

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1419

By: Rosino

AS INTRODUCED

An Act relating to Advanced Unlicensed Assistants; defining term; directing the Oklahoma Health Care Authority to establish certain program subject to certain conditions; stating qualification criteria; limiting skilled tasks performed by certain Advanced Unlicensed Assistants; requiring Registered Nurse or Licensed Practical Nurse to conduct certain home visits; directing certain reimbursement of Advanced Unlicensed Assistant services; requiring certain agencies to coordinate for implementation; directing promulgation of rules; requiring application for certain federal approval; amending 59 O.S. 2021, Section 567.3a, which relates to definitions used in the Oklahoma Nursing Practice Act; broadening certain definition; amending 59 O.S. 2021, Section 567.6a, which relates to Advanced Unlicensed Assistants; requiring the Oklahoma Board of Nursing to count certain training toward completion of prescribed curricula; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5013.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "family member" means a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, or

1 any other individual related by blood, and any other individual with
2 a close association that is the equivalent of a family relationship.

3 B. No later than one year after the effective date of this act
4 and subject to receipt of federal approval for the program, the
5 Oklahoma Health Care Authority shall establish a program under which
6 a family member of a Medicaid enrollee may be certified as an
7 Advanced Unlicensed Assistant by the Oklahoma Board of Nursing and,
8 after receiving such certification may, under the direction and
9 supervision of a Registered Nurse or Licensed Practical Nurse,
10 provide Advanced Unlicensed Assistant services to the enrollee
11 through a licensed home care agency under the reimbursement rates
12 established under subsection E of this section, provided that the
13 enrollee qualifies for such services under the state Medicaid
14 program.

15 C. The program established under this section shall require the
16 family member to complete all the training, testing, and other
17 qualification criteria required under state and federal law for
18 certification as an Advanced Unlicensed Assistant in a home setting
19 including, but not limited to, qualification criteria established
20 under the Oklahoma Nursing Practice Act.

21 D. 1. The skilled tasks performed by an Advanced Unlicensed
22 Assistant in a home setting under this section shall be subject to
23 the scope of practice established by the Oklahoma Board of Nursing
24 for Advanced Unlicensed Assistants in a home setting.

1 2. A Registered Nurse or Licensed Practical Nurse shall conduct
2 all home visits required by the Oklahoma Health Care Authority at
3 the enrollee's home.

4 E. Advanced Unlicensed Assistant services provided by a family
5 member of a Medicaid enrollee who becomes certified as an Advanced
6 Unlicensed Assistant under the program established under this
7 section shall be reimbursed to a home care agency at a rate
8 established by the Oklahoma Health Care Authority.

9 F. 1. The Authority and the Oklahoma Board of Nursing shall
10 coordinate and share information as necessary to implement this
11 section.

12 2. The Oklahoma Health Care Authority Board and the Oklahoma
13 Board of Nursing shall promulgate rules as necessary to implement
14 this section.

15 3. The Administrator of the Authority shall apply for such
16 state plan amendments or waivers as may be necessary to implement
17 this section and secure federal financial participation for state
18 Medicaid expenditures under the federal Medicaid program.

19 SECTION 2. AMENDATORY 59 O.S. 2021, Section 567.3a, is
20 amended to read as follows:

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

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

23 2. "The practice of nursing" means the performance of services
24 provided for purposes of nursing diagnosis and treatment of human
25

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

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

- 14 a. assessing the health status of individuals, families
15 and groups,
 - 16 b. analyzing assessment data to determine nursing care
17 needs,
 - 18 c. establishing goals to meet identified health care
19 needs,
 - 20 d. planning a strategy of care,
 - 21 e. establishing priorities of nursing intervention to
22 implement the strategy of care,
 - 23 f. implementing the strategy of care,
- 24

- 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

- 1 four recognized advanced practice registered nurse
2 roles,
- 3 b. who has passed a national certification examination
4 recognized by the Board that measures the advanced
5 practice registered nurse role and specialty
6 competencies and who maintains recertification in the
7 role and specialty through a national certification
8 program,
- 9 c. who has acquired advanced clinical knowledge and
10 skills in preparation for providing both direct and
11 indirect care to patients; however, the defining
12 factor for all Advanced Practice Registered Nurses is
13 that a significant component of the education and
14 practice focuses on direct care of individuals,
- 15 d. whose practice builds on the competencies of
16 Registered Nurses by demonstrating a greater depth and
17 breadth of knowledge, a greater synthesis of data, and
18 increased complexity of skills and interventions, and
- 19 e. who has obtained a license as an Advanced Practice
20 Registered Nurse in one of the following roles:
21 Certified Registered Nurse Anesthetist, Certified
22 Nurse-Midwife, Clinical Nurse Specialist, or Certified
23 Nurse Practitioner.
24

