

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 747

By: Yen

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5  
6 AS INTRODUCED

7 An Act relating to child birth; amending 59 O.S.  
8 2011, Section 567.3a, which relates to the Oklahoma  
9 Nursing Practice Act; prohibiting Certified Nurse-  
10 Midwives from performing certain services under  
11 certain circumstances; providing exceptions; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 567.3a, is  
15 amended to read as follows:

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

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

18 2. "The practice of nursing" means the performance of services  
19 provided for purposes of nursing diagnosis and treatment of human  
20 responses to actual or potential health problems consistent with  
21 educational preparation. Knowledge and skill are the basis for  
22 assessment, analysis, planning, intervention, and evaluation used in  
23 the promotion and maintenance of health and nursing management of  
24 illness, injury, infirmity, restoration or optimal function, or  
death with dignity. Practice is based on understanding the human

1 condition across the human lifespan and understanding the  
2 relationship of the individual within the environment. This  
3 practice includes execution of the medical regime including the  
4 administration of medications and treatments prescribed by any  
5 person authorized by state law to so prescribe;

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

- 8 a. assessing the health status of individuals, families  
9 and groups,
- 10 b. analyzing assessment data to determine nursing care  
11 needs,
- 12 c. establishing goals to meet identified health care  
13 needs,
- 14 d. planning a strategy of care,
- 15 e. establishing priorities of nursing intervention to  
16 implement the strategy of care,
- 17 f. implementing the strategy of care,
- 18 g. delegating such tasks as may safely be performed by  
19 others, consistent with educational preparation and  
20 that do not conflict with the provisions of the  
21 Oklahoma Nursing Practice Act,
- 22 h. providing safe and effective nursing care rendered  
23 directly or indirectly,
- 24 i. evaluating responses to interventions,

- 1           j.    teaching the principles and practice of nursing,
- 2           k.    managing and supervising the practice of nursing,
- 3           l.    collaborating with other health professionals in the
- 4                management of health care,
- 5           m.    performing additional nursing functions in accordance
- 6                with knowledge and skills acquired beyond basic
- 7                nursing preparation, and
- 8           n.    delegating those nursing tasks as defined in the rules
- 9                of the Board that may be performed by an advanced
- 10               unlicensed assistive person;

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

- 15           a.    contributing to the assessment of the health status of
- 16                individuals and groups,
- 17           b.    participating in the development and modification of
- 18                the plan of care,
- 19           c.    implementing the appropriate aspects of the plan of
- 20                care,
- 21           d.    delegating such tasks as may safely be performed by
- 22                others, consistent with educational preparation and
- 23                that do not conflict with the Oklahoma Nursing
- 24                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,
- b. who has passed a national certification examination recognized by the Board that measures the advanced practice registered nurse role and specialty competencies and who maintains recertification in the role and specialty through a national certification program,

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

16           Only those persons who hold a license to practice advanced  
17 practice registered nursing in this state shall have the right to  
18 use the title "Advanced Practice Registered Nurse" and to use the  
19 abbreviation "APRN". Only those persons who have obtained a license  
20 in the following disciplines shall have the right to fulfill the  
21 roles and use the applicable titles: Certified Registered Nurse  
22 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and  
23 the abbreviation "CNM", Clinical Nurse Specialist and the  
24

1 abbreviation "CNS", and Certified Nurse Practitioner and the  
2 abbreviation "CNP".

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

14 6. "Certified Nurse Practitioner" is an Advanced Practice  
15 Registered Nurse who performs in an expanded role in the delivery of  
16 health care:

- 17 a. consistent with advanced educational preparation as a  
18 Certified Nurse Practitioner in an area of specialty,
- 19 b. functions within the Certified Nurse Practitioner  
20 scope of practice for the selected area of  
21 specialization, and
- 22 c. is in accord with the standards for Certified Nurse  
23 Practitioners as identified by the certifying body and  
24 approved by the Board.

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

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

- 15 7. a. "Clinical Nurse Specialist" is an Advanced Practice  
16 Registered Nurse who holds:
- 17 (1) a master's degree or higher in nursing with  
18 clinical specialization preparation to function  
19 in an expanded role,
  - 20 (2) specialty certification from a national  
21 certifying organization recognized by the Board,
  - 22 (3) a certificate of recognition from the Board, and
  - 23 (4) any nurse holding a specialty certification as a  
24 Clinical Nurse Specialist valid on January 1,

1 1994, granted by a national certifying  
2 organization recognized by the Board, shall be  
3 deemed to be a Clinical Nurse Specialist under  
4 the provisions of the Oklahoma Nursing Practice  
5 Act.

