

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 839

By: Smalley

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 Nursing; providing that applicants may
9 reapply if rejected; granting the Board the authority
10 to revoke approval for good cause and establish
11 certain fee; establishing certain requirements for
12 unsupervised Certified Nurse Practitioners; amending
13 63 O.S. 2011, Section 2-312, which relates to the
14 authority to prescribe controlled dangerous
15 substances; modifying conditions under which a
16 Certified Nurse Practitioner may prescribe and
17 administer controlled dangerous substances; deleting
18 repealed cite; providing certain construction;
19 providing for codification; and providing an
20 effective date.

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

24 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;

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

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

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

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

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

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

22 9. "Continuing professional education" means professional,
23 pharmaceutical education in the general areas of the socioeconomic
24 and legal aspects of health care; the properties and actions of

1 drugs and dosage forms; and the etiology, characteristics and
2 therapeutics of the diseased state;

3 10. "Dangerous drug", "legend drug", "prescription drug" or "Rx
4 Only" means a drug:

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

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

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

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

19 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a
20 group of chain pharmacies under common ownership and control that do
21 not act as a wholesale distributor, or any other person authorized
22 by law to dispense or administer prescription drugs, and the
23 affiliated warehouses or distributions of such entities under common
24 ownership and control that do not act as a wholesale distributor.

1 For the purposes of this paragraph, "dispenser" does not mean a
2 person who dispenses only products to be used in animals in
3 accordance with 21 U.S.C. 360b(a) (5);

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

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

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

21 17. "Drugs" means all medicinal substances and preparations
22 recognized by the United States Pharmacopoeia and National
23 Formulary, or any revision thereof, and all substances and
24 preparations intended for external and/or internal use in the cure,

1 diagnosis, mitigation, treatment or prevention of disease in humans
2 or animals and all substances and preparations, other than food,
3 intended to affect the structure or any function of the body of a
4 human or animals;

5 18. "Drug sample" means a unit of a prescription drug packaged
6 under the authority and responsibility of the manufacturer that is
7 not intended to be sold and is intended to promote the sale of the
8 drug;

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

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

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

20 22. "Manufacturer" or "virtual manufacturer" means with respect
21 to a product:

- 22 a. a person that holds an application approved under 21
23 U.S.C. 355 or a license issued under 42 U.S.C. 262 for
24 such product, or if such product is not the subject of

1 an approved application or license, the person who
2 manufactured the product,

3 b. a co-licensed partner of the person described in
4 subparagraph a that obtains the product directly from
5 a person described in this subparagraph or
6 subparagraph a,

7 c. an affiliate of a person described in subparagraph a
8 or b who receives the product directly from a person
9 described in this subparagraph or in subparagraph a or
10 b; or

11 d. a person who contracts with another to manufacture a
12 product;

13 23. "Manufacturing" means the production, preparation,
14 propagation, compounding, conversion or processing of a device or a
15 drug, either directly or indirectly by extraction from substances of
16 natural origin or independently by means of chemical or biological
17 synthesis and includes any packaging or repackaging of the
18 substances or labeling or relabeling of its container, and the
19 promotion and marketing of such drugs or devices. The term
20 "manufacturing" also includes the preparation and promotion of
21 commercially available products from bulk compounds for resale by
22 licensed pharmacies, licensed practitioners or other persons;
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1 24. "Medical gas" means those gases including those in liquid
2 state upon which the manufacturer or distributor has placed one of
3 several cautions, such as "Rx Only", in compliance with federal law;

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

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

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

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

16 29. "Nonprescription drugs" means medicines or drugs which are
17 sold without a prescription and which are prepackaged for use by the
18 consumer and labeled in accordance with the requirements of the
19 statutes and regulations of this state and the federal government.
20 Such items shall also include medical and dental supplies and
21 bottled or nonbulk chemicals which are sold or offered for sale to
22 the general public if such articles or preparations meet the
23 requirements of the Federal Food, Drug and Cosmetic Act, 21
24 U.S.C.A., Section 321 et seq.;

