

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 458

By: Stanley, Green, Hamilton,  
Young, Murdock, Coleman,  
3 Rogers, Daniels, Paxton,  
and Dahm of the Senate

4  
5 and

6 McEntire of the House

7 [ nursing - prescriptive authority - application -  
8 supervision - controlled dangerous substances -  
supervision requirement - codification - effective  
9 date ]

10

11

12 AUTHOR: Remove Representative Stark as House coauthor.  
Add as House Coauthors: Wallace, Townley, Pfeiffer, Lowe  
13 (Dick), Archer, Bennett, Moore, Fetgatter, McDugle,  
McBride, Kerbs, Grego, Cantrell, Nichols, Echols, Talley,  
14 and Strom

15 AUTHOR: Add the following Senate coauthors: Woods, Pederson, and  
Burns

16

17 AMENDMENT NO. 1. Strike the stricken title, enacting clause, and  
entire bill and insert:

18

19 "An Act relating to the practice of nursing;  
providing for independent prescriptive authority of  
20 Advanced Practice Registered Nurses who meet certain  
requirements; providing certain construction; stating  
21 application criteria; specifying duration of  
authority; authorizing supervision by Advanced  
22 Practice Registered Nurse with independent  
prescriptive authority who meets certain  
23 requirements; authorizing Oklahoma Board of Nursing  
to prescribe additional qualifications; providing for  
24 application approval, denial, reapplication, fees,

1 and independent prescriptive authority revocation;  
2 amending 59 O.S. 2021, Section 353.1, as amended by  
3 Section 6, Chapter 288, O.S.L. 2022 (59 O.S. Supp.  
4 2023, Section 353.1), which relates to definitions  
5 used in the Oklahoma Pharmacy Act; modifying and  
6 adding definitions; amending 59 O.S. 2021, Section  
7 353.1a, which relates to prescriptive authority of  
8 Advanced Practice Registered Nurses; modifying  
9 prescriptive authority of certain Advanced Practice  
10 Registered Nurses; amending 59 O.S. 2021, Section  
11 567.3a, which relates to definitions used in the  
12 Oklahoma Nursing Practice Act; modifying and adding  
13 definitions; amending 59 O.S. 2021, Section 567.4a,  
14 which relates to prescriptive authority; specifying  
15 authority of the Board to grant prescriptive  
16 authority; directing the Board to promulgate certain  
17 rules; modifying references; conforming language;  
18 clarifying certain educational requirement; amending  
19 59 O.S. 2021, Section 567.5a, which relates to  
20 Advanced Practice Registered Nurse license; providing  
21 for independent prescriptive authority by  
22 endorsement; amending 63 O.S. 2021, Section 2-312, as  
23 amended by Section 2, Chapter 184, O.S.L. 2022 (63  
24 O.S. Supp. 2023, Section 2-312), which relates to  
controlled dangerous substances; conforming language  
relating to supervision requirement; updating  
statutory language; updating statutory references;  
providing for codification; and declaring an  
emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 567.4c of Title 59, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. 1. An Advanced Practice Registered Nurse recognized by the  
23 Oklahoma Board of Nursing as a Certified Nurse Practitioner,  
24 Clinical Nurse Specialist, or Certified Nurse-Midwife who has

1 completed a minimum of six thousand two hundred forty (6,240) hours  
2 of practice with prescriptive authority supervised by a physician or  
3 completed an accredited residency program may apply to the Oklahoma  
4 Board of Nursing for authority to prescribe and order independent of  
5 supervision. This paragraph shall not be construed to exclude  
6 practice hours with supervised prescriptive authority obtained prior  
7 to the effective date of this act from being counted toward the  
8 hours required in this paragraph.

9 2. The application for independent prescriptive authority shall  
10 include proof that the Certified Nurse Practitioner, Clinical Nurse  
11 Specialist, or Certified Nurse-Midwife:

- 12 a. holds a valid, current license in the appropriate  
13 Advanced Practice Registered Nurse role issued by the  
14 Board and is in good standing with the Board, and
- 15 b. has completed a minimum of six thousand two hundred  
16 forty (6,240) hours of practice with prescriptive  
17 authority supervised by a physician or completed an  
18 accredited residency program.

19 3. Independent prescriptive authority granted under this  
20 subsection shall be valid until the expiration of the current  
21 license to practice and may be renewed upon application to the Board  
22 at the same time and for the same period as the renewal of the  
23 license to practice.

24

1 B. The Board shall review any application submitted under this  
2 section and shall approve or deny the application, stating the  
3 reason or reasons for denial, if denied. If denied, the applicant  
4 may reapply using the process prescribed by subsection A of this  
5 section.

6 C. The Board may suspend or revoke independent prescriptive  
7 authority granted under this section for good cause at any time.

8 D. The Board may establish a fee for the review of initial and  
9 renewal applications under the provisions of this section.

10 SECTION 2. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 567.5b of Title 59, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. The Oklahoma Board of Nursing, the State Board of Medical  
14 Licensure and Supervision, and the State Board of Osteopathic  
15 Examiners shall collaborate to promulgate a uniform set of rules:

16 1. Governing supervision requirements of an Advanced Practice  
17 Registered Nurse who has not obtained independent prescriptive  
18 authority under Section 1 of this act; and

19 2. That impose a reasonable limit on the monetary amount that a  
20 supervising physician may charge an Advanced Practice Registered  
21 Nurse for supervision. Nothing in this paragraph shall be construed  
22 to require a supervising physician to charge a fee for supervision.

23 B. The Oklahoma Board of Nursing, the State Board of Medical  
24 Licensure and Supervision, and the State Board of Osteopathic

1 Examiners may collaborate to promulgate a uniform set of rules  
2 imposing a reasonable limit on the number of Advanced Practice  
3 Registered Nurses that a physician may supervise; provided, however,  
4 such rules shall allow a physician to seek a waiver to exceed this  
5 limit for such purposes as may be determined by the Boards in the  
6 uniform set of rules.

7 C. The State Board of Medical Licensure and Supervision and the  
8 State Board of Osteopathic Examiners shall make available, and keep  
9 updated, in a conspicuous location on the Internet website of each  
10 Board a list of physicians who are available to supervise Advanced  
11 Practice Registered Nurses. The Boards shall develop procedures  
12 necessary for the implementation of this section.

13 SECTION 3. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 355.5 of Title 59, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. A licensed practitioner, or the employer of the licensed  
17 practitioner on his or her behalf, shall carry malpractice insurance  
18 or demonstrate proof of financial responsibility in a minimum amount  
19 of One Million Dollars (\$1,000,000.00) per occurrence and Three  
20 Million Dollars (\$3,000,000.00) in the aggregate per year.

21 B. A licensed practitioner who is employed by or under contract  
22 with a federal agency that carries malpractice insurance in any  
23 amount on behalf of the licensed practitioner shall be deemed in  
24 compliance with subsection A of this section when practicing under

1 such federal employment or contract. However, to the extent the  
2 licensed practitioner practices outside of such federal employment  
3 or contract, the licensed practitioner, or the employer of the  
4 licensed practitioner, shall comply with subsection A of this  
5 section.

6 SECTION 4. AMENDATORY 59 O.S. 2021, Section 353.1, as  
7 amended by Section 6, Chapter 288, O.S.L. 2022 (59 O.S. Supp. 2023,  
8 Section 353.1), is amended to read as follows:

9 Section 353.1 For the purposes of the Oklahoma Pharmacy Act:

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

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

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

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

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

24

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 is accurate and meet all requirements prescribed by state and  
6 federal law. For the purposes of this paragraph, "licensed  
7 practitioner" shall not include optometrists with dispensing  
8 authority;

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

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

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

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

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

1           b.    is labeled "Prescription Only", or labeled with the  
2                    following statement: "Caution: Federal law restricts  
3                    this drug ~~except for~~ to 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"~~ dispenser does not  
21 mean a 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



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~~ Pharmacopeia and  
18 National 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;

24

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. "Durable medical equipment" has the same meaning as  
6 provided by ~~Section 2 of this act~~ Section 375.2 of this title;

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

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

13 22. "Licensed practitioner" means:

- 14 a. an allopathic physician,
- 15 b. an osteopathic physician,
- 16 c. a podiatric physician,
- 17 d. a dentist,
- 18 e. a veterinarian ~~or~~,
- 19 f. an optometrist, or
- 20 g. a Certified Nurse Practitioner, Clinical Nurse  
21 Specialist, or Certified Nurse-Midwife who has  
22 obtained independent prescriptive authority under  
23 Section 1 of this act,

24

1 licensed to practice and authorized to prescribe dangerous drugs  
2 within the scope of practice of such practitioner;

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

5 a. a person that holds an application approved under 21  
6 U.S.C. 355 or a license issued under 42 U.S.C. 262 for  
7 such product, or if such product is not the subject of  
8 an approved application or license, the person who  
9 manufactured the product,

10 b. a co-licensed partner of the person described in  
11 subparagraph a of this paragraph that obtains the  
12 product directly from a person described in this  
13 subparagraph or subparagraph a of this paragraph,

14 c. an affiliate of a person described in subparagraph a  
15 or b of this paragraph who receives the product  
16 directly from a person described in this subparagraph  
17 or in subparagraph a or b of this paragraph, or

18 d. a person who contracts with another to manufacture a  
19 product;

20 24. "Manufacturing" means the production, preparation,  
21 propagation, compounding, conversion or processing of a device or a  
22 drug, either directly or indirectly by extraction from substances of  
23 natural origin or independently by means of chemical or biological  
24 synthesis and includes any packaging or repackaging of the

1 substances or labeling or relabeling of its container, and the  
2 promotion and marketing of such drugs or devices. The term  
3 ~~"manufacturing"~~ manufacturing also includes the preparation and  
4 promotion of commercially available products from bulk compounds for  
5 resale by licensed pharmacies, licensed practitioners or other  
6 persons;

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

10 26. "Medical gas order" means an order for medical gas issued  
11 by a licensed prescriber;

