

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

1 application fee established pursuant to this
2 section.

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

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

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

19 f. The Board shall provide by rule for biennial
20 application renewal and reauthorization of authority
21 to order, select, obtain and administer drugs for
22 Certified Registered Nurse Anesthetists. At the time
23 of application renewal, a Certified Registered Nurse
24 Anesthetist shall submit documentation of a minimum of

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

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

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

23 12. ~~"Supervision of an Advanced Practice Registered Nurse with~~
24 ~~prescriptive authority" means overseeing and accepting~~

~~responsibility for the ordering and transmission by a Certified Nurse Practitioner, a Clinical Nurse Specialist, or a 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 Assistant" means any person who has successfully completed a certified training program 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 3. AMENDATORY 59 O.S. 2011, Section 567.4a, is amended to read as follows

Section 567.4a The Board may grant prescribing and ordering authority through the Advanced Practice Registered Nurse license to Certified Nurse Practitioners, Certified Nurse-Midwives and Clinical Nurse Specialists meeting requirements identified in the Board's rules. The Board may limit the ability of Certified Nurse Practitioners, Certified Nurse-Midwives and Clinical Nurse Specialists to prescribe and order. All licensed Certified Nurse Practitioners, Certified Nurse-Midwives and Clinical Nurse Specialists who are granted prescribing and ordering authority are authorized to diagnose, prescribe and institute therapy or referrals of patients to healthcare agencies, healthcare providers and

1 community resources. They are authorized to prescribe, procure,
2 administer and dispense over the counter legend and controlled
3 substances. They plan and initiate a therapeutic regimen that
4 includes ordering and prescribing medical devices and equipment,
5 nutrition, diagnostic and supportive services, including, but not
6 limited to, speech therapy, home health care, hospice and physical
7 and occupational therapy.

8 The rules regarding ~~prescriptive~~ prescribing and ordering
9 authority ~~recognition~~ promulgated by the Oklahoma Board of Nursing
10 ~~pursuant to paragraphs 6 through 9, 11 and 12 of Section 567.3a of~~
11 ~~this title shall:~~

12 1. ~~Define the procedure for documenting supervision by a~~
13 ~~physician licensed in Oklahoma to practice by the State Board of~~
14 ~~Medical Licensure and Supervision or the State Board of Osteopathic~~
15 ~~Examiners. Such procedure shall include a written statement that~~
16 ~~defines appropriate referral, consultation, and collaboration~~
17 ~~between the advanced practice nurse, recognized to prescribe as~~
18 ~~defined in paragraphs 6 through 9, 11 and 12 of Section 567.3a of~~
19 ~~this title, and the supervising physician. The written statement~~
20 ~~shall include a method of assuring availability of the supervising~~
21 ~~physician through direct contact, telecommunications or other~~
22 ~~appropriate electronic means for consultation, assistance with~~
23 ~~medical emergencies, or patient referral. The written statement~~
24 ~~shall be part of the initial application and the renewal application~~

1 ~~submitted to the Board for recognition for prescriptive authority~~
2 ~~for the advanced practice nurse. Changes to the written statement~~
3 ~~shall be filed with the Board within thirty (30) days of the change~~
4 ~~and shall be effective on filing;~~

5 ~~2.~~ Define minimal requirements for initial application for
6 prescriptive authority which shall include, but not be limited to,
7 evidence of completion of a minimum of forty-five (45) contact hours
8 or three (3) academic credit hours of education in
9 pharmacotherapeutics, clinical application, and use of
10 pharmacological agents in the prevention of illness, and in the
11 restoration and maintenance of health in a program beyond basic
12 registered nurse preparation, approved by the Board. Such contact
13 hours or academic credits shall be obtained within a time period of
14 three (3) years immediately preceding the date of application for
15 prescriptive authority;

16 ~~3.~~ 2. Define minimal requirements for application for renewal
17 of prescriptive authority which shall include, but not be limited
18 to, documentation of a minimum of fifteen (15) contact hours or one
19 (1) academic credit hour of education in pharmacotherapeutics,
20 clinical application, and use of pharmacological agents in the
21 prevention of illness, and in the restoration and maintenance of
22 health in a program beyond basic registered nurse preparation,
23 approved by the Board, within the two-year period immediately
24

1 preceding the effective date of application for renewal of
2 prescriptive authority;

