

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 496

By: McCortney

4
5
6 AS INTRODUCED

7 An Act relating to Advanced Practice Registered
8 Nurses; amending 59 O.S. 2011, Section 353.1, as last
9 amended by Section 1, Chapter 106, O.S.L. 2018 (59
10 O.S. Supp. 2020, Section 353.1), which relates to
11 definitions used in the Oklahoma Pharmacy Act;
12 modifying and adding definitions; amending 59 O.S.
13 2011, Section 353.1a, as amended by Section 2,
14 Chapter 106, O.S.L. 2018 (59 O.S. Supp. 2020, Section
15 353.1a), which relates to prescriptive authority of
16 Advanced Practice Registered Nurses; modifying
17 prescriptive authority of certain Certified Nurse
18 Practitioners; amending 59 O.S. 2011, Section 567.3a,
19 as last amended by Section 1, Chapter 11, O.S.L. 2020
20 (59 O.S. Supp. 2020, Section 567.3a), which relates
21 to definitions used in the Oklahoma Nursing Practice
22 Act; modifying and adding definitions; amending 59
23 O.S. 2011, Section 567.4a, as last amended by Section
24 8, Chapter 428, O.S.L. 2019 (59 O.S. Supp. 2020,
Section 567.4a), which relates to prescriptive
authority; directing the Oklahoma Board of Nursing to
promulgate certain rules; providing for independent
prescriptive authority of Certified Nurse
Practitioners; providing application criteria;
stating mentorship requirements; providing exception;
providing eligibility criteria of supervising
physician; construing certain provision; specifying
duration of authority; providing for application
approval, reapplication, fees and prescriptive
authority revocation; limiting practice to certain
geographic areas; providing exception; specifying
applicability of section; amending 59 O.S. 2011,
Section 567.7, as amended by Section 1, Chapter 190,
O.S.L. 2016 (59 O.S. Supp. 2020, Section 567.7),
which relates to license renewal; prescribing certain
fee; requiring certain malpractice insurance;

1 amending 63 O.S. 2011, Section 2-312, which relates
2 to controlled dangerous substances; modifying
3 authority of certain Certified Nurse Practitioners to
4 prescribe and administer controlled dangerous
5 substances; updating statutory reference; providing
6 for codification; and providing an effective date.

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

8 SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.1, as
9 last amended by Section 1, Chapter 106, O.S.L. 2018 (59 O.S. Supp.
10 2020, Section 353.1), is amended to read as follows:

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

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

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

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

20 4. "Assistant pharmacist" means any person presently licensed
21 as an assistant pharmacist in the State of Oklahoma by the Board
22 pursuant to Section 353.10 of this title and for the purposes of the
23 Oklahoma Pharmacy Act shall be considered the same as a pharmacist,
24 except where otherwise specified;

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

1 6. "Certify" or "certification of a prescription" means the
2 review of a filled prescription by a licensed pharmacist or a
3 licensed practitioner with dispensing authority to confirm that the
4 medication, labeling and packaging of the filled prescription are
5 accurate and meet all requirements prescribed by state and federal
6 law. For the purposes of this paragraph, "licensed practitioner"
7 shall not include optometrists with dispensing authority;

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

11 8. "Compounding" means the combining, admixing, mixing,
12 diluting, pooling, reconstituting or otherwise altering of a drug or
13 bulk drug substance to create a drug. Compounding includes the
14 preparation of drugs or devices in anticipation of prescription drug
15 orders based on routine, regularly observed prescribing patterns;

16 9. "Continuing professional education" means professional,
17 pharmaceutical education in the general areas of the socioeconomic
18 and legal aspects of health care; the properties and actions of
19 drugs and dosage forms; and the etiology, characteristics and
20 therapeutics of the diseased state;

21 10. "Dangerous drug", "legend drug", "prescription drug" or "Rx
22 Only" means a drug:

23 a. for human use subject to 21 U.S.C. 353(b)(1), or
24
25

1 b. is labeled "Prescription Only", or labeled with the
2 following statement: "Caution: Federal law restricts
3 this drug except for use by or on the order of a
4 licensed veterinarian".

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

7 12. "Dispense" or "dispensing" means the interpretation,
8 evaluation, and implementation of a prescription drug order,
9 including the preparation and delivery of a drug or device to a
10 patient or a patient's agent in a suitable container appropriately
11 labeled for subsequent administration to, or use by, a patient.
12 Dispense includes sell, distribute, leave with, give away, dispose
13 of, deliver or supply;

14 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a
15 group of chain pharmacies under common ownership and control that do
16 not act as a wholesale distributor, or any other person authorized
17 by law to dispense or administer prescription drugs, and the
18 affiliated warehouses or distributions of such entities under common
19 ownership and control that do not act as a wholesale distributor.
20 For the purposes of this paragraph, "dispenser" does not mean a
21 person who dispenses only products to be used in animals in
22 accordance with 21 U.S.C. 360b(a) (5);

23 14. "Distribute" or "distribution" means the sale, purchase,
24 trade, delivery, handling, storage, or receipt of a product, and
25

1 does not include the dispensing of a product pursuant to a
2 prescription executed in accordance with 21 U.S.C. 353(b)(1) or the
3 dispensing of a product approved under 21 U.S.C. 360b(b); provided,
4 taking actual physical possession of a product or title shall not be
5 required;

6 15. "Doctor of Pharmacy" means a person licensed by the Board
7 to engage in the practice of pharmacy. The terms "pharmacist",
8 "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall
9 have the same meaning wherever they appear in the Oklahoma Statutes
10 and the rules promulgated by the Board;

11 16. "Drug outlet" means all manufacturers, repackagers,
12 outsourcing facilities, wholesale distributors, third-party
13 logistics providers, pharmacies, and all other facilities which are
14 engaged in dispensing, delivery, distribution or storage of
15 dangerous drugs;

