

An Act

ENROLLED HOUSE
BILL NO. 3328

By: Roe of the House

and

Stanley of the Senate

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

SUBJECT: Professions and occupations

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 567.5a, is 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. Submit a completed written application and appropriate fees as established by the Board;

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

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

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

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

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

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

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

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

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

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

~~4.~~ 5. Have completed an advanced practice registered nursing education program in one of the four roles and a specialty area recognized by the Board. Effective January 1, 2016, the applicant shall have completed an accredited graduate level advanced practice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Any licensee or certificate holder who desires to retire temporarily from the practice of nursing in this state shall submit a written request to that effect to the Board. It shall be the duty of the Board to place the name of such licensee or certificate holder upon the nonpracticing list in accordance with the rules of the Board. During the period of temporary retirement, the licensee or certificate holder shall not practice nursing, Advanced Practice Registered Nursing or practice as an Advanced Unlicensed Assistant nor be subject to the payment of any renewal fees. When the licensee or certificate holder desires to resume practice, such

licensee or certificate holder shall meet such requirements as the Board may prescribe in its rules.

~~D.~~ E. The Board is authorized to establish by rule fees to be charged for the purpose of implementing and enforcing the provisions of the Oklahoma Nursing Practice Act; provided, however, no single fee for an initial application for licensure or certification, or for renewal, reinstatement or return to active practice shall exceed One Hundred Twenty-five Dollars (\$125.00). The application fee for a multistate license issued pursuant to Section 5 of this act shall be One Hundred Fifty Dollars (\$150.00). The biennial multistate license renewal fee shall be One Hundred Twenty-five Dollars (\$125.00); provided, however, that contingent upon implementation of the Nurse Licensure Compact and the Board's revolving fund balance being reconciled at less than the average of three (3) months of expenditures, the biennial renewal fee set forth in Oklahoma Administrative Code 485:10-1-3(a)(2) shall increase by Ten Dollars (\$10.00) by operation of law. The Board may reduce the biennial renewal fees on a pro rata basis for the specific Registered Nurse and Licensed Practical Nurse biennial renewal period.

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

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

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

1. Registered Nurse (RN) license,
2. Advanced Practice Registered Nurse (APRN) license,

3. Practical Nurse License (LPN),

4. Advanced Unlicensed Assistant Certificate,

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

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

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

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

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

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

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

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

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

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

~~D.~~ E. An individual applying for any type of multistate license, when Oklahoma is the primary state of residence, shall submit to a criminal background check that complies with this section; provided, however, that if the individual has been continuously enrolled in the Federal Bureau of Investigation's Rap Back Service since issuance of the initial multistate license, the individual shall not be required to undergo another criminal history record search. No criminal history record information will be disseminated outside the Board, as described in paragraph 5 of this subsection.

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

Passed the House of Representatives the 5th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____