3 ~~4. 3.~~ Require that beginning July 1, 2002, an ~~advanced practice~~
4 ~~nurse~~ Advanced Practice Registered Nurse shall demonstrate
5 successful completion of a master's degree in a clinical nurse
6 specialty in order to be eligible for initial application for
7 prescriptive authority under the provisions of this act;

8 ~~5. Define the method for communicating authority to prescribe~~
9 ~~or termination of same, and the formulary to the Board of Pharmacy,~~
10 ~~all pharmacies, and all registered pharmacists;~~

11 ~~6. 4.~~ Define terminology used in such rules;

12 ~~7. 5.~~ Define the parameters for the prescribing practices of
13 the ~~advanced practice nurse~~ Advanced Practice Registered Nurse; and

14 ~~8. 6.~~ Define the methods for termination of prescriptive
15 authority for ~~advanced practice nurses; and~~

16 ~~9. a. Establish a Formulary Advisory Council that shall~~
17 ~~develop and submit to the Board recommendations for an~~
18 ~~exclusionary formulary that shall list drugs or~~
19 ~~categories of drugs that shall not be prescribed by~~
20 ~~advanced practice nurses recognized to prescribe by~~
21 ~~the Oklahoma Board of Nursing. The Formulary Advisory~~
22 ~~Council shall also develop and submit to the Board~~
23 ~~recommendations for practice specific prescriptive~~
24 ~~standards for each category of advanced practice nurse~~

1 ~~recognized to prescribe by the Oklahoma Board of~~
2 ~~Nursing pursuant to the provisions of the Oklahoma~~
3 ~~Nursing Practice Act. The Board shall either accept~~
4 ~~or reject the recommendations made by the Council. No~~
5 ~~amendments to the recommended exclusionary formulary~~
6 ~~may be made by the Board without the approval of the~~
7 ~~Formulary Advisory Council.~~

8 ~~b. The Formulary Advisory Council shall be composed of~~
9 ~~twelve (12) members as follows:~~

10 ~~(1) four members, to include a pediatrician, an~~
11 ~~obstetrician-gynecological physician, a general~~
12 ~~internist, and a family practice physician;~~
13 ~~provided that three of such members shall be~~
14 ~~appointed by the Oklahoma State Medical~~
15 ~~Association, and one shall be appointed by the~~
16 ~~Oklahoma Osteopathic Association,~~

17 ~~(2) four members who are registered pharmacists,~~
18 ~~appointed by the Oklahoma Pharmaceutical~~
19 ~~Association, and~~

20 ~~(3) four members, one of whom shall be an advanced~~
21 ~~registered nurse practitioner, one of whom shall~~
22 ~~be a clinical nurse specialist, one of whom shall~~
23 ~~be a certified nurse-midwife, and one of whom~~
24 ~~shall be a current member of the Oklahoma Board~~

1 ~~of Nursing, all of whom shall be appointed by the~~
2 ~~Oklahoma Board of Nursing.~~

- 3 ~~e. All professional members of the Formulary Advisory~~
4 ~~Council shall be in active clinical practice, at least~~
5 ~~fifty percent (50%) of the time, within their defined~~
6 ~~area of specialty. The members of the Formulary~~
7 ~~Advisory Council shall serve at the pleasure of the~~
8 ~~appointing authority for a term of three (3) years.~~
9 ~~The terms of the members shall be staggered. Members~~
10 ~~of the Council may serve beyond the expiration of~~
11 ~~their term of office until a successor is appointed by~~
12 ~~the original appointing authority. A vacancy on the~~
13 ~~Council shall be filled for the balance of the~~
14 ~~unexpired term by the original appointing authority.~~
- 15 ~~d. Members of the Council shall elect a chair and a vice-~~
16 ~~chair from among the membership of the Council. For~~
17 ~~the transaction of business, at least seven members,~~
18 ~~with a minimum of two members present from each of the~~
19 ~~identified categories of physicians, pharmacists and~~
20 ~~advanced practice nurses, shall constitute a quorum.~~
21 ~~The Council shall recommend and the Board shall~~
22 ~~approve and implement an initial exclusionary~~
23 ~~formulary on or before January 1, 1997. The Council~~
24 ~~and the Board shall annually review the approved~~

~~exclusionary formulary and shall make any necessary
revisions utilizing the same procedures used to
develop the initial exclusionary formulary the
Advanced Practice Registered Nurse.~~

