

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 755

By: Garvin

AS INTRODUCED

An Act relating to the practice of nursing; amending 59 O.S. 2021, Section 567.4, which relates to the Oklahoma Board of Nursing; modifying membership of the Board; modifying, adding, and removing qualifications for membership; modifying appointing authorities of members; modifying certain limitation on appointees; removing obsolete language; allowing members to be removed without cause; modifying requirements for quorum; removing certain qualification of Executive Director; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 567.4, is amended to read as follows:

Section 567.4. A. 1. The Oklahoma Board of Nursing is hereby established in the State of Oklahoma. The Board shall consist of eleven (11) members who shall be citizens of the United States of America, and residents of ~~Oklahoma~~ this state, for at least the previous three (3) years. ~~Six~~

2. Three of the members shall be Registered Nurses, none of whom are Advanced Practice Registered Nurses, and shall be in good

1 standing under the provisions of the Oklahoma Nursing Practice Act,
2 currently engaged in the practice of nursing as a Registered Nurse
3 and shall have had no less than five (5) years of experience as a
4 Registered Nurse. ~~At least two of the Registered Nurses shall be~~
5 ~~from the field of nursing education, actively associated with a~~
6 ~~recognized school of nursing in Oklahoma, and who hold an~~
7 ~~organizational role of administration/management and who are~~
8 ~~accountable for strategic, operational and/or performance outcomes.~~
9 ~~At least two of the Registered Nurses who hold an organizational~~
10 ~~role of administration/management and who are accountable for~~
11 ~~strategic, operational and/or performance outcomes shall represent~~
12 ~~nursing service. At least one of the Registered Nurses shall be~~
13 ~~currently engaged in the practice of nursing as an Advanced Practice~~
14 ~~Registered Nurse~~ Each Registered Nurse member shall be appointed by
15 the Governor. One of the Registered Nurse members shall possess an
16 Associate Degree in Nursing (ADN) or a Registered Nurse diploma and
17 shall not possess a Bachelor of Science in Nursing (BSN). One of
18 the Registered Nurse members shall be appointed from a county with a
19 population of less than forty thousand (40,000).

20 3. Three of the members shall be Licensed Practical Nurses in
21 good standing under the provisions of the Oklahoma Nursing Practice
22 Act and currently engaged in the practice of practical nursing as a
23 Licensed Practical Nurse and shall have had no less than five (5)
24 years of experience as a Licensed Practical Nurse. ~~One of the~~

~~licensed nurses must be employed in the field of long-term care.~~

~~One of the licensed nurses shall be employed in the area of acute~~

~~care~~ Each Licensed Practical Nurse member shall be appointed by the

Governor. Two of the Licensed Practical Nurse members shall be

appointed from a county with a population of less than forty

thousand (40,000).

4. One of the members shall be a licensed Advanced Practice

Registered Nurse in good standing under the provisions of the

Oklahoma Nursing Practice Act, currently engaged in the practice of

nursing as an Advanced Practice Registered Nurse and shall have had

no less than five (5) years of experience as an Advanced Practice

Registered Nurse. The Advanced Practice Registered Nurse member

shall be appointed by the Governor.

5. Two members shall represent the public and shall be eligible

voters of this state, knowledgeable in consumer health concerns, and

shall neither be nor ever have been associated with the provision of

health care, nor be enrolled in any health-related educational

program. ~~The public members shall be appointed by the Governor to~~

~~serve coterminously with the Governor. At least one Registered~~

~~Nurse Board member, one Licensed Practical Nurse Board member and~~

~~one public Board member~~ One of the public members shall be appointed

by the President Pro Tempore of the Senate. One of the public

members shall be appointed by the Speaker of the House of

1 Representatives from a county with a population of less than forty
2 thousand (40,000).

3 6. Two members shall represent a healthcare profession other
4 than nursing or licensed practical nursing including, but not
5 limited to, a healthcare provider field or the healthcare
6 administration field. One of the members representing a healthcare
7 profession other than nursing or licensed practical nursing shall be
8 appointed by the Speaker of the House of Representatives. One of
9 the members representing a healthcare profession other than nursing
10 or licensed practical nursing shall be appointed by the President
11 Pro Tempore of the Senate from a county with a population of less
12 than forty thousand (40,000).

