

1 ENGROSSED HOUSE
2 BILL NO. 2298

By: Hilbert, Fetgatter,
Cornwell, and Turner of the
House

3
4 and

5 Paxton and Murdock of the
6 Senate

7
8
9 An Act relating to the practice of nursing; providing
10 for independent prescriptive authority of Advanced
11 Practice Registered Nurses who meet certain
12 requirements; stating application criteria;
13 specifying duration of authority; providing for
14 application approval, denial, reapplication, fees,
15 and independent prescriptive authority revocation;
16 prescribing certain malpractice insurance
17 requirements; directing promulgation of certain
18 advertising rules; providing certain construction;
19 directing certain boards to make specified
20 information available online; providing definitions;
21 providing eligibility requirements for physicians;
22 providing limits; providing for exceptions; providing
23 certain responsibilities; providing for disciplinary
24 action; authorizing penalties; amending 59 O.S. 2021,
Section 353.1, as amended by Section 6, Chapter 288,
O.S.L. 2022 (59 O.S. Supp. 2024, Section 353.1),
which relates to definitions used in the Oklahoma
Pharmacy Act; modifying and adding definitions;
amending 59 O.S. 2021, Section 353.1a, which relates
to prescriptive authority of Advanced Practice
Registered Nurses; modifying prescriptive authority
of certain Advanced Practice Registered Nurses;
updating statutory language; amending 59 O.S. 2021,
Section 567.3a, which relates to definitions used in
the Oklahoma Nursing Practice Act; modifying and
adding definitions; amending 59 O.S. 2021, Section
567.4a, which relates to prescriptive authority;
specifying authority of the Oklahoma Board of Nursing
to grant prescriptive authority; directing the Board

1 to promulgate certain rules; clarifying certain
2 educational requirement; requiring the Formulary
3 Advisory Council to develop, update, and publish
4 certain guidelines; modifying references; conforming
5 language; amending 59 O.S. 2021, Section 567.5a, as
6 amended by Section 1, Chapter 94, O.S.L. 2024 (59
7 O.S. Supp. 2024, Section 567.5a), which relates to
8 Advanced Practice Registered Nurse license; providing
9 for independent prescriptive authority by
10 endorsement; amending 63 O.S. 2021, Section 2-312, as
11 amended by Section 2, Chapter 184, O.S.L. 2022 (63
12 O.S. Supp. 2024, Section 2-312), which relates to
13 controlled dangerous substances; conforming language
14 relating to supervision requirement; updating
15 statutory references and language; providing for
16 codification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 567.4c of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. 1. An Advanced Practice Registered Nurse recognized by the
22 Oklahoma Board of Nursing as a Certified Nurse Practitioner,
23 Clinical Nurse Specialist, or Certified Nurse-Midwife who has
24 completed a minimum of six thousand two hundred forty (6,240) hours
of practice with prescriptive authority supervised by a physician
may apply to the Oklahoma Board of Nursing for authority to
prescribe and order independent of supervision.

2. The application for independent prescriptive authority shall
include proof that the Certified Nurse Practitioner, Clinical Nurse
Specialist, or Certified Nurse-Midwife:

- 1 a. holds a valid, current license in the appropriate
2 Advanced Practice Registered Nurse role issued by the
3 Board and is in good standing with the Board, and
4 b. has completed a minimum of six thousand two hundred
5 forty (6,240) hours of practice with prescriptive
6 authority supervised by a physician. This
7 subparagraph shall not be construed to exclude
8 practice hours with supervised prescriptive authority
9 obtained prior to the effective date of this act from
10 being counted toward the hours required in this
11 subparagraph.

12 3. Independent prescriptive authority granted under this
13 subsection shall be valid until the expiration of the current
14 license to practice and may be renewed upon application to the Board
15 at the same time and for the same period as the renewal of the
16 license to practice.

17 B. The Board shall review any application submitted under this
18 section and shall approve or deny the application, stating the
19 reason or reasons for denial, if denied. If denied, the applicant
20 may reapply using the process prescribed by subsection A of this
21 section.

22 C. The Board may suspend or revoke independent prescriptive
23 authority granted under this section for good cause at any time.
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1 D. The Board may establish a fee for the review of initial and
2 renewal applications under the provisions of this section.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 567.5b of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. An Advanced Practice Registered Nurse, or the employer of
7 the Advanced Practice Registered Nurse on his or her behalf, shall
8 carry malpractice insurance or demonstrate proof of financial
9 responsibility in a minimum amount of One Million Dollars
10 (\$1,000,000.00) per occurrence and Three Million Dollars
11 (\$3,000,000.00) in the aggregate per year. The requirement to carry
12 malpractice insurance shall extend only to the Advanced Practice
13 Registered Nurse, and not be construed as to require the Advance
14 Practice Registered Nurse to provide malpractice insurance coverage
15 to any supervising or collaborating physician.

16 B. An Advanced Practice Registered Nurse who is employed by or
17 under contract with a federal agency that carries malpractice
18 insurance in any amount on behalf of the Advanced Practice
19 Registered Nurse shall be deemed in compliance with subsection A of
20 this section when practicing under such federal employment or
21 contract. However, to the extent the Advanced Practice Registered
22 Nurse practices outside of such federal employment or contract, the
23 Advanced Practice Registered Nurse, or his or her employer, shall
24 comply with subsection A of this section.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 567.5c of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Board of Nursing shall promulgate rules
5 governing advertising of health care services by Advanced Practice
6 Registered Nurses to include, but not limited to, the specialty
7 areas or types of health care services Advanced Practice Registered
8 Nurses may advertise based on their training or experience.