1 30. "Outsourcing facility", including "virtual outsourcing
2 facility" means a facility at one geographic location or address
3 that:

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

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

15 32. "Person" means an individual, partnership, limited
16 liability company, corporation or association, unless the context
17 otherwise requires;

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

22 34. "Pharmacy" means a place regularly licensed by the Board of
23 Pharmacy in which prescriptions, drugs, medicines, chemicals and
24 poisons are compounded or dispensed or such place where pharmacists

1 practice the profession of pharmacy, or a pharmacy operated by the
2 Oklahoma Department of Veterans Affairs;

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

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

13 37. "Practice of pharmacy" means:

- 14 a. the interpretation and evaluation of prescription
15 orders,
- 16 b. the compounding, dispensing, administering and
17 labeling of drugs and devices, except labeling by a
18 manufacturer, repackager or distributor of
19 nonprescription drugs and commercially packaged legend
20 drugs and devices,
- 21 c. the participation in drug selection and drug
22 utilization reviews,
- 23 d. the proper and safe storage of drugs and devices and
24 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,
- b. by an Oklahoma licensed physician assistant under the supervision of an Oklahoma licensed ~~practitioner~~ physician, ~~an Oklahoma licensed advanced practice registered nurse or an Oklahoma licensed physician assistant, or~~

- 1 c. by an Oklahoma licensed Clinical Nurse Specialist or
2 an Oklahoma licensed Certified Nurse-Midwife under the
3 supervision of an Oklahoma licensed physician,
4 d. by an Oklahoma licensed Certified Nurse Practitioner
5 who chooses to practice under the supervision of an
6 Oklahoma licensed physician,
7 e. by an Oklahoma licensed Certified Nurse Practitioner
8 who has obtained a waiver of supervision from the
9 State Board of Nursing pursuant to Section 8 of the
10 act, or
11 f. by an Oklahoma licensed wholesaler or distributor as
12 authorized in Section 353.29.1 of this title;

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

19 42. "Repackager", including "virtual repackager", means a
20 person who owns or operates an establishment that repacks and
21 relabels a product or package for further sale or distribution
22 without further transaction;

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

3 44. "Supervising physician" means an individual holding a
4 current license to practice as a physician from the State Board of
5 Medical Licensure and Supervision, pursuant to the provisions of the
6 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
7 Act, or the State Board of Osteopathic Examiners, pursuant to the
8 provisions of the Oklahoma Osteopathic Medicine Act, who supervises
9 ~~an advanced practice registered nurse~~:

10 a. a Clinical Nurse Specialist or a Certified Nurse-
11 Midwife as such terms are defined in Section 567.3a of
12 this title,

13 b. a Certified Nurse Practitioner as defined in Section
14 567.3a of this title who chooses to practice under the
15 supervision of a physician, or

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

18 or a Certified Registered Nurse Anesthetist as defined in Section
19 567.3a of this title, and who is not in training as an intern,
20 resident, or fellow. To be eligible to supervise an ~~advanced~~
21 ~~practice registered nurse~~ Advanced Practice Registered Nurse, such
22 physician shall remain in compliance with the rules promulgated by
23 the State Board of Medical Licensure and Supervision or the State
24 Board of Osteopathic Examiners;

1 45. "Supportive personnel" means technicians and auxiliary
2 supportive persons who are regularly paid employees of a pharmacy
3 who work and perform tasks in the pharmacy as authorized by Section
4 353.18A of this title;

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

14 47. "Wholesale distributor", including "virtual wholesale
15 distributor" means a person other than a manufacturer, a
16 manufacturer's co-licensed partner, a third-party logistics
17 provider, or repackager engaged in wholesale distribution as defined
18 by 21 U.S.C. 353(e)(4) as amended by the Drug Supply Chain Security
19 Act;

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

1 49. "State correctional facility" means a facility or
2 institution that houses a prisoner population under the jurisdiction
3 of the Department of Corrections;

