

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 727

By: Brooks

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Nursing Practice Act;
8 amending 59 O.S. 2011, Section 567.3a, which relates
9 to definitions; permitting nurse practitioners to
order, administer, and dispense certain drugs; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 567.3a, is
14 amended to read as follows:

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

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

17 2. "The practice of nursing" means the performance of services
18 provided for purposes of nursing diagnosis and treatment of human
19 responses to actual or potential health problems consistent with
20 educational preparation. Knowledge and skill are the basis for
21 assessment, analysis, planning, intervention, and evaluation used in
22 the promotion and maintenance of health and nursing management of
23 illness, injury, infirmity, restoration or optimal function, or
24 death with dignity. Practice is based on understanding the human

1 condition across the human lifespan and understanding the
2 relationship of the individual within the environment. This
3 practice includes execution of the medical regime including the
4 administration of medications and treatments prescribed by any
5 person authorized by state law to so prescribe;

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

- 8 a. assessing the health status of individuals, families
9 and groups,
- 10 b. analyzing assessment data to determine nursing care
11 needs,
- 12 c. establishing goals to meet identified health care
13 needs,
- 14 d. planning a strategy of care,
- 15 e. establishing priorities of nursing intervention to
16 implement the strategy of care,
- 17 f. implementing the strategy of care,
- 18 g. delegating such tasks as may safely be performed by
19 others, consistent with educational preparation and
20 that do not conflict with the provisions of the
21 Oklahoma Nursing Practice Act,
- 22 h. providing safe and effective nursing care rendered
23 directly or indirectly,
- 24 i. evaluating responses to interventions,

- 1 j. teaching the principles and practice of nursing,
- 2 k. managing and supervising the practice of nursing,
- 3 l. collaborating with other health professionals in the
- 4 management of health care,
- 5 m. performing additional nursing functions in accordance
- 6 with knowledge and skills acquired beyond basic
- 7 nursing preparation, and
- 8 n. delegating those nursing tasks as defined in the rules
- 9 of the Board that may be performed by an advanced
- 10 unlicensed assistive person;

11 4. "Licensed practical nursing" means the practice of nursing
12 under the supervision or direction of a registered nurse, licensed
13 physician or dentist. This directed scope of nursing practice
14 includes, but is not limited to:

- 15 a. contributing to the assessment of the health status of
- 16 individuals and groups,
- 17 b. participating in the development and modification of
- 18 the plan of care,
- 19 c. implementing the appropriate aspects of the plan of
- 20 care,
- 21 d. delegating such tasks as may safely be performed by
- 22 others, consistent with educational preparation and
- 23 that do not conflict with the Oklahoma Nursing
- 24 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 four recognized advanced practice registered nurse roles,
- b. who has passed a national certification examination recognized by the Board that measures the advanced practice registered nurse role and specialty competencies and who maintains recertification in the role and specialty through a national certification program,

- 1 c. who has acquired advanced clinical knowledge and
2 skills in preparation for providing both direct and
3 indirect care to patients; however, the defining
4 factor for all Advanced Practice Registered Nurses is
5 that a significant component of the education and
6 practice focuses on direct care of individuals,
- 7 d. whose practice builds on the competencies of
8 Registered Nurses by demonstrating a greater depth and
9 breadth of knowledge, a greater synthesis of data, and
10 increased complexity of skills and interventions, and
- 11 e. who has obtained a license as an Advanced Practice
12 Registered Nurse in one of the following roles:
13 Certified Registered Nurse Anesthetist, Certified
14 Nurse-Midwife, Clinical Nurse Specialist, or Certified
15 Nurse Practitioner.

16 Only those persons who hold a license to practice advanced
17 practice registered nursing in this state shall have the right to
18 use the title "Advanced Practice Registered Nurse" and to use the
19 abbreviation "APRN". Only those persons who have obtained a license
20 in the following disciplines shall have the right to fulfill the
21 roles and use the applicable titles: Certified Registered Nurse
22 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and
23 the abbreviation "CNM", Clinical Nurse Specialist and the
24

1 abbreviation "CNS", and Certified Nurse Practitioner and the
2 abbreviation "CNP".

3 It shall be unlawful for any person to assume the role or use
4 the title Advanced Practice Registered Nurse or use the abbreviation
5 "APRN" or use the respective specialty role titles and abbreviations
6 or to use any other titles or abbreviations that would reasonably
7 lead a person to believe the user is an Advanced Practice Registered
8 Nurse, unless permitted by this act. Any individual doing so shall
9 be guilty of a misdemeanor, which shall be punishable, upon
10 conviction, by imprisonment in the county jail for not more than one
11 (1) year or by a fine of not less than One Hundred Dollars (\$100.00)
12 nor more than One Thousand Dollars (\$1,000.00), or by both such
13 imprisonment and fine for each offense;

14 6. "Certified Nurse Practitioner" is an Advanced Practice
15 Registered Nurse who performs in an expanded role in the delivery of
16 health care:

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

1 A Certified Nurse Practitioner shall be eligible, ~~in accordance~~
2 ~~with the scope of practice of the Certified Nurse Practitioner, to~~
3 ~~obtain recognition as authorized by the Board to prescribe, as~~
4 ~~defined by the rules promulgated by the Board pursuant to this~~
5 ~~section and subject to the medical direction of a supervising~~
6 ~~physician~~ to order, select, obtain, and administer legend drugs and
7 Schedules II through V controlled substances. This authorization
8 shall ~~not~~ include dispensing drugs, ~~but~~ and shall not preclude,
9 subject to federal regulations, the receipt of, the signing for, or
10 the dispensing of professional samples to patients.

