

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3328

By: Roe of the House

5 and

6 **Stanley** of the Senate

7
8
9 AS INTRODUCED

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

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

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

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.

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 Board;

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
12 graduate level advanced practice registered nursing education
13 program in at least one of the following population foci:
14 family/individual across the lifespan, adult-gerontology, neonatal,
15 pediatrics, women's health/gender-related, or psychiatric/mental
16 health;

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

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

22 C. The Board may issue a license by endorsement to an Advanced
23 Practice Registered Nurse licensed under the laws of another state
24

1 if the applicant meets the qualifications for licensure in this
2 state. An applicant by endorsement shall:

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

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

7 ~~2.~~ 3. Hold a current Registered Nurse license in this state;

8 ~~3.~~ 4. Hold recognition as an Advanced Practice Registered Nurse
9 in a state or territory;

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

18 ~~5.~~ 6. Be currently certified in an advanced practice specialty
19 certification consistent with educational preparation and by a
20 national certifying body recognized by the Board;

21 ~~6.~~ 7. Meet continued competency requirements as set forth in
22 Board rules; and

23 ~~7.~~ 8. Provide any and all other evidence as required by the
24 Board in its rules.

1 D. The Board may issue prescriptive authority recognition by
2 endorsement to an Advanced Practice Registered Nurse licensed as an
3 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if
4 the applicant meets the requirements set forth in this section. An
5 applicant for prescriptive authority recognition by endorsement
6 shall:

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

9 2. Hold current Registered Nurse and Advanced Practice
10 Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the
11 state;

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

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

20 5. Submit a written statement from an Oklahoma licensed
21 physician supervising prescriptive authority as required by the
22 Board in its rules;

23 6. Meet continued competency requirements as set forth in Board
24 rules; and

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

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

6 F. The Board may reinstate a license as set forth in Board
7 rules.

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

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

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

21 C. Contingent upon available resources by the Board, the Board
22 may require an applicant for renewal who has not previously
23 submitted a criminal history records check to the Board to submit a
24 criminal history records check that complies with Section 567.18 of

1 this title and meet any other requirements as the Board may
2 prescribe in its rules.

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

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

1 implementation of the Nurse Licensure Compact and the Board's
2 revolving fund balance being reconciled at less than the average of
3 three (3) months of expenditures, the biennial renewal fee set forth
4 in Oklahoma Administrative Code 485:10-1-3(a)(2) shall increase by
5 Ten Dollars (\$10.00) by operation of law. The Board may reduce the
6 biennial renewal fees on a pro rata basis for the specific
7 Registered Nurse and Licensed Practical Nurse biennial renewal
8 period.

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

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

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

1 1. Registered Nurse (RN) license,

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

3 3. Practical Nurse License (LPN),

4 4. Advanced Unlicensed Assistant Certificate,

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

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

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

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

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

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

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

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

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

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

1 ~~D.~~ E. An individual applying for any type of multistate
2 license, when Oklahoma is the Primary State of Residence, shall
3 submit to a criminal background check that complies with this
4 section; provided, however, that if the individual has been
5 continuously enrolled in the Federal Bureau of Investigation's Rap
6 Back Service since issuance of the initial multistate license, the
7 individual shall not be required to undergo another criminal history
8 record search. No criminal history record information will be
9 disseminated outside the Board, as described in paragraph 5 of this
10 subsection.

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

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13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/15/2024 -
14 DO PASS, As Coauthored.

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