

1 **SENATE FLOOR VERSION**

2 March 30, 2015

3 ENGROSSED HOUSE  
4 BILL NO. 1081

By: Ownbey of the House

5 and

6 Simpson of the Senate

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9  
10 An Act relating to professions and occupations;  
11 amending 59 O.S. 2011, Section 567.4, as amended by  
12 Section 1, Chapter 228, O.S.L. 2013 (59 O.S. Supp.  
13 2014, Section 567.4), which relates to the Oklahoma  
14 Board of Nursing; including certain duties of  
Executive Director; permitting Board to impose  
corrective action; requiring Board to promulgate  
certain rules; providing for codification; and  
providing an effective date.

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

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

21 Section 567.4 A. The Oklahoma Board of Nursing is hereby  
22 established in the State of Oklahoma. The Board shall consist of  
23 eleven (11) members who shall be citizens of the United States of  
24 America, and residents of Oklahoma, for at least the previous three

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

1 the provision of health care, nor be enrolled in any health-related  
2 educational program. The public members shall be appointed by the  
3 Governor to serve coterminously with the Governor. At least one  
4 Registered Nurse Board member, one Licensed Practical Nurse Board  
5 member and one public Board member shall be appointed from a county  
6 with a population of less than forty thousand (40,000).

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

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

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

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

19 District No. 4 Oklahoma;

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

23 District No. 6 Creek and Tulsa;

24

1 District No. 7 Osage, Washington, Nowata, Craig, Ottawa,  
2 Pawnee, Payne, Rogers, Mayes and Delaware; and  
3 District No. 8 Wagoner, Cherokee, Adair, Okmulgee, Muskogee,  
4 Sequoyah, McIntosh, Haskell, Leflore, Pittsburg,  
5 Latimer, Atoka, Pushmataha, McCurtain and  
6 Choctaw.

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

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

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

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

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

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

20          3. If the president of the Board has knowledge that a potential  
21 ground for removal exists, the president shall then notify the  
22 Governor that a potential ground for removal exists.

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

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

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

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

23 2. The authority to accept orders as set forth in paragraph 3  
24 of this subsection on behalf of the Board and where ratification by

1 the Board is not required. The Executive Director shall report  
2 summaries of dispositions to the Board at its regular meetings;

3 3. a. Orders issued under Section 2 of this act,

4 b. Agreed disciplinary orders requiring an applicant or  
5 licensee to enter and comply with the Peer Assistance  
6 Program,

7 c. Agreed disciplinary orders for the reinstatement or  
8 endorsement of a license/certificate/recognition when  
9 the applicant has practiced without an active Oklahoma  
10 license/certificate/recognition, and

11 d. Agreed disciplinary orders for the voluntary surrender  
12 of a license/certification/recognition.

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

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



1 B. The Board shall promulgate rules to implement the provisions  
2 of this section.

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

4 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
5 March 30, 2015 - DO PASS  
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