

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3091

By: Cockroft

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 353.1a, which relates to prescribing authority of Advanced Practice Registered Nurse; removing supervisory physician requirement; updating statutory references; removing requirement that certain information be identified; amending 59 O.S. 2011, Section 567.3a, as amended by Section 1, Chapter 382, O.S.L 2017 (59 O.S. Supp. 2017, Section 567.3a), which relates to definitions used in the Oklahoma Nursing Practice Act; modifying and deleting certain definitions; amending 59 O.S. 2011, Section 567.4a, as amended by Section 2, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2017, Section 567.4a) which relates to prescriptive authority; permitting Oklahoma Board of Nursing to grant and limit prescribing and ordering authority to certain licensees; deleting requirements of certain rules promulgated by the Board; amending 59 O.S. 2011, Section 567.5a, as amended by Section 2, Chapter 228, O.S.L. 2013 (59 O.S. Supp. 2017, Section 567.5a), which relates to license to practice as Advanced Practice Registered Nurse; removing requirement to submit certain statement from Oklahoma physician; amending 63 O.S. 2011, Section 2-312, which relates to the authority to prescribe controlled dangerous substances; updating statutory references; providing Advanced Practice Registered Nurse may only dispense controlled dangerous substances pursuant to certain provisions; requiring Advanced Practice Registered Nurse or employer to carry certain malpractice insurance; requiring facility to carry certain liability insurance for licensed health care providers; prohibiting Advanced Practice Registered Nurse from prescribing certain substance; providing for exception; permitting Advanced Practice

1 Registered Nurse to be referred to by certain title;
2 requiring Advanced Practice Registered Nurse to work
3 with certain individuals for certain time period
4 prior to entering independent practice; requiring
5 supervising fee not to exceed certain amount;
6 requiring Advanced Practice Registered Nurse to work
7 during certain time period under the supervision of
8 certain individuals in certain areas; repealing 59
9 O.S. 2011, Section 567.4b, which relates to the
10 Formulary Advisory Council; providing for
11 codification; and providing an effective date.

12
13
14
15
16
17
18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 567.3a, as
2 amended by Section 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2017,
3 Section 567.3a), is amended to read as follows:

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

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

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

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

- 21 a. assessing the health status of individuals, families
22 and groups,
23 b. analyzing assessment data to determine nursing care
24 needs,

- c. establishing goals to meet identified health care needs,
- d. planning a strategy of care,
- e. establishing priorities of nursing intervention to implement the strategy of care,
- f. implementing the strategy of care,
- g. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the provisions of the Oklahoma Nursing Practice Act,
- h. providing safe and effective nursing care rendered directly or indirectly,
- i. evaluating responses to interventions,
- j. teaching the principles and practice of nursing,
- k. managing and supervising the practice of nursing,
- l. collaborating with other health professionals in the management of health care,
- m. performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation, and
- n. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

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

- 5 a. contributing to the assessment of the health status of
6 individuals and groups,
- 7 b. participating in the development and modification of
8 the plan of care,
- 9 c. implementing the appropriate aspects of the plan of
10 care,
- 11 d. delegating such tasks as may safely be performed by
12 others, consistent with educational preparation and
13 that do not conflict with the Oklahoma Nursing
14 Practice Act,
- 15 e. providing safe and effective nursing care rendered
16 directly or indirectly,
- 17 f. participating in the evaluation of responses to
18 interventions,
- 19 g. teaching basic nursing skills and related principles,
- 20 h. performing additional nursing procedures in accordance
21 with knowledge and skills acquired through education
22 beyond nursing preparation, and

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

4 5. "Advanced Practice Registered Nurse" means a licensed
5 Registered Nurse:

- 6 a. who has completed an advanced practice registered
7 nursing education program in preparation for one of
8 four recognized advanced practice registered nurse
9 roles,
10 b. who has passed a national certification examination
11 recognized by the Board that measures the advanced
12 practice registered nurse role and specialty
13 competencies and who maintains recertification in the
14 role and specialty through a national certification
15 program,
16 c. who has acquired advanced clinical knowledge and
17 skills in preparation for providing both direct and
18 indirect care to patients; however, the defining
19 factor for all Advanced Practice Registered Nurses is
20 that a significant component of the education and
21 practice focuses on direct care of individuals,
22 d. whose practice builds on the competencies of
23 Registered Nurses by demonstrating a greater depth and
24

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

Practicing as an Advanced Practice Registered Nurse means an expanded scope of nursing in a role and population focus approved by the Board, with or without compensation or personal profit, and includes the registered nurse scope of practice. The scope of an Advanced Practice Registered Nurse may include, but is not limited to, performing acts of advanced assessment; diagnosing; prescribing and ordering nonpharmacological interventions, including, but not limited to, durable medical equipment, medical devices, nutrition, blood and blood products; and supportive services, including, but

1 not limited to, home health care, hospice and physical and
2 occupational therapy. Advanced Practice Registered Nurses may serve
3 as primary care providers of record.

