

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1848

By: Smalley

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5
6 AS INTRODUCED

7 An Act relating to the practice of nursing; amending
8 59 O.S. 2011, Section 567.3a, as amended by Section
9 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2019,
10 Section 567.3a), which relates to definitions used in
11 the Oklahoma Nursing Practice Act; modifying
12 authority of Certified Registered Nurse Anesthetists
13 to administer anesthesia and controlled substances;
14 specifying certain liability protections; requiring
15 certain registration and approval; defining term;
16 updating statutory reference; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 567.3a, as
20 amended by Section 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2019,
21 Section 567.3a), is 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 2. "The practice of nursing" means the performance of services
provided for purposes of nursing diagnosis and treatment of human
responses to actual or potential health problems consistent with
educational preparation. Knowledge and skill are the basis for

1 assessment, analysis, planning, intervention, and evaluation used in
2 the promotion and maintenance of health and nursing management of
3 illness, injury, infirmity, restoration or optimal function, or
4 death with dignity. Practice is based on understanding the human
5 condition across the human lifespan and understanding the
6 relationship of the individual within the environment. This
7 practice includes execution of the medical regime including the
8 administration of medications and treatments prescribed by any
9 person authorized by state law to so prescribe;

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

- 12 a. assessing the health status of individuals, families
13 and groups,
- 14 b. analyzing assessment data to determine nursing care
15 needs,
- 16 c. establishing goals to meet identified health care
17 needs,
- 18 d. planning a strategy of care,
- 19 e. establishing priorities of nursing intervention to
20 implement the strategy of care,
- 21 f. implementing the strategy of care,
- 22 g. delegating such tasks as may safely be performed by
23 others, consistent with educational preparation and
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1 that do not conflict with the provisions of the
2 Oklahoma Nursing Practice Act,

3 h. providing safe and effective nursing care rendered
4 directly or indirectly,

5 i. evaluating responses to interventions,

6 j. teaching the principles and practice of nursing,

7 k. managing and supervising the practice of nursing,

8 l. collaborating with other health professionals in the
9 management of health care,

10 m. performing additional nursing functions in accordance
11 with knowledge and skills acquired beyond basic
12 nursing preparation, and

13 n. delegating those nursing tasks as defined in the rules
14 of the Board that may be performed by an advanced
15 unlicensed assistive person;

16 4. "Licensed practical nursing" means the practice of nursing
17 under the supervision or direction of a registered nurse, licensed
18 physician or dentist. This directed scope of nursing practice
19 includes, but is not limited to:

20 a. contributing to the assessment of the health status of
21 individuals and groups,

22 b. participating in the development and modification of
23 the plan of care,
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- c. implementing the appropriate aspects of the plan of care,
- d. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the Oklahoma Nursing Practice Act,
- e. providing safe and effective nursing care rendered directly or indirectly,
- f. participating in the evaluation of responses to interventions,
- g. teaching basic nursing skills and related principles,
- h. performing additional nursing procedures in accordance with knowledge and skills acquired through education beyond nursing preparation, and
- i. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

5. "Advanced Practice Registered Nurse" means a licensed Registered Nurse:

- a. who has completed an advanced practice registered nursing education program in preparation for one of four recognized advanced practice registered nurse roles,

- 1 b. who has passed a national certification examination
2 recognized by the Board that measures the advanced
3 practice registered nurse role and specialty
4 competencies and who maintains recertification in the
5 role and specialty through a national certification
6 program,
- 7 c. who has acquired advanced clinical knowledge and
8 skills in preparation for providing both direct and
9 indirect care to patients; however, the defining
10 factor for all Advanced Practice Registered Nurses is
11 that a significant component of the education and
12 practice focuses on direct care of individuals,
- 13 d. whose practice builds on the competencies of
14 Registered Nurses by demonstrating a greater depth and
15 breadth of knowledge, a greater synthesis of data, and
16 increased complexity of skills and interventions, and
- 17 e. who has obtained a license as an Advanced Practice
18 Registered Nurse in one of the following roles:
19 Certified Registered Nurse Anesthetist, Certified
20 Nurse-Midwife, Clinical Nurse Specialist, or Certified
21 Nurse Practitioner.