16 17. "Drugs" means all medicinal substances and preparations
17 recognized by the United States Pharmacopoeia and National
18 Formulary, or any revision thereof, and all substances and
19 preparations intended for external and/or internal use in the cure,
20 diagnosis, mitigation, treatment or prevention of disease in humans
21 or animals and all substances and preparations, other than food,
22 intended to affect the structure or any function of the body of a
23 human or animals;

1 18. "Drug sample" means a unit of a prescription drug packaged
2 under the authority and responsibility of the manufacturer that is
3 not intended to be sold and is intended to promote the sale of the
4 drug;

5 19. "Filled prescription" means a packaged prescription
6 medication to which a label has been affixed which contains such
7 information as is required by the Oklahoma Pharmacy Act;

8 20. "Hospital" means any institution licensed as a hospital by
9 this state for the care and treatment of patients, or a pharmacy
10 operated by the Oklahoma Department of Veterans Affairs;

11 21. "Licensed practitioner" means:

12 a. an allopathic physician,

13 b. an osteopathic physician,

14 c. a podiatric physician,

15 d. a dentist,

16 e. a veterinarian ~~or~~,

17 f. an optometrist, or

18 g. a Certified Nurse Practitioner who has obtained
19 independent prescriptive authority,

20 licensed to practice and authorized to prescribe dangerous drugs
21 within the scope of practice of such practitioner;

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

- 1 a. a person that holds an application approved under 21
2 U.S.C. 355 or a license issued under 42 U.S.C. 262 for
3 such product, or if such product is not the subject of
4 an approved application or license, the person who
5 manufactured the product,
- 6 b. a co-licensed partner of the person described in
7 subparagraph a that obtains the product directly from
8 a person described in this subparagraph or
9 subparagraph a,
- 10 c. an affiliate of a person described in subparagraph a
11 or b who receives the product directly from a person
12 described in this subparagraph or in subparagraph a or
13 b; or
- 14 d. a person who contracts with another to manufacture a
15 product;

16 23. "Manufacturing" means the production, preparation,
17 propagation, compounding, conversion or processing of a device or a
18 drug, either directly or indirectly by extraction from substances of
19 natural origin or independently by means of chemical or biological
20 synthesis and includes any packaging or repackaging of the
21 substances or labeling or relabeling of its container, and the
22 promotion and marketing of such drugs or devices. The term
23 "manufacturing" also includes the preparation and promotion of
24

1 commercially available products from bulk compounds for resale by
2 licensed pharmacies, licensed practitioners or other persons;

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

6 25. "Medical gas order" means an order for medical gas issued
7 by a licensed prescriber;

8 26. "Medical gas distributor" means a person licensed to
9 distribute, transfer, wholesale, deliver or sell medical gases on
10 drug orders to suppliers or other entities licensed to use,
11 administer or distribute medical gas and may also include a patient
12 or ultimate user;

13 27. "Medical gas supplier" means a person who dispenses medical
14 gases on drug orders only to a patient or ultimate user;

15 28. "Medicine" means any drug or combination of drugs which has
16 the property of curing, preventing, treating, diagnosing or
17 mitigating diseases, or which is used for that purpose;

18 29. "Nonprescription drugs" means medicines or drugs which are
19 sold without a prescription and which are prepackaged for use by the
20 consumer and labeled in accordance with the requirements of the
21 statutes and regulations of this state and the federal government.
22 Such items shall also include medical and dental supplies and
23 bottled or nonbulk chemicals which are sold or offered for sale to
24 the general public if such articles or preparations meet the

1 requirements of the Federal Food, Drug and Cosmetic Act, 21

2 U.S.C.A., Section 321 et seq.;

3 30. "Outsourcing facility"~~7~~ including "virtual outsourcing
4 facility" means a facility at one geographic location or address
5 that:

6 a. is engaged in the compounding of sterile drugs,

7 b. has elected to register as an outsourcing facility,

8 and

9 c. complies with all requirements of 21 U.S.C. 353b;

10 31. "Package" means the smallest individual saleable unit of
11 product for distribution by a manufacturer or repackager that is
12 intended by the manufacturer for ultimate sale to the dispenser of
13 such product. For the purposes of this paragraph, "individual
14 saleable unit" means the smallest container of a product introduced
15 into commerce by the manufacturer or repackager that is intended by
16 the manufacturer or repackager for individual sale to a dispenser;

17 32. "Person" means an individual, partnership, limited
18 liability company, corporation or association, unless the context
19 otherwise requires;

20 33. "Pharmacist-in-charge" or "PIC" means the pharmacist
21 licensed in this state responsible for the management control of a
22 pharmacy and all other aspects of the practice of pharmacy in a
23 licensed pharmacy as defined by Section 353.18 of this title;

1 34. "Pharmacy" means a place regularly licensed by the Board of
2 Pharmacy in which prescriptions, drugs, medicines, chemicals and
3 poisons are compounded or dispensed or such place where pharmacists
4 practice the profession of pharmacy, or a pharmacy operated by the
5 Oklahoma Department of Veterans Affairs;

6 35. "Pharmacy technician", "technician", "Rx tech", or "tech"
7 means a person issued a Technician permit by the State Board of
8 Pharmacy to assist the pharmacist and perform nonjudgmental,
9 technical, manipulative, non-discretionary functions in the
10 prescription department under the immediate and direct supervision
11 of a pharmacist;

12 36. "Poison" means any substance which when introduced into the
13 body, either directly or by absorption, produces violent, morbid or
14 fatal changes, or which destroys living tissue with which such
15 substance comes into contact;

16 37. "Practice of pharmacy" means:

- 17 a. the interpretation and evaluation of prescription
18 orders,
- 19 b. the compounding, dispensing, administering and
20 labeling of drugs and devices, except labeling by a
21 manufacturer, repackager or distributor of
22 nonprescription drugs and commercially packaged legend
23 drugs and devices,

- c. the participation in drug selection and drug utilization reviews,
- d. the proper and safe storage of drugs and devices and the maintenance of proper records thereof,
- e. the responsibility for advising by counseling and providing information, where professionally necessary or where regulated, of therapeutic values, content, hazards and use of drugs and devices,
- f. the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy, or
- g. the provision of those acts or services that are necessary to provide pharmaceutical care;

