

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 917

By: McCortney

AS INTRODUCED

An Act relating to Advanced Practice Registered Nurses; amending 59 O.S. 2011, Section 353.1, as last amended by Section 1, Chapter 106, O.S.L. 2018 (59 O.S. Supp. 2018, Section 353.1), which relates to definitions used in the Oklahoma Pharmacy Act; modifying certain definitions; amending 59 O.S. 2011, Section 353.1a, as amended by Section 2, Chapter 106, O.S.L. 2018 (59 O.S. Supp. 2018, Section 353.1a), which relates to prescribing authority; modifying requirements for prescribing authority of Certified Nurse Practitioners; updating terms; providing certain limitation; amending 59 O.S. 2011, Section 567.3a, as amended by Section 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2018, 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. 2018, Section 567.4a), which relates to prescriptive authority recognition; permitting the Oklahoma Board of Nursing to grant prescribing and ordering authority to certain Advanced Practice Registered Nurses under certain conditions; expanding scope of practice of certain Advanced Practice Registered Nurses; modifying and 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. 2018, Section 567.5a), which relates to Advanced Practice Registered Nurse license; modifying application requirement; amending 59 O.S. 2011, Section 567.7, as amended by Section 1, Chapter 190, O.S.L. 2016 (59 O.S. Supp. 2018, Section 567.7), which relates to fees; establishing renewal fee for certain Certified Nurse Practitioners; requiring

1 Advanced Practice Registered Nurse or employer to
2 carry certain malpractice insurance; providing for
3 waiver of supervision for certain Certified Nurse
4 Practitioners; defining term; requiring certain
5 mentorship and letter of recommendation unless the
6 Certified Nurse Practitioner meets certain
7 requirements; setting forth approval process for the
8 State Board of Medical Licensure and Supervision;
9 providing that applicants may reapply if rejected;
10 granting the State Board of Medical Licensure and
11 Supervision the authority to revoke approval for good
12 cause and establish certain fee; establishing certain
13 requirements for unsupervised Certified Nurse
14 Practitioners; amending 63 O.S. 2011, Section 2-312,
15 which relates to the authority to prescribe
16 controlled dangerous substances; modifying conditions
17 under which a Certified Nurse Practitioner may
18 prescribe and administer Schedule III through V
19 controlled dangerous substances; deleting repealed
20 cite; providing certain construction; providing for
21 codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.1, as
last amended by Section 1, Chapter 106, O.S.L. 2018 (59 O.S. Supp.
2018, Section 353.1), is amended to read as follows:

Section 353.1. For the purposes of the Oklahoma Pharmacy Act:

1. "Accredited program" means those seminars, classes,
meetings, work projects, and other educational courses approved by
the Board for purposes of continuing professional education;

2. "Act" means the Oklahoma Pharmacy Act;

1 3. "Administer" means the direct application of a drug, whether
2 by injection, inhalation, ingestion or any other means, to the body
3 of a patient;

4 4. "Assistant pharmacist" means any person presently licensed
5 as an assistant pharmacist in the State of Oklahoma by the Board
6 pursuant to Section 353.10 of this title and for the purposes of the
7 Oklahoma Pharmacy Act shall be considered the same as a pharmacist,
8 except where otherwise specified;

9 5. "Board" or "State Board" means the State Board of Pharmacy;

10 6. "Certify" or "certification of a prescription" means the
11 review of a filled prescription by a licensed pharmacist or a
12 licensed practitioner with dispensing authority to confirm that the
13 medication, labeling and packaging of the filled prescription are
14 accurate and meet all requirements prescribed by state and federal
15 law. For the purposes of this paragraph, "licensed practitioner"
16 shall not include optometrists with dispensing authority;

17 7. "Chemical" means any medicinal substance, whether simple or
18 compound or obtained through the process of the science and art of
19 chemistry, whether of organic or inorganic origin;

20 8. "Compounding" means the combining, admixing, mixing,
21 diluting, pooling, reconstituting or otherwise altering of a drug or
22 bulk drug substance to create a drug. Compounding includes the
23 preparation of drugs or devices in anticipation of prescription drug
24 orders based on routine, regularly observed prescribing patterns;

1 9. "Continuing professional education" means professional,
2 pharmaceutical education in the general areas of the socioeconomic
3 and legal aspects of health care; the properties and actions of
4 drugs and dosage forms; and the etiology, characteristics and
5 therapeutics of the diseased state;

6 10. "Dangerous drug", "legend drug", "prescription drug" or "Rx
7 Only" means a drug:

8 a. for human use subject to 21 U.S.C. 353(b)(1), or

9 b. is labeled "Prescription Only", or labeled with the
10 following statement: "Caution: Federal law restricts
11 this drug except for use by or on the order of a
12 licensed veterinarian".