22 Only those persons who hold a license to practice advanced
23 practice registered nursing in this state shall have the right to
24 use the title "Advanced Practice Registered Nurse" and to use the

1 abbreviation "APRN". Only those persons who have obtained a license
2 in the following disciplines shall have the right to fulfill the
3 roles and use the applicable titles: Certified Registered Nurse
4 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and
5 the abbreviation "CNM", Clinical Nurse Specialist and the
6 abbreviation "CNS", and Certified Nurse Practitioner and the
7 abbreviation "CNP".

8 It shall be unlawful for any person to assume the role or use
9 the title Advanced Practice Registered Nurse or use the abbreviation
10 "APRN" or use the respective specialty role titles and abbreviations
11 or to use any other titles or abbreviations that would reasonably
12 lead a person to believe the user is an Advanced Practice Registered
13 Nurse, unless permitted by ~~this act~~ the Oklahoma Nursing Practice
14 Act. Any individual doing so shall be guilty of a misdemeanor,
15 which shall be punishable, upon conviction, by imprisonment in the
16 county jail for not more than one (1) year or by a fine of not less
17 than One Hundred Dollars (\$100.00) nor more than One Thousand
18 Dollars (\$1,000.00), or by both such imprisonment and fine for each
19 offense;

20 6. "Certified Nurse Practitioner" is an Advanced Practice
21 Registered Nurse who performs in an expanded role in the delivery of
22 health care:

- 23 a. consistent with advanced educational preparation as a
24 Certified Nurse Practitioner in an area of specialty,

- 1 b. functions within the Certified Nurse Practitioner
2 scope of practice for the selected area of
3 specialization, and
4 c. is in accord with the standards for Certified Nurse
5 Practitioners as identified by the certifying body and
6 approved by the Board.

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

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

- 21 7. a. "Clinical Nurse Specialist" is an Advanced Practice
22 Registered Nurse who holds:
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- (1) a master's degree or higher in nursing with clinical specialization preparation to function in an expanded role,
- (2) specialty certification from a national certifying organization recognized by the Board,
- (3) an Advanced Practice Registered Nurse license from the Board, and
- (4) any nurse holding a specialty certification as a Clinical Nurse Specialist valid on January 1, 1994, granted by a national certifying organization recognized by the Board, shall be deemed to be a Clinical Nurse Specialist under the provisions of the Oklahoma Nursing Practice Act.

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

- (1) practicing as an expert clinician in the provision of direct nursing care to a selected population of patients or clients in any setting, including private practice,
- (2) managing the care of patients or clients with complex nursing problems,

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

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

5 c. A Clinical Nurse Specialist in accordance with the
6 scope of practice of such Clinical Nurse Specialist
7 shall be eligible to obtain recognition as authorized
8 by the Board to prescribe, as defined by the rules
9 promulgated by the Board pursuant to this section, and
10 subject to the medical direction of a supervising
11 physician. This authorization shall not include
12 dispensing drugs, but shall not preclude, subject to
13 federal regulations, the receipt of, the signing for,
14 or the dispensing of professional samples to patients.

15 d. The Clinical Nurse Specialist accepts responsibility,
16 accountability, and obligation to practice in
17 accordance with usual and customary advanced practice
18 nursing standards and functions as defined by the
19 scope of practice/role definition statements for the
20 Clinical Nurse Specialist;

21 8. "Nurse-Midwife" is a nurse who has received an Advanced
22 Practice Registered Nurse license from the Oklahoma Board of Nursing
23 who possesses evidence of certification according to the
24 requirements of the American College of Nurse-Midwives.

1 A Certified Nurse-Midwife in accordance with the scope of
2 practice of such Certified Nurse-Midwife shall be eligible to obtain
3 recognition as authorized by the Board to prescribe, as defined by
4 the rules promulgated by the Board pursuant to this section and
5 subject to the medical direction of a supervising physician. This
6 authorization shall not include the dispensing of drugs, but shall
7 not preclude, subject to federal regulations, the receipt of, the
8 signing for, or the dispensing of professional samples to patients.

