

**TITLE 485. OKLAHOMA BOARD OF NURSING**  
**CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

485:10-1-2. [AMENDED]

Subchapter 5. Minimum Standards for Approved Nursing Education Programs

485:10-5-8. [AMENDED]

Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse

485:10-7-2. [AMENDED]

Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse

485:10-9-2. [AMENDED]

Subchapter 10. Advanced Unlicensed Assistive Personnel

485:10-10-8. [AMENDED]

485:10-10-8.1. [AMENDED]

Subchapter 11. Disciplinary Action

485:10-11-2. [AMENDED]

Subchapter 13. Requirements for Employment

485:10-13-1. [AMENDED]

Subchapter 19. Peer Assistance Program

485:10-19-4. [AMENDED]

485:10-19-5. [AMENDED]

485:10-19-8 [AMENDED]

**SUMMARY:**

In Chapter 10, a definition is proposed for “innovative approach” in section 485:10-1-2. This definition supports rules that are proposed for section 485:10-5-8 to describe the process by which a nursing education program may request approval to implement a learning model that departs from current rule structure.

Revisions proposed for sections 485:10-7-2 and 485:10-9-2 provide for an additional type of certificate program offered by the Commission on Graduates of Foreign Nursing Schools to be used by applicants for licensure by endorsement as a foreign educated nurse. In addition, clarification is provided to rules on issuance of temporary licenses.

In sections 485:10-10-8 and 485:10-10-8.1, requirements for recertification and reinstatement of certification as an advanced unlicensed assistive person are proposed for revision to allow the Board to implement an online recertification and reinstatement process.

In Subchapter 11, clarifying language is proposed to 485:10-11-2 to allow the Board’s legal advisor to rule on admissibility of evidence, objections to evidence, and other motions during Board hearings.

In Subchapter 13, a provision is proposed to refer the nurse who holds educational credentials that allow for the use of the term “doctor” to statutes that address this practice. In addition, grammatical changes are proposed.

The proposed revisions to 485:10-19-4 clarifies licensure or certification requirements related to membership of at least one of the Peer Assistance Committee members to reflect the statute changes related to regulation of individuals who provide alcohol and drug counseling in Oklahoma. In addition, a quorum of the Peer Assistance Committee is identified.

The proposed revisions to 485:10-19-5 clarifies applicant qualifications. The requirement for an unrestricted license is deleted as nurses referred by the Board have conditional licensure status. The requirement for residing in the state is deleted with the addition of practicing only in the State of Oklahoma while participating in the program. The revision will allow participation of applicants who are licensed in Oklahoma and reside in border states.

The proposed revisions to 485:10-19-8 further clarifies terminations from the program.

**AUTHORITY:**

Oklahoma Board of Nursing 59 O.S. §§567.2A.3, 567.4F, 567.5, 567.6, 567.8, 567.12, 567.15, and 567.17.

**COMMENT PERIOD:**

Persons wishing to submit written comments must do so by January 18, 2010 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Gayle McNish, R.N., Ed.D.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 26, 2010, at 5:30 p.m. at the Wyndham Garden Hotel Conference Room, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 26, 2010.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by January 18, 2010, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Gayle McNish, R.N., Ed.D.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Gayle McNish, R.N., Ed.D., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after publication of this Notice of Rulemaking Intent on December 1, 2009. The rule impact statement may be obtained by contacting Gayle McNish, R.N., Ed.D., at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

**CONTACT PERSON:**

Gayle McNish, R.N., Ed.D., (405) 962-1800

**RULE IMPACT STATEMENT:** Title 485. Oklahoma Board of Nursing, Chapter 10. Licensure of Practical and Registered Nurses. Subchapter 1. General Provisions, Subchapter 5. Minimum Standards for Approved Nursing Education Programs, Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse, Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse, Subchapter 10. Advanced Unlicensed Assistive Personnel, Subchapter 13. Requirements for Employment.

a. Purpose of the proposed rule:

In Subchapter 1, the proposed addition to the definitions in 485:10-1-2 provide a definition for “innovative approach”. This definition supports additions to Subchapter 5, in which processes are described for nursing education programs purposing to offer an innovative approach to education that departs from current rule structure. The additions describe purposes, eligibility requirements, the application process, standards for approval, the process for review of the application and Board action options, reasons for rescinding or modifying the approach, the process for evaluation, and consideration of continuation for the innovative approach. The purposes of the proposed rule changes in Subchapters 1 and 5 are to foster innovative models of nursing education to address the changing needs in health care, to assure that innovative approaches to nursing education are conducted in a manner consistent with the Board’s role of protecting the public, and to assure that innovative approaches conform to the quality outcome standards and core education criteria established by the Board.

Proposed revisions to Subchapters 7 and 9 clarify the requirements for a temporary license for endorsement applicants. The revisions clarify that applicants with a history of arrest or disciplinary action requiring further review, applicants who graduated from a nursing education program that may not meet the educational standards established by the Board, and applicants who have not met continuing qualifications for practice through employment in a position requiring licensure, are not eligible to receive a temporary license. These revisions ensure that only qualified individuals are able to practice in Oklahoma. In addition, proposed revisions in Subchapters 7 and 9 add an option for a foreign-educated applicant to use a VisaScreen Certificate issued by the Commission on Graduates for Foreign Nursing Schools (CGFNS) to meet the requirements for an evaluation of education credentials.

In Subchapter 10, rules for recertification or reinstatement of certification of Advanced Unlicensed Assistive Personnel (AUA) are revised to remove the requirement for notarization of the verification of employment as an AUA in an acute care setting for a minimum of 12 months within the previous 24 months. The purpose of this revision is to facilitate an online recertification and reinstatement of certification process for AUAs.

In Subchapter 11, clarifying language is proposed to allow the Board’s legal advisor to rule on admissibility of evidence, objections to evidence, and other motions during Board hearings.

In Subchapter 13, a grammatical correction has been proposed. In addition, a statement is added that requires licensed nurses holding the appropriate educational credentials to only use the term “doctor” in accordance with 59 O.S. Section 725.1, et seq.

The proposed revisions to 485:10-19-4 clarifies licensure or certification requirements related to membership of at least one of the Peer Assistance Committee members to reflect the statute changes related to regulation of individuals who provide alcohol and drug counseling in Oklahoma. In addition, a quorum of the Peer Assistance Committee is identified. The proposed revisions to 485:10-19-5 clarifies applicant qualifications. The requirement for an unrestricted license is deleted as nurses referred by the Board have conditional licensure status. The requirement for residing in the state is deleted with the addition of practicing only in the State of Oklahoma while participating in the program. The revision will allow participation of applicants who are licensed in Oklahoma and reside in border states. The proposed revisions to 485:10-19-8 further clarifies terminations from the program.

b. Classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

These rule changes will impact nursing education programs, applicants for licensure by endorsement, Licensed Nurses, Advanced Unlicensed Assistive Personnel, licensed nurses with doctoral degrees, and nurses participating in the Peer Assistance Program. The rule changes do not have cost impacts on any impacted classes.

c. Classes of persons who will benefit from the proposed rule:

The proposed rules will benefit nursing education programs by defining a process by which programs can request approval to implement an innovative model of nursing education. They also benefit the public by ensuring the applicants for licensure by endorsement that hold temporary licenses have met essential requirements. The public is also benefited through revisions that address the need for a licensed nurse using the term “doctor” to clearly identify his/her type of license and educational qualifications in accordance to 59 O.S. Section 725.1, et seq. The proposed rules benefit foreign-educated applicants for licensure by endorsement by providing another option for educational evaluation. The proposed rules benefit Advanced Unlicensed Assistive Personnel by facilitating an online recertification or reinstatement of certification process. In addition, the proposed rules benefit nurses who enter the Peer Assistance Program.

d. Probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change.