12 27. "Medical gas distributor" means a person licensed to  
13 distribute, transfer, wholesale, deliver or sell medical gases on  
14 drug orders to suppliers or other entities licensed to use,  
15 administer or distribute medical gas and may also include a patient  
16 or ultimate user;

17 28. "Medical gas supplier" means a person who dispenses medical  
18 gases on drug orders only to a patient or ultimate user;

19 29. "Medicine" means any drug or combination of drugs which has  
20 the property of curing, preventing, treating, diagnosing or  
21 mitigating diseases, or which is used for that purpose;

22 30. "Nonprescription drugs" means medicines or drugs which are  
23 sold without a prescription and which are prepackaged for use by the  
24 consumer and labeled in accordance with the requirements of the

1 statutes and regulations of this state and the federal government.  
2 Such items shall also include medical and dental supplies and  
3 bottled or nonbulk chemicals which are sold or offered for sale to  
4 the general public if such articles or preparations meet the  
5 requirements of the Federal Food, Drug, and Cosmetic Act, 21  
6 U.S.C.A., Section 321 et seq.;

7 31. "Outsourcing facility" including "virtual outsourcing  
8 facility" means a facility at one geographic location or address  
9 that:

- 10 a. is engaged in the compounding of sterile drugs,
- 11 b. has elected to register as an outsourcing facility,
- 12 and
- 13 c. complies with all requirements of 21 U.S.C. 353b;

14 32. "Package" means the smallest individual saleable unit of  
15 product for distribution by a manufacturer or repackager that is  
16 intended by the manufacturer for ultimate sale to the dispenser of  
17 such product. For the purposes of this paragraph, "individual  
18 saleable unit" means the smallest container of a product introduced  
19 into commerce by the manufacturer or repackager that is intended by  
20 the manufacturer or repackager for individual sale to a dispenser;

21 33. "Person" means an individual, partnership, limited  
22 liability company, corporation or association, unless the context  
23 otherwise requires;

24

1        34. "Pharmacist-in-charge" or "PIC" means the pharmacist  
2 licensed in this state responsible for the management control of a  
3 pharmacy and all other aspects of the practice of pharmacy in a  
4 licensed pharmacy as defined by Section 353.18 of this title;

5        35. "Pharmacy" means a place regularly licensed by the State  
6 Board of Pharmacy in which prescriptions, drugs, medicines,  
7 chemicals and poisons are compounded or dispensed or such place  
8 where pharmacists practice the profession of pharmacy, or a pharmacy  
9 operated by the Oklahoma Department of Veterans Affairs;

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

16       37. "Poison" means any substance which when introduced into the  
17 body, either directly or by absorption, produces violent, morbid or  
18 fatal changes, or which destroys living tissue with which such  
19 substance comes into contact;

20       38. "Practice of pharmacy" means:

21           a. the interpretation and evaluation of prescription  
22           orders,

23           b. the compounding, dispensing, administering and  
24           labeling of drugs and devices, except labeling by a

1 manufacturer, repackager or distributor of  
2 nonprescription drugs and commercially packaged legend  
3 drugs and devices,

4 c. the participation in drug selection and drug  
5 utilization reviews,

6 d. the proper and safe storage of drugs and devices and  
7 the maintenance of proper records thereof,

8 e. the responsibility for advising by counseling and  
9 providing information, where professionally necessary  
10 or where regulated, of therapeutic values, content,  
11 hazards and use of drugs and devices,

12 f. the offering or performing of those acts, services,  
13 operations or transactions necessary in the conduct,  
14 operation, management and control of a pharmacy, or

15 g. the provision of those acts or services that are  
16 necessary to provide pharmaceutical care;

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

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

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

4 a. by a licensed prescriber,

5 b. ~~under the supervision of an Oklahoma licensed~~  
6 ~~practitioner, an Oklahoma licensed advanced practice~~  
7 ~~registered nurse or an Oklahoma licensed~~ by a  
8 physician assistant pursuant to a practice agreement,  
9 ~~or~~

10 c. (1) under the supervision of a supervising physician,  
11 by a Certified Nurse Practitioner, Clinical Nurse  
12 Specialist, or Certified Nurse-Midwife licensed  
13 in this state who has not obtained independent  
14 prescriptive authority under Section 1 of this  
15 act, or

16 (2) by a Certified Nurse Practitioner, Clinical Nurse  
17 Specialist, or Certified Nurse-Midwife licensed  
18 in this state who has obtained independent  
19 prescriptive authority under Section 1 of this  
20 act, or

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

23 42. "Product" means a prescription drug in a finished dosage  
24 form for administration to a patient without substantial further



1 manufacturing, such as capsules, tablets, and lyophilized products  
2 before reconstitution. "Product" does not include blood components  
3 intended for transfusion, radioactive drugs or biologics and medical  
4 gas;

5 43. "Repackager", including "virtual repackager", means a  
6 person who owns or operates an establishment that repacks and  
7 relabels a product or package for further sale or distribution  
8 without further transaction;

9 44. "Sterile drug" means a drug that is intended for parenteral  
10 administration, an ophthalmic or oral inhalation drug in aqueous  
11 format, or a drug that is required to be sterile under state and  
12 federal law;

13 45. "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, pursuant to the provisions of the  
16 Oklahoma Allopathic Medical and Surgical Licensure and Supervision  
17 Act, or the State Board of Osteopathic Examiners, pursuant to the  
18 provisions of the Oklahoma Osteopathic Medicine Act, who supervises  
19 ~~an advanced practice registered nurse~~ a Certified Nurse  
20 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife  
21 as defined in Section 567.3a of this title who has not obtained  
22 independent prescriptive authority under Section 1 of this act,  
23 and who is not in training as an intern, resident, or fellow. ~~To be~~  
24 ~~eligible to supervise an advanced practice registered nurse, such~~

1 The supervising physician shall remain in compliance with the rules  
2 promulgated by the State Board of Medical Licensure and Supervision  
3 or the State Board of Osteopathic Examiners;

4 46. "Supportive personnel" means technicians and auxiliary  
5 supportive persons who are regularly paid employees of a pharmacy  
6 who work and perform tasks in the pharmacy as authorized by Section  
7 353.18A of this title;

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

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

23 49. "County jail" means a facility operated by a county for the  
24 physical detention and correction of persons charged with, or

1 convicted of, criminal offenses or ordinance violations or persons  
2 found guilty of civil or criminal contempt;

3 50. "State correctional facility" means a facility or  
4 institution that houses a prisoner population under the jurisdiction  
5 of the Department of Corrections;

6 51. "Unit dose package" means a package that contains a single  
7 dose drug with the name, strength, control number, and expiration  
8 date of that drug on the label; and

9 52. "Unit of issue package" means a package that provides  
10 multiple doses of the same drug, but each drug is individually  
11 separated and includes the name, lot number, and expiration date.

12 SECTION 5. AMENDATORY 59 O.S. 2021, Section 353.1a, is  
13 amended to read as follows:

14 Section 353.1a A. ~~Prescribing~~ 1. Prescriptive authority shall  
15 be allowed, under the medical direction of a supervising physician,  
16 for ~~an advanced practice nurse~~ a licensed Advanced Practice  
17 Registered Nurse recognized by the Oklahoma Board of Nursing ~~in one~~  
18 ~~of the following categories: advanced registered nurse~~  
19 ~~practitioners, clinical nurse specialists, or certified nurse-~~  
20 ~~midwives~~ as a Certified Nurse Practitioner, Clinical Nurse  
21 Specialist, or Certified Nurse-Midwife who has not obtained  
22 independent prescriptive authority under Section 1 of this act.

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

1 Advanced Practice Registered Nurse recognized by the Oklahoma Board  
2 of Nursing as a Certified Nurse Practitioner, Clinical Nurse  
3 Specialist, or Certified Nurse-Midwife who has obtained independent  
4 prescriptive authority under Section 1 of this act.

5 B. 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~~ prescribing Advanced Practice Registered  
11 Nurse shall be identified at the time of origination of the  
12 prescription and the name of the ~~advanced practice nurse~~ prescribing  
13 Advanced Practice Registered Nurse shall be printed on the  
14 prescription label.

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

20 ~~C.~~ D. 1. Pharmacists may only dispense prescriptions for  
21 controlled dangerous substances prescribed by an ~~advanced practice~~  
22 ~~nurse or physician assistant~~ Advanced Practice Registered Nurse  
23 ~~licensed in the State of Oklahoma and supervised by an Oklahoma-~~

24

1 ~~licensed practitioner~~ this state who meets the criteria in paragraph  
2 1 or 2 of subsection A of this section.

3 2. Pharmacists may only dispense prescriptions for controlled  
4 dangerous substances prescribed by a physician assistant licensed in  
5 this state pursuant to a practice agreement.

6 SECTION 6. AMENDATORY 59 O.S. 2021, Section 567.3a, is  
7 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,  
23  
24

- 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 1 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.

24

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~~ Section 567.4a of this title and Section 1  
21          of this act. This authorization shall not include  
22          dispensing drugs, but shall not preclude, subject to  
23          federal regulations, the receipt of, the signing for,  
24          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~~ "Certified Nurse-Midwife" means a nurse  
8 who has received an Advanced Practice Registered Nurse license from  
9 the Oklahoma Board of Nursing who possesses evidence of  
10 certification according to the requirements of the American College  
11 of Nurse-Midwives.

12           A Certified Nurse-Midwife in accordance with the scope of  
13 practice of such Certified Nurse-Midwife shall be eligible to obtain  
14 recognition as authorized by the Board to prescribe, as defined by  
15 the rules promulgated by the Board pursuant to ~~this section and~~  
16 ~~subject to the medical direction of a supervising physician~~ Section  
17 567.4a of this title and Section 1 of this act. This authorization  
18 shall not include the dispensing of drugs, but shall not preclude,  
19 subject to federal regulations, the receipt of, the signing for, or  
20 the dispensing of professional samples to patients.