4 Advanced Practice Registered Nurses are expected to practice as
5 licensed practitioners within standards established and/or
6 recognized by the Board. Each Advanced Practice Registered Nurse is
7 accountable to patients, the nursing profession and the Board for
8 complying with the requirements of the Oklahoma Nursing Practice Act
9 and accountable for the quality of advanced nursing care rendered,
10 for recognizing limits of knowledge and experience, for planning for
11 the management of situations beyond the Advanced Practice Registered
12 Nurse's expertise and for consulting with or referring patients to
13 other health care providers, as appropriate.

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

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

12 6. "Certified Nurse Practitioner" is an Advanced Practice
13 Registered Nurse who ~~performs in an expanded role in the delivery of~~
14 ~~health care:~~

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

17 b. ~~functions within the Certified Nurse Practitioner~~
18 ~~scope of practice for the selected area of~~
19 ~~specialization, and~~

20 c. ~~is in accord with the standards for Certified Nurse~~
21 ~~Practitioners as identified by the certifying body and~~
22 ~~approved by the Board~~

23 is prepared to function as a licensed practitioner, providing
24 primary or acute care in accordance with education and specialty

1 certification, along the wellness-illness continuum to a specific
2 population in diverse settings. The Certified Nurse Practitioner
3 diagnoses and treats patients with undifferentiated symptoms as well
4 as those with established diagnoses. The Certified Nurse
5 Practitioner practices in accordance with the standards for
6 certified nurse practitioner practice as defined by the professional
7 associations recognized by the Board.

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

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

- 22 7. a. "Clinical Nurse Specialist" is an Advanced Practice
23 Registered Nurse who holds÷
24

~~(1) a master's degree or higher in nursing with
clinical specialization preparation to function
in an expanded role,
(2) specialty certification from a national
certifying organization recognized by the Board,
(3) an Advanced Practice Registered Nurse license
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 as a licensed practitioner, diagnosing and treating patients with undifferentiated symptoms as well as those with established diagnoses, in a specialized area of nursing practice to specific populations in diverse settings. The Clinical Nurse Specialist practices in accordance with the standards for clinical nurse specialist practice as defined by the professional associations recognized by the Board.~~

~~e.~~ b. 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 and order, 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. c. 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;

8. "Nurse-Midwife" is ~~a nurse who has received an Advanced Practice Registered Nurse license from the Oklahoma Board of Nursing who possesses evidence of certification according to the requirements of the American College of Nurse-Midwives~~ an Advanced Practice Registered Nurse who is prepared to function as a licensed practitioner providing a full range of primary health care services in diverse settings to women throughout the lifespan, including gynecological care, family planning services, preconception care, prenatal and postpartum care, childbirth, care of the newborn and treating the male partner of female patients for sexually transmitted infection and reproductive health. The Certified Nurse-Midwife practices in accordance with the standards for nurse-midwife practice as defined by the professional associations recognized by the Board.

A Certified Nurse-Midwife in accordance with the scope of practice of such Certified Nurse-Midwife shall be eligible to obtain recognition as authorized by the Board to prescribe and order, as defined by the rules promulgated by the Board pursuant to this

1 ~~section and subject to the medical direction of a supervising~~
2 ~~physician.~~ This authorization shall not include the dispensing of
3 drugs, but shall not preclude, subject to federal regulations, the
4 receipt of, the signing for, or the dispensing of professional
5 samples to patients.

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

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

17 ~~10.~~ a. "Certified Registered Nurse Anesthetist" is an
18 Advanced Practice Registered Nurse who:

19 (1) is certified by the National Board of
20 Certification and Recertification for Nurse
21 Anesthetists as a Certified Registered Nurse
22 Anesthetist within one (1) year following
23 completion of an approved certified registered
24 nurse anesthetist education program, and

continues to maintain such recertification by the
National Board of Certification and
Recertification for Nurse Anesthetists, and
(2) administers anesthesia under the supervision of a
medical doctor, an osteopathic physician, a
podiatric physician or a dentist licensed in this
state and under conditions in which timely onsite
consultation by such doctor, osteopath, podiatric
physician or dentist is available.