9 B. Nothing in this act shall be construed to allow an Advanced
10 Practice Registered Nurse to perform any medical service or
11 prescribe any medication beyond those authorized under state law or
12 in a manner otherwise inconsistent with state law.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 479 of Title 59, unless there is
15 created a duplication in numbering, reads as follows:

16 The State Board of Medical Licensure and Supervision and the
17 State Board of Osteopathic Examiners shall make available, and keep
18 updated, in a conspicuous location on the website of each Board a
19 list of physicians who are available to supervise Advanced Practice
20 Registered Nurses. The Boards shall develop procedures necessary
21 for the implementation of this section.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 479.1 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. As used in this section:

2 1. "Advanced Practice Registered Nurse" or "(APRN)" means a
3 registered nurse who has obtained a license from the Oklahoma Board
4 of Nursing to practice advanced registered nursing not including
5 Certified Registered Nurse Anesthetists;

6 2. "Board" means the State Board of Osteopathic Examiners or
7 State Board of Medical Licensure and Supervision;

8 3. "Supervising physician" has the same meaning as defined in
9 paragraph 45 of Section 353.1 of this title; and

10 4. "Supervision" has the same meaning as defined in paragraph
11 12 of Section 567.3a of this title.

12 B. To be eligible to serve as a supervising physician for an
13 Advanced Practice Registered Nurse, an allopathic or osteopathic
14 physician shall meet the following criteria:

15 1. Have possession of a full and unrestricted Oklahoma license
16 to practice allopathic or osteopathic medicine;

17 2. Have possession of a valid permit to prescribe controlled
18 drugs with the Drug Enforcement Agency (DEA) and Oklahoma Bureau of
19 Narcotics and Dangerous Drugs Control (OBNDD); and

20 3. Have relevant experience in prescribing and administering
21 similar prescription medications authorized by the formulary and
22 approved by the Formulary Advisory Council within the Board of
23 Nursing as established in Section 567.4b of this title which the
24 APRN is authorized to prescribe and administer.

1 C. A supervising physician may charge a reasonable fee to the
2 APRN for his or her supervision services, which shall be disclosed
3 in a written agreement. Any fees charged by a supervising physician
4 shall be appropriate based on the actual duties and responsibilities
5 of the supervising physician as outlined in a written agreement.
6 The fees charged shall be a fair market value hourly rate as defined
7 by the respective board biannually or by mutual agreement between
8 the APRN and supervising physician as to the consideration of
9 reasonableness. A supervising physician who charges an Advanced
10 Practice Registered Nurse for supervision services and fails to
11 provide proper physician supervision may be subject to discipline by
12 the physician's respective board. This subsection shall not
13 preclude a supervising physician from entering into a payment
14 arrangement for supervision fees to be paid by his or her employer
15 or health care entity in lieu of the APRN. This subsection does not
16 relate to or impact any compensation a supervising physician
17 receives from his or her employer or health care entity for
18 supervision services. It only pertains to compensation received
19 directly from the APRN.

20 D. All supervising physicians shall have a written agreement
21 with each APRN he or she supervises. The written agreement shall
22 outline any fees charged for supervision services, the scope of the
23 Advanced Practice Registered Nurse's practice as defined by the
24 rules of the Board of Nursing, and the extent of the supervision

1 required. The physician shall file the written agreement with the
2 respective licensing board.

3 E. A supervising physician shall notify Advanced Practice
4 Registered Nurses under his or her supervision of reasonably
5 anticipated periods of unavailability or incapacity on the part of
6 the supervising physician. Notice shall be given by the method
7 agreed to by the supervising physician and the Advanced Practice
8 Registered Nurse within the written supervision agreement.

9 F. The supervising physician shall report to the Board and
10 Advanced Practice Registered Nurse any changes to the supervising
11 relationship within thirty (30) days, including the addition or
12 removal of an Advanced Practice Registered Nurse, changes to the
13 practice address, and mobile phone numbers.

14 G. The Board shall not charge any fees to supervising
15 physicians or Advanced Practice Registered Nurses for the
16 maintenance and tracking of the supervision relationship.

17 H. The State Board of Osteopathic Examiners and State Board of
18 Medical Licensure and Supervision shall promulgate a uniform set of
19 rules establishing the expectations for providing proper supervision
20 to Advanced Practice Registered Nurses, including:

21 1. The charging of reasonable fees to provide supervision
22 services;

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1 2. Continuous availability of direct communications either in
2 person or by electronic communications between the APRN and
3 supervising physician;

4 3. Oversight and acceptance of responsibility for the ordering
5 and transmission of written, telephonic, electronic, or oral
6 prescriptions for drugs and other medical supplies, subject to a
7 defined formulary in Section 567.3a of Title 59 of the Oklahoma
8 Statutes;

9 4. Review prescribing patterns of an APRN;

10 5. The delineation of a plan for emergencies; and

11 6. The designation of an alternate physician in the absence of
12 the supervising physician.

13 I. Failure to comply with these rules may result in
14 disciplinary action by the Board.

15 J. The Executive Director of the respective board shall report
16 annually to the Board the number of complaints received in relation
17 to this section of law.

18 K. Advanced Practice Registered Nurses employed by or
19 contracted by a hospital, defined pursuant to Section 1-701 of Title
20 63 of the Oklahoma Statutes, are exempt from this section.