21           The Certified Nurse-Midwife accepts responsibility,  
22 accountability, and obligation to practice in accordance with usual  
23 and customary advanced practice registered nursing standards and  
24

1 functions as defined by the scope of practice/role definition  
2 statements for the Certified Nurse-Midwife;

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

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

11 (1) is certified by the National Board of  
12 Certification and Recertification for Nurse  
13 Anesthetists as a Certified Registered Nurse  
14 Anesthetist within one (1) year following  
15 completion of an approved ~~certified registered~~  
16 ~~nurse-anesthetist~~ Certified Registered Nurse  
17 Anesthetist education program, and continues to  
18 maintain such recertification by the National  
19 Board of Certification and Recertification for  
20 Nurse Anesthetists, and

21 (2) administers anesthesia in collaboration with a  
22 medical doctor, an osteopathic physician, a  
23 podiatric physician or a dentist licensed in this  
24 state and under conditions in which timely onsite

1                   consultation by such doctor, osteopath, podiatric  
2                   physician or dentist is available.

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

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

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

24

- 1 (2) provide evidence of completion, within the two-  
2 year period immediately preceding the date of  
3 application, of a minimum of fifteen (15) units  
4 of continuing education in advanced pharmacology  
5 related to the administration of anesthesia as  
6 recognized by the National Board of Certification  
7 and Recertification for Nurse Anesthetists, and  
8 (3) complete and submit a notarized application, on a  
9 form prescribed by the Board, accompanied by the  
10 application fee established pursuant to this  
11 section.

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

- 15 (1) ordered, selected, obtained or administered drugs  
16 outside of the Certified Registered Nurse  
17 Anesthetist scope of practice or ordered,  
18 selected, obtained or administered drugs for  
19 other than therapeutic purposes, or  
20 (2) violated any provision of state laws or rules or  
21 federal laws or regulations pertaining to the  
22 practice of nursing or the authority to order,  
23 select, obtain and administer drugs.  
24



1 e. The Oklahoma Board of Nursing shall notify the State  
2 Board of Pharmacy after termination of or a change in  
3 the authority to order, select, obtain and administer  
4 drugs for a Certified Registered Nurse Anesthetist.

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

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

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

17 11. "Supervising physician" means an individual holding a  
18 current license to practice as a physician from the State Board of  
19 Medical Licensure and Supervision or the State Board of Osteopathic  
20 Examiners, who supervises a Certified Nurse Practitioner, a Clinical  
21 Nurse Specialist, or a Certified Nurse-Midwife who has not obtained  
22 independent prescriptive authority under Section 1 of this act, and  
23 who is not in training as an intern, resident, or fellow. ~~To be~~  
24 ~~eligible to supervise such Advanced Practice Registered Nurse, such~~

1 The supervising physician shall remain in compliance with the rules  
2 promulgated by the State Board of Medical Licensure and Supervision  
3 or the State Board of Osteopathic Examiners;

4 12. "Supervision of an Advanced Practice Registered Nurse with  
5 prescriptive authority" means overseeing and accepting  
6 responsibility for the ordering and transmission by a Certified  
7 Nurse Practitioner, a Clinical Nurse Specialist, or a Certified  
8 Nurse-Midwife who has not obtained independent prescriptive  
9 authority under Section 1 of this act of written, telephonic,  
10 electronic or oral prescriptions for drugs and other medical  
11 supplies, subject to a defined formulary; and

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

18 SECTION 7. AMENDATORY 59 O.S. 2021, Section 567.4a, is  
19 amended to read as follows:

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

1 rules. The rules regarding prescriptive authority recognition  
2 promulgated by the Oklahoma Board of Nursing pursuant to ~~paragraphs~~  
3 ~~6 through 9, 11 and 12 of this section,~~ Section 567.3a of this  
4 title, and Section 1 of this act shall:

5 1. Define the procedure for documenting supervision by a  
6 supervising physician licensed in Oklahoma to practice by the State  
7 Board of Medical Licensure and Supervision or the State Board of  
8 Osteopathic Examiners as defined in Section 567.3a of this title of  
9 a Certified Nurse Practitioner, Clinical Nurse Specialist, or  
10 Certified Nurse-Midwife who has not obtained independent  
11 prescriptive authority under Section 1 of this act. Such procedure  
12 shall include a written statement that defines appropriate referral,  
13 consultation, and collaboration between the Advanced Practice  
14 Registered Nurse, recognized to prescribe as defined in ~~paragraphs 6~~  
15 ~~through 9, 11 and 12 of~~ Section 567.3a of this title, and the  
16 supervising physician. The written statement shall include a method  
17 of assuring availability of the supervising physician through direct  
18 contact, telecommunications or other appropriate electronic means  
19 for consultation, assistance with medical emergencies, or patient  
20 referral. The written statement shall be part of the initial  
21 application and the renewal application submitted to the Board for  
22 recognition for prescriptive authority for the Advanced Practice  
23 Registered Nurse. Changes to the written statement shall be filed

24

1 with the Board within thirty (30) days of the change and shall be  
2 effective on filing;

3 2. Define the procedure for documenting independent  
4 prescriptive authority for Certified Nurse Practitioners, Clinical  
5 Nurse Specialists, and Certified Nurse-Midwives who have obtained  
6 independent prescriptive authority under Section 1 of this act;

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

18 ~~3.~~ 4. Define minimal requirements for application for renewal  
19 of prescriptive authority which shall include, but not be limited  
20 to, documentation of a minimum of:

21 a. fifteen (15) contact hours or one (1) academic credit  
22 hour of education in pharmacotherapeutics, clinical  
23 application, and use of pharmacological agents in the  
24 prevention of illness, and in the restoration and

1 maintenance of health in a program beyond basic  
2 registered nurse preparation, and

- 3 b. two (2) hours of education in pain management or two  
4 (2) hours of education in opioid use or addiction,  
5 unless the Advanced Practice Registered Nurse has  
6 demonstrated to the satisfaction of the Board that the  
7 Advanced Practice Registered Nurse does not currently  
8 hold a valid federal Drug Enforcement Administration  
9 registration number,

10 approved by the Board, within the two-year period immediately  
11 preceding the effective date of application for renewal of  
12 prescriptive authority;

13 ~~4.~~ 5. Require that ~~beginning July 1, 2002,~~ an Advanced Practice  
14 Registered Nurse ~~shall demonstrate~~ demonstrates successful  
15 completion of a master's degree or higher in ~~a clinical nurse~~  
16 ~~specialty~~ one of the following Advanced Practice Registered Nurse  
17 roles:

- 18 a. Certified Nurse Practitioner,  
19 b. Clinical Nurse Specialist, or  
20 c. Certified Nurse-Midwife,

21 in order to be eligible for initial application for prescriptive  
22 authority under the provisions of the Oklahoma Nursing Practice Act;

1       ~~5.~~ 6. Define the method for communicating authority to  
2 prescribe or termination of same, and the formulary to the State  
3 Board of Pharmacy, all pharmacies, and all registered pharmacists;

4       ~~6.~~ 7. Define terminology used in such rules;

5       ~~7.~~ 8. Define the parameters for the prescribing practices of  
6 the Advanced Practice Registered Nurse;

7       ~~8.~~ 9. Define the methods for termination of prescriptive  
8 authority for the Advanced Practice Registered Nurse; and

9       ~~9.~~ 10. a. Establish a Formulary Advisory Council that shall  
10               develop and submit to the Board recommendations for an  
11               exclusionary formulary that shall list drugs or  
12               categories of drugs that shall not be prescribed by an  
13               Advanced Practice Registered Nurse recognized to  
14               prescribe by the Oklahoma Board of Nursing. The  
15               Formulary Advisory Council shall also develop and  
16               submit to the Board recommendations for practice-  
17               specific prescriptive standards for each category of  
18               Advanced Practice Registered Nurse recognized to  
19               prescribe by the Oklahoma Board of Nursing pursuant to  
20               the provisions of the Oklahoma Nursing Practice Act.  
21               The Board shall either accept or reject the  
22               recommendations made by the Council. No amendments to  
23               the recommended exclusionary formulary may be made by  
24

1 the Board without the approval of the Formulary  
2 Advisory Council.

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

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

12 (2) four members who are registered pharmacists,  
13 appointed by the Oklahoma Pharmaceutical  
14 Association, and

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

22 c. All professional members of the Formulary Advisory  
23 Council shall be in active clinical practice, at least  
24 fifty percent (50%) of the time, within their defined



1 area of specialty. The members of the Formulary  
2 Advisory Council shall serve at the pleasure of the  
3 appointing authority for a term of three (3) years.  
4 The terms of the members shall be staggered. Members  
5 of the Council may serve beyond the expiration of  
6 their term of office until a successor is appointed by  
7 the original appointing authority. A vacancy on the  
8 Council shall be filled for the balance of the  
9 unexpired term by the original appointing authority.

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

1 SECTION 8. AMENDATORY 59 O.S. 2021, Section 567.5a, is  
2 amended to read as follows:

3 Section 567.5a A. All applicants for a license to practice as  
4 an Advanced Practice Registered Nurse shall be subject to Section  
5 567.8 of this title.

6 B. An applicant for an initial license to practice as an  
7 Advanced Practice Registered Nurse shall:

8 1. Submit a completed written application and appropriate fees  
9 as established by the Oklahoma Board of Nursing;

10 2. Submit a criminal history records check that complies with  
11 Section 567.18 of this title;

12 3. Hold a current Registered Nurse license in this state;

13 4. Have completed an advanced practice registered nursing  
14 education program in one of the four ~~advanced practice registered~~  
15 ~~nurse~~ Advanced Practice Registered Nurse roles and a specialty area  
16 recognized by the Board. Effective January 1, 2016, the applicant  
17 shall have completed an accredited graduate level advanced practice  
18 registered nursing education program in at least one of the  
19 following population foci: family/individual across the lifespan,  
20 adult-gerontology, neonatal, pediatrics, women's health/gender-  
21 related, or psychiatric/mental health;

22 5. Be currently certified in an advanced practice specialty  
23 certification consistent with educational preparation and by a  
24 national certifying body recognized by the Board; and

1       6. Provide any and all other evidence as required by the Board  
2 in its rules.