1 Only those persons who hold a license to practice advanced
2 practice registered nursing in this state shall have the right to
3 use the title "Advanced Practice Registered Nurse" and to use the
4 abbreviation "APRN". Only those persons who have obtained a license
5 in the following disciplines shall have the right to fulfill the
6 roles and use the applicable titles: Certified Registered Nurse
7 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and
8 the abbreviation "CNM", Clinical Nurse Specialist and the
9 abbreviation "CNS", and Certified Nurse Practitioner and the
10 abbreviation "CNP".

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

22 6. "Certified Nurse Practitioner" is an Advanced Practice
23 Registered Nurse who performs in an expanded role in the delivery of
24 health care:

- a. consistent with advanced educational preparation as a Certified Nurse Practitioner in an area of specialty,
- b. functions within the Certified Nurse Practitioner scope of practice for the selected area of specialization, and
- c. is in accord with the standards for Certified Nurse Practitioners as identified by the certifying body and approved by the Board.

A Certified Nurse Practitioner shall be eligible, in accordance with the scope of practice of the Certified Nurse Practitioner, 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 dispensing drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.

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

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

- (1) a master's degree or higher in nursing with clinical specialization preparation to function in an expanded role,
- (2) specialty certification from a national 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.

c. A Clinical Nurse Specialist in accordance with the scope of practice of such Clinical Nurse Specialist 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 dispensing drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.

d. The Clinical Nurse Specialist accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice 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.

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

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

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

20 10. a. "Certified Registered Nurse Anesthetist" is an
21 Advanced Practice Registered Nurse who:

- 22 (1) is certified by the National Board of
23 Certification and Recertification for Nurse
24 Anesthetists as a Certified Registered Nurse
25

1 Anesthetist within one (1) year following
2 completion of an approved certified registered
3 nurse anesthetist education program, and
4 continues to maintain such recertification by the
5 National Board of Certification and
6 Recertification for Nurse Anesthetists, and
7 (2) administers anesthesia in collaboration with a
8 medical doctor, an osteopathic physician, a
9 podiatric physician or a dentist licensed in this
10 state and under conditions in which timely onsite
11 consultation by such doctor, osteopath, podiatric
12 physician or dentist is available.

13 b. A Certified Registered Nurse Anesthetist, in
14 collaboration with a medical doctor, osteopathic
15 physician, podiatric physician or dentist licensed in
16 this state, and under conditions in which timely, on-
17 site consultation by such medical doctor, osteopathic
18 physician, podiatric physician or dentist is
19 available, shall be authorized, pursuant to rules
20 adopted by the Oklahoma Board of Nursing, to order,
21 select, obtain and administer legend drugs, Schedules
22 II through V controlled substances, devices, and
23 medical gases only when engaged in the preanesthetic
24 preparation and evaluation; anesthesia induction,

1 maintenance and emergence; and postanesthesia care. A
2 Certified Registered Nurse Anesthetist may order,
3 select, obtain and administer drugs only during the
4 perioperative or periobstetrical period.

5 c. A Certified Registered Nurse Anesthetist who applies
6 for authorization to order, select, obtain and
7 administer drugs shall:

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

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

17 (3) complete and submit a notarized application, on a
18 form prescribed by the Board, accompanied by the
19 application fee established pursuant to this
20 section.

21 d. The authority to order, select, obtain and administer
22 drugs shall be terminated if a Certified Registered
23 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 practice of nursing or the authority to order, select, obtain and administer drugs.

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

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

1 Recertification of Nurse Anesthetists or the Council
2 on Certification of Nurse Anesthetists.

3 g. This paragraph shall not prohibit the administration
4 of local or topical anesthetics as now permitted by
5 law. Provided further, nothing in this paragraph
6 shall limit the authority of the Board of Dentistry to
7 establish the qualifications for dentists who direct
8 the administration of anesthesia.