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

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

18 (1) a master's degree or higher in nursing with
19 clinical specialization preparation to function
20 in an expanded role,

21 (2) specialty certification from a national
22 certifying organization recognized by the Board,

23 (3) a certificate of recognition from the Board, and
24

1 (4) any nurse holding a specialty certification as a
2 Clinical Nurse Specialist valid on January 1,
3 1994, granted by a national certifying
4 organization recognized by the Board, shall be
5 deemed to be a Clinical Nurse Specialist under
6 the provisions of the Oklahoma Nursing Practice
7 Act.

8 b. In the expanded role, the Clinical Nurse Specialist
9 performs at an advanced practice level which shall
10 include, but not be limited to:

11 (1) practicing as an expert clinician in the
12 provision of direct nursing care to a selected
13 population of patients or clients in any setting,
14 including private practice,

15 (2) managing the care of patients or clients with
16 complex nursing problems,

17 (3) enhancing patient or client care by integrating
18 the competencies of clinical practice, education,
19 consultation, and research, and

20 (4) referring patients or clients to other services.

21 c. A Clinical Nurse Specialist in accordance with the
22 scope of practice of such Clinical Nurse Specialist
23 shall be eligible to obtain recognition as authorized
24 by the Board to prescribe, as defined by the rules

1 promulgated by the Board pursuant to this section, and
2 subject to the medical direction of a supervising
3 physician. This authorization shall not include
4 dispensing drugs, but shall not preclude, subject to
5 federal regulations, the receipt of, the signing for,
6 or the dispensing of professional samples to patients.

7 d. The Clinical Nurse Specialist accepts responsibility,
8 accountability, and obligation to practice in
9 accordance with usual and customary advanced practice
10 nursing standards and functions as defined by the
11 scope of practice/role definition statements for the
12 Clinical Nurse Specialist;

13 8. "Nurse-Midwife" is a qualified registered nurse who has
14 received a certificate of recognition from the Oklahoma Board of
15 Nursing who possesses evidence of certification according to the
16 requirements of the American College of Nurse-Midwives.

17 A Certified Nurse-Midwife in accordance with the scope of
18 practice of such Certified Nurse-Midwife shall be eligible to obtain
19 recognition as authorized by the Board to prescribe, as defined by
20 the rules promulgated by the Board pursuant to this section and
21 subject to the medical direction of a supervising physician. This
22 authorization shall not include the dispensing of drugs, but shall
23 not preclude, subject to federal regulations, the receipt of, the
24 signing for, or the dispensing of professional samples to patients.

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

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

12 10. a. "Certified Registered Nurse Anesthetist" is an
13 Advanced Practice Registered Nurse who:

14 (1) is certified by the Council on Certification of
15 Nurse Anesthetists as a Certified Registered
16 Nurse Anesthetist within one (1) year following
17 completion of an approved certified registered
18 nurse anesthetist education program, and
19 continues to maintain such recertification by the
20 Council on Recertification of Nurse Anesthetists,
21 and

22 (2) administers anesthesia under the supervision of a
23 medical doctor, an osteopathic physician, a
24 podiatric physician or a dentist licensed in this

1 state and under conditions in which timely onsite
2 consultation by such doctor, osteopath, podiatric
3 physician or dentist is available.

4 b. A Certified Registered Nurse Anesthetist, under the
5 supervision of a medical doctor, osteopathic
6 physician, podiatric physician or dentist licensed in
7 this state, and under conditions in which timely, on-
8 site consultation by such medical doctor, osteopathic
9 physician, podiatric physician or dentist is
10 available, shall be authorized, pursuant to rules
11 adopted by the Oklahoma Board of Nursing, to order,
12 select, obtain and administer legend drugs, Schedules
13 II through V controlled substances, devices, and
14 medical gases only when engaged in the preanesthetic
15 preparation and evaluation; anesthesia induction,
16 maintenance and emergence; and postanesthesia care. A
17 Certified Registered Nurse Anesthetist may order,
18 select, obtain and administer drugs only during the
19 perioperative or periobstetrical period.

20 c. A Certified Registered Nurse Anesthetist who applies
21 for authorization to order, select, obtain and
22 administer drugs shall:

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

1 (2) provide evidence of completion, within the two-
2 year period immediately preceding the date of
3 application, of a minimum of fifteen (15) units
4 of continuing education in advanced pharmacology
5 related to the administration of anesthesia as
6 recognized by the Council on Recertification of
7 Nurse Anesthetists or the Council on
8 Certification of Nurse Anesthetists, and

9 (3) complete and submit a notarized application, on a
10 form prescribed by the Board, accompanied by the
11 application fee established pursuant to this
12 section.

13 d. The authority to order, select, obtain and administer
14 drugs shall be terminated if a Certified Registered
15 Nurse Anesthetist has:

16 (1) ordered, selected, obtained or administered drugs
17 outside of the Certified Registered Nurse
18 Anesthetist scope of practice or ordered,
19 selected, obtained or administered drugs for
20 other than therapeutic purposes, or

21 (2) violated any provision of state laws or rules or
22 federal laws or regulations pertaining to the
23 practice of nursing or the authority to order,
24 select, obtain and administer drugs.

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

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

17 g. This paragraph shall not prohibit the administration
18 of local or topical anesthetics as now permitted by
19 law. Provided further, nothing in this paragraph
20 shall limit the authority of the Board of Dentistry to
21 establish the qualifications for dentists who direct
22 the administration of anesthesia;

23 11. "Supervising physician" means an individual holding a
24 current license to practice as a physician from the State Board of

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

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

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

22 SECTION 2. This act shall become effective November 1, 2015.

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