SECTION. 4 AMENDATORY 59 O.S. 2011, Section 567.5a, as
amended by Section 2, Chapter 228, O.S.L. 2013 (59 O.S. Supp. 2016,
Section 567.5a), is amended to read as follows:

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

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. Submit a criminal history records check that complies with
Section 567.18 of this title;

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

4. 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,

1 pediatrics, women's health/gender-related, or psychiatric/mental
2 health;

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

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

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

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

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

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

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

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

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

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

8 D. The Board may issue prescriptive authority recognition by
9 endorsement to an Advanced Practice Registered Nurse licensed as an
10 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if
11 the applicant meets the requirements set forth in this section. An
12 applicant for prescriptive authority recognition by endorsement
13 shall:

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

16 2. Hold current Registered Nurse and Advanced Practice
17 Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the
18 state;

19 3. Hold current licensure or recognition as an Advanced
20 Practice Registered Nurse in the same role and specialty with
21 prescribing privileges in another state or territory;

22 4. Submit documentation verifying successful completion of a
23 graduate level advanced practice registered nursing education
24 program that included an academic course in pharmacotherapeutic

1 management, and didactic and clinical preparation for prescribing
2 incorporated throughout the program;

3 ~~5. Submit a written statement from an Oklahoma licensed~~
4 ~~physician supervising prescriptive authority as required by the~~
5 ~~Board in its rules;~~

6 ~~6.~~ 5. Meet continued competency requirements as set forth in
7 Board rules; and

8 ~~7.~~ 6. Provide any and all other evidence as required by the
9 Board in its rules.

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

13 F. The Board may reinstate a license as set forth in Board
14 rules.

15 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-312, is
16 amended to read as follows:

17 Section 2-312. A. A physician, podiatrist, optometrist or a
18 dentist who has complied with the registration requirements of the
19 Uniform Controlled Dangerous Substances Act, in good faith and in
20 the course of such person's professional practice only, may
21 prescribe and administer controlled dangerous substances, or may
22 cause the same to be administered by medical or paramedical
23 personnel acting under the direction and supervision of the
24 physician, podiatrist, optometrist or dentist, and only may dispense

1 controlled dangerous substances pursuant to the provisions of
2 Sections ~~355~~, 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

3 B. A veterinarian who has complied with the registration
4 requirements of the Uniform Controlled Dangerous Substances Act, in
5 good faith and in the course of the professional practice of the
6 veterinarian only, and not for use by a human being, may prescribe,
7 administer, and dispense controlled dangerous substances and may
8 cause them to be administered by an assistant or orderly under the
9 direction and supervision of the veterinarian.

10 C. An advanced practice registered nurse who is recognized to
11 prescribe by the Oklahoma Board of Nursing as ~~an advanced registered~~
12 a certified nurse practitioner, clinical nurse specialist or
13 certified nurse-midwife, ~~who is subject to medical direction by a~~
14 ~~supervising physician,~~ pursuant to Section 567.3a of Title 59 of the
15 Oklahoma Statutes, and who has complied with the registration
16 requirements of the Uniform Controlled Dangerous Substances Act, in
17 good faith and in the course of professional practice only, may
18 prescribe and administer Schedule II, III, IV and V controlled
19 dangerous substances, and only may dispense controlled dangerous
20 substances pursuant to the provisions of Sections 355.1 and 355.2 of
21 Title 59 of the Oklahoma Statutes.

22 D. An advanced practice registered nurse who is recognized to
23 order, select, obtain and administer drugs by the Oklahoma Board of
24 Nursing as a certified registered nurse anesthetist pursuant to

1 Section 353.1b of Title 59 of the Oklahoma Statutes and who has
2 complied with the registration requirements of the Uniform
3 Controlled Dangerous Substances Act, in good faith and in the course
4 of such practitioner's professional practice only, may order,
5 select, obtain and administer Schedules II through V controlled
6 dangerous substances in a preanesthetic preparation or evaluation;
7 anesthesia induction, maintenance or emergence; or postanesthesia
8 care setting only. A certified registered nurse anesthetist may
9 order, select, obtain and administer such drugs only during the
10 perioperative or periobstetrical period.

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

19 SECTION 6. REPEALER 59 O.S. 2011, Section 567.4b, is
20 hereby repealed.

21 SECTION 7. This act shall become effective November 1, 2017.

22
23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
24 dated 02/08/2017 - DO PASS, As Coauthored.