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

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

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

- a. by a licensed prescriber,

1 b. under the supervision of an Oklahoma licensed
2 ~~practitioner,~~ supervising physician, by an Oklahoma
3 licensed ~~advanced practice registered nurse or an~~
4 ~~Oklahoma licensed~~ Clinical Nurse Specialist, Certified
5 Nurse-Midwife or physician assistant, ~~or~~

6 c. (1) under the supervision of an Oklahoma licensed
7 supervising physician, by a Certified Nurse
8 Practitioner who chooses to practice under the
9 supervision of a physician or who is undergoing a
10 mentorship as provided by Section 5 of this act,

11 or

12 (2) by a Certified Nurse Practitioner who has
13 obtained independent prescriptive authority as
14 provided by Section 5 of this act, or

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

17 41. "Product" means a prescription drug in a finished dosage
18 form for administration to a patient without substantial further
19 manufacturing, such as capsules, tablets, and lyophilized products
20 before reconstitution. "Product" does not include blood components
21 intended for transfusion, radioactive drugs or biologics and medical
22 gas;

23 42. "Repackager"~~,~~ including "virtual repackager"~~,~~ means a
24 person who owns or operates an establishment that repacks and

1 relabels a product or package for further sale or distribution
2 without further transaction;

3 43. "Sterile drug" means a drug that is intended for parenteral
4 administration, an ophthalmic or oral inhalation drug in aqueous
5 format, or a drug that is required to be sterile under state and
6 federal law;

7 44. "Supervising physician" means an individual holding a
8 current license to practice as a physician from the State Board of
9 Medical Licensure and Supervision, pursuant to the provisions of the
10 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
11 Act, or the State Board of Osteopathic Examiners, pursuant to the
12 provisions of the Oklahoma Osteopathic Medicine Act, who supervises
13 ~~an advanced practice registered nurse~~ a Certified Nurse Practitioner
14 who chooses to practice under the supervision of a physician or who
15 is undergoing a mentorship as provided by Section 5 of this act, a
16 Clinical Nurse Specialist or a Certified Nurse-Midwife, as such
17 terms are defined in Section 567.3a of this title, and who is not in
18 training as an intern, resident, or fellow. ~~To be eligible to~~
19 ~~supervise an advanced practice registered nurse, such~~ The
20 supervising physician shall remain in compliance with the rules
21 promulgated by the State Board of Medical Licensure and Supervision
22 or the State Board of Osteopathic Examiners;

23 45. "Supportive personnel" means technicians and auxiliary
24 supportive persons who are regularly paid employees of a pharmacy
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1 who work and perform tasks in the pharmacy as authorized by Section
2 353.18A of this title;

3 46. "Third-party logistics provider" including "virtual third-
4 party logistics provider" means an entity that provides or
5 coordinates warehousing, or other logistics services of a product in
6 interstate commerce on behalf of a manufacturer, wholesale
7 distributor, or dispenser of a product but does not take ownership
8 of the product, nor have responsibility to direct the sale or
9 disposition of the product. For the purposes of this paragraph,
10 "third-party logistics provider" does not include shippers and the
11 United States Postal Service;

12 47. "Wholesale distributor" including "virtual wholesale
13 distributor" means a person other than a manufacturer, a
14 manufacturer's co-licensed partner, a third-party logistics
15 provider, or repackager engaged in wholesale distribution as defined
16 by 21 U.S.C. 353(e)(4) as amended by the Drug Supply Chain Security
17 Act;

18 48. "County jail" means a facility operated by a county for the
19 physical detention and correction of persons charged with, or
20 convicted of, criminal offenses or ordinance violations or persons
21 found guilty of civil or criminal contempt;

22 49. "State correctional facility" means a facility or
23 institution that houses a prisoner population under the jurisdiction
24 of the Department of Corrections;

1 50. "Unit dose package" means a package that contains a single
2 dose drug with the name, strength, control number, and expiration
3 date of that drug on the label; and

4 51. "Unit of issue package" means a package that provides
5 multiple doses of the same drug, but each drug is individually
6 separated and includes the name, lot number, and expiration date.

7 SECTION 2. AMENDATORY 59 O.S. 2011, Section 353.1a, as
8 amended by Section 2, Chapter 106, O.S.L. 2018 (59 O.S. Supp. 2020,
9 Section 353.1a), is amended to read as follows:

10 Section 353.1a. A. ~~Prescribing~~ Prescriptive authority shall be
11 allowed, under the medical direction of a supervising physician, for
12 an ~~advanced practice nurse~~ Advanced Practice Registered Nurse
13 recognized by the Oklahoma Board of Nursing ~~in one of the following~~
14 ~~categories: advanced registered nurse practitioners, clinical nurse~~
15 ~~specialists, or certified nurse midwives~~ as a Clinical Nurse
16 Specialist or Certified Nurse-Midwife.

17 B. 1. Prescriptive authority shall be allowed, under the
18 medical direction of a supervising physician, for an Advanced
19 Practice Registered Nurse recognized by the Oklahoma Board of
20 Nursing as a Certified Nurse Practitioner who chooses to practice
21 under the supervision of a physician or who is undergoing a
22 mentorship as provided by Section 5 of this act.

23 2. Prescriptive authority shall be allowed, independent of the
24 medical direction of a supervising physician, for an Advanced

1 Practice Registered Nurse recognized by the Oklahoma Board of
2 Nursing as a Certified Nurse Practitioner who has obtained
3 independent prescriptive authority as provided by Section 5 of this
4 act.

5 C. The ~~advanced practice nurse~~ Advanced Practice Registered
6 Nurse may write or sign, or transmit by word of mouth, telephone or
7 other means of communication an order for drugs or medical supplies
8 that is intended to be filled, compounded, or dispensed by a
9 pharmacist. The supervising physician, if applicable, and the
10 ~~advanced practice nurse~~ Advanced Practice Registered Nurse shall be
11 identified at the time of origination of the prescription and the
12 name of the ~~advanced practice nurse~~ Advanced Practice Registered
13 Nurse shall be printed on the prescription label.