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

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

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

13 Section 353.1a. A. Prescribing authority shall be allowed ~~under~~
14 for Certified Nurse Practitioners who have obtained a waiver
15 of supervision from the State Board of Nursing and:

16 1. Under the medical direction of a supervising physician, for
17 ~~an advanced practice nurse recognized by the Oklahoma Board of~~
18 ~~Nursing in one of the following categories: advanced registered~~
19 ~~nurse practitioners, clinical nurse specialists, or certified nurse~~
20 ~~midwives~~ Clinical Nurse Specialists and Certified Nurse-Midwives;

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

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

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

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

15 C. Pharmacists may only dispense prescriptions for controlled
16 dangerous substances prescribed by an ~~advanced practice nurse~~
17 Advanced Practice Registered Nurse or a physician assistant licensed
18 in the State of Oklahoma and supervised by an Oklahoma-licensed
19 practitioner. Pharmacists may only dispense prescriptions for
20 controlled dangerous substances prescribed by an Advanced Practice
21 Registered Nurse licensed and located in the State of Oklahoma.

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

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

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

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

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

- 18 a. assessing the health status of individuals, families
19 and groups,
- 20 b. analyzing assessment data to determine nursing care
21 needs,
- 22 c. establishing goals to meet identified health care
23 needs,
- 24 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;

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

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

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

- a. who has completed an advanced practice registered nursing education program in preparation for one of four recognized advanced practice registered nurse roles,
- b. who has passed a national certification examination recognized by the Board that measures the advanced practice registered nurse role and specialty competencies and who maintains recertification in the role and specialty through a national certification program,
- c. who has acquired advanced clinical knowledge and skills in preparation for providing both direct and indirect care to patients; however, the defining factor for all Advanced Practice Registered Nurses is that a significant component of the education and practice focuses on direct care of individuals,
- d. whose practice builds on the competencies of Registered Nurses by demonstrating a greater depth and breadth of knowledge, a greater synthesis of data, and increased complexity of skills and interventions, ~~and~~
- e. who has been educationally prepared to assume responsibility and accountability for health promotion 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 not
limited to, home health care, hospice and physical and occupational
therapy. Advanced Practice Registered Nurses may serve as primary
care providers of record.

Advanced Practice Registered Nurses shall practice as licensed
practitioners as defined in Section 353.1 of this title within
standards established or recognized by the Board. Each Advanced

1 Practice Registered Nurse is accountable to patients, the nursing
2 profession and the Board for complying with the requirements of the
3 Oklahoma Nursing Practice Act and is accountable for the quality of
4 advanced nursing care rendered, for recognizing limits of knowledge
5 and experience, for planning for the management of situations beyond
6 the Advanced Practice Registered Nurse's expertise and for
7 consulting with or referring patients to other health care
8 providers, as appropriate.

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

19 It shall be unlawful for any person to assume the role or use
20 the title Advanced Practice Registered Nurse or use the abbreviation
21 "APRN" or use the respective specialty role titles and abbreviations
22 or to use any other titles or abbreviations that would reasonably
23 lead a person to believe the user is an Advanced Practice Registered
24 Nurse, unless permitted by ~~this act~~ the Oklahoma Nursing Practice

1 Act. Any individual doing so shall be guilty of a misdemeanor,
2 which shall be punishable, upon conviction, by imprisonment in the
3 county jail for not more than one (1) year or by a fine of not less
4 than One Hundred Dollars (\$100.00) nor more than One Thousand
5 Dollars (\$1,000.00), or by both such imprisonment and fine for each
6 offense;

7 6. "Certified Nurse Practitioner" is an Advanced Practice
8 Registered Nurse who ~~performs in an expanded role in the delivery of~~
9 ~~health care:~~