13 B. ~~For the purpose of nominating, appointing or reappointing~~
14 ~~members to the Board, this state shall be divided into eight~~
15 ~~geographical districts, consisting of counties within the districts~~
16 ~~as follows:~~

17 ~~District No. 1 Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,~~
18 ~~Grant, Kay, Ellis, Woodward, Major, Garfield,~~
19 ~~Noble, Dewey, Blaine, Kingfisher and Logan;~~

20 ~~District No. 2 Roger Mills, Custer, Beckham, Washita, Caddo,~~
21 ~~Greer, Kiowa, Harmon, Jackson, Comanche, Tillman~~
22 ~~and Cotton;~~

23 ~~District No. 3 Canadian, Grady, McClain, Garvin, Stephens,~~
24 ~~Murray, Jefferson, Carter and Love;~~

~~District No. 4 Oklahoma;~~

~~District No. 5 Lincoln, Okfuskee, Cleveland, Pottawatomie,
Seminole, Hughes, Pontotoc, Coal, Johnston,
Marshall and Bryan;~~

~~District No. 6 Creek and Tulsa;~~

~~District No. 7 Osage, Washington, Nowata, Craig, Ottawa,
Pawnee, Payne, Rogers, Mayes and Delaware; and~~

~~District No. 8 Wagoner, Cherokee, Adair, Okmulgee, Muskogee,
Sequoyah, McIntosh, Haskell, Leflore, Pittsburg,
Latimer, Atoka, Pushmataha, McCurtain and
Choctaw.~~

~~Not more than one Registered Nurse and one Licensed Practical
Nurse and one public member shall be appointed from any one
geographical district.~~

~~C. The Governor shall appoint one of the Registered Nurse Board
members from a list of names submitted by the Oklahoma Nurses
Association and Oklahoma chapters of nationally recognized
Registered Nurse organizations. The Governor shall appoint one of
the Licensed Practical Nurse Board members from a list of names
submitted by the Oklahoma chapters of nationally recognized nursing
organizations. Individuals who are members of the Oklahoma Board of
Nursing prior to September 1, 1991, shall be allowed to fulfill
their terms and be eligible for reappointment.~~

~~D. The Registered Nurse and Licensed Practical Nurse~~

1 C. All Board members shall be appointed for terms of five (5)
2 years. Members shall serve at the pleasure of their appointing
3 authorities and may be removed without cause. Upon the death,
4 resignation, or removal of any member, ~~a list from the~~
5 ~~aforementioned organizations shall be submitted to the Governor who~~
6 the appointing authority shall appoint a member to fill the vacancy.

7 ~~1. In addition to the grounds for removal by the Governor of~~
8 ~~members appointed to the Board provided in Section 2 of Title 74 of~~
9 ~~the Oklahoma Statutes, it is a ground for removal if a member:~~

10 ~~a. does not have at the time of appointment the~~
11 ~~qualifications required by subsection A of this~~
12 ~~section,~~

13 ~~b. is not employed in nursing for a period of twelve (12)~~
14 ~~consecutive months during the term for which the~~
15 ~~member was appointed,~~

16 ~~c. is absent from more than half of the regularly~~
17 ~~scheduled Board meetings that the member is eligible~~
18 ~~to attend during a calendar year, unless the absence~~
19 ~~is excused by a majority vote of the Board, or~~

20 ~~d. cannot discharge the duties as a Board member for a~~
21 ~~substantial portion of the term for which the member~~
22 ~~is appointed because of illness or disability.~~

1 ~~2. The validity of an action of the Board is not affected by~~
2 ~~the fact that it is taken when a ground for removal of a Board~~
3 ~~member exists.~~

4 ~~3. If the president of the Board has knowledge that a potential~~
5 ~~ground for removal exists, the president shall then notify the~~
6 ~~Governor that a potential ground for removal exists.~~

7 ~~E. D.~~ A quorum shall be a majority of the Board which must
8 include at least ~~three~~ two Registered Nurses, not including the
9 Advanced Practice Registered Nurse Member, and ~~one~~ two Licensed
10 Practical ~~Nurse~~ Nurses.