21 SECTION 6. AMENDATORY 59 O.S. 2021, Section 353.1, as
22 amended by Section 6, Chapter 288, O.S.L. 2022 (59 O.S. Supp. 2024,
23 Section 353.1), is amended to read as follows:

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

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

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

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

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

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

15 6. "Certify" or "certification of a prescription" means the
16 review of a filled prescription by a licensed pharmacist or a
17 licensed practitioner with dispensing authority to confirm that the
18 medication, labeling, and packaging of the filled prescription are
19 accurate and meet all requirements prescribed by state and federal
20 law. For the purposes of this paragraph, "licensed practitioner"
21 shall not include optometrists with dispensing authority;

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

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

6 9. "Continuing professional education" means professional,
7 pharmaceutical education in the general areas of the socioeconomic
8 and legal aspects of health care; the properties and actions of
9 drugs and dosage forms; and the etiology, characteristics, and
10 therapeutics of the diseased state;

11 10. "Dangerous drug", "legend drug", "prescription drug", or
12 "Rx Only" means a drug:

13 a. for human use subject to 21 U.S.C., Section 353(b)(1),

14 or

15 b. is labeled "Prescription Only", or labeled with the
16 following statement: "Caution: Federal law restricts
17 this drug ~~except for~~ to use by or on the order of a
18 licensed veterinarian.";

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

21 12. "Dispense" or "dispensing" means the interpretation,
22 evaluation, and implementation of a prescription drug order
23 including the preparation and delivery of a drug or device to a
24 patient or a patient's agent in a suitable container appropriately

1 labeled for subsequent administration to, or use by, a patient.

2 Dispense includes sell, distribute, leave with, give away, dispose
3 of, deliver, or supply;

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

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

20 15. "Doctor of Pharmacy" means a person licensed by the Board
21 to engage in the practice of pharmacy. The terms "pharmacist",
22 "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall
23 have the same meaning wherever they appear in the Oklahoma Statutes
24 and the rules promulgated by the Board;

1 16. "Drug outlet" means all manufacturers, repackagers,
2 outsourcing facilities, wholesale distributors, third-party
3 logistics providers, pharmacies, and all other facilities which are
4 engaged in dispensing, delivery, distribution, or storage of
5 dangerous drugs;

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

14 18. "Drug sample" means a unit of a prescription drug packaged
15 under the authority and responsibility of the manufacturer that is
16 not intended to be sold and is intended to promote the sale of the
17 drug;

18 19. "Durable medical equipment" has the same meaning as
19 provided by ~~Section 2 of this act~~ Section 375.2 of this title;

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

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

4 22. "Licensed practitioner" means:

5 a. an allopathic physician,

6 b. an osteopathic physician,

7 c. a podiatric physician,

8 d. a dentist,

9 e. a veterinarian ~~or~~,

10 f. an optometrist, or

11 g. an Advanced Practice Registered Nurse,

12 licensed to practice and authorized to prescribe dangerous drugs
13 within the scope of practice of such practitioner;

14 23. "Manufacturer" or "virtual manufacturer" means with respect
15 to a product:

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

21 b. a co-licensed partner of the person described in
22 subparagraph a of this paragraph that obtains the
23 product directly from a person described in this
24 subparagraph or subparagraph a of this paragraph,

- 1 c. an affiliate of a person described in subparagraph a
2 or b of this paragraph who receives the product
3 directly from a person described in this subparagraph
4 or in subparagraph a or b of this paragraph, or
5 d. a person who contracts with another to manufacture a
6 product;

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

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

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

23 27. "Medical gas distributor" means a person licensed to
24 distribute, transfer, wholesale, deliver, or sell medical gases on

1 drug orders to suppliers or other entities licensed to use,
2 administer, or distribute medical gas and may also include a patient
3 or ultimate user;

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

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

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

18 31. "Outsourcing facility" including "virtual outsourcing
19 facility" means a facility at one geographic location or address
20 that:

- 21 a. is engaged in the compounding of sterile drugs,
- 22 b. has elected to register as an outsourcing facility,
- 23 and

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1 c. complies with all requirements of 21 U.S.C., Section
2 353b;

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

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

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

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

23 36. "Pharmacy technician", "technician", "Rx tech", or "tech"
24 means a person issued a ~~Technician~~ technician permit by the State

1 Board of Pharmacy to assist the pharmacist and perform
2 nonjudgmental, technical, manipulative, non-discretionary functions
3 in the prescription department under the immediate and direct
4 supervision of a pharmacist;

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

9 38. "Practice of pharmacy" means:

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

- 1 f. the offering or performing of those acts, services,
2 operations, or transactions necessary in the conduct,
3 operation, management, and control of a pharmacy, or
4 g. the provision of those acts or services that are
5 necessary to provide pharmaceutical care;

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

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

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

15 a. by a licensed prescriber,

16 b. ~~under the supervision of an Oklahoma licensed~~
17 ~~practitioner, an Oklahoma licensed advanced practice~~
18 ~~registered nurse or an Oklahoma licensed by a~~
19 physician assistant pursuant to a practice agreement,

20 ~~or~~

21 c. (1) under the supervision of a supervising physician,
22 by a Certified Nurse Practitioner, Clinical Nurse
23 Specialist, or Certified Nurse-Midwife licensed
24 in this state who has not obtained independent