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

1 select, obtain and administer drugs only during the
2 perioperative or periobstetrical period.

3 c. A Certified Registered Nurse Anesthetist who applies
4 for authorization to order, select, obtain and
5 administer drugs shall:

6 (1) be currently recognized as a Certified Registered
7 Nurse Anesthetist in this state,

8 (2) provide evidence of completion, within the two-
9 year period immediately preceding the date of
10 application, of a minimum of fifteen (15) units
11 of continuing education in advanced pharmacology
12 related to the administration of anesthesia as
13 recognized by the National Board of Certification
14 and Recertification for Nurse Anesthetists, and

15 (3) complete and submit a notarized application, on a
16 form prescribed by the Board, accompanied by the
17 application fee established pursuant to this
18 section.

19 d. The authority to order, select, obtain and administer
20 drugs shall be terminated if a Certified Registered
21 Nurse Anesthetist has:

22 (1) ordered, selected, obtained or administered drugs
23 outside of the Certified Registered Nurse
24 Anesthetist scope of practice or ordered,

selected, obtained or administered drugs for
other than therapeutic purposes, or

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

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

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

g. This paragraph shall not prohibit the administration
of local or topical anesthetics as now permitted by

1 law. Provided further, nothing in this paragraph
2 shall limit the authority of the Board of Dentistry to
3 establish the qualifications for dentists who direct
4 the administration of anesthesia;

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

15 ~~12. "Supervision of an Advanced Practice Registered Nurse with~~
16 ~~prescriptive authority" means overseeing and accepting~~
17 ~~responsibility for the ordering and transmission by a Certified~~
18 ~~Nurse Practitioner, a Clinical Nurse Specialist, or a Certified~~
19 ~~Nurse-Midwife of written, telephonic, electronic or oral~~
20 ~~prescriptions for drugs and other medical supplies, subject to a~~
21 ~~defined formulary; and~~

22 ~~13.~~ 10. "Advanced Unlicensed Assistant" means any person who
23 has successfully completed a certified training program approved by
24 the Board that trains the Advanced Unlicensed Assistant to perform

1 specified technical skills identified by the Board in acute care
2 settings under the direction and supervision of the Registered Nurse
3 or Licensed Practical Nurse.

4 SECTION 3. AMENDATORY 59 O.S. 2011, Section 567.4a, as
5 amended by Section 2, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2017,
6 Section 567.4a), is amended to read as follows:

7 Section 567.4a The Board may grant prescribing and ordering
8 authority through the Advanced Practice Registered Nurse license to
9 Certified Nurse Practitioners, Certified Nurse-Midwives and Clinical
10 Nurse Specialists meeting requirements identified in the Board's
11 rules. The Board may limit the ability of Certified Nurse
12 Practitioners, Certified Nurse-Midwives and Clinical Nurse
13 Specialists to prescribe and order. All licensed Certified Nurse
14 Practitioners, Certified Nurse-Midwives and Clinical Nurse
15 Specialists who are granted prescribing and ordering authority are
16 authorized to diagnose, prescribe and institute therapy or referrals
17 of patients to health care agencies, health care providers and
18 community resources. They are authorized to prescribe, procure,
19 administer and dispense over-the-counter, legend and controlled
20 substances. They plan and initiate a therapeutic regimen that
21 includes ordering and prescribing medical devices and equipment,
22 nutrition, diagnostic and supportive services, including, but not
23 limited to, speech therapy, home health care, hospice and physical
24 and occupational therapy.

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

5 1. ~~Define the procedure for documenting supervision by a~~
6 ~~physician licensed in Oklahoma to practice by the State Board of~~
7 ~~Medical Licensure and Supervision or the State Board of Osteopathic~~
8 ~~Examiners. Such procedure shall include a written statement that~~
9 ~~defines appropriate referral, consultation, and collaboration~~
10 ~~between the Advanced Practice Registered Nurse, recognized to~~
11 ~~prescribe as defined in paragraphs 6 through 9, 11 and 12 of Section~~
12 ~~567.3a of this title, and the supervising physician. The written~~
13 ~~statement shall include a method of assuring availability of the~~
14 ~~supervising physician through direct contact, telecommunications or~~
15 ~~other appropriate electronic means for consultation, assistance with~~
16 ~~medical emergencies, or patient referral. The written statement~~
17 ~~shall be part of the initial application and the renewal application~~
18 ~~submitted to the Board for recognition for prescriptive authority~~
19 ~~for the Advanced Practice Registered Nurse. Changes to the written~~
20 ~~statement shall be filed with the Board within thirty (30) days of~~
21 ~~the change and shall be effective on filing;~~

22 2. Define minimal requirements for initial application for
23 prescriptive authority which shall include, but not be limited to,
24 evidence of completion of a minimum of forty-five (45) contact hours

1 or three (3) academic credit hours of education in
2 pharmacotherapeutics, clinical application, and use of
3 pharmacological agents in the prevention of illness, and in the
4 restoration and maintenance of health in a program beyond basic
5 registered nurse preparation, approved by the Board. Such contact
6 hours or academic credits shall be obtained within a time period of
7 three (3) years immediately preceding the date of application for
8 prescriptive authority;

9 ~~3.~~ 2. Define minimal requirements for application for renewal
10 of prescriptive authority which shall include, but not be limited
11 to, documentation of a minimum of fifteen (15) contact hours or one
12 (1) academic credit hour of education in pharmacotherapeutics,
13 clinical application, and use of pharmacological agents in the
14 prevention of illness, and in the restoration and maintenance of
15 health in a program beyond basic registered nurse preparation,
16 approved by the Board, within the two-year period immediately
17 preceding the effective date of application for renewal of
18 prescriptive authority;

19 ~~4.~~ 3. Require that beginning July 1, 2002, an Advanced Practice
20 Registered Nurse shall demonstrate successful completion of a
21 master's degree in a clinical nurse specialty in order to be
22 eligible for initial application for prescriptive authority under
23 the provisions of this act;

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

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

5 ~~7.~~ 5. Define the parameters for the prescribing practices of
6 the Advanced Practice Registered Nurse;

7 ~~8.~~ 6. Define the methods for termination of prescriptive
8 authority for the Advanced Practice Registered Nurse; and

9 ~~9. a. Establish a Formulary Advisory Council that shall~~
10 ~~develop and submit to the Board recommendations for an~~
11 ~~exclusionary formulary that shall list drugs or~~
12 ~~categories of drugs that shall not be prescribed by~~
13 ~~Advanced Practice Registered Nurse recognized to~~
14 ~~prescribe by the Oklahoma Board of Nursing. The~~
15 ~~Formulary Advisory Council shall also develop and~~
16 ~~submit to the Board recommendations for practice-~~
17 ~~specific prescriptive standards for each category of~~
18 ~~Advanced Practice Registered Nurse recognized to~~
19 ~~prescribe by the Oklahoma Board of Nursing pursuant to~~
20 ~~the provisions of the Oklahoma Nursing Practice Act.~~
21 ~~The Board shall either accept or reject the~~
22 ~~recommendations made by the Council. No amendments to~~
23 ~~the recommended exclusionary formulary may be made by~~

1 ~~the Board without the approval of the Formulary~~
2 ~~Advisory Council.~~

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

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

12 ~~(2) four members who are registered pharmacists,~~
13 ~~appointed by the Oklahoma Pharmaceutical~~
14 ~~Association, and~~

15 ~~(3) four members, one of whom shall be a Certified~~
16 ~~Nurse Practitioner, one of whom shall be a~~
17 ~~Clinical Nurse Specialist, one of whom shall be a~~
18 ~~Certified Nurse-Midwife, and one of whom shall be~~
19 ~~a current member of the Oklahoma Board of~~
20 ~~Nursing, all of whom shall be appointed by the~~
21 ~~Oklahoma Board of Nursing.~~

22 ~~c. All professional members of the Formulary Advisory~~
23 ~~Council shall be in active clinical practice, at least~~
24 ~~fifty percent (50%) of the time, within their defined~~

1 ~~area of specialty. The members of the Formulary~~
2 ~~Advisory Council shall serve at the pleasure of the~~
3 ~~appointing authority for a term of three (3) years.~~
4 ~~The terms of the members shall be staggered. Members~~
5 ~~of the Council may serve beyond the expiration of~~
6 ~~their term of office until a successor is appointed by~~
7 ~~the original appointing authority. A vacancy on the~~
8 ~~Council shall be filled for the balance of the~~
9 ~~unexpired term by the original appointing authority.~~