10 ~~a. consistent with advanced educational preparation as a~~

11 ~~Certified Nurse Practitioner in an area of specialty,~~

12 ~~b. functions within the Certified Nurse Practitioner~~

13 ~~scope of practice for the selected area of~~

14 ~~specialization, and~~

15 ~~c. is in accord with the standards for Certified Nurse~~

16 ~~Practitioners as identified by the certifying body and~~

17 ~~approved by the Board~~

18 is prepared to function as a licensed practitioner as defined in
19 Section 353.1 of this title, providing primary or acute care in
20 accordance with education and specialty certification along the
21 wellness-illness continuum to a specific population in diverse
22 settings. The Certified Nurse Practitioner diagnoses and treats
23 patients with undifferentiated symptoms as well as those with
24 established diagnoses. The Certified Nurse Practitioner shall

1 practice in accordance with the standards for Certified Nurse
2 Practitioner practice recognized by the Board.

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

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

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

19 ~~(1)~~ a master's degree or higher in nursing with
20 clinical specialization preparation to function
21 ~~in an expanded role,~~

22 ~~(2) specialty certification from a national~~
23 ~~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~~

1 undifferentiated symptoms as well as those with
2 established diagnoses, in a specialized area of
3 nursing practice to specific populations in diverse
4 settings. The Clinical Nurse Specialist shall
5 practice in accordance with the standards for Clinical
6 Nurse Specialist practice recognized by the Board.

7 ~~e.~~

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

19 ~~d.~~

20 c. The Clinical Nurse Specialist accepts responsibility,
21 accountability, and obligation to practice in
22 accordance with usual and customary advanced practice
23 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 as defined in Section 353.1 of this title providing a full range of primary health care services in diverse settings to women throughout the lifespan including gynecologic 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 shall practice in accordance with the standards for Certified Nurse-Midwife practice 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, 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 the dispensing of drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.

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

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

12 10. a. "Certified Registered Nurse Anesthetist" is an
13 Advanced Practice Registered Nurse who:

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

1 podiatric physician or a dentist licensed in this
2 state and under conditions in which timely onsite
3 consultation by such doctor, osteopath, podiatric
4 physician or dentist is available.

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

21 c. A Certified Registered Nurse Anesthetist who applies
22 for authorization to order, select, obtain and
23 administer drugs shall:

- (1) be currently recognized as a Certified Registered Nurse Anesthetist in this state,
- (2) provide evidence of completion, within the two-year period immediately preceding the date of application, of a minimum of fifteen (15) units of continuing education in advanced pharmacology related to the administration of anesthesia as recognized by the National Board of Certification and Recertification for Nurse Anesthetists, and
- (3) complete and submit a notarized application, on a form prescribed by the Board, accompanied by the application fee established pursuant to this section.

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

- (1) ordered, selected, obtained or administered drugs outside of the Certified Registered Nurse 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

1 practice of nursing or the authority to order,
2 select, obtain and administer drugs.

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

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

19 g. This paragraph shall not prohibit the administration
20 of local or topical anesthetics as now permitted by
21 law. Provided further, nothing in this paragraph
22 shall limit the authority of the Board of Dentistry to
23 establish the qualifications for dentists who direct
24 the administration of anesthesia;

1 ~~11.~~ 10. "Supervising physician" means an individual holding a
2 current license to practice as a physician from the State Board of
3 Medical Licensure and Supervision or the State Board of Osteopathic
4 Examiners, who supervises ~~a Certified Nurse Practitioner,~~:

5 a. a Clinical Nurse Specialist, or a Certified Nurse-
6 Midwife,

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

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

11 and who is not in training as an intern, resident, or fellow. To be
12 eligible to supervise such Advanced Practice Registered Nurse, such
13 physician shall remain in compliance with the rules promulgated by
14 the State Board of Medical Licensure and Supervision or the State
15 Board of Osteopathic Examiners;

16 ~~12.~~ 11. "Supervision of an Advanced Practice Registered Nurse
17 with prescriptive authority" means overseeing and accepting
18 responsibility for the ordering and transmission by ~~a Certified~~
19 ~~Nurse Practitioner,~~:

20 a. a Clinical Nurse Specialist, or a Certified Nurse-
21 Midwife,

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

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

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

5 ~~13.~~ 12. "Advanced Unlicensed Assistant" means any person who
6 has successfully completed a certified training program approved by
7 the Board that trains the Advanced Unlicensed Assistant to perform
8 specified technical skills identified by the Board in acute care
9 settings under the direction and supervision of the Registered Nurse
10 or Licensed Practical Nurse.

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

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

17 a. Certified Nurse-Midwives and Clinical Nurse
18 Specialists who practice under the supervision of a
19 physician,

20 b. Certified Nurse Practitioners who choose to practice
21 under the supervision of a physician,

22 c. Certified Nurse Practitioners who are undergoing a
23 mentorship pursuant to Section 8 of this act, and

1 d. Certified Nurse Practitioners who have obtained a
2 waiver of supervision from the State Board of Nursing.

3 2. All licensed Certified Nurse Practitioners, Certified Nurse-
4 Midwives and Clinical Nurse Specialists who are granted prescribing
5 and ordering authority are authorized to:

6 a. diagnose, prescribe and institute therapy or referrals
7 of patients to health care agencies, health care
8 providers and community resources,

9 b. prescribe, procure and administer over-the-counter,
10 legend and controlled substances, and

11 c. plan and initiate a therapeutic regimen that includes
12 ordering and prescribing medical devices and
13 equipment, nutrition, diagnostic and supportive
14 services, including, but not limited to, speech
15 therapy, home health care, hospice and physical and
16 occupational therapy.

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

21 1. Define the procedure for documenting supervision by a
22 physician licensed in Oklahoma to practice by the State Board of
23 Medical Licensure and Supervision or the State Board of Osteopathic
24 Examiners of a Clinical Nurse Specialist, a Certified Nurse-Midwife,

1 a Certified Nurse Practitioner who is undergoing a mentorship
2 pursuant to Section 8 of this act, or a Certified Nurse Practitioner
3 who chooses to work under the supervision of a physician. Such
4 procedure shall include a written statement that defines appropriate
5 referral, consultation, and collaboration between the Advanced
6 Practice Registered Nurse, recognized to prescribe as defined in
7 paragraphs 6 through 9, 11 and 12 of Section 567.3a of this title,
8 and the supervising physician. The written statement shall include
9 a method of assuring availability of the supervising physician
10 through direct contact, telecommunications or other appropriate
11 electronic means—for consultation, assistance with medical
12 emergencies, or patient referral. Use of telecommunications or
13 other electronic means to provide supervision as part of a
14 mentorship is prohibited. The written statement shall be part of
15 the initial application and the renewal application submitted to the
16 Board for recognition for prescriptive authority for the Advanced
17 Practice Registered Nurse. Changes to the written statement shall
18 be filed with the Board within thirty (30) days of the change and
19 shall be effective on filing;

20 2. Define minimal requirements for initial application for
21 prescriptive authority which shall include, but not be limited to,
22 evidence of completion of a minimum of forty-five (45) contact hours
23 or three (3) academic credit hours of education in
24 pharmacotherapeutics, clinical application, and use of

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

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

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

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

24 ~~6.~~ 5. Define terminology used in such rules;

1 ~~7.~~ 6. Define the parameters for the prescribing practices of
2 the Advanced Practice Registered Nurse; and

3 ~~8.~~ 7. Define the methods for termination of prescriptive
4 authority for the Advanced Practice Registered Nurse; ~~and~~

- 5 ~~9. a. Establish a Formulary Advisory Council that shall~~
6 ~~develop and submit to the Board recommendations for an~~
7 ~~exclusionary formulary that shall list drugs or~~
8 ~~categories of drugs that shall not be prescribed by~~
9 ~~Advanced Practice Registered Nurse recognized to~~
10 ~~prescribe by the Oklahoma Board of Nursing. The~~
11 ~~Formulary Advisory Council shall also develop and~~
12 ~~submit to the Board recommendations for practice-~~
13 ~~specific prescriptive standards for each category of~~
14 ~~Advanced Practice Registered Nurse recognized to~~
15 ~~prescribe by the Oklahoma Board of Nursing pursuant to~~
16 ~~the provisions of the Oklahoma Nursing Practice Act.~~
17 ~~The Board shall either accept or reject the~~
18 ~~recommendations made by the Council. No amendments to~~
19 ~~the recommended exclusionary formulary may be made by~~
20 ~~the Board without the approval of the Formulary~~
21 ~~Advisory Council.~~
- 22 ~~b. The Formulary Advisory Council shall be composed of~~
23 ~~twelve (12) members as follows:~~

