

1 ENGROSSED HOUSE
2 BILL NO. 3328

By: Roe of the House

3 and

4 Stanley of the Senate
5

6 An Act relating to professions and occupations;
7 amending 59 O.S. 2021, Section 567.5a, which relates
8 to advanced practice registered nurse applicant
9 requirements; adding a qualification for licensure;
10 amending 59 O.S. 2021, Section 567.7, which relates
11 to renewal or reinstatement of license or
12 certificate; adding a certain requirement for
13 reinstatement of license or certificate; amending 59
14 O.S. 2021, Section 567.18, which relates to criminal
15 background check; requiring certain licenses or
16 certificates to receive criminal history background
17 checks; clarifying fingerprint process; limiting the
18 use of criminal history record information; and
19 providing an effective date.
20

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

22 SECTION 1. AMENDATORY 59 O.S. 2021, Section 567.5a, is
23 amended to read as follows:

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

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

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

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

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

4 4. Have completed an advanced practice registered nursing
5 education program in one of the four advanced practice registered
6 nurse roles and a specialty area recognized by the Board. Effective
7 January 1, 2016, the applicant shall have completed an accredited
8 graduate level advanced practice registered nursing education
9 program in at least one of the following population foci:
10 family/individual across the lifespan, adult-gerontology, neonatal,
11 pediatrics, women's health/gender-related, or psychiatric/mental
12 health;

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

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

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

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

1 2. Submit a criminal history records check that complies with
2 Section 567.18 of this Title;

3 ~~2.~~ 3. Hold a current Registered Nurse license in this state;

4 ~~3.~~ 4. Hold recognition as an Advanced Practice Registered Nurse
5 in a state or territory;

6 ~~4.~~ 5. Have completed an advanced practice registered nursing
7 education program in one of the four roles and a specialty area
8 recognized by the Board. Effective January 1, 2016, the applicant
9 shall have completed an accredited graduate level advanced practice
10 registered nursing education program in at least one of the
11 following population foci: family/individual across the lifespan,
12 adult-gerontology, neonatal, pediatrics, women's health/gender-
13 related, or psychiatric/mental health;

14 ~~5.~~ 6. Be currently certified in an advanced practice specialty
15 certification consistent with educational preparation and by a
16 national certifying body recognized by the Board;

17 ~~6.~~ 7. Meet continued competency requirements as set forth in
18 Board rules; and

19 ~~7.~~ 8. Provide any and all other evidence as required by the
20 Board in its rules.

21 D. The Board may issue prescriptive authority recognition by
22 endorsement to an Advanced Practice Registered Nurse licensed as an
23 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if
24 the applicant meets the requirements set forth in this section. An

1 applicant for prescriptive authority recognition by endorsement
2 shall:

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

5 2. Hold current Registered Nurse and Advanced Practice
6 Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the
7 state;

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

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

16 5. Submit a written statement from an Oklahoma licensed
17 physician supervising prescriptive authority as required by the
18 Board in its rules;

19 6. Meet continued competency requirements as set forth in Board
20 rules; and

21 7. Provide any and all other evidence as required by the Board
22 in its rules.
23
24

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

4 F. The Board may reinstate a license as set forth in Board
5 rules.

6 SECTION 2. AMENDATORY 59 O.S. 2021, Section 567.7, is
7 amended to read as follows:

8 Section 567.7 A. Upon expiration of an initial license or
9 certificate issued pursuant to the Oklahoma Nursing Practice Act, a
10 license or certificate shall be renewed every two (2) years
11 according to a schedule published by the Oklahoma Board of Nursing,
12 provided that the application is complete and qualifying criteria
13 continues to be met.

14 B. A licensee or certificate holder who applies for
15 reinstatement of a license or certificate shall submit a criminal
16 history records check that complies with Section 567.18 of this
17 title and meet any other such requirements as the Board may
18 prescribe in its rules.

19 C. Contingent upon available resources by the Board, the Board
20 may require an applicant for renewal who has not previously
21 submitted a criminal history records check to the Board to submit a
22 criminal history records check that complies with Section 567.18 of
23 this title and meet any other requirements as the Board may
24 prescribe in its rules.