3       C. The Board may issue a license by endorsement to an Advanced  
4 Practice Registered Nurse licensed under the laws of another state  
5 if the applicant meets the qualifications for licensure in this  
6 state. An applicant by endorsement shall:

7       1. Submit a completed written application and appropriate fees  
8 as established by the Board;

9       2. Hold a current Registered Nurse license in this state;

10       3. Hold recognition as an Advanced Practice Registered Nurse in  
11 a state or territory;

12       4. Have completed an advanced practice registered nursing  
13 education program in one of the four roles and a specialty area  
14 recognized by the Board. Effective January 1, 2016, the applicant  
15 shall have completed an accredited graduate level advanced practice  
16 registered nursing education program in at least one of the  
17 following population foci: family/individual across the lifespan,  
18 adult-gerontology, neonatal, pediatrics, women's health/gender-  
19 related, or psychiatric/mental health;

20       5. Be currently certified in an advanced practice specialty  
21 certification consistent with educational preparation and by a  
22 national certifying body recognized by the Board;

23       6. Meet continued competency requirements as set forth in Board  
24 rules; and

1       7. Provide any and all other evidence as required by the Board  
2 in its rules.

3       D. The Board may issue prescriptive authority recognition by  
4 endorsement to an Advanced Practice Registered Nurse licensed as an  
5 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if  
6 the applicant meets the requirements set forth in this section. An  
7 applicant for prescriptive authority recognition by endorsement  
8 shall:

9       1. Submit a completed written application and appropriate fees  
10 as established by the Board;

11       2. Hold current Registered Nurse and Advanced Practice  
12 Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the  
13 state;

14       3. Hold current licensure or recognition as an Advanced  
15 Practice Registered Nurse in the same role and specialty with  
16 prescribing privileges in another state or territory;

17       4. Submit documentation verifying successful completion of a  
18 graduate level advanced practice registered nursing education  
19 program that included an academic course in pharmacotherapeutic  
20 management, and didactic and clinical preparation for prescribing  
21 incorporated throughout the program;

22       5. Submit a written statement from an Oklahoma licensed  
23 physician supervising prescriptive authority as required by the  
24 Board in its rules, or submit documentation that the applicant meets

1 the requirements for independent prescriptive authority under  
2 Section 1 of this act;

3 6. Meet continued competency requirements as set forth in Board  
4 rules; and

5 7. Provide any and all other evidence as required by the Board  
6 in its rules.

7 E. An Advanced Practice Registered Nurse license issued under  
8 this section shall be renewed concurrently with the registered nurse  
9 license, provided that qualifying criteria continue to be met.

10 F. The Board may reinstate a license as set forth in Board  
11 rules.

12 SECTION 9. AMENDATORY 63 O.S. 2021, Section 2-312, as  
13 amended by Section 2, Chapter 184, O.S.L. 2022 (63 O.S. Supp. 2023,  
14 Section 2-312), is amended to read as follows:

15 Section 2-312. A. A physician, podiatrist, optometrist or a  
16 dentist who has complied with the registration requirements of the  
17 Uniform Controlled Dangerous Substances Act, in good faith and in  
18 the course of such person's professional practice only, may  
19 prescribe and administer controlled dangerous substances, or may  
20 cause the same to be administered by medical or paramedical  
21 personnel acting under the direction and supervision of the  
22 physician, podiatrist, optometrist or dentist, and only may dispense  
23 controlled dangerous substances pursuant to the provisions of  
24 Sections 355.1 and 355.2 of Title 59 of the Oklahoma Statutes.

1 B. A veterinarian who has complied with the registration  
2 requirements of the Uniform Controlled Dangerous Substances Act, in  
3 good faith and in the course of the professional practice of the  
4 veterinarian only, and not for use by a human being, may prescribe,  
5 administer, and dispense controlled dangerous substances and may  
6 cause them to be administered by an assistant or orderly under the  
7 direction and supervision of the veterinarian.

8 C. 1. An advanced practice nurse Advanced Practice Registered  
9 Nurse who is recognized to prescribe by the Oklahoma Board of  
10 Nursing as ~~an advanced registered nurse practitioner, clinical nurse~~  
11 ~~specialist or certified nurse-midwife,~~ a Certified Nurse  
12 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife  
13 but who has not obtained independent prescriptive authority under  
14 Section 1 of this act and therefore is subject to medical direction  
15 by a supervising physician, pursuant to Section 567.3a of Title 59  
16 of the Oklahoma Statutes, and who has complied with the registration  
17 requirements of the Uniform Controlled Dangerous Substances Act, in  
18 good faith and in the course of professional practice only, may  
19 prescribe and administer Schedule III, IV and V controlled dangerous  
20 substances.

21 2. An Advanced Practice Registered Nurse who is recognized to  
22 prescribe by the Oklahoma Board of Nursing as a Certified Nurse  
23 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife  
24 who has obtained independent prescriptive authority under Section 1

1 of this act, and who has complied with the registration requirements  
2 of the Uniform Controlled Dangerous Substances Act, in good faith  
3 and in the course of professional practice only, may prescribe and  
4 administer Schedule III, IV, and V controlled dangerous substances.

5 D. 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 V controlled  
14 dangerous substances in a preanesthetic preparation or evaluation;  
15 anesthesia induction, maintenance or emergence; or postanesthesia  
16 care setting only. A ~~certified registered nurse anesthetist~~  
17 Certified Registered Nurse Anesthetist may order, select, obtain and  
18 administer such drugs only during the perioperative or  
19 periobstetrical period.

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

1 Substances Act, in good faith and in the course of professional  
2 practice only, may prescribe and administer Schedule II through V  
3 controlled dangerous substances.

4 SECTION 10. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval."

8 Passed the House of Representatives the 13th day of February,  
9 2024.

10  
11 \_\_\_\_\_  
12 Presiding Officer of the House of  
Representatives

13 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

14  
15  
16 \_\_\_\_\_  
17 Presiding Officer of the Senate



1 ENGROSSED SENATE  
2 BILL NO. 458

By: Stanley, Green, Hamilton,  
Young, Murdock, Coleman,  
Rogers, Daniels, Paxton,  
and Dahm of the Senate

4 and

5 McEntire of the House

6  
7 [ nursing - prescriptive authority - application -  
8 supervision - controlled dangerous substances -  
supervision requirement - codification - effective  
9 date ]

10

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

12 SECTION 11. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 567.4c of Title 59, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. 1. An Advanced Practice Registered Nurse recognized by the  
16 Oklahoma Board of Nursing as a Certified Nurse Practitioner,  
17 Clinical Nurse Specialist, or Certified Nurse-Midwife who has  
18 completed a minimum of six thousand two hundred forty (6,240) hours  
19 of practice with prescriptive authority supervised by a physician or  
20 a supervising Advanced Practice Registered Nurse may apply to the  
21 Oklahoma Board of Nursing for authority to prescribe and order  
22 independent of supervision. This paragraph shall not be construed  
23 to exclude practice hours with supervised prescriptive authority

24

1 obtained prior to the effective date of this act from being counted  
2 toward the two-thousand-hour requirement of this paragraph.

3 2. The application for independent prescriptive authority shall  
4 include proof that the Certified Nurse Practitioner, Clinical Nurse  
5 Specialist, or Certified Nurse-Midwife:

6 a. holds a valid, current license in the appropriate  
7 Advanced Practice Registered Nurse role issued by the  
8 Board and is in good standing with the Board, and

9 b. has completed a minimum of two thousand (2,000) hours  
10 of practice with prescriptive authority supervised by  
11 a physician or supervising Advanced Practice  
12 Registered Nurse.

13 3. Independent prescriptive authority granted under this  
14 subsection shall be valid until the expiration of the current  
15 license to practice and may be renewed upon application to the Board  
16 at the same time and for the same period as the renewal of the  
17 license to practice.

18 B. 1. A Certified Nurse Practitioner, Clinical Nurse  
19 Specialist, or Certified Nurse-Midwife who has obtained independent  
20 prescriptive authority under subsection A of this section and who  
21 has completed a minimum of eight thousand (8,000) hours of practice  
22 with independent prescriptive authority may serve as a supervising  
23 Advanced Practice Registered Nurse.

24

1           2. Notwithstanding paragraph 1 of this subsection, an Advanced  
2 Practice Registered Nurse who has been licensed and in practice for  
3 a minimum of five (5) years as of the effective date of this act  
4 without a lapse of work, upon obtainment of independent prescriptive  
5 authority under subsection A of this section, may serve as a  
6 supervising Advanced Practice Registered Nurse.

7           3. The Board may at its discretion prescribe by rule additional  
8 qualifications for supervising Advanced Practice Registered Nurses  
9 including, but not limited to, qualifications pertaining to the  
10 Advanced Practice Registered Nurse role or specialty.

11           C. The Board shall review any application submitted under this  
12 section and shall approve or deny the application, stating the  
13 reason or reasons for denial, if denied. If denied, the applicant  
14 may reapply using the process prescribed by subsection A of this  
15 section.

16           D. The Board may suspend or revoke independent prescriptive  
17 authority granted under this section for good cause at any time.

18           E. The Board may establish a fee for the review of initial and  
19 renewal applications under the provisions of this section.

20           SECTION 12.           NEW LAW           A new section of law to be codified  
21 in the Oklahoma Statutes as Section 355.5 of Title 59, unless there  
22 is created a duplication in numbering, reads as follows:

23           A. A licensed practitioner, or the employer of the licensed  
24 practitioner on his or her behalf, shall carry malpractice insurance

1 or demonstrate proof of financial responsibility in a minimum amount  
2 of One Million Dollars (\$1,000,000.00) per occurrence and Three  
3 Million Dollars (\$3,000,000.00) in the aggregate per year.