13 11. "Director" means the Executive Director of the State Board
14 of Pharmacy unless context clearly indicates otherwise;

15 12. "Dispense" or "dispensing" means the interpretation,
16 evaluation, and implementation of a prescription drug order,
17 including the preparation and delivery of a drug or device to a
18 patient or a patient's agent in a suitable container appropriately
19 labeled for subsequent administration to, or use by, a patient.
20 Dispense includes sell, distribute, leave with, give away, dispose
21 of, deliver or supply;

22 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a
23 group of chain pharmacies under common ownership and control that do
24 not act as a wholesale distributor, or any other person authorized

1 by law to dispense or administer prescription drugs, and the
2 affiliated warehouses or distributions of such entities under common
3 ownership and control that do not act as a wholesale distributor.
4 For the purposes of this paragraph, "dispenser" does not mean a
5 person who dispenses only products to be used in animals in
6 accordance with 21 U.S.C. 360b(a) (5);

7 14. "Distribute" or "distribution" means the sale, purchase,
8 trade, delivery, handling, storage, or receipt of a product, and
9 does not include the dispensing of a product pursuant to a
10 prescription executed in accordance with 21 U.S.C. 353(b) (1) or the
11 dispensing of a product approved under 21 U.S.C. 360b(b); provided,
12 taking actual physical possession of a product or title shall not be
13 required;

14 15. "Doctor of Pharmacy" means a person licensed by the Board
15 to engage in the practice of pharmacy. The terms "pharmacist",
16 "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall
17 have the same meaning wherever they appear in the Oklahoma Statutes
18 and the rules promulgated by the Board;

19 16. "Drug outlet" means all manufacturers, repackagers,
20 outsourcing facilities, wholesale distributors, third-party
21 logistics providers, pharmacies, and all other facilities which are
22 engaged in dispensing, delivery, distribution or storage of
23 dangerous drugs;

1 17. "Drugs" means all medicinal substances and preparations
2 recognized by the United States Pharmacopoeia and National
3 Formulary, or any revision thereof, and all substances and
4 preparations intended for external and/or internal use in the cure,
5 diagnosis, mitigation, treatment or prevention of disease in humans
6 or animals and all substances and preparations, other than food,
7 intended to affect the structure or any function of the body of a
8 human or animals;

9 18. "Drug sample" means a unit of a prescription drug packaged
10 under the authority and responsibility of the manufacturer that is
11 not intended to be sold and is intended to promote the sale of the
12 drug;

13 19. "Filled prescription" means a packaged prescription
14 medication to which a label has been affixed which contains such
15 information as is required by the Oklahoma Pharmacy Act;

16 20. "Hospital" means any institution licensed as a hospital by
17 this state for the care and treatment of patients, or a pharmacy
18 operated by the Oklahoma Department of Veterans Affairs;

19 21. "Licensed practitioner" means an allopathic physician,
20 osteopathic physician, podiatric physician, dentist, veterinarian,
21 ~~or~~ optometrist or Advanced Practice Registered Nurse licensed to
22 practice and authorized to prescribe dangerous drugs within the
23 scope of practice of such practitioner;

1 22. "Manufacturer" or "virtual manufacturer" means with respect
2 to a product:

- 3 a. a person that holds an application approved under 21
4 U.S.C. 355 or a license issued under 42 U.S.C. 262 for
5 such product, or if such product is not the subject of
6 an approved application or license, the person who
7 manufactured the product,
8 b. a co-licensed partner of the person described in
9 subparagraph a that obtains the product directly from
10 a person described in this subparagraph or
11 subparagraph a,
12 c. an affiliate of a person described in subparagraph a
13 or b who receives the product directly from a person
14 described in this subparagraph or in subparagraph a or
15 b; or
16 d. a person who contracts with another to manufacture a
17 product;

18 23. "Manufacturing" means the production, preparation,
19 propagation, compounding, conversion or processing of a device or a
20 drug, either directly or indirectly by extraction from substances of
21 natural origin or independently by means of chemical or biological
22 synthesis and includes any packaging or repackaging of the
23 substances or labeling or relabeling of its container, and the
24 promotion and marketing of such drugs or devices. The term
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1 "manufacturing" also includes the preparation and promotion of
2 commercially available products from bulk compounds for resale by
3 licensed pharmacies, licensed practitioners or other persons;

4 24. "Medical gas" means those gases including those in liquid
5 state upon which the manufacturer or distributor has placed one of
6 several cautions, such as "Rx Only", in compliance with federal law;

7 25. "Medical gas order" means an order for medical gas issued
8 by a licensed prescriber;

9 26. "Medical gas distributor" means a person licensed to
10 distribute, transfer, wholesale, deliver or sell medical gases on
11 drug orders to suppliers or other entities licensed to use,
12 administer or distribute medical gas and may also include a patient
13 or ultimate user;

14 27. "Medical gas supplier" means a person who dispenses medical
15 gases on drug orders only to a patient or ultimate user;

16 28. "Medicine" means any drug or combination of drugs which has
17 the property of curing, preventing, treating, diagnosing or
18 mitigating diseases, or which is used for that purpose;

19 29. "Nonprescription drugs" means medicines or drugs which are
20 sold without a prescription and which are prepackaged for use by the
21 consumer and labeled in accordance with the requirements of the
22 statutes and regulations of this state and the federal government.
23 Such items shall also include medical and dental supplies and
24 bottled or nonbulk chemicals which are sold or offered for sale to

1 the general public if such articles or preparations meet the
2 requirements of the Federal Food, Drug and Cosmetic Act, 21
3 U.S.C.A., Section 321 et seq.;

4 30. "Outsourcing facility", including "virtual outsourcing
5 facility" means a facility at one geographic location or address
6 that:

- 7 a. is engaged in the compounding of sterile drugs,
- 8 b. has elected to register as an outsourcing facility,
- 9 and
- 10 c. complies with all requirements of 21 U.S.C. 353b;