There are no fee changes associated with the proposed rule revisions. There is no economic impact.

e. Probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and

enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

There are no anticipated costs or benefits to the agency or any other agency associated with the proposed rule revisions, with the exception of costs associated with development of an online recertification or reinstatement of certification process for Advanced Unlicensed Assistive Personnel. This cost will be absorbed through a current agency initiative to move all applications to an online process.

f. Determination of whether implementation of the proposed rule will have an economic impact on any political subdivision or require their cooperation in implementing or enforcing the rule:

The implementation of the proposed rules will not have an economic impact on or require the cooperation of any other political subdivision.

g. Determination of whether implementation of the proposed rule will have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

There will be no effect on small business.

h. Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

There are no compliance costs.

i. Determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The proposed rules help to protect safety of the public through ensuring that nursing education is provided in a manner that prepares graduates to practice safely and effectively, even when innovative approaches are piloted. In addition, protection of the public is protected by ensuring that applicants for licensure by endorsement who hold temporary licenses have met identified essential requirements. Finally, the public is protected by ensuring that licensed nurses who may use the term “doctor” do so with clear designation as to the statutory requirements of 59 O.S. Section 725.1, et seq.

j. Determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented:

There are no detrimental effects.

k. Date the rule impact statement was prepared: November 16, 2009

**TITLE 485. OKLAHOMA BOARD OF NURSING  
CHAPTER 1. ADMINISTRATION**

**485:1-1-1. Functions**

*The Board is authorized to:*

- (1) *adopt and revise rules not inconsistent with . . . the Oklahoma Nursing Practice Act; [59 O.S. Section 567.4(F)]*
- (2) prescribe standards for educational programs preparing persons for licensure to practice practical nursing, registered nursing, or preparing individuals for advanced practice nursing;
- (3) provide for surveys of such educational programs;
- (4) approve such educational programs for the preparation of practitioners of practical nursing, registered nursing, or advanced practice nursing as shall meet the requirements of this statute and of the Board;
- (5) deny, or withdraw approval of educational programs for failure to meet or maintain prescribed standards required by this statute and by the Board;
- (6) examine, license and renew the licenses of duly qualified applicants;
- (7) recognize Advanced Practitioners in accordance with the Rules and Regulations;
- (8) conduct hearings upon charges calling for disciplinary action; and
- (9) provide consultation, conduct conferences, forums, studies and research on nursing education and practice.
- (10) approve the agency's budget and authorize disbursement of the funds by the Executive Director.

**485:1-1-2. Officers**

(a) **Election of officers.** The officers of the Board shall be elected annually at the regular meeting in January. The candidate receiving the plurality of votes shall be declared elected and shall assume office on the first day of March following their election.

(b) **Vacancies in office.**

- (1) A vacancy occurring in the office of President shall be filled by the Vice-President for the unexpired term.
- (2) A vacancy occurring in the office of Vice-President shall be filled by appointment by the President with the approval of the Board for the period of the unexpired term.
- (3) A vacancy occurring in the office of the Secretary shall be filled by appointment by the President with the approval of the Board for the period of the unexpired term.

(c) **Duties of officers.**

- (1) The President shall preside at meetings and shall appoint members to serve on such committees as may be created and shall be an ex-officio member of all committees. The President shall cause the agenda to be prepared for the meeting.
- (2) The Vice-President shall preside in the absence of the President, and shall assume the duties of the President, when necessary.
- (3) ~~The Secretary~~ Secretary/Treasurer ~~shall cause to be completed the necessary arrangements for the meetings; send notices and agendas of the meetings to the members of the Board and the Secretary of State; record the minutes of the meeting; and~~ conduct the necessary correspondence of the Board and keep a register of the names of all Licensed Practical Nurses and Registered Nurses duly licensed under the provisions of the Oklahoma Nursing Practice Act.
- (4) ~~The Secretary, who is also the Treasurer, officers of the Board shall~~ participate in the development of the budget and shall be responsible for the disbursement of the funds with the approval of the Board.

**485:1-1-4. Business meetings**

(a) **Special meetings.** *Special meetings may be called by the President or Secretary ~~or petitioned by three (3) Board members~~ with five (5) days notice to each member of the Board. [59 O.S. Section 567.4(EF)]*

(b) **Emergency meetings.** Emergency meetings may be called by the President without required notice for situations of imminent peril to the public health, safety, welfare or other compelling extraordinary circumstances.