4 B. A licensed practitioner who is employed by or under contract  
5 with a federal agency that carries malpractice insurance in any  
6 amount on behalf of the licensed practitioner shall be deemed in  
7 compliance with subsection A of this section when practicing under  
8 such federal employment or contract. However, to the extent the  
9 licensed practitioner practices outside of such federal employment  
10 or contract, the licensed practitioner, or the employer of the  
11 licensed practitioner, shall comply with subsection A of this  
12 section.

13 SECTION 13. AMENDATORY 59 O.S. 2021, Section 353.1, as  
14 amended by Section 6, Chapter 288, O.S.L. 2022 (59 O.S. Supp. 2022,  
15 Section 353.1), is amended to read as follows:

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

17 1. "Accredited program" means those seminars, classes,  
18 meetings, work projects, and other educational courses approved by  
19 the ~~Board~~ State Board of Pharmacy for purposes of continuing  
20 professional education;

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

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

1 4. "Assistant pharmacist" means any person presently licensed  
2 as an assistant pharmacist in ~~the State of Oklahoma~~ this state by  
3 the Board pursuant to Section 353.10 of this title and for the  
4 purposes of the Oklahoma Pharmacy Act shall be considered the same  
5 as a pharmacist, except where otherwise specified;

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

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

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

17 8. "Compounding" means the combining, admixing, mixing,  
18 diluting, pooling, reconstituting or otherwise altering of a drug or  
19 bulk drug substance to create a drug. Compounding includes the  
20 preparation of drugs or devices in anticipation of prescription drug  
21 orders based on routine, regularly observed prescribing patterns;

22 9. "Continuing professional education" means professional,  
23 pharmaceutical education in the general areas of the socioeconomic  
24 and legal aspects of health care; the properties and actions of

1 drugs and dosage forms; and the etiology, characteristics and  
2 therapeutics of the diseased state;

3 10. "Dangerous drug", "legend drug", "prescription drug" or "Rx  
4 Only" means a drug:

- 5 a. for human use subject to 21 U.S.C. 353(b)(1), or
- 6 b. is labeled "Prescription Only", or labeled with the  
7 following statement: "Caution: Federal law restricts  
8 this drug ~~except for~~ to use by or on the order of a  
9 licensed veterinarian.";

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

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

19 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a  
20 group of chain pharmacies under common ownership and control that do  
21 not act as a wholesale distributor, or any other person authorized  
22 by law to dispense or administer prescription drugs, and the  
23 affiliated warehouses or distributions of such entities under common  
24 ownership and control that do not act as a wholesale distributor.

1 For the purposes of this paragraph, ~~"dispenser"~~ dispenser does not  
2 mean a person who dispenses only products to be used in animals in  
3 accordance with 21 U.S.C. 360b(a) (5);

4 14. "Distribute" or "distribution" means the sale, purchase,  
5 trade, delivery, handling, storage, or receipt of a product, and  
6 does not include the dispensing of a product pursuant to a  
7 prescription executed in accordance with 21 U.S.C. 353(b) (1) or the  
8 dispensing of a product approved under 21 U.S.C. 360b(b); provided,  
9 taking actual physical possession of a product or title shall not be  
10 required;

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

16 16. "Drug outlet" means all manufacturers, repackagers,  
17 outsourcing facilities, wholesale distributors, third-party  
18 logistics providers, pharmacies, and all other facilities which are  
19 engaged in dispensing, delivery, distribution or storage of  
20 dangerous drugs;

21 17. "Drugs" means all medicinal substances and preparations  
22 recognized by the United States ~~Pharmacopeia~~ Pharmacopeia and  
23 National Formulary, or any revision thereof, and all substances and  
24 preparations intended for external and/or internal use in the cure,

1 diagnosis, mitigation, treatment or prevention of disease in humans  
2 or animals and all substances and preparations, other than food,  
3 intended to affect the structure or any function of the body of a  
4 human or animals;

5 18. "Drug sample" means a unit of a prescription drug packaged  
6 under the authority and responsibility of the manufacturer that is  
7 not intended to be sold and is intended to promote the sale of the  
8 drug;

9 19. "Durable medical equipment" has the same meaning as  
10 provided by ~~Section 2 of this act~~ Section 375.2 of this title;

11 20. "Filled prescription" means a packaged prescription  
12 medication to which a label has been affixed which contains such  
13 information as is required by the Oklahoma Pharmacy Act;

14 21. "Hospital" means any institution licensed as a hospital by  
15 this state for the care and treatment of patients, or a pharmacy  
16 operated by the Oklahoma Department of Veterans Affairs;

17 22. "Licensed practitioner" means:

- 18 a. an allopathic physician,
- 19 b. an osteopathic physician,
- 20 c. a podiatric physician,
- 21 d. a dentist,
- 22 e. a veterinarian ~~or,~~
- 23 f. an optometrist, or

24



1           g.    a Certified Nurse Practitioner, Clinical Nurse  
2                Specialist, or Certified Nurse-Midwife who has  
3                obtained independent prescriptive authority under  
4                Section 1 of this act,

5 licensed to practice and authorized to prescribe dangerous drugs  
6 within the scope of practice of such practitioner;

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

- 9           a.    a person that holds an application approved under 21  
10                U.S.C. 355 or a license issued under 42 U.S.C. 262 for  
11                such product, or if such product is not the subject of  
12                an approved application or license, the person who  
13                manufactured the product,
- 14           b.    a co-licensed partner of the person described in  
15                subparagraph a of this paragraph that obtains the  
16                product directly from a person described in this  
17                subparagraph or subparagraph a of this paragraph,
- 18           c.    an affiliate of a person described in subparagraph a  
19                or b of this paragraph who receives the product  
20                directly from a person described in this subparagraph  
21                or in subparagraph a or b of this paragraph, or
- 22           d.    a person who contracts with another to manufacture a  
23                product;

1       24. "Manufacturing" means the production, preparation,  
2 propagation, compounding, conversion or processing of a device or a  
3 drug, either directly or indirectly by extraction from substances of  
4 natural origin or independently by means of chemical or biological  
5 synthesis and includes any packaging or repackaging of the  
6 substances or labeling or relabeling of its container, and the  
7 promotion and marketing of such drugs or devices. The term  
8 ~~"manufacturing"~~ manufacturing also includes the preparation and  
9 promotion of commercially available products from bulk compounds for  
10 resale by licensed pharmacies, licensed practitioners or other  
11 persons;

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

15       26. "Medical gas order" means an order for medical gas issued  
16 by a licensed prescriber;

17       27. "Medical gas distributor" means a person licensed to  
18 distribute, transfer, wholesale, deliver or sell medical gases on  
19 drug orders to suppliers or other entities licensed to use,  
20 administer or distribute medical gas and may also include a patient  
21 or ultimate user;

22       28. "Medical gas supplier" means a person who dispenses medical  
23 gases on drug orders only to a patient or ultimate user;

24

1       29. "Medicine" means any drug or combination of drugs which has  
2 the property of curing, preventing, treating, diagnosing or  
3 mitigating diseases, or which is used for that purpose;

4       30. "Nonprescription drugs" means medicines or drugs which are  
5 sold without a prescription and which are prepackaged for use by the  
6 consumer and labeled in accordance with the requirements of the  
7 statutes and regulations of this state and the federal government.  
8 Such items shall also include medical and dental supplies and  
9 bottled or nonbulk chemicals which are sold or offered for sale to  
10 the general public if such articles or preparations meet the  
11 requirements of the Federal Food, Drug, and Cosmetic Act, 21  
12 U.S.C.A., Section 321 et seq.;

13       31. "Outsourcing facility" including "virtual outsourcing  
14 facility" means a facility at one geographic location or address  
15 that:

- 16           a. is engaged in the compounding of sterile drugs,
- 17           b. has elected to register as an outsourcing facility,
- 18                   and
- 19           c. complies with all requirements of 21 U.S.C. 353b;

20       32. "Package" means the smallest individual saleable unit of  
21 product for distribution by a manufacturer or repackager that is  
22 intended by the manufacturer for ultimate sale to the dispenser of  
23 such product. For the purposes of this paragraph, "individual  
24 saleable unit" means the smallest container of a product introduced

1 into commerce by the manufacturer or repackager that is intended by  
2 the manufacturer or repackager for individual sale to a dispenser;

3 33. "Person" means an individual, partnership, limited  
4 liability company, corporation or association, unless the context  
5 otherwise requires;

6 34. "Pharmacist-in-charge" or "PIC" means the pharmacist  
7 licensed in this state responsible for the management control of a  
8 pharmacy and all other aspects of the practice of pharmacy in a  
9 licensed pharmacy as defined by Section 353.18 of this title;

10 35. "Pharmacy" means a place regularly licensed by the State  
11 Board of Pharmacy in which prescriptions, drugs, medicines,  
12 chemicals and poisons are compounded or dispensed or such place  
13 where pharmacists practice the profession of pharmacy, or a pharmacy  
14 operated by the Oklahoma Department of Veterans Affairs;

15 36. "Pharmacy technician", "technician", "Rx tech", or "tech"  
16 means a person issued a Technician permit by the State Board of  
17 Pharmacy to assist the pharmacist and perform nonjudgmental,  
18 technical, manipulative, non-discretionary functions in the  
19 prescription department under the immediate and direct supervision  
20 of a pharmacist;

21 37. "Poison" means any substance which when introduced into the  
22 body, either directly or by absorption, produces violent, morbid or  
23 fatal changes, or which destroys living tissue with which such  
24 substance comes into contact;

1 38. "Practice of pharmacy" means:

- 2 a. the interpretation and evaluation of prescription  
3 orders,
- 4 b. the compounding, dispensing, administering and  
5 labeling of drugs and devices, except labeling by a  
6 manufacturer, repackager or distributor of  
7 nonprescription drugs and commercially packaged legend  
8 drugs and devices,
- 9 c. the participation in drug selection and drug  
10 utilization reviews,
- 11 d. the proper and safe storage of drugs and devices and  
12 the maintenance of proper records thereof,
- 13 e. the responsibility for advising by counseling and  
14 providing information, where professionally necessary  
15 or where regulated, of therapeutic values, content,  
16 hazards and use of drugs and devices,
- 17 f. the offering or performing of those acts, services,  
18 operations or transactions necessary in the conduct,  
19 operation, management and control of a pharmacy, or  
20 g. the provision of those acts or services that are  
21 necessary to provide pharmaceutical care;