11 31. "Package" means the smallest individual saleable unit of
12 product for distribution by a manufacturer or repackager that is
13 intended by the manufacturer for ultimate sale to the dispenser of
14 such product. For the purposes of this paragraph, "individual
15 saleable unit" means the smallest container of a product introduced
16 into commerce by the manufacturer or repackager that is intended by
17 the manufacturer or repackager for individual sale to a dispenser;

18 32. "Person" means an individual, partnership, limited
19 liability company, corporation or association, unless the context
20 otherwise requires;

21 33. "Pharmacist-in-charge" or "PIC" means the pharmacist
22 licensed in this state responsible for the management control of a
23 pharmacy and all other aspects of the practice of pharmacy in a
24 licensed pharmacy as defined by Section 353.18 of this title;

1 34. "Pharmacy" means a place regularly licensed by the Board of
2 Pharmacy in which prescriptions, drugs, medicines, chemicals and
3 poisons are compounded or dispensed or such place where pharmacists
4 practice the profession of pharmacy, or a pharmacy operated by the
5 Oklahoma Department of Veterans Affairs;

6 35. "Pharmacy technician", "technician", "Rx tech", or "tech"
7 means a person issued a Technician permit by the State Board of
8 Pharmacy to assist the pharmacist and perform nonjudgmental,
9 technical, manipulative, non-discretionary functions in the
10 prescription department under the immediate and direct supervision
11 of a pharmacist;

12 36. "Poison" means any substance which when introduced into the
13 body, either directly or by absorption, produces violent, morbid or
14 fatal changes, or which destroys living tissue with which such
15 substance comes into contact;

16 37. "Practice of pharmacy" means:

- 17 a. the interpretation and evaluation of prescription
18 orders,
- 19 b. the compounding, dispensing, administering and
20 labeling of drugs and devices, except labeling by a
21 manufacturer, repackager or distributor of
22 nonprescription drugs and commercially packaged legend
23 drugs and devices,

- c. the participation in drug selection and drug utilization reviews,
- d. the proper and safe storage of drugs and devices and the maintenance of proper records thereof,
- e. the responsibility for advising by counseling and providing information, where professionally necessary or where regulated, of therapeutic values, content, hazards and use of drugs and devices,
- f. the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy, or
- g. the provision of those acts or services that are necessary to provide pharmaceutical care;

38. "Preparation" means an article which may or may not contain sterile products compounded in a licensed pharmacy pursuant to the order of a licensed prescriber;

39. "Prescriber" means a person licensed in this state who is authorized to prescribe dangerous drugs within the scope of practice of the person's profession;

40. "Prescription" means and includes any order for drug or medical supplies written or signed, or transmitted by word of mouth, telephone or other means of communication:

- a. by a licensed prescriber,

- 1 b. by an Oklahoma licensed physician assistant under the
2 supervision of an Oklahoma licensed ~~practitioner~~
3 ~~physician, an Oklahoma licensed advanced practice~~
4 ~~registered nurse or an Oklahoma licensed physician~~
5 ~~assistant, or~~
- 6 c. by an Oklahoma licensed Clinical Nurse Specialist or
7 an Oklahoma licensed Certified Nurse-Midwife under the
8 supervision of an Oklahoma licensed physician,
- 9 d. by an Oklahoma licensed Certified Nurse Practitioner
10 who chooses to practice under the supervision of an
11 Oklahoma licensed physician,
- 12 e. by an Oklahoma licensed Certified Nurse Practitioner
13 who has obtained a waiver of supervision from the
14 State Board of Medical Licensure and Supervision
15 pursuant to Section 8 of the act, or
- 16 f. by an Oklahoma licensed wholesaler or distributor as
17 authorized in Section 353.29.1 of this title;

18 41. "Product" means a prescription drug in a finished dosage
19 form for administration to a patient without substantial further
20 manufacturing, such as capsules, tablets, and lyophilized products
21 before reconstitution. "Product" does not include blood components
22 intended for transfusion, radioactive drugs or biologics and medical
23 gas;

1 42. "Repackager", including "virtual repackager", means a
2 person who owns or operates an establishment that repacks and
3 relabels a product or package for further sale or distribution
4 without further transaction;

5 43. "Sterile drug" means a drug that is intended for parenteral
6 administration, an ophthalmic or oral inhalation drug in aqueous
7 format, or a drug that is required to be sterile under state and
8 federal law;

9 44. "Supervising physician" means an individual holding a
10 current license to practice as a physician from the State Board of
11 Medical Licensure and Supervision, pursuant to the provisions of the
12 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
13 Act, or the State Board of Osteopathic Examiners, pursuant to the
14 provisions of the Oklahoma Osteopathic Medicine Act, who supervises
15 ~~an advanced practice registered nurse:~~

- 16 a. a Clinical Nurse Specialist or a Certified Nurse-
17 Midwife as such terms are defined in Section 567.3a of
18 this title,
- 19 b. a Certified Nurse Practitioner as defined in Section
20 567.3a of this title who chooses to practice under the
21 supervision of a physician, or
- 22 c. a Certified Nurse Practitioner undergoing a mentorship
23 pursuant to Section 8 of this act,
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1 or a Certified Registered Nurse Anesthetist as defined in Section
2 567.3a of this title, and who is not in training as an intern,
3 resident, or fellow. To be eligible to supervise an ~~advanced~~
4 ~~practice registered nurse~~ Advanced Practice Registered Nurse, such
5 physician shall remain in compliance with the rules promulgated by
6 the State Board of Medical Licensure and Supervision or the State
7 Board of Osteopathic Examiners;