(c) **Agenda.** A copy of the agenda shall be sent to each member at least five (5) days prior to the meeting. Any member wishing to have a special topic placed on the agenda shall notify the ~~Secretary~~ President at least ~~ten (10)~~ fifteen (15) days prior to the meeting. Items of an emergency nature shall be considered at any meeting without prior notice.

- (d) **Record of meeting.** The Secretary shall cause to be kept a record of all meetings which shall include a recording of votes by each member in attendance and such records shall be retained as a permanent record of the transaction of the Board.
- (e) **Parliamentary authority.** The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the meetings in all instances to which they are applicable. The President shall have a vote on all matters coming before the Board.
- (f) **Notice of meetings.** Notice of all meetings shall be in writing and delivered to Board members ten (10) days prior to meeting.

**485:1-1-5. Rules and regulations**

(a) **Adoption, amendment, or repeal of rules.** The adoption, amendments, filing, or repeal of rules will be in accordance with the Oklahoma Administrative Procedures Act.

(b) **Petition requesting promulgation, amendment or repeal of a rule.**

(1) Any ~~person~~ ~~Registered Nurse or Licensed Practical Nurse~~ may petition the Board in writing requesting the promulgation, amendment, or repeal of a rule. The petition shall include the language of the requested rule, amendment or repeal, a statement of the purpose of the requested rule, amendment or repeal, at least one example of a fact situation to which the rule, amendment or repeal will apply, and the name and address of the person who requested the rule, amendment or repeal. If the requesting party is an association or corporate body, the petition shall identify a contact person at the association or corporate body who is able to provide meaningful information about the request. The petition shall be accompanied by an explanation and implications of the request and shall be:

- ~~(A) co signed by at least ten (10) Registered Nurses or Licensed Practical Nurses;~~
- ~~(B) submitted to the Board at least thirty (30) days prior to a regular meeting;~~
- ~~(C) referred to the Board's attorney for legal consideration;~~
- ~~(D) considered by the Board at a regular meeting; and~~
- ~~(E) scheduled for a Public Hearing within ninety (90) days after being considered by the Board in a regular meeting~~

(2) A petition requesting promulgation, amendment or repeal of a rule shall not be considered by the Board if the subject of the Petition is the same as or similar to the subject presented in a Petition and considered by the Board within the previous twelve (12) months.

(3) The petition shall be cosigned by at least ten persons.

(4) The petition shall be submitted to the Board not less than forty five (45) days prior to a regular meeting.

(5) The Board, on its own motion or upon the request of any other interested party, may require any petitioner to provide additional information, as may be specified by the Board, for use in the Board's consideration and disposition of the petition. The failure of the petitioner to provide such information shall constitute grounds for the Board to take no further action on a petition.

(6) The Board shall refer the petition to its counsel for legal consideration. In addition, the Board may refer the petition to an appropriate advisory committee or subcommittee for review prior to the Board's action. The advisory committee or subcommittee review and recommendation shall not constitute Board action. Upon completion of the study period, the petition shall be referred to the Board with the recommendation of the committee, if any.

(7) If the Board determines the requested action or some other action should be taken, then notice of the proposed action shall be published in accord with the Administrative Procedures Act and the matter shall be set for public hearing. At the time and place designated for the public hearing, proponents and opponents of the proposed rulemaking action may be heard in the manner and order prescribed by the Board at that time.

(8) At the Board meeting during which the public hearing is held or immediately thereafter the Board shall render its decision on the petition and shall take such action as it deems necessary and appropriate and as authorized by the Administrative Procedures Act to implement its decision.

