

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1081

By: Ownbey

7 AS INTRODUCED

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Section 567.4, as amended by
10 Section 1, Chapter 228, O.S.L. 2013 (59 O.S. Supp.
11 2014, Section 567.4), which relates to the Oklahoma
12 Board of Nursing; including certain duties of
 Executive Director; permitting Board to impose
 corrective action; requiring Board to promulgate
 certain rules; providing for codification; and
 providing an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 567.4, as
17 amended by Section 1, Chapter 228, O.S.L. 2013 (59 O.S. Supp. 2014,
18 Section 567.4), is amended to read as follows:

19 Section 567.4 A. The Oklahoma Board of Nursing is hereby
20 established in the State of Oklahoma. The Board shall consist of
21 eleven (11) members who shall be citizens of the United States of
22 America, and residents of Oklahoma, for at least the previous three
23 (3) years. Six of the members shall be Registered Nurses, in good
24 standing under the provisions of the Oklahoma Nursing Practice Act,

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

1 Governor to serve coterminously with the Governor. At least one
2 Registered Nurse Board member, one Licensed Practical Nurse Board
3 member and one public Board member shall be appointed from a county
4 with a population of less than forty thousand (40,000).

5 B. For the purpose of nominating, appointing or reappointing
6 members to the Board, this state shall be divided into eight
7 geographical districts, consisting of counties within the districts
8 as follows:

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

12 District No. 2 Roger Mills, Custer, Beckham, Washita, Caddo,
13 Greer, Kiowa, Harmon, Jackson, Comanche, Tillman
14 and Cotton;

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

17 District No. 4 Oklahoma;

18 District No. 5 Lincoln, Okfuskee, Cleveland, Pottawatomie,
19 Seminole, Hughes, Pontotoc, Coal, Johnston,
20 Marshall and Bryan;

21 District No. 6 Creek and Tulsa;

22 District No. 7 Osage, Washington, Nowata, Craig, Ottawa,
23 Pawnee, Payne, Rogers, Mayes and Delaware; and
24

1 District No. 8 Wagoner, Cherokee, Adair, Okmulgee, Muskogee,
2 Sequoyah, McIntosh, Haskell, Leflore, Pittsburg,
3 Latimer, Atoka, Pushmataha, McCurtain and
4 Choctaw.

5 Not more than one Registered Nurse and one Licensed Practical
6 Nurse and one public member shall be appointed from any one
7 geographical district.

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

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

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

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

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

17 3. If the president of the Board has knowledge that a potential
18 ground for removal exists, the president shall then notify the
19 Governor that a potential ground for removal exists.

20 E. A quorum shall be a majority of the Board which must include
21 at least three Registered Nurses and one Licensed Practical Nurse.

22 F. The members of the Board shall annually elect from their
23 number a president, vice-president and a secretary who shall also be
24 the treasurer, and other such officers as necessary to conduct the

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

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

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

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

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

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 567.8a of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The Oklahoma Board of Nursing may impose a corrective action
14 as set forth in the Board rules on a person licensed or regulated
15 under this act who violates the act or a rule. The corrective
16 action may include remedial education, an administrative penalty, or
17 any combination of remedial education and an administrative penalty.
18 The corrective action shall not be considered as disciplinary
19 action. However, the Board may consider a corrective action in an
20 individual's subsequent violation of the Nursing Practice Act, Board
21 rule or corrective action order.

22 B. The Board shall promulgate rules to implement the provisions
23 of this section.

1 SECTION 3. This act shall become effective November 1, 2015.

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3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/11/2015 -
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