14 ~~B.~~ D. Pharmacists may dispense prescriptions for non-controlled
15 prescription drugs authorized by an ~~advanced practice nurse~~ Advanced
16 Practice Registered Nurse or physician assistant, not located in
17 Oklahoma, provided that they are licensed in the state in which they
18 are actively prescribing.

19 ~~C.~~ E. 1. Pharmacists may only dispense prescriptions for
20 controlled dangerous substances prescribed by an ~~advanced practice~~
21 ~~nurse or physician assistant~~ Advanced Practice Registered Nurse
22 ~~licensed in the State of Oklahoma and supervised by an Oklahoma-~~
23 ~~licensed practitioner~~ this state who meets the criteria in
24 subsection A or B of this section.

1 2. Pharmacists may only dispense prescriptions for controlled
2 dangerous substances prescribed by a physician assistant licensed in
3 this state and supervised by an Oklahoma-licensed supervising
4 physician.

5 SECTION 3. AMENDATORY 59 O.S. 2011, Section 567.3a, as
6 last amended by Section 1, Chapter 11, O.S.L. 2020 (59 O.S. Supp.
7 2020, Section 567.3a), is amended to read as follows:

8 Section 567.3a. As used in the Oklahoma Nursing Practice Act:

9 1. "Board" means the Oklahoma Board of Nursing;

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

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

- a. assessing the health status of individuals, families and groups,
- b. analyzing assessment data to determine nursing care needs,
- c. establishing goals to meet identified health care needs,
- d. planning a strategy of care,
- e. establishing priorities of nursing intervention to implement the strategy of care,
- f. implementing the strategy of care,
- g. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the provisions of the Oklahoma Nursing Practice Act,
- h. providing safe and effective nursing care rendered directly or indirectly,
- i. evaluating responses to interventions,
- j. teaching the principles and practice of nursing,
- k. managing and supervising the practice of nursing,
- l. collaborating with other health professionals in the management of health care,
- m. performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation, and

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

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

- 8 a. contributing to the assessment of the health status of
9 individuals and groups,
- 10 b. participating in the development and modification of
11 the plan of care,
- 12 c. implementing the appropriate aspects of the plan of
13 care,
- 14 d. delegating such tasks as may safely be performed by
15 others, consistent with educational preparation and
16 that do not conflict with the Oklahoma Nursing
17 Practice Act,
- 18 e. providing safe and effective nursing care rendered
19 directly or indirectly,
- 20 f. participating in the evaluation of responses to
21 interventions,
- 22 g. teaching basic nursing skills and related principles,
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- 1 h. performing additional nursing procedures in accordance
2 with knowledge and skills acquired through education
3 beyond nursing preparation, and
4 i. delegating those nursing tasks as defined in the rules
5 of the Board that may be performed by an advanced
6 unlicensed assistive person;

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

- 9 a. who has completed an advanced practice registered
10 nursing education program in preparation for one of
11 four recognized ~~advanced practice registered nurse~~
12 Advanced Practice Registered Nurse roles,
13 b. who has passed a national certification examination
14 recognized by the Board that measures the ~~advanced~~
15 ~~practice registered nurse~~ Advanced Practice Registered
16 Nurse role and specialty competencies and who
17 maintains recertification in the role and specialty
18 through a national certification program,
19 c. who has acquired advanced clinical knowledge and
20 skills in preparation for providing both direct and
21 indirect care to patients; however, the defining
22 factor for all Advanced Practice Registered Nurses is
23 that a significant component of the education and
24 practice focuses on direct care of individuals,

- 1 d. whose practice builds on the competencies of
2 Registered Nurses by demonstrating a greater depth and
3 breadth of knowledge, a greater synthesis of data, and
4 increased complexity of skills and interventions, and
5 e. who has obtained a license as an Advanced Practice
6 Registered Nurse in one of the following roles:
7 Certified Registered Nurse Anesthetist, Certified
8 Nurse-Midwife, Clinical Nurse Specialist, or Certified
9 Nurse Practitioner.

10 Only those persons who hold a license to practice advanced
11 practice registered nursing in this state shall have the right to
12 use the title "Advanced Practice Registered Nurse" and to use the
13 abbreviation "APRN". Only those persons who have obtained a license
14 in the following disciplines shall have the right to fulfill the
15 roles and use the applicable titles: Certified Registered Nurse
16 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and
17 the abbreviation "CNM", Clinical Nurse Specialist and the
18 abbreviation "CNS", and Certified Nurse Practitioner and the
19 abbreviation "CNP".

20 It shall be unlawful for any person to assume the role or use
21 the title Advanced Practice Registered Nurse or use the abbreviation
22 "APRN" or use the respective specialty role titles and abbreviations
23 or to use any other titles or abbreviations that would reasonably
24 lead a person to believe the user is an Advanced Practice Registered

1 Nurse, unless permitted by the Oklahoma Nursing Practice Act. Any
2 individual doing so shall be guilty of a misdemeanor, which shall be
3 punishable, upon conviction, by imprisonment in the county jail for
4 not more than one (1) year or by a fine of not less than One Hundred
5 Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or
6 by both such imprisonment and fine for each offense;

7 6. "Certified Nurse Practitioner" ~~is~~ means an Advanced Practice
8 Registered Nurse who performs in an expanded role in the delivery of
9 health care:

- 10 a. consistent with advanced educational preparation as a
11 Certified Nurse Practitioner in an area of specialty,
- 12 b. functions within the Certified Nurse Practitioner
13 scope of practice for the selected area of
14 specialization, and
- 15 c. is in accord with the standards for Certified Nurse
16 Practitioners as identified by the certifying body and
17 approved by the Board.

18 A Certified Nurse Practitioner shall be eligible, in accordance
19 with the scope of practice of the Certified Nurse Practitioner, to
20 obtain recognition as authorized by the Board to prescribe, as
21 defined by the rules promulgated by the Board pursuant to ~~this~~
22 ~~section and subject to the medical direction of a supervising~~
23 ~~physician~~ Section 567.4a of this title and Section 5 of this act.

