

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 801, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Rosino

Rosino-DC-FS-Req#3841
2/12/2020 9:54 AM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 801

By: Rosino and Scott of the
Senate

6 and

7 McEntire, McDugle, Davis,
8 Cornwell, Mize and Kerbs of
9 the House

10 FLOOR SUBSTITUTE

11 An Act relating to Advanced Practice Registered
12 Nurses; amending 59 O.S. 2011, Section 567.3a, as
13 amended by Section 1, Chapter 281, O.S.L. 2017 (59
14 O.S. Supp. 2019, Section 567.3a), which relates to
15 definitions used in the Oklahoma Nursing Practice
16 Act; modifying definition; updating statutory
17 reference; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 567.3a, as
20 amended by Section 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2019,
21 Section 567.3a), is amended to read as follows:

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

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

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

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

- 1 g. delegating such tasks as may safely be performed by
- 2 others, consistent with educational preparation and
- 3 that do not conflict with the provisions of the
- 4 Oklahoma Nursing Practice Act,
- 5 h. providing safe and effective nursing care rendered
- 6 directly or indirectly,
- 7 i. evaluating responses to interventions,
- 8 j. teaching the principles and practice of nursing,
- 9 k. managing and supervising the practice of nursing,
- 10 l. collaborating with other health professionals in the
- 11 management of health care,
- 12 m. performing additional nursing functions in accordance
- 13 with knowledge and skills acquired beyond basic
- 14 nursing preparation, and
- 15 n. delegating those nursing tasks as defined in the rules
- 16 of the Board that may be performed by an advanced
- 17 unlicensed assistive person;

18 4. "Licensed practical nursing" means the practice of nursing
19 under the supervision or direction of a registered nurse, licensed
20 physician or dentist. This directed scope of nursing practice
21 includes, but is not limited to:

- 22 a. contributing to the assessment of the health status of
- 23 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 ~~this act~~ the Oklahoma Nursing Practice
17 Act. Any individual doing so shall be guilty of a misdemeanor,
18 which shall be punishable, upon conviction, by imprisonment in the
19 county jail for not more than one (1) year or by a fine of not less
20 than One Hundred Dollars (\$100.00) nor more than One Thousand
21 Dollars (\$1,000.00), or by both such imprisonment and fine for each
22 offense;

23
24

1 6. "Certified Nurse Practitioner" is an Advanced Practice
2 Registered Nurse who performs in an expanded role in the delivery of
3 health care:

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

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

21 The Certified Nurse Practitioner accepts responsibility,
22 accountability, and obligation to practice in accordance with usual
23 and customary advanced practice registered nursing standards and
24

1 functions as defined by the scope of practice/role definition
2 statements for the Certified Nurse Practitioner;

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

5 (1) a master's degree or higher in nursing with
6 clinical specialization preparation to function
7 in an expanded role,

8 (2) specialty certification from a national
9 certifying organization recognized by the Board,

10 (3) an Advanced Practice Registered Nurse license
11 from the Board, and

12 (4) any nurse holding a specialty certification as a
13 Clinical Nurse Specialist valid on January 1,
14 1994, granted by a national certifying
15 organization recognized by the Board, shall be
16 deemed to be a Clinical Nurse Specialist under
17 the provisions of the Oklahoma Nursing Practice
18 Act.

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

22 (1) practicing as an expert clinician in the
23 provision of direct nursing care to a selected
24

1 population of patients or clients in any setting,
2 including private practice,

3 (2) managing the care of patients or clients with
4 complex nursing problems,

5 (3) enhancing patient or client care by integrating
6 the competencies of clinical practice, education,
7 consultation, and research, and

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

9 c. A Clinical Nurse Specialist in accordance with the
10 scope of practice of such Clinical Nurse Specialist
11 shall be eligible to obtain recognition as authorized
12 by the Board to prescribe, as defined by the rules
13 promulgated by the Board pursuant to this section, and
14 subject to the medical direction of a supervising
15 physician. This authorization shall not include
16 dispensing drugs, but shall not preclude, subject to
17 federal regulations, the receipt of, the signing for,
18 or the dispensing of professional samples to patients.