1 prescriptive authority under Section 1 of this
2 act, or

3 (2) by a Certified Nurse Practitioner, Clinical Nurse
4 Specialist, or Certified Nurse-Midwife licensed
5 in this state who has obtained independent
6 prescriptive authority under Section 1 of this
7 act, or

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

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

16 43. "Repackager", including "virtual repackager", means a
17 person who owns or operates an establishment that repacks and
18 relabels a product or package for further sale or distribution
19 without further transaction;

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

1 45. "Supervising physician" means an individual holding a
2 current license to practice as a physician from the State Board of
3 Medical Licensure and Supervision, pursuant to the provisions of the
4 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
5 Act, or the State Board of Osteopathic Examiners, pursuant to the
6 provisions of the Oklahoma Osteopathic Medicine Act, who supervises
7 ~~an advanced practice registered nurse~~ a Certified Nurse
8 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife
9 as defined in Section 567.3a of this title who has not obtained
10 independent prescriptive authority under Section 1 of this act,
11 and who is not in training as an intern, resident, or fellow. ~~To be~~
12 ~~eligible to supervise an advanced practice registered nurse, such~~
13 The supervising physician shall remain in compliance with the rules
14 promulgated by the State Board of Medical Licensure and Supervision
15 or the State Board of Osteopathic Examiners;

16 46. "Supportive personnel" means technicians and auxiliary
17 supportive persons who are regularly paid employees of a pharmacy
18 who work and perform tasks in the pharmacy as authorized by Section
19 353.18A of this title;

20 47. "Third-party logistics provider" including "virtual third-
21 party logistics provider" means an entity that provides or
22 coordinates warehousing, or other logistics services of a product in
23 interstate commerce on behalf of a manufacturer, wholesale
24 distributor, or dispenser of a product but does not take ownership

1 of the product, nor have responsibility to direct the sale or
2 disposition of the product. For the purposes of this paragraph,
3 ~~“third party logistics provider”~~ third-party logistics provider does
4 not include shippers and the United States Postal Service;

5 48. “Wholesale distributor” including “virtual wholesale
6 distributor” means a person other than a manufacturer, a
7 manufacturer’s co-licensed partner, a third-party logistics
8 provider, or repackager engaged in wholesale distribution as defined
9 by 21 U.S.C., Section 353(e) (4) as amended by the Drug Supply Chain
10 Security Act;

11 49. “County jail” means a facility operated by a county for the
12 physical detention and correction of persons charged with, or
13 convicted of, criminal offenses or ordinance violations or persons
14 found guilty of civil or criminal contempt;

15 50. “State correctional facility” means a facility or
16 institution that houses a prisoner population under the jurisdiction
17 of the Department of Corrections;

18 51. “Unit dose package” means a package that contains a single
19 dose drug with the name, strength, control number, and expiration
20 date of that drug on the label; and

21 52. “Unit of issue package” means a package that provides
22 multiple doses of the same drug, but each drug is individually
23 separated and includes the name, lot number, and expiration date.

24

1 SECTION 7. AMENDATORY 59 O.S. 2021, Section 353.1a, is
2 amended to read as follows:

3 Section 353.1a. A. ~~Prescribing~~ 1. Prescriptive authority
4 shall be allowed, under ~~the medical direction of a current~~
5 supervision agreement with a supervising physician, for an advanced
6 ~~practice nurse~~ a licensed Advanced Practice Registered Nurse
7 recognized by the Oklahoma Board of Nursing ~~in one of the following~~
8 ~~categories: advanced registered nurse practitioners, clinical nurse~~
9 ~~specialists, or certified nurse-midwives~~ as a Certified Nurse
10 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife
11 who has not obtained independent prescriptive authority under
12 Section 1 of this act.

13 2. Prescriptive authority shall be allowed, independent of a
14 current supervision agreement with a supervising physician, for a
15 licensed Advanced Practice Registered Nurse recognized by the
16 Oklahoma Board of Nursing as a Certified Nurse Practitioner,
17 Clinical Nurse Specialist, or Certified Nurse-Midwife who has
18 obtained independent prescriptive authority under Section 1 of this
19 act.

20 B. The advanced practice nurse Advanced Practice Registered
21 Nurse may write or sign, or transmit by word of mouth, telephone, or
22 other means of communication an order for drugs or medical supplies
23 that is intended to be filled, compounded, or dispensed by a
24 pharmacist. The supervising physician, if applicable, and the

1 ~~advanced practice nurse~~ prescribing Advanced Practice Registered
2 Nurse shall be identified at the time of origination of the
3 prescription and the name of the ~~advanced practice nurse~~ prescribing
4 Advanced Practice Registered Nurse shall be printed on the
5 prescription label.

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

11 ~~C.~~ D. 1. Pharmacists may only dispense prescriptions for
12 controlled dangerous substances prescribed by an ~~advanced practice~~
13 ~~nurse or physician assistant~~ Advanced Practice Registered Nurse
14 licensed in ~~the State of Oklahoma and supervised by an Oklahoma-~~
15 ~~licensed practitioner~~ this state who meets the criteria in paragraph
16 1 or 2 of subsection A of this section.

17 2. Pharmacists may only dispense prescriptions for controlled
18 dangerous substances prescribed by a physician assistant licensed in
19 this state pursuant to a practice agreement.

