

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1291

By: Daniels

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5
6 AS INTRODUCED

7 An Act relating to the practice of nursing; amending
8 59 O.S. 2021, Section 567.4, which relates to the
9 Oklahoma Board of Nursing; removing certain
10 limitation on appointees; updating statutory
11 language; updating statutory references; and
12 providing an effective date.

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

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

16 Section 567.4. A. The Oklahoma Board of Nursing is hereby
17 established in ~~the State of Oklahoma~~ this state. The Board shall
18 consist of eleven (11) members who shall be citizens of the United
19 States of America, and residents of Oklahoma, for at least the
20 previous three (3) years. Six of the members shall be Registered
21 Nurses, in good standing under the provisions of the Oklahoma
22 Nursing Practice Act, currently engaged in the practice of nursing
23 as a Registered Nurse and shall have had no less than five (5) years
24 of experience as a Registered Nurse. At least two of the Registered
25 Nurses shall be from the field of nursing education, actively

1 associated with a recognized school of nursing in Oklahoma, and who
2 hold an organizational role of administration/management and who are
3 accountable for strategic, operational and/or performance outcomes.
4 At least two of the Registered Nurses who hold an organizational
5 role of administration/management and who are accountable for
6 strategic, operational and/or performance outcomes shall represent
7 nursing service. At least one of the Registered Nurses shall be
8 currently engaged in the practice of nursing as an Advanced Practice
9 Registered Nurse. Three of the members shall be Licensed Practical
10 Nurses in good standing under the provisions of the Oklahoma Nursing
11 Practice Act and currently engaged in the practice of practical
12 nursing as a Licensed Practical Nurse and shall have had no less
13 than five (5) years of experience as a Licensed Practical Nurse.
14 One of the licensed nurses must be employed in the field of long-
15 term care. One of the licensed nurses shall be employed in the area
16 of acute care. Two members shall represent the public and shall be
17 eligible voters of this state, knowledgeable in consumer health
18 concerns, and shall neither be nor ever have been associated with
19 the provision of health care, nor be enrolled in any health-related
20 educational program. The public members shall be appointed by the
21 Governor to serve coterminously with the Governor. At least one
22 Registered Nurse Board member, one Licensed Practical Nurse Board
23 member and one public Board member shall be appointed from a county
24 with a population of less than forty thousand (40,000).

1 B. For the purpose of nominating, appointing or reappointing
2 members to the Board, this state shall be divided into eight
3 geographical districts, consisting of counties within the districts
4 as follows:

5 District No. 1 Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,
6 Grant, Kay, Ellis, Woodward, Major, Garfield,
7 Noble, Dewey, Blaine, Kingfisher and Logan;

8 District No. 2 Roger Mills, Custer, Beckham, Washita, Caddo,
9 Greer, Kiowa, Harmon, Jackson, Comanche, Tillman
10 and Cotton;

11 District No. 3 Canadian, Grady, McClain, Garvin, Stephens,
12 Murray, Jefferson, Carter and Love;

13 District No. 4 Oklahoma;

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

17 District No. 6 Creek and Tulsa;

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

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

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

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

13 ~~D. The Governor shall appoint the Registered Nurse and Licensed~~
14 ~~Practical Nurse members shall be appointed for terms of five (5)~~
15 ~~years. Upon the death, resignation, or removal of any member, a~~
16 ~~list from the aforementioned organizations shall be submitted to the~~
17 ~~Governor who shall appoint a member to fill the vacancy.~~

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

- 21 a. does not have at the time of appointment the
22 qualifications required by subsection A of this
23 section,

- 1 b. is not employed in nursing for a period of twelve (12)
2 consecutive months during the term for which the
3 member was appointed,
4 c. is absent from more than half of the regularly
5 scheduled Board meetings that the member is eligible
6 to attend during a calendar year, unless the absence
7 is excused by a majority vote of the Board, or
8 d. cannot discharge the duties as a Board member for a
9 substantial portion of the term for which the member
10 is appointed because of illness or disability.

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

14 3. If the president of the Board has knowledge that a potential
15 ground for removal exists, the president shall then notify the
16 Governor that a potential ground for removal exists.

17 ~~F.~~ D. A quorum shall be a majority of the Board which must
18 include at least three Registered Nurses and one Licensed Practical
19 Nurse.

20 ~~F.~~ E. The members of the Board shall annually elect from their
21 number a president, vice-president and a secretary who shall also be
22 the treasurer, and other such officers as necessary to conduct the
23 business of the Board. It shall hold six regular business meetings
24 during each calendar year. Special meetings may be called by the

1 president or secretary with five (5) days' notice to each member of
2 the Board. The Board shall have a seal; it shall make and adopt all
3 necessary rules not inconsistent with the laws of this state, the
4 United States, or with the Oklahoma Nursing Practice Act; and it
5 shall perform the duties and transact the business required under
6 the provisions of the act. The Board shall cause to be kept a
7 record of all meetings of the Board and give notice of all meetings
8 in accordance with the Administrative Procedures Act and the Open
9 Meeting Act. A list of all persons duly licensed and qualified
10 under ~~this act~~ the Oklahoma Nursing Practice Act shall be maintained
11 by the Board. Each member of the Board shall receive, in addition
12 to actual and necessary travel expenses as provided in the State
13 Travel Reimbursement Act, compensation of One Hundred Dollars
14 (\$100.00) for each regular scheduled monthly meeting attended, not
15 to exceed more than six meetings per year. All monies received by
16 the Board shall be held by the treasurer of the Board for meeting
17 the expenses of the Board and for the promotion of nursing
18 education, to employ an attorney to assist the Board and other state
19 and county officials in carrying out the provisions of the Oklahoma
20 Nursing Practice Act, and such other purposes which the Board may
21 determine, and shall be disbursed as directed by the Board. The
22 Board is authorized to adopt and revise rules, not inconsistent with
23 the provisions of the Oklahoma Nursing Practice Act, as may be
24 necessary to enable it to carry into effect the provisions of the

1 act, including rules establishing fees, charges and reimbursement
2 costs. The Board shall appoint and employ a qualified person, who
3 shall be a Registered Nurse to serve as Executive Director, and
4 shall fix the compensation, notwithstanding any other provision of
5 law including Section 3601.2 of Title 74 of the Oklahoma Statutes,
6 in an amount not in excess of the maximum salary proposed for the
7 Oklahoma Board of Nursing and set forth in the most recent
8 Compensation Report prepared by or for the Office of Management and
9 Enterprise Services, require a satisfactory bond, and define the
10 duties of the Executive Director to include:

11 1. The authority and responsibility for the operations and
12 administration of the agency and such additional powers and duties
13 as prescribed by the Board. As chief executive of the Board, the
14 Executive Director shall manage all aspects of the agency, including
15 personnel, financial and other resources, in support of the Oklahoma
16 Nursing Practice Act, its rules and policies, and the Board's
17 mission and strategic plan;

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

22 3. a. Orders issued under Section ~~2 of this act~~ 567.8a of
23 this title,

- 1 b. Agreed disciplinary orders requiring an applicant or
2 licensee to enter and comply with the Peer Assistance
3 Program,
4 c. Agreed disciplinary orders for the reinstatement or
5 endorsement of a license/certificate/recognition when
6 the applicant has practiced without an active Oklahoma
7 license/certificate/recognition, and
8 d. Agreed disciplinary orders for the voluntary surrender
9 of a license/certification/recognition.

10 SECTION 2. This act shall become effective November 1, 2022.

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