

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 459

By: Stanley

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5
6 AS INTRODUCED

7 An Act relating to the practice of nursing; amending
8 59 O.S. 2021, Section 353.1, as amended by Section 6,
9 Chapter 288, O.S.L. 2022 (59 O.S. Supp. 2022, Section
10 353.1), which relates to definitions used in the
11 Oklahoma Pharmacy Act; modifying definitions;
12 amending 59 O.S. 2021, Section 353.1a, which relates
13 to prescriptive authority of Advanced Practice
14 Registered Nurses; modifying prescriptive authority
15 of Certified Nurse-Midwives; amending 59 O.S. 2021,
16 Section 567.3a, which relates to definitions used in
17 the Oklahoma Nursing Practice Act; modifying
18 definitions; amending 59 O.S. 2021, Section 567.4a,
19 which relates to prescriptive authority; eliminating
20 supervision requirement for Certified Nurse-Midwife;
21 providing for independent practice; directing the
22 Oklahoma Board of Nursing to promulgate certain
23 rules; amending 59 O.S. 2021, Section 567.5a, which
24 relates to Advanced Practice Registered Nurse
25 license; providing for independent prescriptive
26 authority by endorsement for Certified Nurse-Midwife;
27 amending 63 O.S. 2021, Section 2-312, as amended by
28 Section 2, Chapter 184, O.S.L. 2022 (63 O.S. Supp.
29 2022, Section 2-312), which relates to controlled
30 dangerous substances; eliminating supervision
31 requirement for Certified Nurse-Midwife; and
32 providing an effective date.

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

1 SECTION 1. AMENDATORY 59 O.S. 2021, Section 353.1, as
2 amended by Section 6, Chapter 288, O.S.L. 2022 (59 O.S. Supp. 2022,
3 Section 353.1), is amended to read as follows:

4 Section 353.1. For the purposes of the Oklahoma Pharmacy Act:

5 1. "Accredited program" means those seminars, classes,
6 meetings, work projects, and other educational courses approved by
7 the ~~Board~~ State Board of Pharmacy for purposes of continuing
8 professional education;

9 2. "Act" means the Oklahoma Pharmacy Act;

10 3. "Administer" means the direct application of a drug, whether
11 by injection, inhalation, ingestion or any other means, to the body
12 of a patient;

13 4. "Assistant pharmacist" means any person presently licensed
14 as an assistant pharmacist in the State of Oklahoma by the Board
15 pursuant to Section 353.10 of this title and for the purposes of the
16 Oklahoma Pharmacy Act shall be considered the same as a pharmacist,
17 except where otherwise specified;

18 5. "Board" or "State Board" means the State Board of Pharmacy;

19 6. "Certify" or "certification of a prescription" means the
20 review of a filled prescription by a licensed pharmacist or a
21 licensed practitioner with dispensing authority to confirm that the
22 medication, labeling and packaging of the filled prescription are
23 accurate and meet all requirements prescribed by state and federal
24

1 law. For the purposes of this paragraph, "licensed practitioner"
2 shall not include optometrists with dispensing authority;

3 7. "Chemical" means any medicinal substance, whether simple or
4 compound or obtained through the process of the science and art of
5 chemistry, whether of organic or inorganic origin;

6 8. "Compounding" means the combining, admixing, mixing,
7 diluting, pooling, reconstituting or otherwise altering of a drug or
8 bulk drug substance to create a drug. Compounding includes the
9 preparation of drugs or devices in anticipation of prescription drug
10 orders based on routine, regularly observed prescribing patterns;

11 9. "Continuing professional education" means professional,
12 pharmaceutical education in the general areas of the socioeconomic
13 and legal aspects of health care; the properties and actions of
14 drugs and dosage forms; and the etiology, characteristics and
15 therapeutics of the diseased state;

16 10. "Dangerous drug", "legend drug", "prescription drug" or "Rx
17 Only" means a drug:

- 18 a. for human use subject to 21 U.S.C. 353(b)(1), or
- 19 b. is labeled "Prescription Only", or labeled with the
20 following statement: "Caution: Federal law restricts
21 this drug except for use by or on the order of a
22 licensed veterinarian.";

23 11. "Director" means the Executive Director of the State Board
24 of Pharmacy unless context clearly indicates otherwise;

1 12. "Dispense" or "dispensing" means the interpretation,
2 evaluation, and implementation of a prescription drug order
3 including the preparation and delivery of a drug or device to a
4 patient or a patient's agent in a suitable container appropriately
5 labeled for subsequent administration to, or use by, a patient.
6 Dispense includes sell, distribute, leave with, give away, dispose
7 of, deliver or supply;

8 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a
9 group of chain pharmacies under common ownership and control that do
10 not act as a wholesale distributor, or any other person authorized
11 by law to dispense or administer prescription drugs, and the
12 affiliated warehouses or distributions of such entities under common
13 ownership and control that do not act as a wholesale distributor.
14 For the purposes of this paragraph, "dispenser" does not mean a
15 person who dispenses only products to be used in animals in
16 accordance with 21 U.S.C. 360b(a) (5);

17 14. "Distribute" or "distribution" means the sale, purchase,
18 trade, delivery, handling, storage, or receipt of a product, and
19 does not include the dispensing of a product pursuant to a
20 prescription executed in accordance with 21 U.S.C. 353(b) (1) or the
21 dispensing of a product approved under 21 U.S.C. 360b(b); provided,
22 taking actual physical possession of a product or title shall not be
23 required;