~~(c) **Validity or applicability of rules – declaratory judgment.**~~

~~(1) Any person may request a declaratory ruling as to the applicability of any rule or order of the Board by filing a petition requesting such declaratory ruling which:~~

- ~~(A) is signed by the person making the request; and~~
- ~~(B) contains a concise statement of the facts and law supporting the request for action by the Board.~~

~~(2) The petition shall be promptly set for hearing by the Board at which hearing the Board shall consider all information relevant to the petition including argument of counsel. The declaratory ruling or the refusal to~~

~~issue such ruling shall be ordered by the Board on or before the next scheduled meeting of the Board following the hearing.~~

**(c) Declaratory Rulings**

(1) Any person or group may petition the Board for a declaratory ruling as to the applicability of any rule or order of the Board and any other person or group may file a response.

(2) A petition for declaratory ruling shall be signed by the person or association making the request and shall include a concise statement of the facts and the law supporting the request.

(3) The Board may request the petitioner or any respondent to submit any information it deems pertinent to the inquiry or useful in resolving the issue, including oral and documentary evidence and citations of legal authority.

(4) The agency shall refer the petition to its counsel. The Board may refer the petition to an appropriate advisory committee or subcommittee for its review and a recommendation. The advisory committee or subcommittee may hold a hearing, take testimony of witnesses, require submission of legal memoranda, and hear argument of counsel just as the Board can do. The findings or recommendations of the advisory committee or subcommittee shall not constitute Board action. Upon completion of the period of study, whether the assigned committee held a hearing or not, the petition shall be referred to the Board with the recommendation of the committee.

(5) Upon receipt of the committee's recommendation in the Board office, Board staff shall have not less than thirty (30) days in which to disseminate the recommendation to the Board members so that it can be addressed at the next regularly scheduled Board meeting.

(6) The declaratory ruling or the refusal to issue such a ruling shall be ordered by the Board on or before the next scheduled meeting of the Board following completion of the period of study and referral of the petition back to the full Board for action.

(7) The agency shall give reasonable notice to the petitioner and any respondents to the petition in advance of the Board making a final ruling and the Board shall accompany any ruling with written findings of fact and conclusions of law.

**TITLE 485. OKLAHOMA BOARD OF NURSING**  
**CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**  
**SUBCHAPTER 1. GENERAL PROVISIONS**

**485:10-1-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Accountable"** means assuming responsibility to the client, the public, other health-care practitioners and oneself for one's actions and/or decisions and their outcomes.

**"Additional nursing function"** means the nursing functions, procedures, or tasks, not usually included at the time of matriculation in most nursing education programs; requiring additional knowledge, instruction, and practice before they can be safely performed. Such functions must fall within the scope of accepted nursing practice; may become necessary due to technological advances, new practice standards, or the natural evolution of an occupation; and must not be precluded by other Oklahoma Practice Acts.

**"Advanced practice nurse"** is a term that includes Advanced Registered Nurse Practitioners (ARNP), Clinical Nurse Specialists (CNS), Certified Nurse Midwives (CNM), and Certified Registered Nurse Anesthetists (CRNA).

**"Advanced unlicensed assistive person"** means an individual, other than a licensed nurse, who performs in an assistive role and has been certified to perform core skills as delegated by a licensed nurse and as authorized by the Rules and Regulations of the Oklahoma Board of Nursing.

**"Board"** means the Oklahoma Board of Nursing [59 O.S. Section 567.3(1)]

**"Client"** means a consumer of nursing care; may be an individual or group; is synonymous with "patient".

**"Clinical learning experiences"** means faculty-planned and guided activities designed to assist students to meet stated program and course outcomes and to safely apply knowledge and skills when providing nursing care to clients across the lifespan as appropriate to the role expectations of the graduates. These experiences occur in a variety of affiliating agencies or clinical practice settings including, but not limited to: acute care facilities, extended care facilities, long-term care facilities, clients' residences, and community agencies; and in associated clinical pre- and post-conferences.

**"Clinical skills laboratory"** means a designated area in which equipment and supplies are provided to simulate a clinical facility, allowing skills and procedures to be demonstrated and practiced.

**"Controlling institution"** means the agency or institution that administers the nursing education program, assumes responsibility for its financing, graduates the students, and grants the diploma, certificate or degree to the graduates.

**"Core skills"** means the list of functions developed by the working committee prescribed in 59 O.S. § 567.3a.13 that an advanced unlicensed assistive person shall be able to perform upon completion of the certification training program and satisfactory passage of the certification examination.

