

OKLAHOMA BOARD OF NURSING
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Board Document Definitions

Purpose: To assist in distinguishing among the laws and the different types of documents and statements developed by the Oklahoma Board of Nursing (“Board”) to guide nursing education, nursing practice and nursing regulation.

Policy Statements:

1. Board issued documents (declaratory ruling, advisory opinion, position statement and policies/guidelines) are subject to review or revision at any time new information, technology, legislation, regulation or other relevant developments require an update of the documents.
2. Documents are listed in order of rigor.

Document Name	Definition	Author	Review/Revision Process	Approval Authority
Statute	<ul style="list-style-type: none"> ◆ A law enacted by a legislature. ◆ Statutes applying to licensees in Oklahoma are found in the Oklahoma Nursing Practice Act (“ONPA”), 59 O.S., Section 567.1 <i>et. seq.</i> ◆ Other state and federal statutes may apply to the practice of registered, practical or advanced practice nursing or advanced unlicensed assistive persons. 	Oklahoma State legislature	Undefined	Legislative body, then Governor for State of Oklahoma

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Rule	<ul style="list-style-type: none"> ◆ As defined in the OK Administrative Procedures Act, rule means any agency or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the agency. [75 O.S. § 250.3(15)] ◆ The promulgated rules for the ONPA are published by the Secretary of State, Code Office, as found in Oklahoma Administrative Code Title 485. ◆ Other state or federal rules relating to the practice of registered, practical or advanced practice nursing or advanced unlicensed assistive person may apply. 	Board	<ul style="list-style-type: none"> ◆Review on an ongoing basis ◆Revisions may occur annually 	<ul style="list-style-type: none"> ◆Board adopts ◆Legislative body reviews for approval or disapproval ◆Governor approves or disapproves
Declaratory Ruling	<ul style="list-style-type: none"> ◆ In response to Petitions, the Board issues declaratory rulings to a specific question or questions as to the applicability of any rule or order of the Board, or refuse to issue a declaratory ruling. ◆ A declaratory ruling provides an explanation or clarification of the rules. ◆ A declaratory ruling shall be binding on the Board and all parties to the proceedings on the statement of facts alleged. ◆ A declaratory ruling or refusal to issue such a ruling shall be subject to judicial review as indicated in the OK Administrative Procedures Act. ◆ All declaratory rulings are public record. Declaratory rulings are issued in open session following public hearings. All hearings of open meetings are posted, and the public may attend. 	Board	<ul style="list-style-type: none"> ◆Review at least every three years ◆Revisions as indicated 	Board

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Advisory Opinion	<ul style="list-style-type: none"> ◆ A Board issued advisory opinion is not a rule or regulation, but a statement rendered in response to a written request as to what constitutes competent and safe nursing practice. ◆ Although advisory opinions are not judicially reviewable and do not have the force and effect of law, they do serve as guidance for nurses who wish to engage in safe nursing practices. 	Board	<ul style="list-style-type: none"> ◆Review upon request and on an ongoing basis ◆Revisions as indicated 	Board
Position Statement	<ul style="list-style-type: none"> ◆ A position statement is formulated by the Board in response to a written request to a clearly defined nursing topic. ◆ Although position statements are not judicially reviewable and do not have the force and effect of law, they do serve as guidance for nurses who wish to engage in safe nursing practices. 	Board	<ul style="list-style-type: none"> ◆Review at least every three years ◆Revisions as indicated 	Board
Policies/Guidelines as Related to: <u>Nursing Education</u> <u>& Nursing Practice</u>	<ul style="list-style-type: none"> ◆ A guideline/policy assists applicants, licensees and institutions in clinical decision making, in assessing and assuring the quality of care, in protecting the public and in guiding education and clinical practice, based on empirical data. ◆ Policies and/or guidelines directly referenced in the rules have the force and effect as law. ◆ Although policies and/or guidelines not referenced in the rules are not judicially reviewable and do not have the force and effect of law, they do serve as guidance for nurses who wish to engage in safe nursing practices. 	Board appointed Advisory Councils and Committees, with ad hoc Committees and Task Forces assigned as indicated	<ul style="list-style-type: none"> ◆Review at least every three years ◆Revisions as indicated 	Board

Document Name	Definition	Author	Review/Revision Process	Approval Authority
Policies/Guidelines as Related to: <u>Board Orders</u>	<p>◆ Licensees disciplined by the Board have policies and guidelines incorporated into their Orders as terms and conditions for licensure and/or certification.</p> <p>◆ Compliance with Board ordered policies/guidelines are required.</p>	Board	As mandated by Board order	Board

Regulatory Authority

Oklahoma Administrative Procedures Act, [75 O.S. § 250 *et. seq.*].

Oklahoma Nursing Practice Act, [59 O.S. § 567.1 *et. seq.*]

Oklahoma Administrative Code, [485:1 *et. seq.*]

Oklahoma Administrative Code, [485:10 *et. seq.*]

Selected References

Arizona State Board of Nursing. Advisory Opinions. Retrieved January 6, 2009, from: <http://www.azbn.gov/AdvisoryOpinions.aspx>

Association of periOperative Registered Nurses, Inc. “2005 Standards, Recommended Practices, and Guidelines - AORN Document Definitions.” Denver, Colorado.

Black, Henry Campbell, M.A., Black’s Law Dictionary. West Publishing Company: St. Paul, Minnesota, 1991.

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Montana Board of Nursing. Declaratory Rulings. Retrieved January 6, 2009, from: http://mt.gov/dli/bsd/license/bsd_boards/nur_board/declare_rules.asp

The Free Dictionary by Farlex, Retrieved January 6, 2009, from: <http://www.thefreedictionary.com>

South Dakota Board of Nursing. Opinions & Position Statement. Retrieved January 6, 2009, from: <http://doh.sd.gov/boards/nursing/title-opinion.aspx#Credentials>