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

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

19 c. A Clinical Nurse Specialist in accordance with the  
20 scope of practice of such Clinical Nurse Specialist  
21 shall be eligible to obtain recognition as authorized  
22 by the Board to prescribe, as defined by the rules  
23 promulgated by the Board pursuant to this section, and  
24 subject to the medical direction of a supervising

1 physician. This authorization shall not include  
2 dispensing drugs, but shall not preclude, subject to  
3 federal regulations, the receipt of, the signing for,  
4 or the dispensing of professional samples to patients.

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

11 8. "Nurse-Midwife" is a qualified registered nurse who has  
12 received a certificate of recognition from the Oklahoma Board of  
13 Nursing who possesses evidence of certification according to the  
14 requirements of the American College of Nurse-Midwives.

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

23 The Certified Nurse-Midwife accepts responsibility,  
24 accountability, and obligation to practice in accordance with usual

1 and customary advanced practice registered nursing standards and  
2 functions as defined by the scope of practice/role definition  
3 statements for the Certified Nurse-Midwife;

4 9. "Nurse-midwifery practice" means providing management of  
5 care of normal newborns and women, antepartally, intrapartally,  
6 postpartally and gynecologically, occurring within a health care  
7 system which provides for medical consultation, medical management  
8 or referral, and is in accord with the standards for nurse-midwifery  
9 practice as defined by the American College of Nurse-Midwives;  
10 provided, a Certified Nurse-Midwife shall not provide services  
11 relating to a Vaginal Birth After Cesarean (VBAC) unless such  
12 services are delivered in a hospital licensed by the State  
13 Department of Health or are delivered when medically necessary to  
14 preserve the life and health of the mother or child in a non-  
15 hospital setting;

16 10. a. "Certified Registered Nurse Anesthetist" is an  
17 Advanced Practice Registered Nurse who:  
18 (1) is certified by the Council on Certification of  
19 Nurse Anesthetists as a Certified Registered  
20 Nurse Anesthetist within one (1) year following  
21 completion of an approved certified registered  
22 nurse anesthetist education program, and  
23 continues to maintain such recertification by the  
24

1 Council on Recertification of Nurse Anesthetists,  
2 and

3 (2) administers anesthesia under the supervision of a  
4 medical doctor, an osteopathic physician, a  
5 podiatric physician or a dentist licensed in this  
6 state and under conditions in which timely onsite  
7 consultation by such doctor, osteopath, podiatric  
8 physician or dentist is available.

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

1 c. A Certified Registered Nurse Anesthetist who applies  
2 for authorization to order, select, obtain and  
3 administer drugs shall:

4 (1) be currently recognized as a Certified Registered  
5 Nurse Anesthetist in this state,

6 (2) provide evidence of completion, within the two-  
7 year period immediately preceding the date of  
8 application, of a minimum of fifteen (15) units  
9 of continuing education in advanced pharmacology  
10 related to the administration of anesthesia as  
11 recognized by the Council on Recertification of  
12 Nurse Anesthetists or the Council on  
13 Certification of Nurse Anesthetists, and

14 (3) complete and submit a notarized application, on a  
15 form prescribed by the Board, accompanied by the  
16 application fee established pursuant to this  
17 section.

18 d. The authority to order, select, obtain and administer  
19 drugs shall be terminated if a Certified Registered  
20 Nurse Anesthetist has:

21 (1) ordered, selected, obtained or administered drugs  
22 outside of the Certified Registered Nurse  
23 Anesthetist scope of practice or ordered,  
24

1                   selected, obtained or administered drugs for  
2                   other than therapeutic purposes, or

3                   (2) violated any provision of state laws or rules or  
4                   federal laws or regulations pertaining to the  
5                   practice of nursing or the authority to order,  
6                   select, obtain and administer drugs.

7                   e.    The Oklahoma Board of Nursing shall notify the Board  
8                   of Pharmacy after termination of or a change in the  
9                   authority to order, select, obtain and administer  
10                  drugs for a Certified Registered Nurse Anesthetist.

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

23                  g.    This paragraph shall not prohibit the administration  
24                  of local or topical anesthetics as now permitted by

1 law. Provided further, nothing in this paragraph  
2 shall limit the authority of the Board of Dentistry to  
3 establish the qualifications for dentists who direct  
4 the administration of anesthesia;

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

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

22 13. "Advanced Unlicensed Assistant" means any person who has  
23 successfully completed a certified training program approved by the  
24 Board that trains the Advanced Unlicensed Assistant to perform

1 specified technical skills identified by the Board in acute care  
2 settings under the direction and supervision of the Registered Nurse  
3 or Licensed Practical Nurse.

4 SECTION 2. This act shall become effective November 1, 2017.

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