1 15. "Doctor of Pharmacy" means a person licensed by the Board
2 to engage in the practice of pharmacy. The terms "pharmacist",
3 "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall
4 have the same meaning wherever they appear in the Oklahoma Statutes
5 and the rules promulgated by the Board;

6 16. "Drug outlet" means all manufacturers, repackagers,
7 outsourcing facilities, wholesale distributors, third-party
8 logistics providers, pharmacies, and all other facilities which are
9 engaged in dispensing, delivery, distribution or storage of
10 dangerous drugs;

11 17. "Drugs" means all medicinal substances and preparations
12 recognized by the United States Pharmacopoeia and National
13 Formulary, or any revision thereof, and all substances and
14 preparations intended for external and/or internal use in the cure,
15 diagnosis, mitigation, treatment or prevention of disease in humans
16 or animals and all substances and preparations, other than food,
17 intended to affect the structure or any function of the body of a
18 human or animals;

19 18. "Drug sample" means a unit of a prescription drug packaged
20 under the authority and responsibility of the manufacturer that is
21 not intended to be sold and is intended to promote the sale of the
22 drug;

23 19. "Durable medical equipment" has the same meaning as
24 provided by Section 2 of this act;

1 20. "Filled prescription" means a packaged prescription
2 medication to which a label has been affixed which contains such
3 information as is required by the Oklahoma Pharmacy Act;

4 21. "Hospital" means any institution licensed as a hospital by
5 this state for the care and treatment of patients, or a pharmacy
6 operated by the Oklahoma Department of Veterans Affairs;

7 22. "Licensed practitioner" means:

- 8 a. an allopathic physician,
- 9 b. an osteopathic physician,
- 10 c. a podiatric physician,
- 11 d. a dentist,
- 12 e. a veterinarian ~~or~~,
- 13 f. an optometrist, or
- 14 g. a Certified Nurse-Midwife,

15 licensed to practice and authorized to prescribe dangerous drugs
16 within the scope of practice of such practitioner;

17 23. "Manufacturer" or "virtual manufacturer" means with respect
18 to a product:

- 19 a. a person that holds an application approved under 21
20 U.S.C. 355 or a license issued under 42 U.S.C. 262 for
21 such product, or if such product is not the subject of
22 an approved application or license, the person who
23 manufactured the product,

- 1 b. a co-licensed partner of the person described in
2 subparagraph a that obtains the product directly from
3 a person described in this subparagraph or
4 subparagraph a of this paragraph,
5 c. an affiliate of a person described in subparagraph a
6 or b who receives the product directly from a person
7 described in this subparagraph or in subparagraph a or
8 b of this paragraph, or
9 d. a person who contracts with another to manufacture a
10 product;

11 24. "Manufacturing" means the production, preparation,
12 propagation, compounding, conversion or processing of a device or a
13 drug, either directly or indirectly by extraction from substances of
14 natural origin or independently by means of chemical or biological
15 synthesis and includes any packaging or repackaging of the
16 substances or labeling or relabeling of its container, and the
17 promotion and marketing of such drugs or devices. The term
18 "manufacturing" also includes the preparation and promotion of
19 commercially available products from bulk compounds for resale by
20 licensed pharmacies, licensed practitioners or other persons;

21 25. "Medical gas" means those gases including those in liquid
22 state upon which the manufacturer or distributor has placed one of
23 several cautions, such as "Rx Only", in compliance with federal law;
24

1 26. "Medical gas order" means an order for medical gas issued
2 by a licensed prescriber;

3 27. "Medical gas distributor" means a person licensed to
4 distribute, transfer, wholesale, deliver or sell medical gases on
5 drug orders to suppliers or other entities licensed to use,
6 administer or distribute medical gas and may also include a patient
7 or ultimate user;

8 28. "Medical gas supplier" means a person who dispenses medical
9 gases on drug orders only to a patient or ultimate user;

10 29. "Medicine" means any drug or combination of drugs which has
11 the property of curing, preventing, treating, diagnosing or
12 mitigating diseases, or which is used for that purpose;

13 30. "Nonprescription drugs" means medicines or drugs which are
14 sold without a prescription and which are prepackaged for use by the
15 consumer and labeled in accordance with the requirements of the
16 statutes and regulations of this state and the federal government.
17 Such items shall also include medical and dental supplies and
18 bottled or nonbulk chemicals which are sold or offered for sale to
19 the general public if such articles or preparations meet the
20 requirements of the Federal Food, Drug and Cosmetic Act, 21
21 U.S.C.A., Section 321 et seq.;

22 31. "Outsourcing facility" including "virtual outsourcing
23 facility" means a facility at one geographic location or address
24 that:

- 1 a. is engaged in the compounding of sterile drugs,
- 2 b. has elected to register as an outsourcing facility,
- 3 and
- 4 c. complies with all requirements of 21 U.S.C. 353b;

5 32. "Package" means the smallest individual saleable unit of
6 product for distribution by a manufacturer or repackager that is
7 intended by the manufacturer for ultimate sale to the dispenser of
8 such product. For the purposes of this paragraph, "individual
9 saleable unit" means the smallest container of a product introduced
10 into commerce by the manufacturer or repackager that is intended by
11 the manufacturer or repackager for individual sale to a dispenser;