24 This authorization shall not include dispensing drugs, but shall not

1 preclude, subject to federal regulations, the receipt of, the
2 signing for, or the dispensing of professional samples to patients.

3 The Certified Nurse Practitioner accepts responsibility,
4 accountability, and obligation to practice in accordance with usual
5 and customary advanced practice registered nursing standards and
6 functions as defined by the scope of practice/role definition
7 statements for the Certified Nurse Practitioner;

8 7. a. "Clinical Nurse Specialist" ~~is~~ means an Advanced
9 Practice Registered Nurse who holds:

- 10 (1) a master's degree or higher in nursing with
11 clinical specialization preparation to function
12 in an expanded role,
13 (2) specialty certification from a national
14 certifying organization recognized by the Board,
15 (3) an Advanced Practice Registered Nurse license
16 from the Board, and
17 (4) any nurse holding a specialty certification as a
18 Clinical Nurse Specialist valid on January 1,
19 1994, granted by a national certifying
20 organization recognized by the Board, shall be
21 deemed to be a Clinical Nurse Specialist under
22 the provisions of the Oklahoma Nursing Practice
23 Act.

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

- 4 (1) practicing as an expert clinician in the
5 provision of direct nursing care to a selected
6 population of patients or clients in any setting,
7 including private practice,
8 (2) managing the care of patients or clients with
9 complex nursing problems,
10 (3) enhancing patient or client care by integrating
11 the competencies of clinical practice, education,
12 consultation, and research, and
13 (4) referring patients or clients to other services.

14 c. A Clinical Nurse Specialist in accordance with the
15 scope of practice of such Clinical Nurse Specialist
16 shall be eligible to obtain recognition as authorized
17 by the Board to prescribe, as defined by the rules
18 promulgated by the Board pursuant to this section, and
19 subject to the medical direction of a supervising
20 physician. This authorization shall not include
21 dispensing drugs, but shall not preclude, subject to
22 federal regulations, the receipt of, the signing for,
23 or the dispensing of professional samples to patients.

1 d. The Clinical Nurse Specialist accepts responsibility,
2 accountability, and obligation to practice in
3 accordance with usual and customary advanced practice
4 nursing standards and functions as defined by the
5 scope of practice/role definition statements for the
6 Clinical Nurse Specialist;

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

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

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

1 9. "Nurse-midwifery practice" means providing management of
2 care of normal newborns and women, antepartally, intrapartally,
3 postpartally and gynecologically, occurring within a health care
4 system which provides for medical consultation, medical management
5 or referral, and is in accord with the standards for nurse-midwifery
6 practice as defined by the American College of Nurse-Midwives;

7 10. a. "Certified Registered Nurse Anesthetist" is an
8 Advanced Practice Registered Nurse who:

- 9 (1) is certified by the National Board of
10 Certification and Recertification for Nurse
11 Anesthetists as a Certified Registered Nurse
12 Anesthetist within one (1) year following
13 completion of an approved ~~certified registered~~
14 ~~nurse-anesthetist~~ Certified Registered Nurse
15 Anesthetist education program, and continues to
16 maintain such recertification by the National
17 Board of Certification and Recertification for
18 Nurse Anesthetists, and
19 (2) administers anesthesia in collaboration with a
20 medical doctor, an osteopathic physician, a
21 podiatric physician or a dentist licensed in this
22 state and under conditions in which timely onsite
23 consultation by such doctor, osteopath, podiatric
24 physician or dentist is available.

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

18 c. A Certified Registered Nurse Anesthetist who applies
19 for authorization to order, select, obtain and
20 administer drugs shall:

- 21 (1) be currently recognized as a Certified Registered
22 Nurse Anesthetist in this state,
- 23 (2) provide evidence of completion, within the two-
24 year period immediately preceding the date of

1 application, of a minimum of fifteen (15) units
2 of continuing education in advanced pharmacology
3 related to the administration of anesthesia as
4 recognized by the National Board of Certification
5 and Recertification for Nurse Anesthetists, and

6 (3) complete and submit a notarized application, on a
7 form prescribed by the Board, accompanied by the
8 application fee established pursuant to this
9 section.

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

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

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

22 e. The Oklahoma Board of Nursing shall notify the Board
23 of Pharmacy after termination of or a change in the
24

1 authority to order, select, obtain and administer
2 drugs for a Certified Registered Nurse Anesthetist.

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

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

21 h. As used in this paragraph, "collaboration" means an
22 agreement between a medical doctor, osteopathic
23 physician, podiatric physician or dentist performing
24 the procedure or directly involved with the procedure

1 and the Certified Registered Nurse Anesthetist working
2 jointly toward a common goal providing services for
3 the same patient. This collaboration involves the
4 joint formulation, discussion and agreement of the
5 anesthesia plan by both parties, and the collaborating
6 medical doctor, osteopathic physician, podiatric
7 physician or dentist performing the procedure or
8 directly involved with the procedure ~~and that.~~ The
9 collaborating physician shall remain available for
10 timely onsite consultation during the delivery of
11 anesthesia for diagnosis, consultation, and treatment
12 of medical conditions;

13 11. "Supervising physician" means an individual holding a
14 current license to practice as a physician from the State Board of
15 Medical Licensure and Supervision or the State Board of Osteopathic
16 Examiners, who supervises a Certified Nurse Practitioner who chooses
17 to practice under the supervision of a physician or who is
18 undergoing a mentorship as provided by Section 5 of this act, a
19 Clinical Nurse Specialist, or a Certified Nurse-Midwife, and who is
20 not in training as an intern, resident, or fellow. ~~To be eligible~~
21 ~~to supervise such Advanced Practice Registered Nurse, such~~ The
22 supervising physician shall remain in compliance with the rules
23 promulgated by the State Board of Medical Licensure and Supervision
24 or the State Board of Osteopathic Examiners;

1 12. "Supervision of an Advanced Practice Registered Nurse with
2 prescriptive authority" means overseeing and accepting
3 responsibility for the ordering and transmission by a Certified
4 Nurse Practitioner who chooses to practice under the supervision of
5 a physician or who is undergoing a mentorship as provided by Section
6 5 of this act, a Clinical Nurse Specialist, or a Certified Nurse-
7 Midwife of written, telephonic, electronic or oral prescriptions for
8 drugs and other medical supplies, subject to a defined formulary;
9 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.