9 h. As used in this paragraph, "collaboration" means an
10 agreement between a medical doctor, osteopathic
11 physician, podiatric physician or dentist performing
12 the procedure or directly involved with the procedure
13 and the Certified Registered Nurse Anesthetist working
14 jointly toward a common goal providing services for
15 the same patient. This collaboration involves the
16 joint formulation, discussion and agreement of the
17 anesthesia plan by both parties, and the collaborating
18 medical doctor, osteopathic physician, podiatric
19 physician or dentist performing the procedure or
20 directly involved with the procedure and that
21 collaborating physician shall remain available for
22 timely onsite consultation during the delivery of
23 anesthesia for diagnosis, consultation, and treatment
24 of medical conditions;

1 11. "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, a Clinical
5 Nurse Specialist, or a Certified Nurse-Midwife, and who is not in
6 training as an intern, resident, or fellow. To be eligible to
7 supervise such Advanced Practice Registered Nurse, such physician
8 shall remain in compliance with the rules promulgated by the State
9 Board of Medical Licensure and Supervision or the State Board of
10 Osteopathic Examiners;

11 12. "Supervision of an Advanced Practice Registered Nurse with
12 prescriptive authority" means overseeing and accepting
13 responsibility for the ordering and transmission by a Certified
14 Nurse Practitioner, a Clinical Nurse Specialist, or a Certified
15 Nurse-Midwife of written, telephonic, electronic or oral
16 prescriptions for drugs and other medical supplies, subject to a
17 defined formulary; and

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

SECTION 3. AMENDATORY 59 O.S. 2021, Section 567.6a, is amended to read as follows:

Section 567.6a. A. All applicants for a certificate to practice as an Advanced Unlicensed Assistant shall be subject to Section 567.8 of this title.

B. An applicant for a certificate to practice as an Advanced Unlicensed Assistant shall submit to the Oklahoma Board of Nursing certified evidence that the applicant:

1. Has successfully completed the prescribed curricula in a state-approved education program for Advanced Unlicensed Assistants and holds or is entitled to hold a diploma or certificate therefrom, or equivalent courses in a formal program of instruction;

2. Has never been convicted of a felony crime that substantially relates to the occupation of nursing and poses a reasonable threat to public safety;

3. Has submitted a criminal history records search that is compliant with Section 567.18 of this title;

4. Is a minimum of eighteen (18) years of age; and

5. Has met such other reasonable preliminary qualification requirements as the Board may prescribe.

C. The applicant for a certificate to practice as an Advanced Unlicensed Assistant shall be required to pass an examination in such subjects as the Board may require. Upon the applicant successfully passing such examination, the Board may issue to the

1 applicant a certificate to practice as an Advanced Unlicensed
2 Assistant. An applicant who fails such examination shall be subject
3 to reexamination according to the rules of the Board. The passing
4 criteria shall be established by Board rules.

5 D. Any person who holds a certificate to practice as an
6 Advanced Unlicensed Assistant in this state shall have the right to
7 use both the title "Advanced Unlicensed Assistant" and the
8 abbreviation "A.U.A.". No other person shall assume such title or
9 use such abbreviation or any other words, letters, signs, or figures
10 to indicate that the person using the same is an Advanced Unlicensed
11 Assistant. Any individual doing so shall be guilty of a
12 misdemeanor, which shall be punishable, upon conviction, by
13 imprisonment in the county jail for not more than one (1) year or by
14 a fine of not less than One Hundred Dollars (\$100.00) nor more than
15 One Thousand Dollars (\$1,000.00), or by both such imprisonment and
16 fine for each offense.

17 E. As part of the prescribed curricula in a state-approved
18 education program as described in subsection B of this section, the
19 Board shall allow a portion, as determined by the Board, of the
20 prescribed curricula for applicants seeking certification to provide
21 Advanced Unlicensed Assistant services in home settings to be
22 completed through training provided by home care agencies or other
23 appropriate entities approved by the Board.

24 F. As used in this section:
25

1 1. "Substantially relates" means the nature of criminal conduct
2 for which the person was convicted has a direct bearing on the
3 fitness or ability to perform one or more of the duties or
4 responsibilities necessarily related to the occupation; and

5 2. "Poses a reasonable threat" means the nature of criminal
6 conduct for which the person was convicted involved an act or threat
7 of harm against another and has a bearing on the fitness or ability
8 to serve the public or work with others in the occupation.

9 SECTION 4. This act shall become effective July 1, 2024.

10 SECTION 5. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14
15 59-2-2723 DC 12/15/2023 3:50:51 PM
16
17
18
19
20
21
22
23
24
25