

1 **SENATE FLOOR VERSION**

2 April 11, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3328

By: Roe of the House

and

Stanley of the Senate

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7
8 An Act relating to professions and occupations;
9 amending 59 O.S. 2021, Section 567.5a, which relates
10 to advanced practice registered nurse applicant
11 requirements; adding a qualification for licensure;
12 amending 59 O.S. 2021, Section 567.7, which relates
13 to renewal or reinstatement of license or
14 certificate; adding a certain requirement for
15 reinstatement of license or certificate; amending 59
16 O.S. 2021, Section 567.18, which relates to criminal
17 background check; requiring certain licenses or
18 certificates to receive criminal history background
19 checks; clarifying fingerprint process; limiting the
20 use of criminal history record information; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2021, Section 567.5a, is
24 amended to read as follows:

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

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

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

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

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

6 4. Have completed an advanced practice registered nursing
7 education program in one of the four advanced practice registered
8 nurse roles and a specialty area recognized by the Board. Effective
9 January 1, 2016, the applicant shall have completed an accredited
10 graduate level advanced practice registered nursing education
11 program in at least one of the following population foci:

12 family/individual across the lifespan, adult-gerontology, neonatal,
13 pediatrics, women's health/gender-related, or psychiatric/mental
14 health;

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

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

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

24

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

3 2. Submit a criminal history records check that complies with
4 Section 567.18 of this Title;

5 ~~2.~~ 3. Hold a current Registered Nurse license in this state;

6 ~~3.~~ 4. Hold recognition as an Advanced Practice Registered Nurse
7 in a state or territory;

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

16 ~~5.~~ 6. Be currently certified in an advanced practice specialty
17 certification consistent with educational preparation and by a
18 national certifying body recognized by the Board;

19 ~~6.~~ 7. Meet continued competency requirements as set forth in
20 Board rules; and

21 ~~7.~~ 8. Provide any and all other evidence as required by the
22 Board in its rules.

23 D. The Board may issue prescriptive authority recognition by
24 endorsement to an Advanced Practice Registered Nurse licensed as an

1 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if
2 the applicant meets the requirements set forth in this section. An
3 applicant for prescriptive authority recognition by endorsement
4 shall:

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

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

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

13 4. Submit documentation verifying successful completion of a
14 graduate level advanced practice registered nursing education
15 program that included an academic course in pharmacotherapeutic
16 management, and didactic and clinical preparation for prescribing
17 incorporated throughout the program;

18 5. Submit a written statement from an Oklahoma licensed
19 physician supervising prescriptive authority as required by the
20 Board in its rules;

21 6. Meet continued competency requirements as set forth in Board
22 rules; and

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

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 2. AMENDATORY 59 O.S. 2021, Section 567.7, is
7 amended to read as follows:

8 Section 567.7 A. Upon expiration of an initial license or
9 certificate issued pursuant to the Oklahoma Nursing Practice Act, a
10 license or certificate shall be renewed every two (2) years
11 according to a schedule published by the Oklahoma Board of Nursing,
12 provided that the application is complete and qualifying criteria
13 continues to be met.

14 B. A licensee or certificate holder who applies for
15 reinstatement of a license or certificate shall submit a criminal
16 history records check that complies with Section 567.18 of this
17 title and meet any other such requirements as the Board may
18 prescribe in its rules.

19 C. Contingent upon available resources by the Board, the Board
20 may require an applicant for renewal who has not previously
21 submitted a criminal history records check to the Board to submit a
22 criminal history records check that complies with Section 567.18 of
23 this title and meet any other requirements as the Board may
24 prescribe in its rules.

1 D. Any licensee or certificate holder who desires to retire
2 temporarily from the practice of nursing in this state shall submit
3 a written request to that effect to the Board. It shall be the duty
4 of the Board to place the name of such licensee or certificate
5 holder upon the nonpracticing list in accordance with the rules of
6 the Board. During the period of temporary retirement, the licensee
7 or certificate holder shall not practice nursing, Advanced Practice
8 Registered Nursing or practice as an Advanced Unlicensed Assistant
9 nor be subject to the payment of any renewal fees. When the
10 licensee or certificate holder desires to resume practice, such
11 licensee or certificate holder shall meet such requirements as the
12 Board may prescribe in its rules.