12 33. "Person" means an individual, partnership, limited
13 liability company, corporation or association, unless the context
14 otherwise requires;

15 34. "Pharmacist-in-charge" or "PIC" means the pharmacist
16 licensed in this state responsible for the management control of a
17 pharmacy and all other aspects of the practice of pharmacy in a
18 licensed pharmacy as defined by Section 353.18 of this title;

19 35. "Pharmacy" means a place regularly licensed by the Board of
20 Pharmacy in which prescriptions, drugs, medicines, chemicals and
21 poisons are compounded or dispensed or such place where pharmacists
22 practice the profession of pharmacy, or a pharmacy operated by the
23 Oklahoma Department of Veterans Affairs;

1 36. "Pharmacy technician", "technician", "Rx tech", or "tech"
2 means a person issued a Technician permit by the State Board of
3 Pharmacy to assist the pharmacist and perform nonjudgmental,
4 technical, manipulative, non-discretionary functions in the
5 prescription department under the immediate and direct supervision
6 of a pharmacist;

7 37. "Poison" means any substance which when introduced into the
8 body, either directly or by absorption, produces violent, morbid or
9 fatal changes, or which destroys living tissue with which such
10 substance comes into contact;

11 38. "Practice of pharmacy" means:

- 12 a. the interpretation and evaluation of prescription
13 orders,
- 14 b. the compounding, dispensing, administering and
15 labeling of drugs and devices, except labeling by a
16 manufacturer, repackager or distributor of
17 nonprescription drugs and commercially packaged legend
18 drugs and devices,
- 19 c. the participation in drug selection and drug
20 utilization reviews,
- 21 d. the proper and safe storage of drugs and devices and
22 the maintenance of proper records thereof,
- 23 e. the responsibility for advising by counseling and
24 providing information, where professionally necessary

1 or where regulated, of therapeutic values, content,
2 hazards and use of drugs and devices,

3 f. the offering or performing of those acts, services,
4 operations or transactions necessary in the conduct,
5 operation, management and control of a pharmacy, or

6 g. the provision of those acts or services that are
7 necessary to provide pharmaceutical care;

8 39. "Preparation" means an article which may or may not contain
9 sterile products compounded in a licensed pharmacy pursuant to the
10 order of a licensed prescriber;

11 40. "Prescriber" means a person licensed in this state who is
12 authorized to prescribe dangerous drugs within the scope of practice
13 of the person's profession;

14 41. "Prescription" means and includes any order for drug or
15 medical supplies written or signed, or transmitted by word of mouth,
16 telephone or other means of communication:

17 a. by a licensed prescriber,

18 b. under the supervision of ~~an Oklahoma licensed~~
19 ~~practitioner, an Oklahoma licensed advanced practice~~
20 ~~registered nurse or an Oklahoma licensed~~ a supervising
21 physician, by a physician assistant, Certified Nurse
22 Practitioner, or Clinical Nurse Specialist licensed in
23 this state, or

1 c. by a Certified Nurse-Midwife licensed in this state,

2 or

3 d. by an Oklahoma licensed wholesaler or distributor as
4 authorized in Section 353.29.1 of this title;

5 42. "Product" means a prescription drug in a finished dosage
6 form for administration to a patient without substantial further
7 manufacturing, such as capsules, tablets, and lyophilized products
8 before reconstitution. "Product" does not include blood components
9 intended for transfusion, radioactive drugs or biologics and medical
10 gas;

11 43. "Repackager", including "virtual repackager", means a
12 person who owns or operates an establishment that repacks and
13 relabels a product or package for further sale or distribution
14 without further transaction;

15 44. "Sterile drug" means a drug that is intended for parenteral
16 administration, an ophthalmic or oral inhalation drug in aqueous
17 format, or a drug that is required to be sterile under state and
18 federal law;

19 45. "Supervising physician" means an individual holding a
20 current license to practice as a physician from the State Board of
21 Medical Licensure and Supervision, pursuant to the provisions of the
22 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
23 Act, or the State Board of Osteopathic Examiners, pursuant to the
24 provisions of the Oklahoma Osteopathic Medicine Act, who supervises

1 ~~an advanced practice registered nurse~~ a Certified Nurse Practitioner
2 or Clinical Nurse Specialist as defined in Section 567.3a of this
3 title, and who is not in training as an intern, resident, or fellow.
4 ~~To be eligible to supervise an advanced practice registered nurse,~~
5 ~~such~~ The supervising physician shall remain in compliance with the
6 rules promulgated by the State Board of Medical Licensure and
7 Supervision or the State Board of Osteopathic Examiners;

8 46. "Supportive personnel" means technicians and auxiliary
9 supportive persons who are regularly paid employees of a pharmacy
10 who work and perform tasks in the pharmacy as authorized by Section
11 353.18A of this title;

12 47. "Third-party logistics provider" including "virtual third-
13 party logistics provider" means an entity that provides or
14 coordinates warehousing, or other logistics services of a product in
15 interstate commerce on behalf of a manufacturer, wholesale
16 distributor, or dispenser of a product but does not take ownership
17 of the product, nor have responsibility to direct the sale or
18 disposition of the product. For the purposes of this paragraph,
19 "third-party logistics provider" does not include shippers and the
20 United States Postal Service;

21 48. "Wholesale distributor" including "virtual wholesale
22 distributor" means a person other than a manufacturer, a
23 manufacturer's co-licensed partner, a third-party logistics
24 provider, or repackager engaged in wholesale distribution as defined