8 45. "Supportive personnel" means technicians and auxiliary
9 supportive persons who are regularly paid employees of a pharmacy
10 who work and perform tasks in the pharmacy as authorized by Section
11 353.18A of this title;

12 46. "Third-party logistics provider", including "virtual third-
13 party logistics provider" means an entity that provides or
14 coordinates warehousing, or other logistics services of a product in
15 interstate commerce on behalf of a manufacturer, wholesale
16 distributor, or dispenser of a product but does not take ownership
17 of the product, nor have responsibility to direct the sale or
18 disposition of the product. For the purposes of this paragraph,
19 "third-party logistics provider" does not include shippers and the
20 United States Postal Service;

21 47. "Wholesale distributor", including "virtual wholesale
22 distributor" means a person other than a manufacturer, a
23 manufacturer's co-licensed partner, a third-party logistics
24 provider, or repackager engaged in wholesale distribution as defined

1 by 21 U.S.C. 353(e)(4) as amended by the Drug Supply Chain Security
2 Act;

3 48. "County jail" means a facility operated by a county for the
4 physical detention and correction of persons charged with, or
5 convicted of, criminal offenses or ordinance violations or persons
6 found guilty of civil or criminal contempt;

7 49. "State correctional facility" means a facility or
8 institution that houses a prisoner population under the jurisdiction
9 of the Department of Corrections;

10 50. "Unit dose package" means a package that contains a single
11 dose drug with the name, strength, control number, and expiration
12 date of that drug on the label; and

13 51. "Unit of issue package" means a package that provides
14 multiple doses of the same drug, but each drug is individually
15 separated and includes the name, lot number, and expiration date.

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 353.1a, as
17 amended by Section 2, Chapter 106, O.S.L. 2018 (59 O.S. Supp. 2018,
18 Section 353.1a), is amended to read as follows:

19 Section 353.1a. A. Prescribing authority shall be allowed,
20 ~~under~~ for Certified Nurse Practitioners who have obtained a waiver
21 of supervision from the State Board of Medical Licensure and
22 Supervision and:

23 1. Under the medical direction of a supervising physician, for
24 ~~an advanced practice nurse recognized by the Oklahoma Board of~~

1 ~~Nursing in one of the following categories: advanced registered~~
2 ~~nurse practitioners, clinical nurse specialists, or certified nurse~~
3 ~~midwives~~ Clinical Nurse Specialists and Certified Nurse-Midwives;

4 2. For Certified Nurse Practitioners who choose to practice
5 under the medical direction of a supervising physician; and

6 3. For Certified Nurse Practitioners who are undergoing a
7 mentorship pursuant to Section 8 of this act.

8 The ~~advanced practice nurse~~ Advanced Practice Registered Nurse
9 may write or sign, or transmit by word of mouth, telephone or other
10 means of communication an order for drugs or medical supplies that
11 is intended to be filled, compounded, or dispensed by a pharmacist.
12 The supervising physician and the ~~advanced practice nurse~~ Advanced
13 Practice Registered Nurse shall be identified at the time of
14 origination of the prescription and the name of the ~~advanced~~
15 ~~practice nurse~~ Advanced Practice Registered Nurse shall be printed
16 on the prescription label.

17 B. Pharmacists may dispense prescriptions for non-controlled
18 prescription drugs authorized by an ~~advanced practice nurse~~ Advanced
19 Practice Registered Nurse or physician assistant, not located in
20 Oklahoma, provided that they are licensed in the state in which they
21 are actively prescribing.

22 C. Pharmacists may only dispense prescriptions for controlled
23 dangerous substances prescribed by an ~~advanced practice nurse~~
24 Advanced Practice Registered Nurse or a physician assistant licensed

1 in the State of Oklahoma and supervised by an Oklahoma-licensed
2 practitioner. Pharmacists may only dispense prescriptions for
3 controlled dangerous substances prescribed by an Advanced Practice
4 Registered Nurse licensed and located in the State of Oklahoma.

5 SECTION 3. AMENDATORY 59 O.S. 2011, Section 567.3a, as
6 amended by Section 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2018,
7 Section 567.3a), is amended to read as follows:

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

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

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

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

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

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

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

- 1 d. whose practice builds on the competencies of
2 Registered Nurses by demonstrating a greater depth and
3 breadth of knowledge, a greater synthesis of data, and
4 increased complexity of skills and interventions, and
5 e. who has been educationally prepared to assume
6 responsibility and accountability for health promotion
7 or maintenance as well as the assessment, diagnosis
8 and management of patient problems, which may include
9 the use and prescription of pharmacological and
10 nonpharmacological interventions,
11 f. who has clinical experience of sufficient depth and
12 breadth to reflect the license, and
13 g. 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 Practicing as an Advanced Practice Registered Nurse means an
19 expanded scope of nursing in a role and population focus approved by
20 the Board, with or without compensation or personal profit, and
21 includes the registered nurse scope of practice. The scope of an
22 Advanced Practice Registered Nurse may include, but is not limited
23 to, performing acts of advanced assessment, diagnosing, prescribing
24 and ordering nonpharmacological interventions including, but not

1 limited to, durable medical equipment, medical devices, nutrition,
2 blood and blood products, and supportive services including, but not
3 limited to, home health care, hospice and physical and occupational
4 therapy. Advanced Practice Registered Nurses may serve as primary
5 care providers of record.