20 SECTION 8. AMENDATORY 59 O.S. 2021, Section 567.3a, is
21 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

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

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

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

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

20 4. "Licensed practical nursing" means the practice of nursing
21 under the supervision or direction of a ~~registered nurse~~ Registered
22 Nurse, licensed physician, or dentist. This directed scope of
23 nursing practice includes, but is not limited to:
24

- 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~~ Advanced Unlicensed Assistant;

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 Advanced Practice Registered Nurse roles,
- 5 b. who has passed a national certification examination
6 recognized by the Board that measures the ~~advanced~~
7 ~~practice registered nurse~~ Advanced Practice Registered
8 Nurse role and specialty competencies and who
9 maintains recertification in the role and specialty
10 through a national certification 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"~~ Advanced Practice
6 Registered Nurse and to use the abbreviation "APRN". Only those
7 persons who have obtained a license in the following disciplines
8 shall have the right to fulfill the roles and use the applicable
9 titles: Certified Registered Nurse Anesthetist and the abbreviation
10 "CRNA", Certified Nurse-Midwife and the abbreviation "CNM", Clinical
11 Nurse Specialist and the abbreviation "CNS", and Certified Nurse
12 Practitioner and the 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"~~ APRN or use the respective specialty role titles and
16 abbreviations or to use any other titles or abbreviations that would
17 reasonably lead a person to believe the user is an Advanced Practice
18 Registered Nurse, unless permitted by 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~~ means 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~~ Section 567.4a of this title and Section 1 of this act.

18 This authorization shall not include dispensing drugs, but shall not
19 preclude, subject to federal regulations, the receipt of, the
20 signing for, or the dispensing of professional samples to 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~~ means an Advanced
4 Practice 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 and
11 (3) an Advanced Practice Registered Nurse license
12 from the Board, ~~and~~ .

13 ~~(4) any~~

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

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

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

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~~ Section 567.4a of this title and Section 1
16 of this act. This authorization shall not include
17 dispensing drugs, but shall not preclude, subject to
18 federal regulations, the receipt of, the signing for,
19 or the dispensing of professional samples to patients.

20 d. The Clinical Nurse Specialist accepts responsibility,
21 accountability, and obligation to practice in
22 accordance with usual and customary advanced practice
23 nursing standards and functions as defined by the
24

1 scope of practice/role definition statements for the
2 Clinical Nurse Specialist;

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

8 A Certified Nurse-Midwife in accordance with the scope of
9 practice of such Certified Nurse-Midwife shall be eligible to obtain
10 recognition as authorized by the Board to prescribe, as defined by
11 the rules promulgated by the Board pursuant to ~~this section and~~
12 ~~subject to the medical direction of a supervising physician~~ Section
13 567.4a of this title and Section 1 of this act. This authorization
14 shall not include the dispensing of drugs, but shall not preclude,
15 subject to federal regulations, the receipt of, the signing for, or
16 the dispensing of professional samples to patients.

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

22 9. "Nurse-midwifery practice" means providing management of
23 care of normal newborns and women, antepartally, intrapartally,
24 postpartally, and gynecologically, occurring within a health care

1 system which provides for medical consultation, medical management,
2 or referral, and is in accord with the standards for nurse-midwifery
3 practice as defined by the American College of Nurse-Midwives;

4 10. a. "Certified Registered Nurse Anesthetist" ~~is~~ means an
5 Advanced Practice Registered Nurse who:

6 (1) is certified by the National Board of
7 Certification and Recertification for Nurse
8 Anesthetists as a Certified Registered Nurse
9 Anesthetist within one (1) year following
10 completion of an approved ~~certified-registered~~
11 ~~nurse-anesthetist~~ Certified Registered Nurse
12 Anesthetist education program, and continues to
13 maintain such recertification by the National
14 Board of Certification and Recertification for
15 Nurse Anesthetists, and

16 (2) administers anesthesia in collaboration with a
17 medical doctor, an osteopathic physician, a
18 podiatric physician, or a dentist licensed in
19 this state and under conditions in which timely
20 ~~onsite~~ on-site consultation by such doctor,
21 osteopath, podiatric physician, or dentist is
22 available.

23 b. A Certified Registered Nurse Anesthetist, in
24 collaboration with a medical doctor, osteopathic

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

15 c. A Certified Registered Nurse Anesthetist who applies
16 for authorization to order, select, obtain, and
17 administer drugs shall:

- 18 (1) be currently recognized as a Certified Registered
19 Nurse Anesthetist in this state,
- 20 (2) provide evidence of completion, within the two-
21 year period immediately preceding the date of
22 application, of a minimum of fifteen (15) units
23 of continuing education in advanced pharmacology
24 related to the administration of anesthesia as

1 recognized by the National Board of Certification
2 and Recertification for Nurse Anesthetists, and
3 (3) complete and submit a notarized application, on a
4 form prescribed by the Board, accompanied by the
5 application fee established pursuant to this
6 section.

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

10 (1) ordered, selected, obtained, or administered
11 drugs outside of the Certified Registered Nurse
12 Anesthetist scope of practice or ordered,
13 selected, obtained, or administered drugs for
14 other than therapeutic purposes, or

15 (2) violated any provision of state laws or rules or
16 federal laws or regulations pertaining to the
17 practice of nursing or the authority to order,
18 select, obtain, and administer drugs.

19 e. The Oklahoma Board of Nursing shall notify the State
20 Board of Pharmacy after termination of or a change in
21 the authority to order, select, obtain, and administer
22 drugs for a Certified Registered Nurse Anesthetist.