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

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

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

7 a. by a licensed prescriber,

8 b. under the supervision of ~~an Oklahoma licensed~~  
9 ~~practitioner, an Oklahoma licensed advanced practice~~  
10 ~~registered nurse or an Oklahoma licensed a supervising~~  
11 physician, by a physician assistant licensed in this  
12 state, or

13 c. (1) under the supervision of a supervising physician  
14 or supervising Advanced Practice Registered  
15 Nurse, by a Certified Nurse Practitioner,  
16 Clinical Nurse Specialist, or Certified Nurse-  
17 Midwife licensed in this state who has not  
18 obtained independent prescriptive authority under  
19 Section 1 of this act, or

20 (2) by a Certified Nurse Practitioner, Clinical Nurse  
21 Specialist, or Certified Nurse-Midwife licensed  
22 in this state who has obtained independent  
23 prescriptive authority under Section 1 of this  
24 act, or

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

3           42.    "Product" means a prescription drug in a finished dosage  
4 form for administration to a patient without substantial further  
5 manufacturing, such as capsules, tablets, and lyophilized products  
6 before reconstitution. "Product" does not include blood components  
7 intended for transfusion, radioactive drugs or biologics and medical  
8 gas;

9           43.    "Repackager", including "virtual repackager", means a  
10 person who owns or operates an establishment that repacks and  
11 relabels a product or package for further sale or distribution  
12 without further transaction;

13           44.    "Sterile drug" means a drug that is intended for parenteral  
14 administration, an ophthalmic or oral inhalation drug in aqueous  
15 format, or a drug that is required to be sterile under state and  
16 federal law;

17           45.    "Supervising Advanced Practice Registered Nurse" has the  
18 same meaning as provided by Section 567.3a of this title;

19           46.    "Supervising physician" means an individual holding a  
20 current license to practice as a physician from the State Board of  
21 Medical Licensure and Supervision, pursuant to the provisions of the  
22 Oklahoma Allopathic Medical and Surgical Licensure and Supervision  
23 Act, or the State Board of Osteopathic Examiners, pursuant to the  
24 provisions of the Oklahoma Osteopathic Medicine Act, who supervises

1 ~~an advanced practice registered nurse~~ a Certified Nurse  
2 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife  
3 as defined in Section 567.3a of this title who has not obtained  
4 independent prescriptive authority under Section 1 of this act,  
5 and who is not in training as an intern, resident, or fellow. ~~To be~~  
6 ~~eligible to supervise an advanced practice registered nurse, such~~  
7 The supervising physician shall remain in compliance with the rules  
8 promulgated by the State Board of Medical Licensure and Supervision  
9 or the State Board of Osteopathic Examiners;

10 ~~46.~~ 47. "Supportive personnel" means technicians and auxiliary  
11 supportive persons who are regularly paid employees of a pharmacy  
12 who work and perform tasks in the pharmacy as authorized by Section  
13 353.18A of this title;

14 ~~47.~~ 48. "Third-party logistics provider" including "virtual  
15 third-party logistics provider" means an entity that provides or  
16 coordinates warehousing, or other logistics services of a product in  
17 interstate commerce on behalf of a manufacturer, wholesale  
18 distributor, or dispenser of a product but does not take ownership  
19 of the product, nor have responsibility to direct the sale or  
20 disposition of the product. For the purposes of this paragraph,  
21 "third-party logistics provider" does not include shippers and the  
22 United States Postal Service;

23 ~~48.~~ 49. "Wholesale distributor" including "virtual wholesale  
24 distributor" means a person other than a manufacturer, a



1 manufacturer's co-licensed partner, a third-party logistics  
2 provider, or repackager engaged in wholesale distribution as defined  
3 by 21 U.S.C. 353(e) (4) as amended by the Drug Supply Chain Security  
4 Act;

5 ~~49.~~ 50. "County jail" means a facility operated by a county for  
6 the physical detention and correction of persons charged with, or  
7 convicted of, criminal offenses or ordinance violations or persons  
8 found guilty of civil or criminal contempt;

9 ~~50.~~ 51. "State correctional facility" means a facility or  
10 institution that houses a prisoner population under the jurisdiction  
11 of the Department of Corrections;

12 ~~51.~~ 52. "Unit dose package" means a package that contains a  
13 single dose drug with the name, strength, control number, and  
14 expiration date of that drug on the label; and

15 ~~52.~~ 53. "Unit of issue package" means a package that provides  
16 multiple doses of the same drug, but each drug is individually  
17 separated and includes the name, lot number, and expiration date.

18 SECTION 14. AMENDATORY 59 O.S. 2021, Section 353.1a, is  
19 amended to read as follows:

20 Section 353.1a. A. ~~Prescribing~~ 1. Prescriptive authority  
21 shall be allowed, under the medical direction of a supervising  
22 physician or supervising Advanced Practice Registered Nurse, for ~~an~~  
23 ~~advanced practice nurse~~ a licensed Advanced Practice Registered  
24 Nurse recognized by the Oklahoma Board of Nursing ~~in one of the~~

1 ~~following categories: advanced registered nurse practitioners,~~  
2 ~~clinical nurse specialists, or certified nurse midwives as a~~  
3 Certified Nurse Practitioner, Clinical Nurse Specialist, or  
4 Certified Nurse-Midwife who has not obtained independent  
5 prescriptive authority under Section 1 of this act.

6 2. Prescriptive authority shall be allowed, independent of the  
7 medical direction of a supervising physician or supervising Advanced  
8 Practice Registered Nurse, for a licensed Advanced Practice  
9 Registered Nurse recognized by the Oklahoma Board of Nursing as a  
10 Certified Nurse Practitioner, Clinical Nurse Specialist, or  
11 Certified Nurse-Midwife who has obtained independent prescriptive  
12 authority under Section 1 of this act.

13 B. The advanced practice nurse Advanced Practice Registered  
14 Nurse may write or sign, or transmit by word of mouth, telephone or  
15 other means of communication an order for drugs or medical supplies  
16 that is intended to be filled, compounded, or dispensed by a  
17 pharmacist. The supervising physician or supervising Advanced  
18 Practice Registered Nurse, if applicable, and the advanced practice  
19 nurse prescribing Advanced Practice Registered Nurse shall be  
20 identified at the time of origination of the prescription and the  
21 name of the advanced practice nurse prescribing Advanced Practice  
22 Registered Nurse shall be printed on the prescription label.

23 ~~B.~~ C. Pharmacists may dispense prescriptions for non-controlled  
24 prescription drugs authorized by an ~~advanced practice nurse~~ Advanced

1 Practice Registered Nurse or physician assistant, not located in  
2 ~~Oklahoma~~ this state, provided that they are licensed in the state in  
3 which they are actively prescribing.

4 ~~C. D. 1.~~ 1. Pharmacists may only dispense prescriptions for  
5 controlled dangerous substances prescribed by an ~~advanced practice~~  
6 ~~nurse or physician assistant~~ Advanced Practice Registered Nurse  
7 ~~licensed in the State of Oklahoma and supervised by an Oklahoma-~~  
8 ~~licensed practitioner~~ this state who meets the criteria in paragraph  
9 1 or 2 of subsection A of this section.

10 2. Pharmacists may only dispense prescriptions for controlled  
11 dangerous substances prescribed by a physician assistant licensed in  
12 this state and supervised by a supervising physician licensed in  
13 this state.

14 SECTION 15. AMENDATORY 59 O.S. 2021, 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

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

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

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

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

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

- 16 a. contributing to the assessment of the health status of
- 17 individuals and groups,
- 18 b. participating in the development and modification of
- 19 the plan of care,
- 20 c. implementing the appropriate aspects of the plan of
- 21 care,
- 22 d. delegating such tasks as may safely be performed by
- 23 others, consistent with educational preparation and
- 24

1 that do not conflict with the Oklahoma Nursing  
2 Practice Act,

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

5 f. participating in the evaluation of responses to  
6 interventions,

7 g. teaching basic nursing skills and related principles,

8 h. performing additional nursing procedures in accordance  
9 with knowledge and skills acquired through education  
10 beyond nursing preparation, and

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

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

15 Registered Nurse:

16 a. who has completed an advanced practice registered  
17 nursing education program in preparation for one of  
18 four recognized ~~advanced practice registered nurse~~  
19 Advanced Practice Registered Nurse roles,

20 b. who has passed a national certification examination  
21 recognized by the Board that measures the ~~advanced~~  
22 ~~practice registered nurse~~ Advanced Practice Registered  
23 Nurse role and specialty competencies and who

24

1 maintains recertification in the role and specialty  
2 through a national certification program,

3 c. who has acquired advanced clinical knowledge and  
4 skills in preparation for providing both direct and  
5 indirect care to patients; however, the defining  
6 factor for all Advanced Practice Registered Nurses is  
7 that a significant component of the education and  
8 practice focuses on direct care of individuals,

9 d. whose practice builds on the competencies of  
10 Registered Nurses by demonstrating a greater depth and  
11 breadth of knowledge, a greater synthesis of data, and  
12 increased complexity of skills and interventions, and

13 e. who has obtained a license as an Advanced Practice  
14 Registered Nurse in one of the following roles:  
15 Certified Registered Nurse Anesthetist, Certified  
16 Nurse-Midwife, Clinical Nurse Specialist, or Certified  
17 Nurse Practitioner.

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

1 the abbreviation "CNM", Clinical Nurse Specialist and the  
2 abbreviation "CNS", and Certified Nurse Practitioner and the  
3 abbreviation "CNP".

