

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 890

By: Smalley and David of the
Senate

and

Roberts (Sean) of the House

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11 COMMITTEE SUBSTITUTE

12 An Act relating to Certified Registered Nurse
13 Anesthetists; amending 59 O.S. 2011, Section 567.3a,
14 as amended by Section 1, Chapter 281, O.S.L. 2017 (59
15 O.S. Supp. 2018, Section 567.3a), which relates to
16 definitions; modifying authority of Certified
17 Registered Nurse Anesthetists to administer
18 anesthesia and controlled substances; requiring
19 certain selection; defining term; providing certain
20 construction; updating statutory reference; requiring
21 certain insurance policy coverage; providing certain
22 liability and certain immunity from liability;
23 providing for codification; and providing an
24 effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 567.3a, as
amended by Section 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2018,
Section 567.3a), is amended to read as follows:

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

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

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

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

- 18 a. assessing the health status of individuals, families
19 and groups,
- 20 b. analyzing assessment data to determine nursing care
21 needs,
- 22 c. establishing goals to meet identified health care
23 needs,
- 24 d. planning a strategy of care,

- e. establishing priorities of nursing intervention to implement the strategy of care,
- f. implementing the strategy of care,
- 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:

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

1 Nurse-Midwife, Clinical Nurse Specialist, or Certified
2 Nurse Practitioner.

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

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

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 or 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. A hospital or other
19 medical facility shall select either the
20 traditional supervised practice model or
21 collaborative practice model for Certified
22 Registered Nurse Anesthetists and shall disclose
23 such model upon the request of the patient. As
24 used in this paragraph, "collaboration" means the

1 cooperative working relationship between a
2 Certified Registered Nurse Anesthetist and the
3 medical doctor, osteopathic physician, podiatric
4 physician or dentist, each contributing his or
5 her respective expertise in the provision of
6 patient care, and such collaborative practice
7 includes the discussion of patient treatment and
8 cooperation in the management and delivery of
9 health care.

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

1 drugs only during the perioperative or periobstetrical
2 period.

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

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

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

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

19 d. The authority to order, select, obtain and administer
20 drugs shall be terminated if a Certified Registered
21 Nurse Anesthetist has:

22 (1) ordered, selected, obtained or administered drugs
23 outside of the Certified Registered Nurse
24 Anesthetist scope of practice or ordered,

1 selected, obtained or administered drugs for
2 other than therapeutic purposes, or

3 (2) violated any provision of state laws or rules or
4 federal laws or regulations pertaining to the
5 practice of nursing or the authority to order,
6 select, obtain and administer drugs.

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

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

23 g. This paragraph shall not prohibit the administration
24 of local or topical anesthetics as now permitted by

1 law. Provided further, nothing in this paragraph
2 shall limit the authority of the Board of Dentistry to
3 establish the qualifications for dentists who direct
4 the administration of anesthesia~~r~~.

5 h. Nothing in this paragraph shall be construed to
6 supersede the provisions of subsection E of Section
7 650 of this title;

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

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

1 13. "Advanced Unlicensed Assistant" means any person who has
2 successfully completed a certified training program approved by the
3 Board that trains the Advanced Unlicensed Assistant to perform
4 specified technical skills identified by the Board in acute care
5 settings under the direction and supervision of the Registered Nurse
6 or Licensed Practical Nurse.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 567.27 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. 1. For Certified Registered Nurse Anesthetists who practice
11 under the traditional supervised practice model, a Certified
12 Registered Nurse Anesthetist or the Certified Registered Nurse
13 Anesthetist's employer shall carry medical professional liability
14 insurance policy coverage in an amount of at least One Million
15 Dollars (\$1,000,000.00) with an aggregate limit of at least Three
16 Million Dollars (\$3,000,000.00).

17 2. If a hospital subscribes to the collaborative practice model
18 for Certified Registered Nurse Anesthetists as set forth in Section
19 567.3a of Title 59 of the Oklahoma Statutes, any Certified
20 Registered Nurse Anesthetist employed by the hospital under such
21 collaborative practice model or the Certified Registered Nurse
22 Anesthetist's employer shall carry the same medical professional
23 liability insurance policy coverage as anesthesiologists at such
24 hospital.

1 B. A Certified Registered Nurse Anesthetist or the Certified
2 Registered Nurse Anesthetist's employer shall be liable for any
3 damage caused by the Certified Registered Nurse Anesthetist when
4 ordering or administering anesthetics under the collaborative
5 practice model set forth in Section 567.3a of Title 59 of the
6 Oklahoma Statutes. A physician shall not be liable for any act or
7 omission of a Certified Registered Nurse Anesthetist who orders or
8 administers anesthetics under the collaborative practice model set
9 forth in Section 567.3a of Title 59 of the Oklahoma Statutes.

10 SECTION 3. This act shall become effective November 1, 2019.

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12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/10/2019 -
13 DO PASS, As Amended.
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