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

13 ~~D.~~ E. The Board is authorized to establish by rule fees to be
14 charged for the purpose of implementing and enforcing the provisions
15 of the Oklahoma Nursing Practice Act; provided, however, no single
16 fee for an initial application for licensure or certification, or
17 for renewal, reinstatement or return to active practice shall
18 exceed One Hundred Twenty-five Dollars (\$125.00). The application
19 fee for a multistate license issued pursuant to Section 5 of this
20 act shall be One Hundred Fifty Dollars (\$150.00). The biennial
21 multistate license renewal fee shall be One Hundred Twenty-five
22 Dollars (\$125.00); provided, however, that contingent upon
23 implementation of the Nurse Licensure Compact and the Board's
24 revolving fund balance being reconciled at less than the average of

1 three (3) months of expenditures, the biennial renewal fee set forth
2 in Oklahoma Administrative Code 485:10-1-3(a)(2) shall increase by
3 Ten Dollars (\$10.00) by operation of law. The Board may reduce the
4 biennial renewal fees on a pro rata basis for the specific
5 Registered Nurse and Licensed Practical Nurse biennial renewal
6 period.

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

17 SECTION 3. AMENDATORY 59 O.S. 2021, Section 567.18, is
18 amended to read as follows:

19 Section 567.18 A. ~~The criminal background check shall include~~
20 Any applicant for a license or certificate described below shall be
21 required to undergo a national criminal history background check as
22 described in this section.

23 1. Registered Nurse (RN) license,

24 2. Advanced Practice Registered Nurse (APRN) license,

1 3. Practical Nurse License (LPN),

2 4. Advanced Unlicensed Assistant Certificate,

3 5. Multistate nursing license, when Oklahoma is the Primary
4 State of Residence.

5 B. Licensing and certification decisions shall be based on, in
6 addition to other licensure requirements, a criminal history records
7 search conducted by the Oklahoma State Bureau of Investigation that
8 is not more than ninety (90) days old.

9 ~~B.~~ C. Contingent upon available resources by the Board, all
10 criminal background checks effective January 1, 2013, are subject to
11 the following:

12 1. Submission of a full set of fingerprints to the Board for
13 the purpose of permitting a state and federal criminal history
14 records search pursuant to Section 150.9 of Title 74 of the Oklahoma
15 Statutes and Public Law 92-544 that is not more than ninety (90)
16 days old. The Oklahoma State Bureau of Investigation may exchange
17 these fingerprints with the Federal Bureau of Investigation;

18 2. The applicant shall furnish the Board fingerprints as
19 established by Board rules and a money order or cashier's check made
20 payable to the Oklahoma State Bureau of Investigation or the Board's
21 designated vendor;

22 3. The Board shall forward the fingerprints along with the
23 applicable fee for a national fingerprint criminal history records
24 search to the Bureau;

1 4. The Bureau shall ~~retain one set of fingerprints in~~ search
2 the Oklahoma Automated Fingerprint Identification System and ~~submit~~
3 ~~the other set~~ forward fingerprints to the FBI for a national
4 criminal history records search;

5 5. Any and all state and federal criminal history record
6 information obtained by the Board from the Bureau or the FBI which
7 is not already a matter of public record shall be deemed nonpublic.
8 The confidential information shall be restricted to the exclusive
9 use of the Board, its members, officers, investigators, agents, and
10 attorneys in evaluating the applicant's eligibility or
11 disqualification for licensure; and

12 6. Fingerprint images may be rejected by the OSBI and the FBI
13 for a variety of reasons, including, but not limited to, fingerprint
14 quality or an inability by the OSBI or FBI to classify the
15 fingerprints. These rejections require the applicant to be
16 fingerprinted again. Applicants with fingerprints rejected for
17 improper registration will be required to re-register, re-pay and be
18 re-fingerprinted. Applicant is responsible for insuring and
19 verifying that all data is correct in the fingerprinting process.

20 ~~C.~~ D. The necessary steps to initiate the criminal background
21 checks may be performed by the Board or its designated vendor.

22 ~~D.~~ E. An individual applying for any type of multistate
23 license, when Oklahoma is the Primary State of Residence, shall
24 submit to a criminal background check that complies with this

1 section; provided, however, that if the individual has been
2 continuously enrolled in the Federal Bureau of Investigation's Rap
3 Back Service since issuance of the initial multistate license, the
4 individual shall not be required to undergo another criminal history
5 record search. No criminal history record information will be
6 disseminated outside the Board, as described in paragraph 5 of this
7 subsection.

8 SECTION 4. This act shall become effective November 1, 2024.

9 Passed the House of Representatives the 5th day of March, 2024.

10
11
12 Presiding Officer of the House
of Representatives

13
14 Passed the Senate the ____ day of _____, 2024.

15
16 Presiding Officer of the Senate
17
18
19
20
21
22
23
24