9 The Certified Nurse-Midwife accepts responsibility,
10 accountability, and obligation to practice in accordance with usual
11 and customary advanced practice registered nursing standards and
12 functions as defined by the scope of practice/role definition
13 statements for the Certified Nurse-Midwife;

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

20 10. a. "Certified Registered Nurse Anesthetist" is an

21 Advanced Practice Registered Nurse who:

- 22 (1) is certified by the National Board of
23 Certification and Recertification for Nurse
24 Anesthetists as a Certified Registered Nurse

1 Anesthetist within one (1) year following
2 completion of an approved certified registered
3 nurse anesthetist education program, and
4 continues to maintain such recertification by the
5 National Board of Certification and
6 Recertification for Nurse Anesthetists, and

7 (2) administers anesthesia ~~under the supervision of~~
8 in collaboration with a medical doctor, an
9 osteopathic physician, a podiatric physician or a
10 dentist licensed in this state and under
11 conditions in which timely onsite consultation by
12 such doctor, osteopath, podiatric physician or
13 dentist is available.

14 b. A Certified Registered Nurse Anesthetist, ~~under the~~
15 ~~supervision of~~ in collaboration with a medical doctor,
16 osteopathic physician, podiatric physician or dentist
17 licensed in this state, ~~and under conditions in which~~
18 ~~timely, on-site consultation by such medical doctor,~~
19 ~~osteopathic physician, podiatric physician or dentist~~
20 ~~is available,~~ shall be authorized, pursuant to rules
21 adopted by the Oklahoma Board of Nursing, to order,
22 select, obtain and administer legend drugs, Schedules
23 II through V controlled substances, devices, and
24 medical gases only when engaged in the preanesthetic

1 preparation and evaluation; anesthesia induction,
2 maintenance and emergence; and postanesthesia care. A
3 Certified Registered Nurse Anesthetist may order,
4 select, obtain and administer drugs only during the
5 perioperative or periobstetrical period. A physician
6 shall not be liable for any act or omission of a
7 Certified Registered Nurse Anesthetist who orders or
8 administers anesthesia under the provisions of this
9 act.

10 c. A Certified Registered Nurse Anesthetist who applies
11 for authorization to order, select, obtain and
12 administer drugs shall:

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

3 (4) obtain the appropriate registration and approval
4 from the Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control or successor agency, and
6 the Drug Enforcement Administration of the United
7 States Department of Justice

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

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

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

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

1 f. The Board shall provide by rule for biennial
2 application renewal and reauthorization of authority
3 to order, select, obtain and administer drugs for
4 Certified Registered Nurse Anesthetists. At the time
5 of application renewal, a Certified Registered Nurse
6 Anesthetist shall submit documentation of a minimum of
7 eight (8) units of continuing education, completed
8 during the previous two (2) years, in advanced
9 pharmacology relating to the administration of
10 anesthesia, as recognized by the Council on
11 Recertification of Nurse Anesthetists or the Council
12 on Certification of Nurse 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 a
20 cooperative agreement of two or more parties to work
21 jointly toward a common goal in providing services to
22 the same patient. The involved parties may or may not
23 have had a previous relationship. Such collaboration
24 shall only be between a medical doctor, doctor of

1 osteopathy, podiatric physician or dentist and a
2 Certified Registered Nurse Anesthetist;

3 11. "Supervising physician" means an individual holding a
4 current license to practice as a physician from the State Board of
5 Medical Licensure and Supervision or the State Board of Osteopathic
6 Examiners, who supervises a Certified Nurse Practitioner, a Clinical
7 Nurse Specialist, or a Certified Nurse-Midwife, and who is not in
8 training as an intern, resident, or fellow. To be eligible to
9 supervise such Advanced Practice Registered Nurse, such physician
10 shall remain in compliance with the rules promulgated by the State
11 Board of Medical Licensure and Supervision or the State Board of
12 Osteopathic Examiners;

13 12. "Supervision of an Advanced Practice Registered Nurse with
14 prescriptive authority" means overseeing and accepting
15 responsibility for the ordering and transmission by a Certified
16 Nurse Practitioner, a Clinical Nurse Specialist, or a Certified
17 Nurse-Midwife of written, telephonic, electronic or oral
18 prescriptions for drugs and other medical supplies, subject to a
19 defined formulary; and

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

SECTION 2. This act shall become effective November 1, 2020.

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