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

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

- 18 a. consistent with advanced educational preparation as a  
19 Certified Nurse Practitioner in an area of specialty,
- 20 b. functions within the Certified Nurse Practitioner  
21 scope of practice for the selected area of  
22 specialization, and

23  
24



1 c. is in accord with the standards for Certified Nurse  
2 Practitioners as identified by the certifying body and  
3 approved by the Board.

4 A Certified Nurse Practitioner shall be eligible, in accordance  
5 with the scope of practice of the Certified Nurse Practitioner, to  
6 obtain recognition as authorized by the Board to prescribe, as  
7 defined by the rules promulgated by the Board pursuant to ~~this~~  
8 ~~section and subject to the medical direction of a supervising~~  
9 ~~physician~~ Section 567.4a of this title and Section 1 of this act.

10 This authorization shall not include dispensing drugs, but shall not  
11 preclude, subject to federal regulations, the receipt of, the  
12 signing for, or the dispensing of professional samples to patients.

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

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

- 20 (1) a master's degree or higher in nursing with  
21 clinical specialization preparation to function  
22 in an expanded role,  
23 (2) specialty certification from a national  
24 certifying organization recognized by the Board,

1 (3) an Advanced Practice Registered Nurse license  
2 from the Board, and

3 (4) any nurse holding a specialty certification as a  
4 Clinical Nurse Specialist valid on January 1,  
5 1994, granted by a national certifying  
6 organization recognized by the Board, shall be  
7 deemed to be a Clinical Nurse Specialist under  
8 the provisions of the Oklahoma Nursing Practice  
9 Act.

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

13 (1) practicing as an expert clinician in the  
14 provision of direct nursing care to a selected  
15 population of patients or clients in any setting,  
16 including private practice,

17 (2) managing the care of patients or clients with  
18 complex nursing problems,

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

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

23 c. A Clinical Nurse Specialist in accordance with the  
24 scope of practice of such Clinical Nurse Specialist

1 shall be eligible to obtain recognition as authorized  
2 by the Board to prescribe, as defined by the rules  
3 promulgated by the Board pursuant to ~~this section, and~~  
4 ~~subject to the medical direction of a supervising~~  
5 ~~physician~~ Section 567.4a of this title and Section 1  
6 of this act. This authorization shall not include  
7 dispensing drugs, but shall not preclude, subject to  
8 federal regulations, the receipt of, the signing for,  
9 or the dispensing of professional samples to patients.

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

16 8. ~~"Nurse-Midwife"~~ is "Certified Nurse-Midwife" means a nurse  
17 who has received an Advanced Practice Registered Nurse license from  
18 the Oklahoma Board of Nursing who possesses evidence of  
19 certification according to the requirements of the American College  
20 of Nurse-Midwives.

21 A Certified Nurse-Midwife in accordance with the scope of  
22 practice of such Certified Nurse-Midwife shall be eligible to obtain  
23 recognition as authorized by the Board to prescribe, as defined by  
24 the rules promulgated by the Board pursuant to ~~this section and~~

1 ~~subject to the medical direction of a supervising physician~~ Section  
2 567.4a of this title and Section 1 of this act. This authorization  
3 shall not include the dispensing of drugs, but shall not preclude,  
4 subject to federal regulations, the receipt of, the signing for, or  
5 the dispensing of professional samples to patients.

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

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

17 10. a. "Certified Registered Nurse Anesthetist" is an  
18 Advanced Practice Registered Nurse who:

19 (1) is certified by the National Board of  
20 Certification and Recertification for Nurse  
21 Anesthetists as a Certified Registered Nurse  
22 Anesthetist within one (1) year following  
23 completion of an approved ~~certified registered~~  
24 ~~nurse anesthetist~~ Certified Registered Nurse

1                    Anesthetist education program, and continues to  
2                    maintain such recertification by the National  
3                    Board of Certification and Recertification for  
4                    Nurse Anesthetists, and

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

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

1 select, obtain and administer drugs only during the  
2 perioperative or periobstetrical period.

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

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

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

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

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

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

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 State  
8                   Board of Pharmacy after termination of or a change in  
9                   the 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~~ National Board  
23                  of Certification and Recertification for Nurse  
24                  Anesthetists.

1 g. This paragraph shall not prohibit the administration  
2 of local or topical anesthetics as now permitted by  
3 law. Provided further, nothing in this paragraph  
4 shall limit the authority of the Board of Dentistry to  
5 establish the qualifications for dentists who direct  
6 the administration of anesthesia.

7 h. As used in this paragraph, "collaboration" means an  
8 agreement between a medical doctor, osteopathic  
9 physician, podiatric physician or dentist performing  
10 the procedure or directly involved with the procedure  
11 and the Certified Registered Nurse Anesthetist working  
12 jointly toward a common goal providing services for  
13 the same patient. This collaboration involves the  
14 joint formulation, discussion and agreement of the  
15 anesthesia plan by both parties, and the collaborating  
16 medical doctor, osteopathic physician, podiatric  
17 physician or dentist performing the procedure or  
18 directly involved with the procedure and that  
19 collaborating physician shall remain available for  
20 timely onsite consultation during the delivery of  
21 anesthesia for diagnosis, consultation, and treatment  
22 of medical conditions;

23 11. "Supervising Advanced Practice Registered Nurse" means an  
24 Advanced Practice Registered Nurse holding a current license to



1 practice who has obtained independent prescriptive authority under  
2 Section 1 of this act and who otherwise meets the qualifications of  
3 a supervising Advanced Practice Registered Nurse under Section 1 of  
4 this act who supervises a Certified Nurse Practitioner, a Clinical  
5 Nurse Specialist, or a Certified Nurse-Midwife who has not obtained  
6 independent prescriptive authority under Section 1 of this act;

7 12. "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 or the State Board of Osteopathic  
10 Examiners, who supervises a Certified Nurse Practitioner, a Clinical  
11 Nurse Specialist, or a Certified Nurse-Midwife who has not obtained  
12 independent prescriptive authority under Section 1 of this act, and  
13 who is not in training as an intern, resident, or fellow. ~~To be~~  
14 ~~eligible to supervise such Advanced Practice Registered Nurse, such~~  
15 The supervising physician shall remain in compliance with the rules  
16 promulgated by the State Board of Medical Licensure and Supervision  
17 or the State Board of Osteopathic Examiners;

18 ~~12.~~ 13. "Supervision of an Advanced Practice Registered Nurse  
19 with prescriptive authority" means overseeing and accepting  
20 responsibility for the ordering and transmission by a Certified  
21 Nurse Practitioner, a Clinical Nurse Specialist, or a Certified  
22 Nurse-Midwife who has not obtained independent prescriptive  
23 authority under Section 1 of this act of written, telephonic,  
24

1 electronic or oral prescriptions for drugs and other medical  
2 supplies, subject to a defined formulary; and

3 ~~13.~~ 14. "Advanced Unlicensed Assistant" means any person who  
4 has successfully completed a certified training program approved by  
5 the Board that trains the Advanced Unlicensed Assistant to perform  
6 specified technical skills identified by the Board in acute care  
7 settings under the direction and supervision of the Registered Nurse  
8 or Licensed Practical Nurse.

9 SECTION 16. AMENDATORY 59 O.S. 2021, Section 567.4a, is  
10 amended to read as follows:

11 Section 567.4a. The Oklahoma Board of Nursing may grant  
12 prescriptive authority through the Advanced Practice Registered  
13 Nurse license to Certified Nurse Practitioners, Clinical Nurse  
14 Specialists, and Certified Nurse-Midwives who meet the requirements  
15 for prescriptive authority identified by law and in the Board's  
16 rules. The rules regarding prescriptive authority recognition  
17 promulgated by the Oklahoma Board of Nursing pursuant to ~~paragraphs~~  
18 ~~6 through 9, 11 and 12 of this section,~~ Section 567.3a of this  
19 title, and Section 1 of this act shall:

20 1. Define the procedure for documenting supervision by a  
21 supervising physician licensed in Oklahoma to practice by the State  
22 Board of Medical Licensure and Supervision or the State Board of  
23 Osteopathic Examiners as defined in Section 567.3a of this title or  
24 by a supervising Advanced Practice Registered Nurse as defined in

1 Section 567.3a of this title of a Certified Nurse Practitioner,  
2 Clinical Nurse Specialist, or Certified Nurse-Midwife who has not  
3 obtained independent prescriptive authority under Section 1 of this  
4 act. Such procedure shall include a written statement that defines  
5 appropriate referral, consultation, and collaboration between the  
6 Advanced Practice Registered Nurse, recognized to prescribe as  
7 defined in ~~paragraphs 6 through 9, 11 and 12~~ of Section 567.3a of  
8 this title, and the supervising physician or supervising Advanced  
9 Practice Registered Nurse. The written statement shall include a  
10 method of assuring availability of the supervising physician or  
11 supervising Advanced Practice Registered Nurse through direct  
12 contact, telecommunications or other appropriate electronic means  
13 for consultation, assistance with medical emergencies, or patient  
14 referral. The written statement shall be part of the initial  
15 application and the renewal application submitted to the Board for  
16 recognition for prescriptive authority for the Advanced Practice  
17 Registered Nurse. Changes to the written statement shall be filed  
18 with the Board within thirty (30) days of the change and shall be  
19 effective on filing;

20 2. Define the procedure for documenting independent  
21 prescriptive authority for Certified Nurse Practitioners, Clinical  
22 Nurse Specialists, and Certified Nurse-Midwives who have obtained  
23 independent prescriptive authority under Section 1 of this act;  
24

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

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~~ one of the following Advanced Practice Registered Nurse  
11 roles:

- 12           a.   Certified Nurse Practitioner,
- 13           b.   Clinical Nurse Specialist, or
- 14           c.   Certified Nurse-Midwife,

15 in order to be eligible for initial application for prescriptive  
16 authority under the provisions of the Oklahoma Nursing Practice Act;

17       ~~5.~~ 6. Define the method for communicating authority to  
18 prescribe or termination of same, and the formulary to the State  
19 Board of Pharmacy, all pharmacies, and all registered pharmacists;

20       ~~6.~~ 7. Define terminology used in such rules;

21       ~~7.~~ 8. Define the parameters for the prescribing practices of  
22 the Advanced Practice Registered Nurse;

23       ~~8.~~ 9. Define the methods for termination of prescriptive  
24 authority for the Advanced Practice Registered Nurse; and

1       ~~9.~~ 10. a. Establish a Formulary Advisory Council that shall  
2                   develop and submit to the Board recommendations for an  
3                   exclusionary formulary that shall list drugs or  
4                   categories of drugs that shall not be prescribed by an  
5                   Advanced Practice Registered Nurse recognized to  
6                   prescribe by the Oklahoma Board of Nursing. The  
7                   Formulary Advisory Council shall also develop and  
8                   submit to the Board recommendations for practice-  
9                   specific prescriptive standards for each category of  
10                  Advanced Practice Registered Nurse recognized to  
11                  prescribe by the Oklahoma Board of Nursing pursuant to  
12                  the provisions of the Oklahoma Nursing Practice Act.  
13                  The Board shall either accept or reject the  
14                  recommendations made by the Council. No amendments to  
15                  the recommended exclusionary formulary may be made by  
16                  the Board without the approval of the Formulary  
17                  Advisory Council.