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

8 ~~(2) four members who are registered pharmacists,~~
9 ~~appointed by the Oklahoma Pharmaceutical~~
10 ~~Association, and~~

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

18 ~~e. All professional members of the Formulary Advisory~~
19 ~~Council shall be in active clinical practice, at least~~
20 ~~fifty percent (50%) of the time, within their defined~~
21 ~~area of specialty. The members of the Formulary~~
22 ~~Advisory Council shall serve at the pleasure of the~~
23 ~~appointing authority for a term of three (3) years.~~
24 ~~The terms of the members shall be staggered. Members~~

1 ~~of the Council may serve beyond the expiration of~~
2 ~~their term of office until a successor is appointed by~~
3 ~~the original appointing authority. A vacancy on the~~
4 ~~Council shall be filled for the balance of the~~
5 ~~unexpired term by the original appointing authority.~~

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

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

22 Section 567.5a. A. All applicants for a license to practice as
23 an Advanced Practice Registered Nurse shall be subject to Section
24 567.8 of this title.

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

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

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

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

8 4. Have completed an advanced practice registered nursing
9 education program in one of the four advanced practice registered
10 nurse roles and a specialty area recognized by the Board. Effective
11 January 1, 2016, the applicant shall have completed ~~an accredited~~ a
12 graduate level advanced practice registered nursing education
13 program accredited by the Accreditation Commission for Education in
14 Nursing (ACEN) or the Commission of Collegiate Nursing Education
15 (CCNE) in at least one of the following population foci:
16 family/individual across the lifespan, adult-gerontology, neonatal,
17 pediatrics, women's health/gender-related, or psychiatric/mental
18 health. As a condition of licensure, an Advanced Practice
19 Registered Nurse shall show evidence of periodic on-campus
20 attendance for assessment and evaluation of student progress and
21 competence in addition to completing a minimum of eight hundred
22 (800) clinical hours in the graduate program;

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;
23
24
25

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
25

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. Provide any and all other evidence as required by the Board
9 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 6. AMENDATORY 59 O.S. 2011, Section 567.7, as
16 amended by Section 1, Chapter 190, O.S.L. 2016 (59 O.S. Supp. 2018,
17 Section 567.7), is amended to read as follows:

18 Section 567.7. A. Upon expiration of an initial license or
19 certificate issued pursuant to the Oklahoma Nursing Practice Act, a
20 license or certificate shall be renewed every two (2) years
21 according to a schedule published by the Oklahoma Board of Nursing,
22 provided that the application is complete and qualifying criteria
23 continues to be met.
24
25

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

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

16 D. The Board is authorized to establish by rule fees to be
17 charged for the purpose of implementing and enforcing the provisions
18 of the Oklahoma Nursing Practice Act; provided, however, no single
19 fee for an initial application for licensure or certification, or
20 for renewal, reinstatement or return to active practice shall exceed
21 One Hundred Twenty-five Dollars (\$125.00). The application fee for
22 a multistate license issued pursuant to Section ~~5 of this act~~ 567.21
23 of this title shall be One Hundred Fifty Dollars (\$150.00). The
24 biennial multistate license renewal fee shall be One Hundred Twenty-