6 Advanced Practice Registered Nurses shall practice as licensed
7 practitioners as defined in Section 353.1 of this title within
8 standards established or recognized by the Board. Each Advanced
9 Practice Registered Nurse is accountable to patients, the nursing
10 profession and the Board for complying with the requirements of the
11 Oklahoma Nursing Practice Act and is accountable for the quality of
12 advanced nursing care rendered, for recognizing limits of knowledge
13 and experience, for planning for the management of situations beyond
14 the Advanced Practice Registered Nurse's expertise and for
15 consulting with or referring patients to other health care
16 providers, as appropriate.

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

1 abbreviation "CNS", and Certified Nurse Practitioner and the
2 abbreviation "CNP".

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

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

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

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

4 is prepared to function as a licensed practitioner as defined in
5 Section 353.1 of this title, providing primary or acute care in
6 accordance with education and specialty certification along the
7 wellness-illness continuum to a specific population in diverse
8 settings. The Certified Nurse Practitioner diagnoses and treats
9 patients with undifferentiated symptoms as well as those with
10 established diagnoses. The Certified Nurse Practitioner shall
11 practice in accordance with the standards for Certified Nurse
12 Practitioner practice recognized by the Board.

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

22 The Certified Nurse Practitioner accepts responsibility,
23 accountability, and obligation to practice in accordance with usual
24 and customary advanced practice registered nursing standards and

functions as defined by the scope of practice/ and role definition
statements for the Certified Nurse Practitioner;

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

~~(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 as defined in Section 353.1
of this title, 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 shall
practice in accordance with the standards for Clinical
Nurse Specialist practice recognized by the Board.~~

~~c.~~

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

1 include dispensing drugs, but shall not preclude,
2 subject to federal regulations, the receipt of, the
3 signing for, or the dispensing of professional samples
4 to patients.

5 ~~d.~~

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

12 8. "Nurse-Midwife" is ~~a nurse who has received an Advanced~~
13 ~~Practice Registered Nurse license from the Oklahoma Board of Nursing~~
14 ~~who possesses evidence of certification according to the~~
15 ~~requirements of the American College of Nurse-Midwives~~ an Advanced
16 Practice Registered Nurse who is prepared to function as a licensed
17 practitioner as defined in Section 353.1 of this title providing a
18 full range of primary health care services in diverse settings to
19 women throughout the lifespan including gynecologic care, family
20 planning services, preconception care, prenatal and postpartum care,
21 childbirth, care of the newborn and treating the male partner of
22 female patients for sexually transmitted infection and reproductive
23 health. The Certified Nurse-Midwife shall practice in accordance
24

1 with the standards for Certified Nurse-Midwife practice recognized
2 by the Board.

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

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

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

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

(1) is certified by the National Board of Certification and Recertification for Nurse Anesthetists as a Certified Registered Nurse Anesthetist within one (1) year following completion of an approved certified registered 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

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

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

- 11 (1) be currently recognized as a Certified Registered
12 Nurse Anesthetist in this state,
- 13 (2) provide evidence of completion, within the two-
14 year period immediately preceding the date of
15 application, of a minimum of fifteen (15) units
16 of continuing education in advanced pharmacology
17 related to the administration of anesthesia as
18 recognized by the National Board of Certification
19 and Recertification for 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.

- 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.~~ 10. "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,~~ :

15 a. a Clinical Nurse Specialist, ~~7~~ or a Certified Nurse-
16 Midwife, ,

17 b. a Certified Nurse Practitioner who chooses to practice
18 under the supervision of a physician, or

19 c. a Certified Nurse Practitioner undergoing a mentorship
20 pursuant to Section 8 of this act,

21 and who is not in training as an intern, resident, or fellow. To be
22 eligible to supervise such Advanced Practice Registered Nurse, such
23 physician shall remain in compliance with the rules promulgated by
24

1 the State Board of Medical Licensure and Supervision or the State
2 Board of Osteopathic Examiners;

3 ~~12.~~ 11. "Supervision of an Advanced Practice Registered Nurse
4 with prescriptive authority" means overseeing and accepting
5 responsibility for the ordering and transmission by ~~a Certified~~
6 ~~Nurse Practitioner,;~~

7 a. a Clinical Nurse Specialist, or a Certified Nurse-
8 Midwife,

9 b. a Certified Nurse Practitioner who chooses to practice
10 under the supervision of a physician, or

11 c. A Certified Nurse Practitioner undergoing a mentorship
12 pursuant to Section 8 of this act

13 of written, telephonic, electronic or oral prescriptions for drugs
14 and other medical supplies, ~~subject to a defined formulary;~~ and

15 ~~13.~~ 12. "Advanced Unlicensed Assistant" means any person who
16 has successfully completed a certified training program approved by
17 the Board that trains the Advanced Unlicensed Assistant to perform
18 specified technical skills identified by the Board in acute care
19 settings under the direction and supervision of the Registered Nurse
20 or Licensed Practical Nurse.

21 SECTION 4. AMENDATORY 59 O.S. 2011, Section 567.4a, as
22 amended by Section 2, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2018,
23 Section 567.4a), is amended to read as follows:
24

1 Section 567.4a. A. 1. The Oklahoma Board of Nursing may grant
2 prescribing and ordering authority through the Advanced Practice
3 Registered Nurse license to:

- 4 a. Certified Nurse-Midwives and Clinical Nurse
5 Specialists who practice under the supervision of a
6 physician,
- 7 b. Certified Nurse Practitioners who choose to practice
8 under the supervision of a physician,
- 9 c. Certified Nurse Practitioners who are undergoing a
10 mentorship pursuant to Section 8 of this act, and
- 11 d. Certified Nurse Practitioners who have obtained a
12 waiver of supervision from the State Board of Medical
13 Licensure and Supervision.