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

20                  (1) four members, to include a pediatrician, an  
21                        obstetrician-gynecological physician, a general  
22                        internist, and a family practice physician;  
23                        provided, that three of such members shall be  
24                        appointed by the Oklahoma State Medical

1 Association, and one shall be appointed by the  
2 Oklahoma Osteopathic Association,

3 (2) four members who are registered pharmacists,  
4 appointed by the Oklahoma Pharmaceutical  
5 Association, and

6 (3) four members, one of whom shall be a Certified  
7 Nurse Practitioner, one of whom shall be a  
8 Clinical Nurse Specialist, one of whom shall be a  
9 Certified Nurse-Midwife, and one of whom shall be  
10 a current member of the Oklahoma Board of  
11 Nursing, all of whom shall be appointed by the  
12 Oklahoma Board of Nursing.

13 c. All professional members of the Formulary Advisory  
14 Council shall be in active clinical practice, at least  
15 fifty percent (50%) of the time, within their defined  
16 area of specialty. The members of the Formulary  
17 Advisory Council shall serve at the pleasure of the  
18 appointing authority for a term of three (3) years.  
19 The terms of the members shall be staggered. Members  
20 of the Council may serve beyond the expiration of  
21 their term of office until a successor is appointed by  
22 the original appointing authority. A vacancy on the  
23 Council shall be filled for the balance of the  
24 unexpired term by the original appointing authority.

1 d. Members of the Council shall elect a chair and a ~~vice-~~  
2 ~~chair~~ vice chair from among the membership of the  
3 Council. For the transaction of business, at least  
4 seven members, with a minimum of two members present  
5 from each of the identified categories of physicians,  
6 pharmacists and ~~advanced practice registered nurses~~  
7 Advanced Practice Registered Nurses, shall constitute  
8 a quorum. The Council shall recommend and the Board  
9 shall approve and implement an initial exclusionary  
10 formulary on or before January 1, 1997. The Council  
11 and the Board shall annually review the approved  
12 exclusionary formulary and shall make any necessary  
13 revisions utilizing the same procedures used to  
14 develop the initial exclusionary formulary.

15 SECTION 17. AMENDATORY 59 O.S. 2021, Section 567.5a, is  
16 amended to read as follows:

17 Section 567.5a. A. All applicants for a license to practice as  
18 an Advanced Practice Registered Nurse shall be subject to Section  
19 567.8 of this title.

20 B. An applicant for an initial license to practice as an  
21 Advanced Practice Registered Nurse shall:

22 1. Submit a completed written application and appropriate fees  
23 as established by the Oklahoma Board of Nursing;  
24



1           2. Submit a criminal history records check that complies with  
2 Section 567.18 of this title;

3           3. Hold a current Registered Nurse license in this state;

4           4. Have completed an advanced practice registered nursing  
5 education program in one of the four ~~advanced practice registered~~  
6 ~~nurse~~ Advanced Practice Registered Nurse roles and a specialty area  
7 recognized by the Board. Effective January 1, 2016, the applicant  
8 shall have completed an accredited graduate level advanced practice  
9 registered nursing education program in at least one of the  
10 following population foci: family/individual across the lifespan,  
11 adult-gerontology, neonatal, pediatrics, women's health/gender-  
12 related, or psychiatric/mental health;

13           5. Be currently certified in an advanced practice specialty  
14 certification consistent with educational preparation and by a  
15 national certifying body recognized by the Board; and

16           6. Provide any and all other evidence as required by the Board  
17 in its rules.

18           C. The Board may issue a license by endorsement to an Advanced  
19 Practice Registered Nurse licensed under the laws of another state  
20 if the applicant meets the qualifications for licensure in this  
21 state. An applicant by endorsement shall:

22           1. Submit a completed written application and appropriate fees  
23 as established by the Board;

24           2. Hold a current Registered Nurse license in this state;

1           3. Hold recognition as an Advanced Practice Registered Nurse in  
2 a state or territory;

3           4. Have completed an advanced practice registered nursing  
4 education program in one of the four roles and a specialty area  
5 recognized by the Board. Effective January 1, 2016, the applicant  
6 shall have completed an accredited graduate level advanced practice  
7 registered nursing education program in at least one of the  
8 following population foci: family/individual across the lifespan,  
9 adult-gerontology, neonatal, pediatrics, women's health/gender-  
10 related, or psychiatric/mental health;

11           5. Be currently certified in an advanced practice specialty  
12 certification consistent with educational preparation and by a  
13 national certifying body recognized by the Board;

14           6. Meet continued competency requirements as set forth in Board  
15 rules; and

16           7. Provide any and all other evidence as required by the Board  
17 in its rules.

18           D. The Board may issue prescriptive authority recognition by  
19 endorsement to an Advanced Practice Registered Nurse licensed as an  
20 APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if  
21 the applicant meets the requirements set forth in this section. An  
22 applicant for prescriptive authority recognition by endorsement  
23 shall:  
24

- 1        1. Submit a completed written application and appropriate fees  
2 as established by the Board;
- 3        2. Hold current Registered Nurse and Advanced Practice  
4 Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the  
5 state;
- 6        3. Hold current licensure or recognition as an Advanced  
7 Practice Registered Nurse in the same role and specialty with  
8 prescribing privileges in another state or territory;
- 9        4. Submit documentation verifying successful completion of a  
10 graduate level advanced practice registered nursing education  
11 program that included an academic course in pharmacotherapeutic  
12 management, and didactic and clinical preparation for prescribing  
13 incorporated throughout the program;
- 14        5. Submit a written statement from an Oklahoma licensed  
15 physician or supervising Advanced Practice Registered Nurse  
16 supervising prescriptive authority as required by the Board in its  
17 rules, or submit documentation that the applicant meets the  
18 requirements for independent prescriptive authority under Section 1  
19 of this act;
- 20        6. Meet continued competency requirements as set forth in Board  
21 rules; and
- 22        7. Provide any and all other evidence as required by the Board  
23 in its rules.
- 24

1 E. An Advanced Practice Registered Nurse license issued under  
2 this section shall be renewed concurrently with the registered nurse  
3 license, provided that qualifying criteria continue to be met.

4 F. The Board may reinstate a license as set forth in Board  
5 rules.

6 SECTION 18. AMENDATORY 63 O.S. 2021, Section 2-312, as  
7 amended by Section 2, Chapter 184, O.S.L. 2022 (63 O.S. Supp. 2022,  
8 Section 2-312), is amended to read as follows:

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

19 B. A veterinarian who has complied with the registration  
20 requirements of the Uniform Controlled Dangerous Substances Act, in  
21 good faith and in the course of the professional practice of the  
22 veterinarian only, and not for use by a human being, may prescribe,  
23 administer, and dispense controlled dangerous substances and may  
24

1 cause them to be administered by an assistant or orderly under the  
2 direction and supervision of the veterinarian.

3 C. 1. An ~~advanced practice nurse~~ Advanced Practice Registered  
4 Nurse who is recognized to prescribe by the Oklahoma Board of  
5 Nursing as an ~~advanced registered nurse practitioner, clinical nurse~~  
6 ~~specialist or certified nurse-midwife,~~ a Certified Nurse  
7 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife  
8 but who has not obtained independent prescriptive authority under  
9 Section 1 of this act and therefore is subject to medical direction  
10 by a supervising physician, or supervising Advanced Practice  
11 Registered Nurse pursuant to Section 567.3a of Title 59 of the  
12 Oklahoma Statutes, and who has complied with the registration  
13 requirements of the Uniform Controlled Dangerous Substances Act, in  
14 good faith and in the course of professional practice only, may  
15 prescribe and administer Schedule III, IV and V controlled dangerous  
16 substances.

17 2. An Advanced Practice Registered Nurse who is recognized to  
18 prescribe by the Oklahoma Board of Nursing as a Certified Nurse  
19 Practitioner, Clinical Nurse Specialist, or Certified Nurse-Midwife  
20 who has obtained independent prescriptive authority under Section 1  
21 of this act, and who has complied with the registration requirements  
22 of the Uniform Controlled Dangerous Substances Act, in good faith  
23 and in the course of professional practice only, may prescribe and  
24 administer Schedule III, IV, and V controlled dangerous substances.

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

16 E. A physician assistant who is recognized to prescribe by the  
17 State Board of Medical Licensure and Supervision under the medical  
18 direction of a supervising physician, pursuant to Section 519.6 of  
19 Title 59 of the Oklahoma Statutes, and who has complied with the  
20 registration requirements of the Uniform Controlled Dangerous  
21 Substances Act, in good faith and in the course of professional  
22 practice only, may prescribe and administer Schedule II through V  
23 controlled dangerous substances.

24 SECTION 19. This act shall become effective November 1, 2023.

1 Passed the Senate the 6th day of March, 2023.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2023.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives