

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2349

By: Caldwell (Chad)

AS INTRODUCED

An Act relating to professions and occupations; 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 the Oklahoma Nursing Practice Act; modifying supervision for Advanced Practice Registered Nurse; providing for waiver of supervision; defining term; providing conditions for unsupervised Advanced Practice Registered Nurse; and providing an effective date.

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

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

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

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

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

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

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

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

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

- a. contributing to the assessment of the health status of individuals and groups,
- b. participating in the development and modification of the plan of care,
- c. implementing the appropriate aspects of the plan of care,

- d. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the Oklahoma Nursing Practice Act,
- e. providing safe and effective nursing care rendered directly or indirectly,
- f. participating in the evaluation of responses to interventions,
- g. teaching basic nursing skills and related principles,
- h. performing additional nursing procedures in accordance with knowledge and skills acquired through education beyond nursing preparation, and
- i. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

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

- a. who has completed an advanced practice registered nursing education program in preparation for one of four recognized advanced practice registered nurse roles,
- b. who has passed a national certification examination recognized by the Board that measures the advanced practice registered nurse role and specialty

competencies and who maintains recertification in the role and specialty through a national certification program,

- c. who has acquired advanced clinical knowledge and skills in preparation for providing both direct and indirect care to patients; however, the defining factor for all Advanced Practice Registered Nurses is that a significant component of the education and practice focuses on direct care of individuals,
- d. whose practice builds on the competencies of Registered Nurses by demonstrating a greater depth and breadth of knowledge, a greater synthesis of data, and increased complexity of skills and interventions, and
- e. who has 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.

Only those persons who hold a license to practice advanced practice registered nursing in this state shall have the right to use the title "Advanced Practice Registered Nurse" and to use the abbreviation "APRN". Only those persons who have obtained a license in the following disciplines shall have the right to fulfill the roles and use the applicable titles: Certified Registered Nurse

1 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and
2 the abbreviation "CNM", Clinical Nurse Specialist and the
3 abbreviation "CNS", and Certified Nurse Practitioner and the
4 abbreviation "CNP".

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

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

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

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

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

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

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

- 20 (1) a master's degree or higher in nursing with
21 clinical specialization preparation to function
22 in an expanded role,
23 (2) specialty certification from a national
24 certifying organization recognized by the Board,

1 (3) an Advanced Practice Registered Nurse license
2 from the Board, and

3 (4) any nurse holding a specialty certification as a
4 Clinical Nurse Specialist valid on January 1,
5 1994, granted by a national certifying
6 organization recognized by the Board, shall be
7 deemed to be a Clinical Nurse Specialist under
8 the provisions of the Oklahoma Nursing Practice
9 Act.

10 b. In the expanded role, the Clinical Nurse Specialist
11 performs at an advanced practice level which shall
12 include, but not be limited to:

13 (1) practicing as an expert clinician in the
14 provision of direct nursing care to a selected
15 population of patients or clients in any setting,
16 including private practice,

17 (2) managing the care of patients or clients with
18 complex nursing problems,

19 (3) enhancing patient or client care by integrating
20 the competencies of clinical practice, education,
21 consultation, and research, and

22 (4) referring patients or clients to other services.

23 c. A Clinical Nurse Specialist in accordance with the
24 scope of practice of such Clinical Nurse Specialist

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

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

15 8. "Nurse-Midwife" is a nurse who has received an Advanced
16 Practice Registered Nurse license from the Oklahoma Board of Nursing
17 who possesses evidence of certification according to the
18 requirements of the American College of Nurse-Midwives.

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

1 not preclude, subject to federal regulations, the receipt of, the
2 signing for, or the dispensing of professional samples to patients.

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

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

14 10. a. "Certified Registered Nurse Anesthetist" is an
15 Advanced Practice Registered Nurse who:

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

1 (2) administers anesthesia under the supervision of a
2 medical doctor, an osteopathic physician, a
3 podiatric physician or a dentist licensed in this
4 state and under conditions in which timely onsite
5 consultation by such doctor, osteopath, podiatric
6 physician or dentist is available.