14 2. All licensed Certified Nurse Practitioners, Certified Nurse-
15 Midwives and Clinical Nurse Specialists who are granted prescribing
16 and ordering authority are authorized to:

- 17 a. diagnose, prescribe and institute therapy or referrals
18 of patients to health care agencies, health care
19 providers and community resources,
- 20 b. prescribe, procure and administer over-the-counter,
21 legend and controlled substances, and
- 22 c. plan and initiate a therapeutic regimen that includes
23 ordering and prescribing medical devices and
24 equipment, nutrition, diagnostic and supportive

1 services, including, but not limited to, speech
2 therapy, home health care, hospice and physical and
3 occupational therapy.

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

8 1. Define the procedure for documenting supervision by a
9 physician licensed in Oklahoma to practice by the State Board of
10 Medical Licensure and Supervision or the State Board of Osteopathic
11 Examiners of a Clinical Nurse Specialist, a Certified Nurse-Midwife,
12 a Certified Nurse Practitioner who is undergoing a mentorship
13 pursuant to Section 8 of this act, or a Certified Nurse Practitioner
14 who chooses to work under the supervision of a physician. Such
15 procedure shall include a written statement that defines appropriate
16 referral, consultation, and collaboration between the Advanced
17 Practice Registered Nurse, recognized to prescribe as defined in
18 paragraphs 6 through 9, 11 and 12 of Section 567.3a of this title,
19 and the supervising physician. The written statement shall include
20 a method of assuring availability of the supervising physician
21 through direct contact, telecommunications or other appropriate
22 electronic means—for consultation, assistance with medical
23 emergencies, or patient referral. Use of telecommunications or
24 other electronic means to provide supervision as part of a

1 mentorship is prohibited. The written statement shall be part of
2 the initial application and the renewal application submitted to the
3 Board for recognition for prescriptive authority for the Advanced
4 Practice Registered Nurse. Changes to the written statement shall be
5 filed with the Board within thirty (30) days of the change and shall
6 be effective on filing;

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

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

1 Board, within the two-year period immediately preceding the
2 effective date of application for renewal of prescriptive authority;

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

12 ~~7.~~ 6. Define the parameters for the prescribing practices of
13 the Advanced Practice Registered Nurse; and

14 ~~8.~~ 7. Define the methods for termination of prescriptive
15 authority for the Advanced Practice Registered Nurse; ~~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 Registered Nurse recognized to~~
21 ~~prescribe by the Oklahoma Board of Nursing. The~~
22 ~~Formulary Advisory Council shall also develop and~~
23 ~~submit to the Board recommendations for practice-~~
24 ~~specific prescriptive standards for each category of~~

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

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

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

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

21 ~~(3) four members, one of whom shall be a Certified~~
22 ~~Nurse Practitioner, one of whom shall be a~~
23 ~~Clinical Nurse Specialist, one of whom shall be a~~
24 ~~Certified Nurse-Midwife, and one of whom shall be~~

~~a current member of the Oklahoma Board of
Nursing, all of whom shall be appointed by the
Oklahoma Board of Nursing.~~

- ~~c. All professional members of the Formulary Advisory
Council shall be in active clinical practice, at least
fifty percent (50%) of the time, within their defined
area of specialty. The members of the Formulary
Advisory Council shall serve at the pleasure of the
appointing authority for a term of three (3) years.
The terms of the members shall be staggered. Members
of the Council may serve beyond the expiration of
their term of office until a successor is appointed by
the original appointing authority. A vacancy on the
Council shall be filled for the balance of the
unexpired term by the original appointing authority.~~
- ~~d. Members of the Council shall elect a chair and a vice
chair from among the membership of the Council. For
the transaction of business, at least seven members,
with a minimum of two members present from each of the
identified categories of physicians, pharmacists and
advanced practice registered nurses, shall constitute
a quorum. The Council shall recommend and the Board
shall approve and implement an initial exclusionary
formulary on or before January 1, 1997. The Council~~

1 ~~and the Board shall annually review the approved~~
2 ~~exclusionary formulary and shall make any necessary~~
3 ~~revisions utilizing the same procedures used to~~
4 ~~develop the initial exclusionary formulary.~~

5 SECTION 5. AMENDATORY 59 O.S. 2011, Section 567.5a, as
6 amended by Section 2, Chapter 228, O.S.L. 2013 (59 O.S. Supp. 2018,
7 Section 567.5a), is amended to read as follows:

8 Section 567.5a. A. All applicants for a license to practice as
9 an Advanced Practice Registered Nurse shall be subject to Section
10 567.8 of this title.