11 ~~F. E.~~ The members of the Board shall annually elect from their
12 number a president, vice-president and a secretary who shall also be
13 the treasurer, and other such officers as necessary to conduct the
14 business of the Board. It shall hold six regular business meetings
15 during each calendar year. Special meetings may be called by the
16 president or secretary with five (5) days' notice to each member of
17 the Board. The Board shall have a seal; it shall make and adopt all
18 necessary rules not inconsistent with the laws of this state, the
19 United States, or with the Oklahoma Nursing Practice Act; and it
20 shall perform the duties and transact the business required under
21 the provisions of the ~~act~~ Oklahoma Nursing Practice Act. The Board
22 shall cause to be kept a record of all meetings of the Board and
23 give notice of all meetings in accordance with the Administrative
24 Procedures Act and the Open Meeting Act. A list of all persons duly

1 licensed and qualified under ~~this act~~ the Oklahoma Nursing Practice
2 Act shall be maintained by the Board. Each member of the Board
3 shall receive, in addition to actual and necessary travel expenses
4 as provided in the State Travel Reimbursement Act, compensation of
5 One Hundred Dollars (\$100.00) for each regular scheduled monthly
6 meeting attended, not to exceed more than six meetings per year.
7 All monies received by the Board shall be held by the treasurer of
8 the Board for meeting the expenses of the Board and for the
9 promotion of nursing education, to employ an attorney to assist the
10 Board and other state and county officials in carrying out the
11 provisions of the Oklahoma Nursing Practice Act, and such other
12 purposes which the Board may determine, and shall be disbursed as
13 directed by the Board. The Board is authorized to adopt and revise
14 rules, not inconsistent with the provisions of the Oklahoma Nursing
15 Practice Act, as may be necessary to enable it to carry into effect
16 the provisions of the act, including rules establishing fees,
17 charges and reimbursement costs. The Board shall appoint and employ
18 a qualified person, ~~who shall be a Registered Nurse~~ to serve as
19 Executive Director, and shall fix the compensation, notwithstanding
20 any other provision of law including Section 3601.2 of Title 74 of
21 the Oklahoma Statutes, in an amount not in excess of the maximum
22 salary proposed for the Oklahoma Board of Nursing and set forth in
23 the most recent Compensation Report prepared by or for the Office of
24

1 Management and Enterprise Services, require a satisfactory bond, and
2 define the duties of the Executive Director to include:

3 1. The authority and responsibility for the operations and
4 administration of the agency and such additional powers and duties
5 as prescribed by the Board. As chief executive of the Board, the
6 Executive Director shall manage all aspects of the agency, including
7 personnel, financial and other resources, in support of the Oklahoma
8 Nursing Practice Act, its rules and policies, and the Board's
9 mission and strategic plan;

10 2. The authority to accept orders as set forth in paragraph 3
11 of this subsection on behalf of the Board and where ratification by
12 the Board is not required. The Executive Director shall report
13 summaries of dispositions to the Board at its regular meetings;

14 3. a. ~~Orders~~ orders issued under Section 2 of this act,

15 b. ~~Agreed~~ agreed disciplinary orders requiring an
16 applicant or licensee to enter and comply with the
17 Peer Assistance Program,

18 c. ~~Agreed~~ agreed disciplinary orders for the
19 reinstatement or endorsement of a
20 license/certificate/recognition when the applicant has
21 practiced without an active Oklahoma
22 license/certificate/recognition, and

23 d. ~~Agreed~~ agreed disciplinary orders for the voluntary
24 surrender of a license/certification/recognition.

SECTION 2. This act shall become effective November 1, 2023.

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