1 by 21 U.S.C. 353(e)(4) as amended by the Drug Supply Chain Security
2 Act;

3 49. "County jail" means a facility operated by a county for the
4 physical detention and correction of persons charged with, or
5 convicted of, criminal offenses or ordinance violations or persons
6 found guilty of civil or criminal contempt;

7 50. "State correctional facility" means a facility or
8 institution that houses a prisoner population under the jurisdiction
9 of the Department of Corrections;

10 51. "Unit dose package" means a package that contains a single
11 dose drug with the name, strength, control number, and expiration
12 date of that drug on the label; and

13 52. "Unit of issue package" means a package that provides
14 multiple doses of the same drug, but each drug is individually
15 separated and includes the name, lot number, and expiration date.

16 SECTION 2. AMENDATORY 59 O.S. 2021, Section 353.1a, is
17 amended to read as follows:

18 Section 353.1a. A. ~~Prescribing~~ 1. Prescriptive authority
19 shall be allowed as provided by Section 2-312 of Title 63 of the
20 Oklahoma Statutes, under the medical direction of a supervising
21 physician, for ~~an advanced practice nurse~~ a licensed Advanced
22 Practice Registered Nurse recognized by the Oklahoma Board of
23 Nursing ~~in one of the following categories: advanced registered~~
24 ~~nurse practitioners, clinical nurse specialists, or certified nurse~~

1 ~~midwives~~ as a Certified Nurse Practitioner or Clinical Nurse
2 Specialist.

3 2. Prescriptive authority shall be allowed as provided by
4 Section 2-312 of Title 63 of the Oklahoma Statutes, independent of
5 the medical direction of a supervising physician, for a licensed
6 Advanced Practice Registered Nurse recognized by the Oklahoma Board
7 of Nursing as a Certified Nurse-Midwife.

8 B. ~~The advanced practice nurse~~ Advanced Practice Registered
9 Nurse may write or sign, or transmit by word of mouth, telephone or
10 other means of communication an order for drugs or medical supplies
11 that is intended to be filled, compounded, or dispensed by a
12 pharmacist. The supervising physician, if applicable, and the
13 ~~advanced practice nurse~~ prescribing Advanced Practice Registered
14 Nurse shall be identified at the time of origination of the
15 prescription and the name of the ~~advanced practice nurse~~ prescribing
16 Advanced Practice Registered Nurse shall be printed on the
17 prescription label.

18 ~~B.~~ C. Pharmacists may dispense prescriptions for non-controlled
19 prescription drugs authorized by an ~~advanced practice nurse~~ Advanced
20 Practice Registered Nurse or physician assistant, not located in
21 ~~Oklahoma~~ this state, provided that they are licensed in the state in
22 which they are actively prescribing.

23 ~~C.~~ D. 1. Pharmacists may only dispense prescriptions for
24 controlled dangerous substances prescribed by an ~~advanced practice~~

1 ~~nurse or physician assistant~~ Advanced Practice Registered Nurse
2 ~~licensed in the State of Oklahoma and supervised by an Oklahoma-~~
3 ~~licensed practitioner~~ this state who meets the criteria in paragraph
4 1 or 2 of subsection A of this section.

5 2. Pharmacists may only dispense prescriptions for controlled
6 dangerous substances prescribed by a physician assistant licensed in
7 this state and supervised by a supervising physician licensed in
8 this state.

9 SECTION 3. AMENDATORY 59 O.S. 2021, Section 567.3a, is
10 amended to read as follows:

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

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

13 2. "The practice of nursing" means the performance of services
14 provided for purposes of nursing diagnosis and treatment of human
15 responses to actual or potential health problems consistent with
16 educational preparation. Knowledge and skill are the basis for
17 assessment, analysis, planning, intervention, and evaluation used in
18 the promotion and maintenance of health and nursing management of
19 illness, injury, infirmity, restoration or optimal function, or
20 death with dignity. Practice is based on understanding the human
21 condition across the human lifespan and understanding the
22 relationship of the individual within the environment. This
23 practice includes execution of the medical regime including the
24

1 administration of medications and treatments prescribed by any
2 person authorized by state law to so prescribe;

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

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

1. 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:

- a. who has completed an advanced practice registered nursing education program in preparation for one of four recognized ~~advanced practice registered nurse~~ Advanced Practice Registered Nurse roles,
- b. who has passed a national certification examination recognized by the Board that measures the ~~advanced practice registered nurse~~ Advanced Practice Registered Nurse role and specialty competencies and who maintains recertification in the role and specialty through a national certification program,
- c. who has acquired advanced clinical knowledge and skills in preparation for providing both direct and indirect care to patients; however, the defining

1 factor for all Advanced Practice Registered Nurses is
2 that a significant component of the education and
3 practice focuses on direct care of individuals,

- 4 d. whose practice builds on the competencies of
5 Registered Nurses by demonstrating a greater depth and
6 breadth of knowledge, a greater synthesis of data, and
7 increased complexity of skills and interventions, and
8 e. who has obtained a license as an Advanced Practice
9 Registered Nurse in one of the following roles:
10 Certified Registered Nurse Anesthetist, Certified
11 Nurse-Midwife, Clinical Nurse Specialist, or Certified
12 Nurse Practitioner.