7 b. A Certified Registered Nurse Anesthetist, under the
8 supervision of a medical doctor, osteopathic
9 physician, podiatric physician or dentist licensed in
10 this state, and under conditions in which timely, on-
11 site consultation by such medical doctor, osteopathic
12 physician, podiatric physician or dentist is
13 available, shall be authorized, pursuant to rules
14 adopted by the Oklahoma Board of Nursing, to order,
15 select, obtain and administer legend drugs, Schedules
16 II through V controlled substances, devices, and
17 medical gases only when engaged in the preanesthetic
18 preparation and evaluation; anesthesia induction,
19 maintenance and emergence; and postanesthesia care. A
20 Certified Registered Nurse Anesthetist may order,
21 select, obtain and administer drugs only during the
22 perioperative or periobstetrical period.
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1 c. A Certified Registered Nurse Anesthetist who applies
2 for authorization to order, select, obtain and
3 administer drugs shall:

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

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

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

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

20 (1) ordered, selected, obtained or administered drugs
21 outside of the Certified Registered Nurse
22 Anesthetist scope of practice or ordered,
23 selected, obtained or administered drugs for
24 other than therapeutic purposes, or

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

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

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

21 g. This paragraph shall not prohibit the administration
22 of local or topical anesthetics as now permitted by
23 law. Provided further, nothing in this paragraph
24 shall limit the authority of the Board of Dentistry to

1 establish the qualifications for dentists who direct
2 the administration of anesthesia;

3 11. "Supervising physician" means an individual holding a
4 current license to practice as a nonsurgical primary care or family
5 practice physician from the State Board of Medical Licensure and
6 Supervision or the State Board of Osteopathic Examiners with a
7 minimum of ten (10) years experience, who supervises a Certified
8 Nurse Practitioner, a Clinical Nurse Specialist, or a Certified
9 Nurse-Midwife, and who is not a licensed obstetrician-gynecologist,
10 in 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. Supervision of an Advanced Practice Registered
22 Nurse shall be for a minimum of five (5) years and each Advanced
23 Practice Registered Nurse shall receive a minimum of ten thousand
24 (10,000) hours of clinical in-person, physician-supervised patient

1 care before an application for a waiver of supervision may be
2 considered.

3 A waiver of supervision shall be considered by the Oklahoma
4 Board of Medical Licensure and Supervision. An Advanced Practice
5 Registered Nurse, for a waiver of supervision, shall:

- 6 a. submit a completed written application and appropriate
7 fees as established by the Board,
- 8 b. submit documentation verifying successful completion
9 of five (5) years of supervision and ten thousand
10 (10,000) clinical hours,
- 11 c. submit a written statement from the Oklahoma licensed
12 physician supervising prescriptive authority attesting
13 to the Advanced Practical Registered Nurse's
14 competency, and
- 15 d. provide any and all other evidence as required by the
16 Board in its rules.

17 If a waiver of supervision is granted by the Oklahoma Board of
18 Medical Licensure and Supervision, the applicant shall be designated
19 as an "Unsupervised Advanced Practice Registered Nurse". The waiver
20 of supervision shall be valid for five (5) years and thereafter may
21 be renewed each five (5) years after reevaluation; and

22 13. "Unsupervised Advanced Practice Registered Nurse" means an
23 Advanced Practice Registered Nurse who has obtained a supervision
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waiver by the Oklahoma Board of Medical Licensure and Supervision.

An Unsupervised APRN must:

- a. serve in counties with a population less than twenty-five thousand (25,000) based on the latest Federal Decennial Census of population and housing,
- b. be transparent to patient and designated as "Unsupervised Advanced Practice Registered Nurse",
- c. establish a medical team network as provided by the Oklahoma Board of Medical Licensure and Supervision,
- d. maintain medical malpractice insurance, and
- e. adhere to continuing medical education requirements as determined by the Oklahoma Board of Medical Licensure and Supervision.

An Unsupervised APRN shall not have the authority of oversight over other nurse practitioners; and

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

SECTION 2. This act shall become effective November 1, 2019.

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