16 SECTION 4. AMENDATORY 59 O.S. 2011, Section 567.4a, as
17 last amended by Section 8, Chapter 428, O.S.L. 2019 (59 O.S. Supp.
18 2020, Section 567.4a), is amended to read as follows:

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

1 promulgated by the Oklahoma Board of Nursing pursuant to ~~paragraphs~~
2 ~~6 through 9, 11 and 12~~ of Section 567.3a of this title 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~~. Such procedure shall include a written
7 statement that defines appropriate referral, consultation, and
8 collaboration between the Advanced Practice Registered Nurse,
9 recognized to prescribe as defined in ~~paragraphs 6 through 9, 11 and~~
10 ~~12~~ of Section 567.3a of this title, and the supervising physician.

11 The written statement shall include a method of assuring
12 availability of the supervising physician through direct contact,
13 telecommunications or other appropriate electronic means for
14 consultation, assistance with medical emergencies, or patient
15 referral. The written statement shall be part of the initial
16 application and the renewal application submitted to the Board for
17 recognition for prescriptive authority for the Advanced Practice
18 Registered Nurse. Changes to the written statement shall be filed
19 with the Board within thirty (30) days of the change and shall be
20 effective on filing;

21 2. Define the procedure for documenting independent
22 prescriptive authority for Certified Nurse Practitioners who have
23 obtained independent prescriptive authority as provided by Section 5
24 of this act;

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

12 ~~3.~~ 4. Define minimal requirements for application for renewal
13 of prescriptive authority which shall include, but not be limited
14 to, documentation of a minimum of:

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

21 b. two (2) hours of education in pain management or two
22 (2) hours of education in opioid use or addiction,
23 unless the Advanced Practice Registered Nurse has
24 demonstrated to the satisfaction of the Board that the
25

1 Advanced Practice Registered Nurse does not currently
2 hold a valid federal Drug Enforcement Administration
3 registration number,

4 approved by the Board, within the two-year period immediately
5 preceding the effective date of application for renewal of
6 prescriptive authority;

7 4. 5. Require that ~~beginning July 1, 2002,~~ an Advanced Practice
8 Registered Nurse ~~shall demonstrate~~ demonstrates successful
9 completion of a master's degree or higher in ~~a clinical nurse~~
10 ~~specialty~~ the Certified Nurse Practitioner role, Clinical Nurse
11 Specialist role or Certified Nurse-Midwife role in order to be
12 eligible for initial application for prescriptive authority under
13 the provisions of the Oklahoma Nursing Practice Act;

14 5. 6. Require an Advanced Practice Registered Nurse to have
15 graduated from a program accredited by the Accreditation Commission
16 for Education in Nursing (ACEN) or the Commission of Collegiate
17 Nursing Education (CCNE), or a substantially equivalent program
18 approved by the Board in order to be eligible for initial
19 application for prescriptive authority under the provisions of the
20 Oklahoma Nursing Practice Act. As a condition of obtaining
21 prescriptive authority, an Advanced Practice Registered Nurse shall
22 show evidence of annual on-campus attendance for assessment and
23 evaluation of student progress and competence in addition to
24 completing the required clinical hours in the graduate program

1 consistent with the most recent edition of the Criteria for
2 Evaluation of Nurse Practitioner Programs by the National Task Force
3 on Quality Nurse Practitioner Education;

4 7. Define the method for communicating authority to prescribe
5 or termination of same, and the formulary to the Board of Pharmacy,
6 all pharmacies, and all registered pharmacists;

7 ~~6.~~ 8. Define terminology used in such rules;

8 ~~7.~~ 9. Define the parameters for the prescribing practices of
9 the Advanced Practice Registered Nurse;

10 ~~8.~~ 10. Define the methods for termination of prescriptive
11 authority for the Advanced Practice Registered Nurse; and

12 ~~9.~~ 11.

- 13 a. Establish a Formulary Advisory Council that shall
14 develop and submit to the Board recommendations for an
15 exclusionary formulary that shall list drugs or
16 categories of drugs that shall not be prescribed by
17 Advanced Practice Registered Nurse recognized to
18 prescribe by the Oklahoma Board of Nursing. The
19 Formulary Advisory Council shall also develop and
20 submit to the Board recommendations for practice-
21 specific prescriptive standards for each category of
22 Advanced Practice Registered Nurse recognized to
23 prescribe by the Oklahoma Board of Nursing pursuant to
24 the provisions of the Oklahoma Nursing Practice Act.

1 The Board shall either accept or reject the
2 recommendations made by the Council. No amendments to
3 the recommended exclusionary formulary may be made by
4 the Board without the approval of the Formulary
5 Advisory Council.

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

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

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

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

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

13 d. Members of the Council shall elect a chair and a vice-
14 chair from among the membership of the Council. For
15 the transaction of business, at least seven members,
16 with a minimum of two members present from each of the
17 identified categories of physicians, pharmacists and
18 ~~advanced practice registered nurses~~ Advanced Practice
19 Registered Nurses, shall constitute a quorum. The
20 Council shall recommend and the Board shall approve
21 and implement an initial exclusionary formulary on or
22 before January 1, 1997. The Council and the Board
23 shall annually review the approved exclusionary
24 formulary and shall make any necessary revisions

1 utilizing the same procedures used to develop the
2 initial exclusionary formulary.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 567.4c of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. An Advanced Practice Registered Nurse recognized by the
7 Oklahoma Board of Nursing as a Certified Nurse Practitioner who
8 meets the application requirements provided by this subsection may
9 apply to the State Board of Medical Licensure and Supervision for
10 authority to prescribe and order independent of supervision. The
11 application for independent prescriptive authority shall include
12 proof:

13 1. That the Certified Nurse Practitioner has satisfied the
14 educational requirements provided by Section 567.5a of Title 59 of
15 the Oklahoma Statutes;

16 2. That the Certified Nurse Practitioner holds a valid, current
17 Advanced Practice Registered Nurse license issued by the Oklahoma
18 Board of Nursing, is recognized by the Oklahoma Board of Nursing as
19 a Certified Nurse Practitioner and is in good standing with the
20 Oklahoma Board of Nursing;

21 3. That the Certified Nurse Practitioner has completed a
22 mentorship as provided by paragraph 1 of subsection B of this
23 section or is exempt from a mentorship as provided by paragraph 2 of
24 subsection B of this section. For the purposes of this paragraph,
25

1 proof of completion of the mentorship, if applicable, shall include
2 a letter of recommendation signed by the supervising physician; and

3 4. Of any physical address or addresses where the Certified
4 Nurse Practitioner practices as of the date of application.

5 B. 1. A mentorship shall consist of a minimum of eight
6 thousand three hundred twenty (8,320) hours of practice with
7 prescriptive authority supervised by a physician, less the amount of
8 practice hours already accrued as a Certified Nurse Practitioner as
9 of the effective date of this act, which must be completed within
10 seven (7) years from the date of initiation of the mentorship.

11 Practice hours accrued prior to the effective date of this act shall
12 be included regardless of whether the prior supervision arrangement
13 would have complied with the mentorship requirements provided by
14 this subsection or subsection C of this section. While undergoing
15 the mentorship, the Certified Nurse Practitioner shall complete
16 annual courses certified by the State Board of Medical Licensure and
17 Supervision relating to prescription and administration of
18 pharmaceutical drugs.

19 2. Notwithstanding the provisions of paragraph 1 of this
20 subsection, an Advanced Practice Registered Nurse recognized by the
21 Oklahoma Board of Nursing as a Certified Nurse Practitioner who is
22 licensed in this state as an Advanced Practice Registered Nurse with
23 prescriptive authority on or before the effective date of this act
24 and has been nationally certified as an Advanced Practice Registered

1 Nurse for four (4) years as of the effective date of this act and is
2 in good standing with the Oklahoma Board of Nursing shall not be
3 required to undergo a mentorship with a supervising physician.

4 C. 1. In order to be eligible to supervise a Certified Nurse
5 Practitioner for purposes of a mentorship under this section, a
6 physician must:

- 7 a. meet the definition of a supervising physician under
- 8 Section 567.3a of Title 59 of the Oklahoma Statutes,
- 9 b. practice in family medicine, and
- 10 c. have been licensed by the State Board of Medical
- 11 Licensure and Supervision or the State Board of
- 12 Osteopathic Examiners for a minimum of five (5) years.

13 2. The requirements provided by paragraph 1 of this subsection
14 shall not be construed to apply to a physician who supervises an
15 Advanced Practice Registered Nurse not undergoing a mentorship who
16 chooses to practice under the supervision of a physician.

17 D. The State Board of Medical Licensure and Supervision shall
18 review an application for independent prescriptive authority
19 submitted under this section and shall approve the application if
20 the applicant meets the criteria provided by subsection A of this
21 section. If the applicant does not meet the criteria provided by
22 subsection A of this section, the State Board of Medical Licensure
23 and Supervision shall deny the application, stating the reason or
24 reasons for denial. The Board shall mail the approval or denial

1 letter to the applicant within fourteen (14) calendar days of
2 receipt of the application. If the application is denied, the
3 applicant may reapply using the process provided by this subsection.

4 E. Independent prescriptive authority granted under this
5 section shall be valid until the expiration of the current license
6 to practice issued by the Oklahoma Board of Nursing and may be
7 renewed upon application to the State Board of Medical Licensure and
8 Supervision at the same time and for the same period as the renewal
9 of the license to practice. The State Board of Medical Licensure
10 and Supervision may revoke independent prescriptive authority
11 granted under this section for good cause at any time.

12 F. The State Board of Medical Licensure and Supervision may
13 establish a fee for the review of initial and renewal applications
14 for independent prescriptive authority, not to exceed the fee amount
15 established for initial application for licensure of physician
16 assistants.

17 G. 1. A Certified Nurse Practitioner who obtains independent
18 prescriptive authority under this section and practices unsupervised
19 shall only practice in one or more geographic areas that have been
20 designated as Health Professional Shortage Areas (HPSAs) for primary
21 care by the U.S. Department of Health and Human Services; provided,
22 however:

- 23 a. a Certified Nurse Practitioner licensed on or before
24 the effective date of this act may continue to
25

1 practice at any physical address or addresses where
2 the Certified Nurse Practitioner practices as of the
3 effective date of this act regardless of whether the
4 address or addresses are located in a geographic area
5 or areas that are not designated as HPSAs by the U.S.
6 Department of Health and Human Services as of the
7 effective date of this act, or whether such geographic
8 area or areas subsequently lose the HPSA designation
9 for primary care; and

- 10 b. a Certified Nurse Practitioner licensed after the
11 effective date of this act may continue to practice at
12 any physical address or addresses where the Certified
13 Nurse Practitioner practices as of the date of
14 obtainment of initial independent prescriptive
15 authority that are located in a geographic area or
16 areas that have been designated as HPSAs for primary
17 care by the U.S. Department of Health and Human
18 Services as of the date of obtainment of initial
19 independent prescriptive authority regardless of
20 whether the geographic area or areas where the address
21 or addresses are located subsequently lose the HPSA
22 designation for primary care.

1 2. The requirements provided by paragraph 1 shall not apply to
2 a Certified Nurse Practitioner who holds a doctorate degree in
3 nursing.

4 H. The provisions of this section shall apply to an Advanced
5 Practice Registered Nurse licensed by endorsement as a Certified
6 Nurse Practitioner by the Oklahoma Board of Nursing as provided by
7 Section 567.5a of Title 59 of the Oklahoma Statutes.