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

23 It shall be unlawful for any person to assume the role or use
24 the title Advanced Practice Registered Nurse or use the abbreviation

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

10 6. "Certified Nurse Practitioner" ~~is~~ means an Advanced Practice
11 Registered Nurse who performs in an expanded role in the delivery of
12 health care:

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

21 A Certified Nurse Practitioner shall be eligible, in accordance
22 with the scope of practice of the Certified Nurse Practitioner, to
23 obtain recognition as authorized by the Board to prescribe, as
24 defined by the rules promulgated by the Board pursuant to this

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

6 The Certified Nurse Practitioner accepts responsibility,
7 accountability, and obligation to practice in accordance with usual
8 and customary advanced practice registered nursing standards and
9 functions as defined by the scope of practice/role definition
10 statements for the Certified Nurse Practitioner;

11 7. a. "Clinical Nurse Specialist" ~~is~~ means an Advanced
12 Practice Registered Nurse who holds:

- 13 (1) a master's degree or higher in nursing with
14 clinical specialization preparation to function
15 in an expanded role,
- 16 (2) specialty certification from a national
17 certifying organization recognized by the Board,
- 18 (3) an Advanced Practice Registered Nurse license
19 from the Board, and
- 20 (4) any nurse holding a specialty certification as a
21 Clinical Nurse Specialist valid on January 1,
22 1994, granted by a national certifying
23 organization recognized by the Board, shall be
24 deemed to be a Clinical Nurse Specialist under
25

1 the provisions of the Oklahoma Nursing Practice
2 Act.

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

6 (1) practicing as an expert clinician in the
7 provision of direct nursing care to a selected
8 population of patients or clients in any setting,
9 including private practice,

10 (2) managing the care of patients or clients with
11 complex nursing problems,

12 (3) enhancing patient or client care by integrating
13 the competencies of clinical practice, education,
14 consultation, and research, and

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

16 c. A Clinical Nurse Specialist in accordance with the
17 scope of practice of such Clinical Nurse Specialist
18 shall be eligible to obtain recognition as authorized
19 by the Board to prescribe, as defined by the rules
20 promulgated by the Board pursuant to this section, and
21 subject to the medical direction of a supervising
22 physician. This authorization shall not include
23 dispensing drugs, but shall not preclude, subject to
24

1 federal regulations, the receipt of, the signing for,
2 or the dispensing of professional samples to patients.

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

9 8. "Nurse-Midwife" ~~is~~ means a nurse who has received an
10 Advanced Practice Registered Nurse license from the Oklahoma Board
11 of Nursing who possesses evidence of certification according to the
12 requirements of the American College of Nurse-Midwives.

13 A Certified Nurse-Midwife in accordance with the scope of
14 practice of such Certified Nurse-Midwife shall be eligible to obtain
15 recognition as authorized by the Board to prescribe, as defined by
16 the rules promulgated by the Board pursuant to ~~this section and~~
17 ~~subject to the medical direction of a supervising physician~~ Section
18 567.4a of this title and as provided by Section 2-312 of Title 63 of
19 the Oklahoma Statutes. This authorization shall not include the
20 dispensing of drugs, but shall not preclude, subject to federal
21 regulations, the receipt of, the signing for, or the dispensing of
22 professional samples to patients.

23 The Certified Nurse-Midwife accepts responsibility,
24 accountability, and obligation to practice in accordance with usual

1 and customary advanced practice registered nursing standards and
2 functions as defined by the scope of practice/role definition
3 statements for the Certified Nurse-Midwife;

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

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

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

22 (2) administers anesthesia in collaboration with 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, in
5 collaboration with 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~~, III, IV, and V controlled substances,
14 devices, and medical gases only when engaged in the
15 preanesthetic preparation and evaluation; anesthesia
16 induction, maintenance and emergence; and
17 postanesthesia care. A Certified Registered Nurse
18 Anesthetist may order, select, obtain and administer
19 drugs only during the perioperative or periobstetrical
20 period.

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

- (1) be currently recognized as a Certified Registered Nurse Anesthetist in this state,
- (2) provide evidence of completion, within the two-year period immediately preceding the date of application, of a minimum of fifteen (15) units of continuing education in advanced pharmacology related to the administration of anesthesia as recognized by the National Board of Certification and Recertification for Nurse Anesthetists, and
- (3) complete and submit a notarized application, on a form prescribed by the Board, accompanied by the application fee established pursuant to this section.

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

- (1) ordered, selected, obtained or administered drugs outside of the Certified Registered Nurse Anesthetist scope of practice or ordered, selected, obtained or administered drugs for other than therapeutic purposes, or
- (2) violated any provision of state laws or rules or federal laws or regulations pertaining to the

1 practice of nursing or the authority to order,
2 select, obtain and administer drugs.