**"Delegating"** means entrusting the performance of selected nursing duties to individuals qualified, competent and legally able to perform such duties.

**"Distance learning program"** means 50% or more of the theory components of the board-approved nursing education program are offered by correspondence, on-line, through video-conferencing, or via CD-ROM.

**"Innovative approach"** means a creative nursing education strategy that departs from the current rule structure and requires Board approval for implementation.

**"Legal authority"** means the authorized state agency for the administration of the statutes relating to the practice of nursing in this state. The Oklahoma Board of Nursing is the only legal authority for licensing practical nurses, Registered Nurses, and issuing recognition to advanced practice nurses in Oklahoma.

**"Licensed nurse"** means a registered nurse or licensed practical nurse, currently licensed by the Oklahoma Board of Nursing.

**"Nurse Administrator"** means the Registered Nurse responsible for the administration of the nursing education program or the nurse holding the highest level of management in an agency/facility regardless of the title used.

**"Preceptor"** means a licensed nurse who is employed by the facility in which the clinical experience takes place, and who agrees to provide supervision to a student for a specified period of time during the preceptor's scheduled work hours in order to assist the student to meet identified learning objectives.

**"State approved program of nursing"** means a nursing education program approved by the Oklahoma Board of Nursing.

**"Member board jurisdiction"** means a full member board of National Council of State Boards of Nursing.

"Supervising" means providing guidance by a qualified nurse for the accomplishment of the nursing task or activity with initial direction of the task or activity and periodic inspection of the actual act of accomplishing a task or activity.

## SUBCHAPTER 5. MINIMUM STANDARDS FOR APPROVED NURSING EDUCATION PROGRAMS

### 485:10-5-8. Experimentation

A nursing education program which wishes to initiate an experimental program or innovative approach shall apply to the Board in writing for the approval of its plan. Nursing education programs approved to implement innovative approaches shall continue to provide quality nursing education that prepares graduates to practice safely, competently, and ethically within the scope of practice as defined in Oklahoma's statutes.

(1) Purposes

(A) To foster innovative models of nursing education to address the changing needs in health care.

(B) To assure that innovative approaches are conducted in a manner consistent with the Board's role of protecting the public.

(C) To assure that innovative approaches conform to the quality outcome standards and core education criteria established by the Board.

(2) Eligibility

(A) The nursing education program shall hold full Board approval with no warnings with unmet conditions or survey visit recommendations that are unmet.

(B) There are no substantiated complaints in the past 2 years.

(C) There are no rule violations in the past 2 years.

(3) Application

The following information shall be provided to the Board at least one month prior to a Board meeting:

(A) Identifying information (name of nursing program, address, responsible party and contact information).

(B) A brief description of the current program, including accreditation and Board approval status.

(C) Identification of the regulation(s) affected by the proposed innovative approach.

(D) Length of time for which the innovative approach is requested.

(E) Description of the innovative approach, including objective(s).

(F) Explanation of how the proposed innovation differs from approaches in the current program.

(G) Rationale with available evidence supporting the innovative approach.

(H) Identification of resources that support the proposed innovative approach.

(I) Expected impact innovative approach will have on the program, including administration, students, faculty, and other program resources.

(J) Plan for implementation, including timeline.

(K) Plan for evaluation of the proposed innovation, including measurable criteria/outcomes, method of evaluation, and frequency of evaluation.

(L) Additional application information as requested by the Board.

(4) Standards for approval

(A) Eligibility criteria in (2) and application criteria in (3) are met.

(B) The innovative approach will not compromise the quality of education or safe practice of students.

(C) Resources are sufficient to support the innovative approach.

(D) Rationale with available evidence supports the implementation of the innovative approach.

(E) Implementation plan is reasonable to achieve the desired outcomes of the innovative approach.

(F) Timeline provides for a sufficient period to implement and evaluate the innovative approach.

(G) Plan for periodic evaluation is comprehensive and supported by appropriate methodology.