8 SECTION 6. AMENDATORY 59 O.S. 2011, Section 567.7, as
9 amended by Section 1, Chapter 190, O.S.L. 2016 (59 O.S. Supp. 2020,
10 Section 567.7), is amended to read as follows:

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

17 B. A licensee or certificate holder who applies for
18 reinstatement of a license or certificate shall meet such
19 requirements as the Board may prescribe in its rules.

20 C. Any licensee or certificate holder who desires to retire
21 temporarily from the practice of nursing in this state shall submit
22 a written request to that effect to the Board. It shall be the duty
23 of the Board to place the name of such licensee or certificate
24 holder upon the nonpracticing list in accordance with the rules of

1 the Board. During the period of temporary retirement, the licensee
2 or certificate holder shall not practice nursing, Advanced Practice
3 Registered Nursing or practice as an Advanced Unlicensed Assistant
4 nor be subject to the payment of any renewal fees. When the
5 licensee or certificate holder desires to resume practice, such
6 licensee or certificate holder shall meet such requirements as the
7 Board may prescribe in its rules.

8 D. The Board is authorized to establish by rule fees to be
9 charged for the purpose of implementing and enforcing the provisions
10 of the Oklahoma Nursing Practice Act; provided, however, no single
11 fee for an initial application for licensure or certification, or
12 for renewal, reinstatement or return to active practice shall exceed
13 One Hundred Twenty-five Dollars (\$125.00). The application fee for
14 a multistate license issued pursuant to Section 5 of this act shall
15 be One Hundred Fifty Dollars (\$150.00). The biennial multistate
16 license renewal fee shall be One Hundred Twenty-five Dollars
17 (\$125.00); provided, however, that contingent upon implementation of
18 the Nurse Licensure Compact and the Board's revolving fund balance
19 being reconciled at less than the average of three (3) months of
20 expenditures, the biennial renewal fee set forth in Oklahoma
21 Administrative Code 485:10-1-3(a) (2) shall increase by Ten Dollars
22 (\$10.00) by operation of law. The Board may reduce the biennial
23 renewal fees on a pro rata basis for the specific Registered Nurse
24 and Licensed Practical Nurse biennial renewal period.

1 Notwithstanding any other provision of this section, the renewal fee
2 for a Certified Nurse Practitioner who has obtained independent
3 prescriptive authority as provided by Section 5 of this act shall be
4 an amount equivalent to the licensure renewal fee imposed on
5 osteopathic physicians.

6 E. 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 7. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 567.27 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 An Advanced Practice Registered Nurse, or his or her employer on
20 his or her behalf, shall be required to carry malpractice insurance
21 or demonstrate proof of financial responsibility in a minimum amount
22 of One Million Dollars (\$1,000,000.00) per occurrence and Three
23 Million Dollars (\$3,000,000.00) in the aggregate per year.

1 SECTION 8. AMENDATORY 63 O.S. 2011, Section 2-312, is

2 amended to read as follows:

3 Section 2-312. A. A physician, podiatrist, optometrist or a
4 dentist who has complied with the registration requirements of the
5 Uniform Controlled Dangerous Substances Act, in good faith and in
6 the course of such person's professional practice only, may
7 prescribe and administer controlled dangerous substances, or may
8 cause the same to be administered by medical or paramedical
9 personnel acting under the direction and supervision of the
10 physician, podiatrist, optometrist or dentist, and only may dispense
11 controlled dangerous substances pursuant to the provisions of
12 Sections ~~355~~, 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

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

20 C. An ~~advanced practice nurse~~ Advanced Practice Registered
21 Nurse who is recognized to prescribe by the Oklahoma Board of
22 Nursing as ~~an advanced registered nurse practitioner, clinical nurse~~
23 ~~specialist or certified nurse-midwife,~~ a Clinical Nurse Specialist
24 or a Certified Nurse-Midwife who is subject to medical direction by

1 a supervising physician, pursuant to Section 567.3a of Title 59 of
2 the Oklahoma Statutes, and who has complied with the registration
3 requirements of the Uniform Controlled Dangerous Substances Act, in
4 good faith and in the course of professional practice only, may
5 prescribe and administer Schedule III, IV and V controlled dangerous
6 substances.

7 D. 1. An Advanced Practice Registered Nurse who is recognized
8 to prescribe by the Oklahoma Board of Nursing as a Certified Nurse
9 Practitioner who chooses to practice under the supervision of a
10 physician or who is undergoing a mentorship as provided by Section 5
11 of this act and therefore is subject to medical direction by a
12 supervising physician pursuant to Section 567.3a of Title 59 of the
13 Oklahoma Statutes, and has complied with the registration
14 requirements of the Uniform Controlled Dangerous Substances Act, in
15 good faith and in the course of professional practice only, may
16 prescribe and administer Schedule III, IV and V controlled dangerous
17 substances.

18 2. An Advanced Practice Registered Nurse who is recognized to
19 prescribe by the Oklahoma Board of Nursing as a Certified Nurse
20 Practitioner and has obtained independent prescriptive authority as
21 provided by Section 5 of this act, and has complied with the
22 registration requirements of the Uniform Controlled Dangerous
23 Substances Act, in good faith and in the course of professional
24 practice only, may prescribe and administer Schedule III, IV and V

1 controlled dangerous substances and may prescribe Schedule II
2 controlled dangerous substances solely for the purpose of treating
3 attention deficit disorder or attention deficit hyperactivity
4 disorder.

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

20 E. F. A physician assistant who is recognized to prescribe by
21 the State Board of Medical Licensure and Supervision under the
22 medical direction of a supervising physician, pursuant to subsection
23 D of Section 519.6 of Title 59 of the Oklahoma Statutes, and who has
24 complied with the registration requirements of the Uniform

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Controlled Dangerous Substances Act, in good faith and in the course of professional practice only, may prescribe and administer Schedule II ~~through~~, III, IV and V controlled dangerous substances.

SECTION 9. This act shall become effective November 1, 2021.

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