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

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

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

1 h. As used in this paragraph, "collaboration" means an
2 agreement between a medical doctor, osteopathic
3 physician, podiatric physician or dentist performing
4 the procedure or directly involved with the procedure
5 and the Certified Registered Nurse Anesthetist working
6 jointly toward a common goal providing services for
7 the same patient. This collaboration involves the
8 joint formulation, discussion and agreement of the
9 anesthesia plan by both parties, and the collaborating
10 medical doctor, osteopathic physician, podiatric
11 physician or dentist performing the procedure or
12 directly involved with the procedure ~~and that.~~ The
13 collaborating physician shall remain available for
14 timely onsite consultation during the delivery of
15 anesthesia for diagnosis, consultation, and treatment
16 of medical conditions;

17 11. "Supervising physician" means an individual holding a
18 current license to practice as a physician from the State Board of
19 Medical Licensure and Supervision or the State Board of Osteopathic
20 Examiners, who supervises a Certified Nurse Practitioner, or a
21 Clinical Nurse Specialist, ~~or a Certified Nurse-Midwife~~, and who is
22 not in training as an intern, resident, or fellow. ~~To be eligible~~
23 ~~to supervise such Advanced Practice Registered Nurse, such~~ The
24 supervising physician shall remain in compliance with the rules

1 promulgated by the State Board of Medical Licensure and Supervision
2 or the State Board of Osteopathic Examiners;

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

10 13. "Advanced Unlicensed Assistant" means any person who has
11 successfully completed a certified training program approved by the
12 Board that trains the Advanced Unlicensed Assistant to perform
13 specified technical skills identified by the Board in acute care
14 settings under the direction and supervision of the Registered Nurse
15 or Licensed Practical Nurse.

16 SECTION 4. AMENDATORY 59 O.S. 2021, Section 567.4a, is
17 amended to read as follows:

18 Section 567.4a. A. The Oklahoma Board of Nursing may grant
19 prescriptive authority through the Advanced Practice Registered
20 Nurse license to Certified Nurse Practitioners, Certified Nurse-
21 Midwives, and Clinical Nurse Specialists who meet the requirements
22 for prescriptive authority identified by law, including but not
23 limited to Section 2-312 of Title 63 of the Oklahoma Statutes, and
24 in the rules of the Board.

1 B. Beginning on the effective date of this act, a Certified
2 Nurse-Midwife shall not be required to practice under the medical
3 direction of a supervising physician to be eligible for prescriptive
4 authority recognition by the Board.

5 C. The rules regarding prescriptive authority recognition
6 promulgated by the Oklahoma Board of Nursing pursuant to ~~paragraphs~~
7 ~~6 through 9, 11 and 12~~ of Section 567.3a of this title shall:

8 1. ~~Define~~ For a Certified Nurse Practitioner or Clinical Nurse
9 Specialist, define the procedure for documenting supervision by a
10 supervising physician ~~licensed in Oklahoma to practice by the State~~
11 ~~Board of Medical Licensure and Supervision or the State Board of~~
12 ~~Osteopathic Examiners.~~ Such procedure shall include a written
13 statement that defines appropriate referral, consultation, and
14 collaboration between the Advanced Practice Registered Nurse,
15 recognized to prescribe as defined in ~~paragraphs 6 through 9, 11 and~~
16 ~~12~~ of Section 567.3a of this title, and the supervising physician.
17 The written statement shall include a method of assuring
18 availability of the supervising physician through direct contact,
19 telecommunications or other appropriate electronic means for
20 consultation, assistance with medical emergencies, or patient
21 referral. The written statement shall be part of the initial
22 application and the renewal application submitted to the Board for
23 recognition for prescriptive authority for the Advanced Practice
24 Registered Nurse. Changes to the written statement shall be filed

1 with the Board within thirty (30) days of the change and shall be
2 effective on filing;

3 2. Define minimal requirements for initial application for
4 prescriptive authority which shall include, but not be limited to,
5 evidence of completion of a minimum of forty-five (45) contact hours
6 or three (3) academic credit hours of education in
7 pharmacotherapeutics, clinical application, and use of
8 pharmacological agents in the prevention of illness, and in the
9 restoration and maintenance of health in a program beyond basic
10 registered nurse preparation, approved by the Board. Such contact
11 hours or academic credits shall be obtained within a time period of
12 three (3) years immediately preceding the date of application for
13 prescriptive authority;

14 3. Define minimal requirements for application for renewal of
15 prescriptive authority which shall include, but not be limited to,
16 documentation of a minimum of:

- 17 a. fifteen (15) contact hours or one (1) academic credit
18 hour of education in pharmacotherapeutics, clinical
19 application, and use of pharmacological agents in the
20 prevention of illness, and in the restoration and
21 maintenance of health in a program beyond basic
22 registered nurse preparation, and
23 b. two (2) hours of education in pain management or two
24 (2) hours of education in opioid use or addiction,

1 unless the Advanced Practice Registered Nurse has
2 demonstrated to the satisfaction of the Board that the
3 Advanced Practice Registered Nurse does not currently
4 hold a valid federal Drug Enforcement Administration
5 registration number,

6 approved by the Board, within the two-year period immediately
7 preceding the effective date of application for renewal of
8 prescriptive authority;

9 4. Require that ~~beginning July 1, 2002,~~ an Advanced Practice
10 Registered Nurse ~~shall demonstrate~~ demonstrates successful
11 completion of a master's degree or higher in ~~a clinical nurse~~
12 ~~specialty~~ one of the four Advanced Practice Registered Nurse roles
13 in order to be eligible for initial application for prescriptive
14 authority under the provisions of the Oklahoma Nursing Practice Act;

15 5. Define the method for communicating authority to prescribe
16 or termination of same, and the formulary to the Board of Pharmacy,
17 all pharmacies, and all registered pharmacists;

18 6. Define terminology used in such rules;

19 7. Define the parameters for the prescribing practices of the
20 Advanced Practice Registered Nurse;

21 8. Define the methods for termination of prescriptive authority
22 for the Advanced Practice Registered Nurse; and