23 f. The Board shall provide by rule for biennial
24 application renewal and reauthorization of authority

1 to order, select, obtain, and administer drugs for
2 Certified Registered Nurse Anesthetists. At the time
3 of application renewal, a Certified Registered Nurse
4 Anesthetist shall submit documentation of a minimum of
5 eight (8) units of continuing education, completed
6 during the previous two (2) years, in advanced
7 pharmacology relating to the administration of
8 anesthesia, as recognized by the ~~Council on~~
9 ~~Recertification of Nurse Anesthetists or the Council~~
10 ~~on Certification of Nurse Anesthetists~~ National Board
11 of Certification and Recertification for Nurse
12 Anesthetists.

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

19 h. As used in this paragraph, "collaboration" means an
20 agreement between a medical doctor, osteopathic
21 physician, podiatric physician, or dentist performing
22 the procedure or directly involved with the procedure
23 and the Certified Registered Nurse Anesthetist working
24 jointly toward a common goal providing services for

1 the same patient. This collaboration involves the
2 joint formulation, discussion, and agreement of the
3 anesthesia plan by both parties, and the collaborating
4 medical doctor, osteopathic physician, podiatric
5 physician, or dentist performing the procedure or
6 directly involved with the procedure and that
7 collaborating physician shall remain available for
8 timely ~~onsite~~ on-site consultation during the delivery
9 of anesthesia for diagnosis, consultation, and
10 treatment of medical conditions;

11 11. "Supervising physician" means an individual holding a
12 current license to practice as a physician from the State Board of
13 Medical Licensure and Supervision or the State Board of Osteopathic
14 Examiners, who supervises a Certified Nurse Practitioner, a Clinical
15 Nurse Specialist, or a Certified Nurse-Midwife who has not obtained
16 independent prescriptive authority under Section 1 of this act, and
17 who is not in training as an intern, resident, or fellow. ~~To be~~
18 ~~eligible to supervise such Advanced Practice Registered Nurse, such~~
19 The supervising physician shall remain in compliance with the rules
20 promulgated by the State Board of Medical Licensure and Supervision
21 or the State Board of Osteopathic Examiners;

22 12. "Supervision of an Advanced Practice Registered Nurse with
23 prescriptive authority" means ~~overseeing and accepting~~
24 ~~responsibility for the ordering and transmission by~~ assuring

1 availability of the supervising physician to a Certified Nurse
2 Practitioner, a Clinical Nurse Specialist, or a Certified Nurse-
3 Midwife ~~of~~ who has not obtained independent prescriptive authority
4 under Section 1 of this act through direct contact,
5 telecommunications, or other appropriate electronic means for
6 consultation, assistance with medical emergencies, or patient
7 referral with respect to 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 or Advanced Practice Registered Nurse.

16 SECTION 9. AMENDATORY 59 O.S. 2021, Section 567.4a, is
17 amended to read as follows:

18 Section 567.4a. The Oklahoma Board of Nursing may grant
19 prescriptive authority through the Advanced Practice Registered
20 Nurse license to Certified Nurse Practitioners, Clinical Nurse
21 Specialists, and Certified Nurse-Midwives who meet the requirements
22 for prescriptive authority identified by law and in the Board's
23 rules. The rules regarding prescriptive authority recognition
24 promulgated by the Oklahoma Board of Nursing pursuant to ~~paragraphs~~

1 ~~6 through 9, 11 and 12 of this section,~~ Section 567.3a of this
2 title, and Section 1 of this act shall:

3 1. Define the procedure for documenting supervision by a
4 supervising physician licensed in Oklahoma to practice by the State
5 Board of Medical Licensure and Supervision or the State Board of
6 Osteopathic Examiners, as defined in Section 567.3a of this title,
7 of a Certified Nurse Practitioner, Clinical Nurse Specialist, or
8 Certified Nurse-Midwife who has not obtained independent
9 prescriptive authority under Section 1 of this act. Such procedure
10 shall include a written statement that defines appropriate referral,
11 consultation, and collaboration between the Advanced Practice
12 Registered Nurse, recognized to prescribe as defined in ~~paragraphs 6~~
13 ~~through 9, 11 and 12 of~~ Section 567.3a of this title, and the
14 supervising physician. The written statement shall include a method
15 of assuring availability of the supervising physician through direct
16 contact, telecommunications, or other appropriate electronic means
17 for consultation, assistance with medical emergencies, or patient
18 referral. The written statement shall be part of the initial
19 application and the renewal application submitted to the Board for
20 recognition for prescriptive authority for the Advanced Practice
21 Registered Nurse. Changes to the written statement shall be filed
22 with the Board within thirty (30) days of the change and shall be
23 effective on filing;

24

1 2. Define the procedure for documenting independent
2 prescriptive authority for Certified Nurse Practitioners, Clinical
3 Nurse Specialists, and Certified Nurse-Midwives who have obtained
4 independent prescriptive authority under Section 1 of this act;

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

16 ~~3.~~ 4. Define minimal requirements for application for renewal
17 of prescriptive authority which shall include, but not be limited
18 to, documentation of a minimum of:

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

1 b. two (2) hours of education in pain management or two
2 (2) hours of education in opioid use or addiction,
3 unless the Advanced Practice Registered Nurse has
4 demonstrated to the satisfaction of the Board that the
5 Advanced Practice Registered Nurse does not currently
6 hold a valid federal Drug Enforcement Administration
7 registration number,
8 approved by the Board, within the two-year period immediately
9 preceding the effective date of application for renewal of
10 prescriptive authority;