13 ~~D.~~ E. The Board is authorized to establish by rule fees to be
14 charged for the purpose of implementing and enforcing the provisions
15 of the Oklahoma Nursing Practice Act; provided, however, no single
16 fee for an initial application for licensure or certification, or
17 for renewal, reinstatement or return to active practice shall exceed
18 One Hundred Twenty-five Dollars (\$125.00). The application fee for
19 a multistate license issued pursuant to Section 5 of this act shall
20 be One Hundred Fifty Dollars (\$150.00). The biennial multistate
21 license renewal fee shall be One Hundred Twenty-five Dollars
22 (\$125.00); provided, however, that contingent upon implementation of
23 the Nurse Licensure Compact and the Board's revolving fund balance
24 being reconciled at less than the average of three (3) months of

1 expenditures, the biennial renewal fee set forth in Oklahoma
2 Administrative Code 485:10-1-3(a) (2) shall increase by Ten Dollars
3 (\$10.00) by operation of law. The Board may reduce the biennial
4 renewal fees on a pro rata basis for the specific Registered Nurse
5 and Licensed Practical Nurse biennial renewal period.

6 ~~E.~~ F. The Executive Director of the Board shall suspend the
7 license or certificate of a person who submits a check, money draft,
8 or similar instrument for payment of a fee which is not honored by
9 the financial institution named. The suspension becomes effective
10 ten (10) days following delivery by certified mail of written notice
11 of the dishonor and the impending suspension to the person's address
12 on file. Upon notification of suspension, the person may reinstate
13 the authorization to practice upon payment of the fees and any and
14 all costs associated with notice and collection. The suspension
15 shall be exempt from the Administrative Procedures Act.

16 SECTION 3. AMENDATORY 59 O.S. 2021, Section 567.18, is
17 amended to read as follows:

18 Section 567.18 A. ~~The criminal background check shall include~~
19 Any applicant for a license or certificate described below shall be
20 required to undergo a national criminal history background check as
21 described in this section.

- 22 1. Registered Nurse (RN) license,
- 23 2. Advanced Practice Registered Nurse (APRN) license,
- 24 3. Practical Nurse License (LPN),

1 4. Advanced Unlicensed Assistant Certificate,

2 5. Multistate nursing license, when Oklahoma is the Primary
3 State of Residence.

4 B. Licensing and certification decisions shall be based on, in
5 addition to other licensure requirements, a criminal history records
6 search conducted by the Oklahoma State Bureau of Investigation that
7 is not more than ninety (90) days old.

8 ~~B.~~ C. Contingent upon available resources by the Board, all
9 criminal background checks effective January 1, 2013, are subject to
10 the following:

11 1. Submission of a full set of fingerprints to the Board for
12 the purpose of permitting a state and federal criminal history
13 records search pursuant to Section 150.9 of Title 74 of the Oklahoma
14 Statutes and Public Law 92-544 that is not more than ninety (90)
15 days old. The Oklahoma State Bureau of Investigation may exchange
16 these fingerprints with the Federal Bureau of Investigation;

17 2. The applicant shall furnish the Board fingerprints as
18 established by Board rules and a money order or cashier's check made
19 payable to the Oklahoma State Bureau of Investigation or the Board's
20 designated vendor;

21 3. The Board shall forward the fingerprints along with the
22 applicable fee for a national fingerprint criminal history records
23 search to the Bureau;

1 4. The Bureau shall ~~retain one set of fingerprints in~~ search
2 the Oklahoma Automated Fingerprint Identification System and ~~submit~~
3 ~~the other set~~ forward fingerprints to the FBI for a national
4 criminal history records search;

5 5. Any and all state and federal criminal history record
6 information obtained by the Board from the Bureau or the FBI which
7 is not already a matter of public record shall be deemed nonpublic.
8 The confidential information shall be restricted to the exclusive
9 use of the Board, its members, officers, investigators, agents, and
10 attorneys in evaluating the applicant's eligibility or
11 disqualification for licensure; and

12 6. Fingerprint images may be rejected by the OSBI and the FBI
13 for a variety of reasons, including, but not limited to, fingerprint
14 quality or an inability by the OSBI or FBI to classify the
15 fingerprints. These rejections require the applicant to be
16 fingerprinted again. Applicants with fingerprints rejected for
17 improper registration will be required to re-register, re-pay and be
18 re-fingerprinted. Applicant is responsible for insuring and
19 verifying that all data is correct in the fingerprinting process.

20 ~~C.~~ D. The necessary steps to initiate the criminal background
21 checks may be performed by the Board or its designated vendor.

22 ~~D.~~ E. An individual applying for any type of multistate
23 license, when Oklahoma is the Primary State of Residence, shall
24 submit to a criminal background check that complies with this

1 section; provided, however, that if the individual has been
2 continuously enrolled in the Federal Bureau of Investigation's Rap
3 Back Service since issuance of the initial multistate license, the
4 individual shall not be required to undergo another criminal history
5 record search. No criminal history record information will be
6 disseminated outside the Board, as described in paragraph 5 of this
7 subsection.

8 SECTION 4. This act shall become effective November 1, 2024.

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 April 11, 2024 - DO PASS

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