

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3328

By: Roe

AS INTRODUCED

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

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.

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

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

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

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

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

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

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

20       C. The Board may issue a license by endorsement to an Advanced  
21 Practice Registered Nurse licensed under the laws of another state  
22 if the applicant meets the qualifications for licensure in this  
23 state. An applicant by endorsement shall:  
24  
--

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

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

5        ~~2.~~ 3. Hold a current Registered Nurse license in this state;

6        ~~3.~~ 4. Hold recognition as an Advanced Practice Registered Nurse  
7 in a state or territory;

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

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

19        ~~6.~~ 7. Meet continued competency requirements as set forth in  
20 Board rules; and

21        ~~7.~~ 8. Provide any and all other evidence as required by the  
22 Board in its rules.

23        D. The Board may issue prescriptive authority recognition by  
24 endorsement to an Advanced Practice Registered Nurse licensed as an  
--

1 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if  
2 the applicant meets the requirements set forth in this section. An  
3 applicant for prescriptive authority recognition by endorsement  
4 shall:

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

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

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

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

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

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

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

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       ~~C.~~ 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  
10 59-2-8593 TJ 12/04/23  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
- -