11 ~~4.~~ 5. Require that ~~beginning July 1, 2002,~~ an Advanced Practice
12 Registered Nurse ~~shall demonstrate~~ demonstrates successful
13 completion of a master's degree or higher in ~~a clinical nurse~~
14 ~~specialty~~ one of the following Advanced Practice Registered Nurse
15 roles:

- 16 a. Certified Nurse Practitioner,
- 17 b. Clinical Nurse Specialist, or
- 18 c. Certified Nurse-Midwife,

19 in order to be eligible for initial application for prescriptive
20 authority under the provisions of the Oklahoma Nursing Practice Act;

21 ~~5.~~ 6. Define the method for communicating authority to
22 prescribe or termination of same, and the formulary to the State
23 Board of Pharmacy, all pharmacies, and all registered pharmacists;

24 ~~6.~~ 7. Define terminology used in such rules;

1 ~~7.~~ 8. Define the parameters for the prescribing practices of
2 the Advanced Practice Registered Nurse;

3 ~~8.~~ 9. Define the methods for termination of prescriptive
4 authority for the Advanced Practice Registered Nurse; and

5 ~~9.~~

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

23 b. In addition to the other powers and duties of the
24 Formulary Advisory Council prescribed by this

1 paragraph, the Formulary Advisory Council shall
2 develop guidelines for Advanced Practice Registered
3 Nurses who have not obtained independent prescriptive
4 authority. The guidelines shall be published on the
5 Board's website and the Formulary Advisory Council
6 shall periodically update the guidelines as necessary.

7 c. The Formulary Advisory Council shall be composed of
8 twelve (12) members as follows:

9 (1) four members, to include a pediatrician, an
10 obstetrician-gynecological physician, a general
11 internist, and a family practice physician;
12 provided, that three of such members shall be
13 appointed by the Oklahoma State Medical
14 Association, and one shall be appointed by the
15 Oklahoma Osteopathic Association,

16 (2) four members who are registered pharmacists,
17 appointed by the Oklahoma ~~Pharmaceutical~~
18 Pharmacists Association, and

19 (3) four members, one of whom shall be a Certified
20 Nurse Practitioner, one of whom shall be a
21 Clinical Nurse Specialist, one of whom shall be a
22 Certified Nurse-Midwife, and one of whom shall be
23 a current member of the Oklahoma Board of
24

1 Nursing, all of whom shall be appointed by the
2 Oklahoma Board of Nursing.

3 ~~e.~~

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

16 ~~d.~~

17 e. Members of the Council shall elect a chair and a ~~vice-~~
18 ~~chair~~ vice chair from among the membership of the
19 Council. For the transaction of business, at least
20 seven members, with a minimum of two members present
21 from each of the identified categories of physicians,
22 pharmacists, and ~~advanced practice registered nurses~~
23 Advanced Practice Registered Nurses, shall constitute
24 a quorum. The Council shall recommend and the Board

1 shall approve and implement an initial exclusionary
2 formulary on or before January 1, 1997. The Council
3 and the Board shall annually review the approved
4 exclusionary formulary and shall make any necessary
5 revisions utilizing the same procedures used to
6 develop the initial exclusionary formulary.

7 SECTION 10. AMENDATORY 59 O.S. 2021, Section 567.5a, as
8 amended by Section 1, Chapter 94, O.S.L. 2024 (59 O.S. Supp. 2024,
9 Section 567.5a), is amended to read as follows:

10 Section 567.5a. A. All applicants for a license to practice as
11 an Advanced Practice Registered Nurse shall be subject to Section
12 567.8 of this title.

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

15 1. Submit a completed written application and appropriate fees
16 as established by the Oklahoma Board of Nursing;

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

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

20 4. Have completed an advanced practice registered nursing
21 education program in one of the four ~~advanced practice registered~~
22 ~~nurse~~ Advanced Practice Registered Nurse roles and a specialty area
23 recognized by the Board. Effective January 1, 2016, the applicant
24 shall have completed an accredited graduate level advanced practice

1 registered nursing education program in at least one of the
2 following population foci: family/individual across the lifespan,
3 adult-gerontology, neonatal, pediatrics, women's health/gender-
4 related, or psychiatric/mental health;

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

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

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

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

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

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

19 4. Hold recognition as an Advanced Practice Registered Nurse in
20 a state or territory;

21 5. Have completed an advanced practice registered nursing
22 education program in one of the four roles and a specialty area
23 recognized by the Board. Effective January 1, 2016, the applicant
24 shall have completed an accredited graduate level advanced practice

1 registered nursing education program in at least one of the
2 following population foci: family/individual across the lifespan,
3 adult-gerontology, neonatal, pediatrics, women's health/gender-
4 related, or psychiatric/mental health;

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

8 7. Meet continued competency requirements as set forth in Board
9 rules; and

10 8. Provide any and all other evidence as required by the Board
11 in its rules.