23 9. a. Establish a Formulary Advisory Council that shall
24 develop and submit to the Board recommendations for an
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1 exclusionary formulary that shall list drugs or
2 categories of drugs that shall not be prescribed by
3 Advanced Practice Registered Nurse recognized to
4 prescribe by the Oklahoma Board of Nursing. The
5 Formulary Advisory Council shall also develop and
6 submit to the Board recommendations for practice-
7 specific prescriptive standards for each category of
8 Advanced Practice Registered Nurse recognized to
9 prescribe by the Oklahoma Board of Nursing pursuant to
10 the provisions of the Oklahoma Nursing Practice Act.
11 The Board shall either accept or reject the
12 recommendations made by the Council. No amendments to
13 the recommended exclusionary formulary may be made by
14 the Board without the approval of the Formulary
15 Advisory Council.

16 b. The Formulary Advisory Council shall be composed of
17 twelve (12) members as follows:

18 (1) four members, to include a pediatrician, an
19 obstetrician-gynecological physician, a general
20 internist, and a family practice physician;
21 provided that three of such members shall be
22 appointed by the Oklahoma State Medical
23 Association, and one shall be appointed by the
24 Oklahoma Osteopathic Association,

1 (2) four members who are registered pharmacists,
2 appointed by the Oklahoma Pharmaceutical
3 Association, and

4 (3) four members, one of whom shall be a Certified
5 Nurse Practitioner, one of whom shall be a
6 Clinical Nurse Specialist, one of whom shall be a
7 Certified Nurse-Midwife, and one of whom shall be
8 a current member of the Oklahoma Board of
9 Nursing, all of whom shall be appointed by the
10 Oklahoma Board of Nursing.

11 c. All professional members of the Formulary Advisory
12 Council shall be in active clinical practice, at least
13 fifty percent (50%) of the time, within their defined
14 area of specialty. The members of the Formulary
15 Advisory Council shall serve at the pleasure of the
16 appointing authority for a term of three (3) years.
17 The terms of the members shall be staggered. Members
18 of the Council may serve beyond the expiration of
19 their term of office until a successor is appointed by
20 the original appointing authority. A vacancy on the
21 Council shall be filled for the balance of the
22 unexpired term by the original appointing authority.

23 d. Members of the Council shall elect a chair and a vice-
24 chair from among the membership of the Council. For

1 the transaction of business, at least seven members,
2 with a minimum of two members present from each of the
3 identified categories of physicians, pharmacists and
4 ~~advanced practice registered nurses~~ Advanced Practice
5 Registered Nurses, shall constitute a quorum. The
6 Council shall recommend and the Board shall approve
7 and implement an initial exclusionary formulary on or
8 before January 1, 1997. The Council and the Board
9 shall annually review the approved exclusionary
10 formulary and shall make any necessary revisions
11 utilizing the same procedures used to develop the
12 initial exclusionary formulary.

13 SECTION 5. AMENDATORY 59 O.S. 2021, Section 567.5a, is
14 amended to read as follows:

15 Section 567.5a. A. All applicants for a license to practice as
16 an Advanced Practice Registered Nurse shall be subject to Section
17 567.8 of this title.

18 B. An applicant for an initial license to practice as an
19 Advanced Practice Registered Nurse shall:

20 1. Submit a completed written application and appropriate fees
21 as established by the Board;

22 2. Submit a criminal history records check that complies with
23 Section 567.18 of this title;

24 3. Hold a current Registered Nurse license in this state;

1 4. Have completed an advanced practice registered nursing
2 education program in one of the four ~~advanced practice registered~~
3 ~~nurse~~ Advanced Practice Registered Nurse roles and a specialty area
4 recognized by the Board. Effective January 1, 2016, the applicant
5 shall have completed an accredited graduate level advanced practice
6 registered nursing education program in at least one of the
7 following population foci: family/individual across the lifespan,
8 adult-gerontology, neonatal, pediatrics, women's health/gender-
9 related, or psychiatric/mental health;

10 5. Be currently certified in an advanced practice specialty
11 certification consistent with educational preparation and by a
12 national certifying body recognized by the Board; and

13 6. Provide any and all other evidence as required by the Board
14 in its rules.

15 C. The Board may issue a license by endorsement to an Advanced
16 Practice Registered Nurse licensed under the laws of another state
17 if the applicant meets the qualifications for licensure in this
18 state. An applicant by endorsement shall:

19 1. Submit a completed written application and appropriate fees
20 as established by the Board;

21 2. Hold a current Registered Nurse license in this state;

22 3. Hold recognition as an Advanced Practice Registered Nurse in
23 a state or territory;

1 4. Have completed an advanced practice registered nursing
2 education program in one of the four roles and a specialty area
3 recognized by the Board. Effective January 1, 2016, the applicant
4 shall have completed an accredited graduate level advanced practice
5 registered nursing education program in at least one of the
6 following population foci: family/individual across the lifespan,
7 adult-gerontology, neonatal, pediatrics, women's health/gender-
8 related, or psychiatric/mental health;

9 5. Be currently certified in an advanced practice specialty
10 certification consistent with educational preparation and by a
11 national certifying body recognized by the Board;

12 6. Meet continued competency requirements as set forth in Board
13 rules; and

14 7. Provide any and all other evidence as required by the Board
15 in its rules.