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

13 1. Submit a completed written application and appropriate fees
14 as established by the Oklahoma Board of Nursing;

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

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

18 4. Have completed an advanced practice registered nursing
19 education program in one of the four advanced practice registered
20 nurse roles and a specialty area recognized by the Board. Effective
21 January 1, 2016, the applicant shall have completed ~~an accredited a~~
22 graduate level advanced practice registered nursing education
23 program accredited by the Accreditation Commission for Education in
24 Nursing (ACEN) or the Commission of Collegiate Nursing Education

1 (CCNE) in at least one of the following population foci:
2 family/individual across the lifespan, adult-gerontology, neonatal,
3 pediatrics, women's health/gender-related, or psychiatric/mental
4 health. As a condition of licensure, an Advanced Practice
5 Registered Nurse shall show evidence of periodic on-campus
6 attendance for assessment and evaluation of student progress and
7 competence in addition to completing a minimum of one thousand
8 (1,000) clinical hours in the graduate program;

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

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

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

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

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

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

23 4. Have completed an advanced practice registered nursing
24 education program in one of the four roles and a specialty area

1 recognized by the Board. Effective January 1, 2016, the applicant
2 shall have completed an accredited graduate level advanced practice
3 registered nursing education program in at least one of the
4 following population foci: family/individual across the lifespan,
5 adult-gerontology, neonatal, pediatrics, women's health/gender-
6 related, or psychiatric/mental health;

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

10 6. Meet continued competency requirements as set forth in Board
11 rules; and

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

14 D. The Board may issue prescriptive authority recognition by
15 endorsement to an Advanced Practice Registered Nurse licensed as an
16 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if
17 the applicant meets the requirements set forth in this section. An
18 applicant for prescriptive authority recognition by endorsement
19 shall:

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

22 2. Hold current Registered Nurse and Advanced Practice
23 Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the
24 state;

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

4 4. Submit documentation verifying successful completion of a
5 graduate level advanced practice registered nursing education
6 program that included an academic course in pharmacotherapeutic
7 management, and didactic and clinical preparation for prescribing
8 incorporated throughout the program;

9 5. Submit a written statement from an Oklahoma licensed
10 physician supervising prescriptive authority as required by the
11 Board in its rules;

12 6. Meet continued competency requirements as set forth in Board
13 rules; and

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

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

19 F. The Board may reinstate a license as set forth in Board
20 rules.

21 SECTION 6. AMENDATORY 59 O.S. 2011, Section 567.7, as
22 amended by Section 1, Chapter 190, O.S.L. 2016 (59 O.S. Supp. 2018,
23 Section 567.7), is amended to read as follows:
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1 Section 567.7. A. Upon expiration of an initial license or
2 certificate issued pursuant to the Oklahoma Nursing Practice Act, a
3 license or certificate shall be renewed every two (2) years
4 according to a schedule published by the Oklahoma Board of Nursing,
5 provided that the application is complete and qualifying criteria
6 continues to be met.

7 B. A licensee or certificate holder who applies for
8 reinstatement of a license or certificate shall meet such
9 requirements as the Board may prescribe in its rules.

10 C. Any licensee or certificate holder who desires to retire
11 temporarily from the practice of nursing in this state shall submit
12 a written request to that effect to the Board. It shall be the duty
13 of the Board to place the name of such licensee or certificate
14 holder upon the nonpracticing list in accordance with the rules of
15 the Board. During the period of temporary retirement, the licensee
16 or certificate holder shall not practice nursing, Advanced Practice
17 Registered Nursing or practice as an Advanced Unlicensed Assistant
18 nor be subject to the payment of any renewal fees. When the
19 licensee or certificate holder desires to resume practice, such
20 licensee or certificate holder shall meet such requirements as the
21 Board may prescribe in its rules.

22 D. The Board is authorized to establish by rule fees to be
23 charged for the purpose of implementing and enforcing the provisions
24 of the Oklahoma Nursing Practice Act; provided, however, no single

1 fee for an initial application for licensure or certification, or
2 for renewal, reinstatement or return to active practice shall exceed
3 One Hundred Twenty-five Dollars (\$125.00). The application fee for
4 a multistate license issued pursuant to Section ~~5 of this act~~ 567.21
5 of this title shall be One Hundred Fifty Dollars (\$150.00). The
6 biennial multistate license renewal fee shall be One Hundred Twenty-
7 five Dollars (\$125.00); provided, however, that contingent upon
8 implementation of the Nurse Licensure Compact and the Board's
9 revolving fund balance being reconciled at less than the average of
10 three (3) months of expenditures, the biennial renewal fee set forth
11 in Oklahoma Administrative Code 485:10-1-3(a)(2) shall increase by
12 Ten Dollars (\$10.00) by operation of law. The Board may reduce the
13 biennial renewal fees on a pro rata basis for the specific
14 Registered Nurse and Licensed Practical Nurse biennial renewal
15 period. Notwithstanding any other provision of law in this section,
16 the renewal fee for Certified Nurse Practitioners who have obtained
17 a waiver of supervision from the State Board of Medical Licensure
18 and Supervision and practice unsupervised shall be an amount
19 equivalent to the renewal fee imposed on osteopathic physicians.

20 E. The Executive Director of the Board shall suspend the
21 license or certificate of a person who submits a check, money draft,
22 or similar instrument for payment of a fee which is not honored by
23 the financial institution named. The suspension becomes effective
24 ten (10) days following delivery by certified mail of written notice

1 of the dishonor and the impending suspension to the person's address
2 on file. Upon notification of suspension, the person may reinstate
3 the authorization to practice upon payment of the fees and any and
4 all costs associated with notice and collection. The suspension
5 shall be exempt from the Administrative Procedures Act.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 567.27 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

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

12 SECTION 8. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 567.28 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. 1. A Certified Nurse Practitioner who has been granted
16 prescribing and ordering authority by the State Board of Nursing may
17 apply for a waiver of supervision from the State Board of Medical
18 Licensure and Supervision, which shall allow the Certified Nurse
19 Practitioner to prescribe and order without physician supervision,
20 if the Certified Nurse Practitioner:

- 21 a. is licensed in this state on or before November 1,
22 2020, and has seven (7) years of national
23 certification, or
24
25

1 b. has completed a mentorship consisting of direct
2 supervision with an allopathic or osteopathic
3 physician practicing in family medicine with at least
4 ten (10) years of experience for a minimum of ten
5 thousand four hundred (10,400) hours within seven (7)
6 years and obtain a letter of recommendation from the
7 mentoring physician before applying for prescribing
8 and ordering authority.