(5) Review of application and board action

(A) Annually the Board may establish the number of innovative approach applications it will accept, based on available Board resources.

(B) The Board shall evaluate all applications to determine if they meet the eligibility criteria in (2) and the standards established in (3).

(C) Based on its evaluation, the Board may:

(i) Approve the application; or

- (ii) Approve the application with modifications as agreed between the Board and the nursing education program; or
  - (iii) Defer a decision on the application pending receipt of additional information; or
  - (iv) Deny the application.
- (6) The Board may rescind the approval or require the program to make modifications if:
- (A) The Board receives substantiated evidence indicating adverse impact.
  - (B) The nursing education program fails to implement the innovative approach as presented and approved.
  - (C) The nursing education program has a change in its approval status, its ownership status or administrative structure, or its faculty, such as would significantly impact its ability to implement the innovative approach.
- (7) Periodic Evaluation
- (A) The education program shall submit progress reports conforming to the evaluation plan annually or as requested by the Board.
  - (B) The final evaluation report shall conform to the evaluation plan, detailing and analyzing the outcomes data.
  - (C) If any report indicates that students were adversely impacted by the innovation, the nursing program shall provide documentation of corrective measures and their effectiveness.
- (8) Requesting continuation of the innovative approach
- (A) If the innovative approach has achieved the desired outcomes and the final evaluation has been submitted, the Board may consider a change in the rules that would provide for implementation of the innovative approach by nursing education programs.

## **SUBCHAPTER 7. REQUIREMENTS FOR REGISTRATION AND LICENSURE AS A REGISTERED NURSE**

### **485:10-7-2. Licensure by endorsement**

#### **(a) Qualifications.**

- (1) The applicant must submit an application containing such information as the Board may prescribe.
- (2) An applicant for licensure by endorsement as a Registered Nurse must meet the requirements of the Oklahoma Nursing Practice Act. An evaluation of educational requirements may be completed to ensure the applicant meets educational standards.
- (3) An applicant licensed in another state or U.S. territory since January 1, 1952 must have written the licensing examination adopted by the Board with a passing score as established by the Board. A license to practice nursing in Oklahoma will not be issued until this requirement is met.
- (4) An applicant must submit evidence of either:
  - (A) successful completion of the National Council Licensure Examination for Registered Nurses since July 1, 1982; or
  - (B) passing the State Board Test Pool Examination for Registered Nurse licensure prior to July 1, 1982.
- (5) In addition to meeting other requirements for endorsement established by the Board in these rules, effective January 1, 2005, each applicant for endorsement must demonstrate evidence of continued qualifications for practice through completion of one or more of the following requirements within the last two (2) years prior to receipt of the completed application in the Board office:
  - (A) Submission of an official transcript or certificate of completion verifying completion of a nurse refresher course with content consistent with Board policy;
  - (B) Successfully pass the National Council Licensure Examination for Registered Nurses;
  - (C) Submission of an official transcript verifying successful completion of at least seven (7) academic semester credit hours of nursing courses which include classroom and clinical instruction; and/or
  - (D) Present evidence of licensure as a registered nurse in another state with employment in a position that requires nursing licensure with verification of at least 520 work hours during the past two (2) years.
- (6) Applicants for endorsement who took the National Council Licensure Examination for Registered Nurses for initial licensure within the last two years must:
  - (A) Provide evidence of completion of the nursing education program within two years of initial application for licensure by examination; or