10 d. ~~Members of the Council shall elect a chair and a vice-~~
11 ~~chair from among the membership of the Council. For~~
12 ~~the transaction of business, at least seven members,~~
13 ~~with a minimum of two members present from each of the~~
14 ~~identified categories of physicians, pharmacists and~~
15 ~~advanced practice registered nurses, shall constitute~~
16 ~~a quorum. The Council shall recommend and the Board~~
17 ~~shall approve and implement an initial exclusionary~~
18 ~~formulary on or before January 1, 1997. The Council~~
19 ~~and the Board shall annually review the approved~~
20 ~~exclusionary formulary and shall make any necessary~~
21 ~~revisions utilizing the same procedures used to~~
22 ~~develop the initial exclusionary formulary.~~

1 SECTION 4. AMENDATORY 59 O.S. 2011, Section 567.5a, as
2 amended by Section 2, Chapter 228, O.S.L. 2013 (59 O.S. Supp. 2017,
3 Section 567.5a), is amended to read as follows:

4 Section 567.5a A. All applicants for a license to practice as
5 an Advanced Practice Registered Nurse shall be subject to Section
6 567.8 of this title.

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

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

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

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

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

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

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

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

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

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

15 4. Have completed an advanced practice registered nursing
16 education program in one of the four roles and a specialty area
17 recognized by the Board. Effective January 1, 2016, the applicant
18 shall have completed an accredited graduate level advanced practice
19 registered nursing education program in at least one of the
20 following population foci: family/individual across the lifespan,
21 adult-gerontology, neonatal, pediatrics, women's health/gender-
22 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.~~ Meet continued competency requirements as set forth in Board
7 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 nurse~~ Advanced Practice Registered
11 Nurse who is recognized to prescribe by the Oklahoma Board of
12 Nursing as ~~an advanced registered nurse practitioner~~ a Certified
13 Nurse Practitioner, ~~clinical nurse specialist~~ Clinical Nurse
14 Specialist or ~~certified nurse-midwife~~ Certified Nurse-Midwife, ~~who~~
15 ~~is subject to medical direction by a supervising physician,~~ pursuant
16 to Section 567.3a of Title 59 of the Oklahoma Statutes, and who has
17 complied with the registration requirements of the Uniform
18 Controlled Dangerous Substances Act, in good faith and in the course
19 of professional practice only, may prescribe and administer Schedule
20 II, III, IV and V controlled dangerous substances, and only may
21 dispense controlled dangerous substances pursuant to the provisions
22 of Sections 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

23 D. An ~~advanced practice nurse~~ Advanced Practice Registered
24 Nurse who is recognized to order, select, obtain and administer

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

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

22 SECTION 6. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 567.27 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 Either an Advanced Practice Registered Nurse or his or her
2 employer shall be required to carry One Million/Three Million
3 Dollars (\$1,000,000.00/\$3,000,000.00) of malpractice insurance.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 567.28 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A facility shall be required to carry Five Million Dollars
8 (\$5,000,000.00) of liability insurance for each licensed health care
9 provider employed at such facility.

10 SECTION 8. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 567.29 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 An Advanced Practice Registered Nurse shall be prohibited from
14 prescribing a Schedule II controlled dangerous substance for greater
15 than a seven-day period, except for attention deficit medication
16 prescribed to patients, which shall not exceed a thirty-day supply.

17 SECTION 9. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 567.30 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 An Advanced Practice Registered Nurse may be referred to as a
21 nurse practitioner doctor.

22 SECTION 10. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 567.31 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 An Advanced Practice Registered Nurse shall be required to work
2 three (3) years in his or her specialty with either an allopathic or
3 osteopathic physician or an Advanced Practice Registered Nurse with
4 at least ten (10) years of experience prior to entering an
5 independent practice. The supervising fee may not exceed Five
6 Hundred Dollars (\$500.00) per month during the three (3) years.

7 SECTION 11. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 567.32 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 Notwithstanding anything in this act to the contrary, beginning
11 November 1, 2018, and ending October 31, 2020, an Advanced Practice
12 Registered Nurse shall be required to work under the supervision of
13 an allopathic or osteopathic physician in counties in which there is
14 not a federally recognized shortage of physicians as determined by
15 the Health Resources and Services Administration.

16 SECTION 12. REPEALER 59 O.S. 2011, Section 567.4b, is
17 hereby repealed.

18 SECTION 13. This act shall become effective November 1, 2018.

19
20 56-2-8913 AM 01/11/18
21
22
23
24