

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 3540

By: Caldwell (Chad) of the
House

and

Pugh of the Senate

COMMITTEE SUBSTITUTE

An Act relating to physician assistants; amending 63 O.S. 2021, Section 1-317, as last amended by Section 1, Chapter 247, O.S.L. 2021, which relates to death certificates; allowing physician assistant to sign death certificate subject to certain condition; amending 63 O.S. 2021, Section 2-312, which relates to controlled dangerous substances; modifying references; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-317, as last amended by Section 1, Chapter 247, O.S.L. 2021, is amended to read as follows:

Section 1-317. A. A death certificate for each death which occurs in this state shall be filed with the State Department of Health, within three (3) days after such death.

B. The funeral director shall personally sign the death certificate and shall be responsible for filing the death

1 certificate. If the funeral director is not available, the person
2 acting as such who first assumes custody of a dead body in
3 accordance with Section 1158 of Title 21 of the Oklahoma Statutes
4 shall personally sign and file the death certificate. The personal
5 data shall be obtained from the next of kin or the best qualified
6 person or source available. The certificate shall be completed as
7 to personal data and delivered to the attending physician or the
8 medical examiner responsible for completing the medical
9 certification portion of the certificate of death within twenty-four
10 (24) hours after the death. No later than July 1, 2012, the
11 personal data, and no later than July 1, 2017, the medical
12 certificate portion, shall be entered into the prescribed electronic
13 system provided by the State Registrar of Vital Statistics and the
14 information submitted to the State Registrar of Vital Statistics.
15 The resultant certificate produced by the electronic system shall be
16 provided to the physician or medical examiner for medical
17 certification within twenty-four (24) hours after the death.

18 C. The medical certification shall be completed and signed
19 within forty-eight (48) hours after death by the physician,
20 physician assistant, or advanced practice registered nurse in charge
21 of the patient's care for the illness or condition which resulted in
22 death, except when inquiry as to the cause of death is required by
23 Section 938 of this title. No later than July 1, 2017, the medical
24 certification portion of certificate data shall be entered into the

1 prescribed electronic system provided by the State Registrar of
2 Vital Statistics and the information submitted to the State
3 Registrar of Vital Statistics.

4 D. In the event that the physician, physician assistant, or
5 advanced practice registered nurse in charge of the patient's care
6 for the illness or condition which resulted in death is not in
7 attendance at the time of death, the medical certification shall be
8 completed and signed within forty-eight (48) hours after death by
9 the physician, physician assistant, or advanced practice registered
10 nurse in attendance at the time of death, except:

11 1. When the patient is under hospice care at the time of death,
12 the medical certification may be signed by the hospice's medical
13 director; and

14 2. When inquiry as to the cause of death is required by Section
15 938 of this title.

16 Provided, that such certification, if signed by other than the
17 attending physician, physician assistant, or advanced practice
18 registered nurse, shall note on the face the name of the attending
19 physician, physician assistant, or advanced practice registered
20 nurse and that the information shown is only as reported.

21 E. A certifier completing cause of death on a certificate of
22 death who knows that a lethal drug, overdose or other means of
23 assisting suicide within the meaning of Sections 3141.2 through
24 3141.4 of this title caused or contributed to the death shall list

1 that means among the chain of events under cause of death or list it
2 in the box that describes how the injury occurred. If such means is
3 in the chain of events under cause of death or in the box that
4 describes how the injury occurred, the certifier shall indicate
5 "suicide" as the manner of death.

6 F. The authority of a physician assistant to carry out the
7 functions described in this section shall be governed by the
8 practice agreement as provided by Section 519.6 of Title 59 of the
9 Oklahoma Statutes.

10 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-312, is
11 amended to read as follows:

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

22 B. A veterinarian who has complied with the registration
23 requirements of the Uniform Controlled Dangerous Substances Act, in
24 good faith and in the course of the professional practice of the

1 veterinarian only, and not for use by a human being, may prescribe,
2 administer, and dispense controlled dangerous substances and may
3 cause them to be administered by an assistant or orderly under the
4 direction and supervision of the veterinarian.

5 C. An advanced practice nurse who is recognized to prescribe by
6 the Oklahoma Board of Nursing as an advanced registered nurse
7 practitioner, clinical nurse specialist or certified nurse-midwife,
8 who is subject to medical direction by a supervising physician,
9 pursuant to Section 567.3a of Title 59 of the Oklahoma Statutes, and
10 who has complied with the registration requirements of the Uniform
11 Controlled Dangerous Substances Act, in good faith and in the course
12 of professional practice only, may prescribe and administer Schedule
13 III, IV and V controlled dangerous substances.

14 D. An advanced practice nurse who is recognized to order,
15 select, obtain and administer drugs by the Oklahoma Board of Nursing
16 as a certified registered nurse anesthetist pursuant to Section
17 353.1b of Title 59 of the Oklahoma Statutes and who has complied
18 with the registration requirements of the Uniform Controlled
19 Dangerous Substances Act, in good faith and in the course of such
20 practitioner's professional practice only, may order, select, obtain
21 and administer Schedules II through V controlled dangerous
22 substances in a preanesthetic preparation or evaluation; anesthesia
23 induction, maintenance or emergence; or postanesthesia care setting
24 only. A certified registered nurse anesthetist may order, select,

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

3 E. A physician assistant who is recognized to prescribe by the
4 State Board of Medical Licensure and Supervision under the medical
5 direction of a supervising physician, pursuant to ~~subsection D of~~
6 Section 519.6 of Title 59 of the Oklahoma Statutes, and who has
7 complied with the registration requirements of the Uniform
8 Controlled Dangerous Substances Act, in good faith and in the course
9 of professional practice only, may prescribe and administer Schedule
10 II through V controlled dangerous substances.

11 SECTION 3. This act shall become effective November 1, 2022.

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