12 D. The Board may issue prescriptive authority recognition by
13 endorsement to an Advanced Practice Registered Nurse licensed as an
14 ~~APRN-CNP~~ Advanced Practice Registered Nurse-Certified Nurse
15 Practitioner (APRN-CNP), ~~APRN-CNS~~ Advanced Practice Registered
16 Nurse-Clinical Nurse Specialist (APRN-CNS), or ~~APRN-CNM~~ Advanced
17 Practice Registered Nurse-Certified Nurse-Midwife (APRN-CNM) under
18 the laws of another state if the applicant meets the requirements
19 set forth in this section. An applicant for prescriptive authority
20 recognition by endorsement shall:

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

23
24

1 2. Hold current Registered Nurse and Advanced Practice
2 Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the
3 state;

4 3. Hold current licensure or recognition as an Advanced
5 Practice Registered Nurse in the same role and specialty with
6 prescribing privileges in another state or territory;

7 4. Submit documentation verifying successful completion of a
8 ~~graduate-level~~ graduate-level advanced practice registered nursing
9 education program that included an academic course in
10 pharmacotherapeutic management, and didactic and clinical
11 preparation for prescribing incorporated throughout the program;

12 5. Submit a written statement from an Oklahoma licensed
13 physician supervising prescriptive authority as required by the
14 Board in its rules, or submit documentation that the applicant meets
15 the requirements for independent prescriptive authority under
16 Section 1 of this act;

17 6. Meet continued competency requirements as set forth in Board
18 rules; and

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

21 E. An Advanced Practice Registered Nurse license issued under
22 this section shall be renewed concurrently with the ~~registered nurse~~
23 Registered Nurse license, provided that qualifying criteria continue
24 to be met.

1 F. The Board may reinstate a license as set forth in Board
2 rules.

3 SECTION 11. AMENDATORY 63 O.S. 2021, Section 2-312, as
4 amended by Section 2, Chapter 184, O.S.L. 2022 (63 O.S. Supp. 2024,
5 Section 2-312), is amended to read as follows:

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

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

23 C. 1. An ~~advanced practice nurse~~ Advanced Practice Registered
24 Nurse who is recognized to prescribe by the Oklahoma Board of

1 Nursing as ~~an advanced registered nurse practitioner, clinical nurse~~
2 ~~specialist or certified nurse-midwife, a Certified Nurse~~
3 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife
4 but who has not obtained independent prescriptive authority under
5 Section 1 of this act and therefore is subject to ~~medical direction~~
6 by a current supervision agreement with a supervising physician,
7 pursuant to Section 567.3a of Title 59 of the Oklahoma Statutes, and
8 who has complied with the registration requirements of the Uniform
9 Controlled Dangerous Substances Act, in good faith and in the course
10 of professional practice only, may prescribe and administer Schedule
11 III, IV, and V controlled dangerous substances.

12 2. An Advanced Practice Registered Nurse who is recognized to
13 prescribe by the Oklahoma Board of Nursing as a Certified Nurse
14 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife
15 who has obtained independent prescriptive authority under Section 1
16 of this act, and who has complied with the registration requirements
17 of the Uniform Controlled Dangerous Substances Act, in good faith
18 and in the course of professional practice only, may prescribe and
19 administer Schedule III, IV, and V controlled dangerous substances.

20 3. An Advanced Practice Registered Nurse who is recognized to
21 prescribe, with or without independence, as a Certified Nurse
22 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife,
23 who is employed or contracted by a hospital, defined pursuant to
24 Section 1-701 of Title 63 of the Oklahoma Statutes, may prescribe

1 and administer certain Schedule II Controlled Dangerous Substances,
2 only for acute pain in the hospital setting. An Advanced Practice
3 Registered Nurse who is recognized to prescribe, with or without
4 independence, as a Certified Nurse Practitioner, Clinical Nurse
5 Specialist, or Certified Nurse-Midwife, who is employed or
6 contracted by a hospital, defined pursuant to Section 1-701 of Title
7 63 of the Oklahoma Statutes, may prescribe and administer
8 hydrocodone or hydrocodone-containing drugs regardless of schedule,
9 for take-home use for no more than three (3) days.

10 D. An ~~advanced practice nurse~~ Advanced Practice Registered
11 Nurse who is recognized to order, select, obtain, and administer
12 drugs by the Oklahoma Board of Nursing as a ~~certified registered~~
13 ~~nurse anesthetist~~ Certified Registered Nurse Anesthetist pursuant to
14 Section 353.1b of Title 59 of the Oklahoma Statutes and who has
15 complied with the registration requirements of the Uniform
16 Controlled Dangerous Substances Act, in good faith and in the course
17 of such practitioner's professional practice only, may order,
18 select, obtain, and administer Schedules II through V controlled
19 dangerous substances in a preanesthetic preparation or evaluation;
20 anesthesia induction, maintenance, or emergence; or postanesthesia
21 care setting only. A ~~certified registered nurse anesthetist~~
22 Certified Registered Nurse Anesthetist may order, select, obtain,
23 and administer such drugs only during the perioperative or
24 periobstetrical period.

1 E. A physician assistant who is recognized to prescribe by the
2 State Board of Medical Licensure and Supervision under the medical
3 direction of a supervising physician, pursuant to Section 519.6 of
4 Title 59 of the Oklahoma Statutes, and who has complied with the
5 registration requirements of the Uniform Controlled Dangerous
6 Substances Act, in good faith and in the course of professional
7 practice only, may prescribe and administer Schedule II through V
8 controlled dangerous substances.

9 SECTION 12. This act shall become effective November 1, 2025.
10 Passed the House of Representatives the 25th day of March, 2025.

11
12 _____
13 Presiding Officer of the House
14 of Representatives

15 Passed the Senate the ____ day of _____, 2025.

16
17 _____
18 Presiding Officer of the Senate
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