16 D. The Board may issue prescriptive authority recognition by
17 endorsement to an Advanced Practice Registered Nurse licensed as an
18 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if
19 the applicant meets the requirements set forth in this section.

20 Prescriptive authority recognition by endorsement shall be subject
21 to the provisions of Section 2-312 of Title 63 of the Oklahoma
22 Statutes. An applicant for prescriptive authority recognition by
23 endorsement shall:

- 1 1. Submit a completed written application and appropriate fees
2 as established by the Board;
- 3 2. Hold current Registered Nurse and Advanced Practice
4 Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the
5 state;
- 6 3. Hold current licensure or recognition as an Advanced
7 Practice Registered Nurse in the same role and specialty with
8 prescribing privileges in another state or territory;
- 9 4. Submit documentation verifying successful completion of a
10 graduate level advanced practice registered nursing education
11 program that included an academic course in pharmacotherapeutic
12 management, and didactic and clinical preparation for prescribing
13 incorporated throughout the program;
- 14 5. ~~Submit~~ If the Advanced Practice Registered Nurse is licensed
15 as a Certified Nurse Practitioner or Clinical Nurse Specialist,
16 submit a written statement from ~~an Oklahoma licensed~~ a physician
17 licensed in this state supervising prescriptive authority as
18 required by the Board in its rules;
- 19 6. Meet continued competency requirements as set forth in Board
20 rules; and
- 21 7. Provide any and all other evidence as required by the Board
22 in its rules.

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1 E. An Advanced Practice Registered Nurse license issued under
2 this section shall be renewed concurrently with the registered nurse
3 license provided that qualifying criteria continue to be met.

4 F. The Board may reinstate a license as set forth in Board
5 rules.

6 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2-312, as
7 amended by Section 2, Chapter 184, O.S.L. 2022 (63 O.S. Supp. 2022,
8 Section 2-312), is amended to read as follows:

9 Section 2-312. A. A physician, podiatrist, optometrist or a
10 dentist who has complied with the registration requirements of the
11 Uniform Controlled Dangerous Substances Act, in good faith and in
12 the course of such person's professional practice only, may
13 prescribe and administer controlled dangerous substances, or may
14 cause the same to be administered by medical or paramedical
15 personnel acting under the direction and supervision of the
16 physician, podiatrist, optometrist or dentist, and only may dispense
17 controlled dangerous substances pursuant to the provisions of
18 Sections 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

19 B. A veterinarian who has complied with the registration
20 requirements of the Uniform Controlled Dangerous Substances Act, in
21 good faith and in the course of the professional practice of the
22 veterinarian only, and not for use by a human being, may prescribe,
23 administer, and dispense controlled dangerous substances and may
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1 cause them to be administered by an assistant or orderly under the
2 direction and supervision of the veterinarian.

3 C. 1. An ~~advanced practice nurse~~ Advanced Practice Registered
4 Nurse who is recognized to prescribe by the Oklahoma Board of
5 Nursing as ~~an advanced registered nurse practitioner, clinical nurse~~
6 ~~specialist or certified nurse-midwife~~ a Certified Nurse Practitioner
7 or Clinical Nurse Specialist, who is subject to medical direction by
8 a supervising physician, pursuant to Section 567.3a of Title 59 of
9 the Oklahoma Statutes, and who has complied with the registration
10 requirements of the Uniform Controlled Dangerous Substances Act, in
11 good faith and in the course of professional practice only, may
12 prescribe and administer Schedule III, IV, and V controlled
13 dangerous substances.

14 2. An Advanced Practice Registered Nurse who is recognized to
15 prescribe by the Oklahoma Board of Nursing as a Certified Nurse-
16 Midwife and who has complied with the registration requirements of
17 the Uniform Controlled Dangerous Substances Act, in good faith and
18 in the course of professional practice only, may prescribe and
19 administer Schedule III, IV, and V controlled dangerous substances.

20 D. An ~~advanced practice nurse~~ Advanced Practice Registered
21 Nurse who is recognized to order, select, obtain and administer
22 drugs by the Oklahoma Board of Nursing as a ~~certified registered~~
23 ~~nurse anesthetist~~ Certified Registered Nurse Anesthetist pursuant to
24 Section 353.1b of Title 59 of the Oklahoma Statutes and who has

1 complied with the registration requirements of the Uniform
2 Controlled Dangerous Substances Act, in good faith and in the course
3 of such practitioner's professional practice only, may order,
4 select, obtain and administer Schedules II ~~through, III, IV, and V~~
5 controlled dangerous substances in a preanesthetic preparation or
6 evaluation; anesthesia induction, maintenance or emergence; or
7 postanesthesia care setting only. A ~~certified registered nurse~~
8 ~~anesthetist~~ Certified Registered Nurse Anesthetist may order,
9 select, obtain and administer such drugs only during the
10 perioperative or periobstetrical period.

11 E. A physician assistant who is recognized to prescribe by the
12 State Board of Medical Licensure and Supervision under the medical
13 direction of a supervising physician, pursuant to Section 519.6 of
14 Title 59 of the Oklahoma Statutes, and who has complied with the
15 registration requirements of the Uniform Controlled Dangerous
16 Substances Act, in good faith and in the course of professional
17 practice only, may prescribe and administer ~~Schedule II through V~~
18 Schedules II, III, IV, and V controlled dangerous substances.

19 SECTION 7. This act shall become effective November 1, 2023.
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