9 2. As used in this subsection, "direct supervision" means at
10 all times having a close and continuing supervisory relationship.
11 "Direct supervision" means the physician is immediately available
12 onsite, but does not necessarily require the continuous physical
13 presence of the physician in the same room as the Certified Nurse
14 Practitioner.

15 B. Upon receipt of prescribing and ordering authority from the
16 State Board of Nursing, the Certified Nurse Practitioner shall apply
17 for a waiver of supervision from the State Board of Medical
18 Licensure and Supervision to prescribe and order without physician
19 supervision. The Certified Nurse Practitioner shall submit to the
20 State Board of Medical Licensure and Supervision the following:

21 1. Proof that the Certified Nurse Practitioner has satisfied
22 the educational requirements enumerated in Section 567.5a of this
23 title;

1 2. Proof that the Certified Nurse Practitioner has a valid,
2 current Certified Nurse Practitioner license issued by the State
3 Board of Nursing and is in good standing with the Board; and

4 3. If licensed after November 1, 2020, proof that the Advanced
5 Practice Registered Nurse has completed a mentorship pursuant to
6 this section, including a copy of the mentoring physician's letter
7 of recommendation.

8 C. 1. The State Board of Medical Licensure and Supervision
9 shall review the application for a waiver of supervision and shall
10 approve or reject the application, stating the reason or reasons for
11 rejection, if rejected. The State Board of Medical Licensure and
12 Supervision shall mail the approval or rejection letter to the
13 applicant within fourteen (14) calendar days of receipt of the
14 information required in this section. If rejected, the Certified
15 Nurse Practitioner may reapply for a waiver of supervision using the
16 process prescribed by this subsection. The State Board of Medical
17 Licensure and Supervision retains the right to revoke the waiver for
18 good cause at any time.

19 2. The State Board of Medical Licensure and Supervision may
20 establish a fee for the review of the initial application and
21 renewal application of the Certified Nurse Practitioner, not to
22 exceed the fee established for the review of Physician Assistants.

23 D. A Certified Nurse Practitioner who has obtained a waiver of
24 supervision and is practicing unsupervised may only work in
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1 geographic areas that have been designated as Health Professional
2 Shortage Areas (HPSA) for primary care by the U.S. Department of
3 Health and Human Services.

4 E. A Certified Nurse Practitioner who has obtained a waiver of
5 supervision and is practicing unsupervised shall wear, at all times
6 during business hours or when seeing patients, a badge which
7 includes, at a minimum, the following information:

- 8 1. The name of the Certified Nurse Practitioner;
- 9 2. The name of the facility; and
- 10 3. The words "Unsupervised CNP".

11 SECTION 9. AMENDATORY 63 O.S. 2011, Section 2-312, is
12 amended to read as follows:

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

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

6 C. An ~~advanced practice nurse~~ Advanced Practice Registered
7 Nurse who is recognized to prescribe by the Oklahoma Board of
8 Nursing as ~~an advanced registered nurse practitioner, clinical nurse~~
9 ~~specialist or certified nurse-midwife~~ a Certified Nurse
10 Practitioner, Clinical Nurse Specialist or Certified Nurse-Midwife,
11 who is subject to medical direction by a supervising physician,
12 pursuant to Section 567.3a of Title 59 of the Oklahoma Statutes or
13 Section 8 of this act or a Certified Nurse Practitioner who has
14 obtained a waiver of supervision from the State Board of Medical
15 Licensure and Supervision, and who has complied with the
16 registration requirements of the Uniform Controlled Dangerous
17 Substances Act, in good faith and in the course of professional
18 practice only, may prescribe and administer Schedule III, IV and V
19 controlled dangerous substances.

20 D. An ~~advanced practice nurse~~ Advanced Practice Registered
21 Nurse who is recognized to order, select, obtain and administer
22 drugs by the Oklahoma Board of Nursing as a ~~certified registered~~
23 ~~nurse anesthetist~~ Certified Registered Nurse Anesthetist pursuant to
24 Section 353.1b of Title 59 of the Oklahoma Statutes and who has

1 complied with the registration requirements of the Uniform
2 Controlled Dangerous Substances Act, in good faith and in the course
3 of such practitioner's professional practice only, may order,
4 select, obtain and administer Schedules II through V controlled
5 dangerous substances in a preanesthetic preparation or evaluation;
6 anesthesia induction, maintenance or emergence; or postanesthesia
7 care setting only. A ~~certified registered nurse anesthetist~~
8 Certified Registered Nurse Anesthetist may order, select, obtain and
9 administer such drugs only during the perioperative or
10 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 10. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 567.29 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 Nothing in this act shall be construed to prevent any Certified
23 Nurse Practitioner who is currently practicing under the supervision
24 of a physician on the effective date of this act from continuing
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1 such supervised practice, regardless of whether the Certified Nurse
2 Practitioner meets the requirements for unsupervised practice found
3 in this act.

4 SECTION 11. This act shall become effective November 1, 2019.

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