19 d. The Clinical Nurse Specialist accepts responsibility,
20 accountability, and obligation to practice in
21 accordance with usual and customary advanced practice
22 nursing standards and functions as defined by the
23 scope of practice/role definition statements for the
24 Clinical Nurse Specialist;

1 8. "Nurse-Midwife" is a nurse who has received an Advanced
2 Practice Registered Nurse license from the Oklahoma Board of Nursing
3 who possesses evidence of certification according to the
4 requirements of the American College of Nurse-Midwives.

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

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

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

1 10. a. "Certified Registered Nurse Anesthetist" is an
2 Advanced Practice Registered Nurse who:

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

- 19 b. A Certified Registered Nurse Anesthetist, ~~under the~~
20 ~~supervision of~~ in collaboration with a medical doctor,
21 osteopathic physician, podiatric physician or dentist
22 licensed in this state, and under conditions in which
23 timely, on-site consultation by such medical doctor,
24 osteopathic physician, podiatric physician or dentist

1 is available, shall be authorized, pursuant to rules
2 adopted by the Oklahoma Board of Nursing, to order,
3 select, obtain and administer legend drugs, Schedules
4 II through V controlled substances, devices, and
5 medical gases only when engaged in the preanesthetic
6 preparation and evaluation; anesthesia induction,
7 maintenance and emergence; and postanesthesia care. A
8 Certified Registered Nurse Anesthetist may order,
9 select, obtain and administer drugs only during the
10 perioperative or periobstetrical period.

11 c. A Certified Registered Nurse Anesthetist who applies
12 for authorization to order, select, obtain and
13 administer drugs shall:

- 14 (1) be currently recognized as a Certified Registered
15 Nurse Anesthetist in this state,
- 16 (2) provide evidence of completion, within the two-
17 year period immediately preceding the date of
18 application, of a minimum of fifteen (15) units
19 of continuing education in advanced pharmacology
20 related to the administration of anesthesia as
21 recognized by the National Board of Certification
22 and Recertification for Nurse Anesthetists, and
- 23 (3) complete and submit a notarized application, on a
24 form prescribed by the Board, accompanied by the

1 application fee established pursuant to this
2 section.

3 d. The authority to order, select, obtain and administer
4 drugs shall be terminated if a Certified Registered
5 Nurse Anesthetist has:

6 (1) ordered, selected, obtained or administered drugs
7 outside of the Certified Registered Nurse
8 Anesthetist scope of practice or ordered,
9 selected, obtained or administered drugs for
10 other than therapeutic purposes, or

11 (2) violated any provision of state laws or rules or
12 federal laws or regulations pertaining to the
13 practice of nursing or the authority to order,
14 select, obtain and administer drugs.

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

19 f. The Board shall provide by rule for biennial
20 application renewal and reauthorization of authority
21 to order, select, obtain and administer drugs for
22 Certified Registered Nurse Anesthetists. At the time
23 of application renewal, a Certified Registered Nurse
24 Anesthetist shall submit documentation of a minimum of

1 eight (8) units of continuing education, completed
2 during the previous two (2) years, in advanced
3 pharmacology relating to the administration of
4 anesthesia, as recognized by the Council on
5 Recertification of Nurse Anesthetists or the Council
6 on Certification of Nurse Anesthetists.

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

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

1 collaborating physician shall remain available for
2 timely onsite consultation during the delivery of
3 anesthesia for diagnosis, consultation, and treatment
4 of medical conditions;

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

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

22 13. "Advanced Unlicensed Assistant" means any person who has
23 successfully completed a certified training program approved by the
24 Board that trains the Advanced Unlicensed Assistant to perform

1 specified technical skills identified by the Board in acute care
2 settings under the direction and supervision of the Registered Nurse
3 or Licensed Practical Nurse.

4 SECTION 2. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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