1 five Dollars (\$125.00); provided, however, that contingent upon
2 implementation of the Nurse Licensure Compact and the Board's
3 revolving fund balance being reconciled at less than the average of
4 three (3) months of expenditures, the biennial renewal fee set forth
5 in Oklahoma Administrative Code 485:10-1-3(a)(2) shall increase by
6 Ten Dollars (\$10.00) by operation of law. The Board may reduce the
7 biennial renewal fees on a pro rata basis for the specific
8 Registered Nurse and Licensed Practical Nurse biennial renewal
9 period. Notwithstanding any other provision of law in this section,
10 the renewal fee for Certified Nurse Practitioners who have obtained
11 a waiver of supervision from the State Board of Nursing and practice
12 unsupervised shall be an amount equivalent to the renewal fee
13 imposed on osteopathic physicians.

14 E. The Executive Director of the Board shall suspend the
15 license or certificate of a person who submits a check, money draft,
16 or similar instrument for payment of a fee which is not honored by
17 the financial institution named. The suspension becomes effective
18 ten (10) days following delivery by certified mail of written notice
19 of the dishonor and the impending suspension to the person's address
20 on file. Upon notification of suspension, the person may reinstate
21 the authorization to practice upon payment of the fees and any and
22 all costs associated with notice and collection. The suspension
23 shall be exempt from the Administrative Procedures Act.

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

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

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

10 A. 1. A Certified Nurse Practitioner who has been granted
11 prescribing and ordering authority may apply for a waiver of
12 supervision from the State Board of Nursing, which shall allow the
13 Certified Nurse Practitioner to prescribe and order without
14 physician supervision, if the Certified Nurse Practitioner:

- 15 a. is licensed in this state on or before November 1,
16 2020, and has seven (7) years of national
17 certification, or
- 18 b. has completed a mentorship consisting of direct
19 supervision with an allopathic or osteopathic
20 physician practicing in family medicine with at least
21 ten (10) years of experience for a minimum of ten
22 thousand four hundred (10,400) hours within seven (7)
23 years and obtain a letter of recommendation from the
24 mentoring physician before applying for prescribing

1 and ordering authority. The mentorship shall also
2 consist of annual courses certified by the State Board
3 of Medical Licensure and Supervision dealing with the
4 administration and prescribing of pharmaceutical
5 drugs.

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

12 B. Upon receipt of prescribing and ordering authority, the
13 Certified Nurse Practitioner shall apply for a waiver of supervision
14 from the State Board of Nursing to prescribe and order without
15 physician supervision. The Certified Nurse Practitioner shall
16 submit to the Board the following:

17 1. Proof that the Certified Nurse Practitioner has satisfied
18 the educational requirements enumerated in Section 567.5a of this
19 title;

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

23 3. If licensed after November 1, 2020, proof that the Advanced
24 Practice Registered Nurse has completed a mentorship pursuant to

1 this section, including a copy of the mentoring physician's letter
2 of recommendation.

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

12 2. The Board may establish a fee for the review of the initial
13 application and renewal application of the Certified Nurse
14 Practitioner.

15 SECTION 9. 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, clinical nurse~~
13 ~~specialist or certified nurse-midwife~~ a Certified Nurse
14 Practitioner, Clinical Nurse Specialist or Certified Nurse-Midwife,
15 who is subject to medical direction by a supervising physician,
16 pursuant to Section 567.3a of Title 59 of the Oklahoma Statutes or
17 Section 8 of this act or a Certified Nurse Practitioner who has
18 obtained a waiver of supervision from the State Board of Medical
19 Licensure and Supervision, and who has complied with the
20 registration requirements of the Uniform Controlled Dangerous
21 Substances Act, in good faith and in the course of professional
22 practice only, may prescribe and administer Schedule III, IV and V
23 controlled dangerous substances, and Schedule II controlled
24 dangerous substances that are attention deficit medication.

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

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

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

4 Nothing in this act shall be construed to prevent any Certified
5 Nurse Practitioner who is currently practicing under the supervision
6 of a physician on the effective date of this act from continuing
7 such supervised practice, regardless of whether the Certified Nurse
8 Practitioner meets the requirements for unsupervised practice found
9 in this act.

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

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