- (B) Provide evidence of at least six months work experience as a registered nurse in the state, U.S. territory, or country of original licensure.
- (b) **Applications.**
- (1) Applications must be completed, notarized and accompanied by a photograph signed by the applicant and filed with the Board.
  - (2) Endorsement may be accepted from the original state or U.S. territory of licensure by examination.
  - (3) If the applicant has written the licensing examination adopted by the Board in a state other than the state or U.S. territory of original licensure, an endorsement will be requested from that state, also.
  - (4) If the application is not completed within one (1) year after receipt of fee, the application must be refiled.
- (c) **Fee for licensure by endorsement.**
- (1) The fee shall accompany the application.
  - (2) The fee is not refundable.
  - (3) If the application is not completed within one (1) year, a new application and new fee will be required for licensure.
- (d) **Qualifications for applicants educated in foreign countries or in a U.S. territory.** An applicant educated in a foreign country must meet the current educational requirements for licensure in Oklahoma. An applicant educated in a U.S. territory not recognized as a full member of National Council of State Boards of Nursing (NCSBN) must meet the requirements for applicants educated in foreign countries. An applicant educated in a U.S. territory that is a full member of NCSBN but in a nursing education program not included on the NCSBN state-approved programs of nursing list at the time of the applicant's graduation from the program must meet the requirements for applicants educated in foreign countries.
- (1) The applicant must present evidence of:
    - (A) graduation from a government-approved nursing education program, as verified from the Commission of Graduates of Foreign Nursing Schools (CGFNS);
    - (B) completion of formal courses including theory and clinical experience in nursing care of the adult, nursing care of children, maternal-infant nursing, psychiatric-mental health nursing as evidenced by:
      - (i) a translated transcript with certified proof of translation received directly from the nursing education program in the original country of licensure, or
      - (ii) a certified copy of original transcript obtained directly from the Commission of Graduates of Foreign Nursing Schools (CGFNS)
    - (C) licensure in country of graduation as evidenced by official verification received directly from the Commission of Graduates of Foreign Nursing Schools;
    - (D) current competence in oral and written English as evidenced by receipt of current, valid scores directly from the approved testing service verifying successful completion of:
      - (i) Test of English as a Foreign Language (TOEFL) and Test of Spoken English (TSE) and Test of Written English (TWE) of the Educational Testing Service, or
      - (ii) Test of English for International Communication (TOEIC) and Test of Spoken English and Test of Written English of the Educational Testing Service, or
      - (iii) International English Language Testing System (IELTS), or
      - (iv) Test of English as a Foreign Language Internet-based test (TOEFL iBT) of the Educational Testing Service.
    - (E) An evaluation of educational credentials as evidenced by:
      - (i) CGFNS Certificate Status or Visa Screen Certificate or
      - (ii) CGFNS Healthcare Profession and Science Course-by-Course Report;
      - (iii) Reports received from CGFNS must have been completed within the five (5) years immediately preceding the date of application for licensure by endorsement. The five-year requirement is waived if the applicant holds a license in another state.
    - (F) Evidence of either:
      - (i) successful completion of the National Council Licensure Examination for Registered Nurses since July 1, 1982; or
      - (ii) passing the State Board Test Pool Examination for Registered Nurse licensure prior to July 1, 1981;
  - (2) The requirements for competence in spoken and written English are waived for applicants who are:

- (A) Graduates of nursing education programs taught in English in Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom, Trinidad, Tobago, Jamaica, Barbados, South Africa, and the United States.
- (B) Licensed in another US State or Territory, have successfully completed the licensure examination approved by the Board and provide evidence of at least one year full-time equivalent work experience in a clinical setting as a registered nurse in the state of licensure.
- (3) Applicants must submit a completed application and the required fee.
- (e) **Temporary license for endorsement applicants.**
  - (1) A temporary license may be issued to the applicant on proof of
    - (A) Current unrestricted licensure in another state with no history of arrest or disciplinary action requiring further review;
    - (B) Evidence of having successfully passed the licensure examination adopted by the Oklahoma Board of Nursing;
    - (C) Evidence of meeting educational qualifications through completion of a state board-approved nursing education program meeting the educational standards established by the Board, or an evaluation of educational credentials and nursing licensure in country of origin for the foreign-educated nurse as evidenced by:
      - (i) Commission on Graduates of Foreign Nursing Schools (CGFNS) Healthcare Profession and Science Course-by-Course Report with verification of equivalent educational credentials and unrestricted licensure in country of origin, or
      - (ii) Commission on Graduates of Foreign Nursing Schools (CGFNS) Certificate status or Visa Screen Certificate, accompanied by a verification of graduation from a government approved nursing education program, the translated transcript, and verification of unrestricted nursing licensure in country of graduation;
    - (D) Payment of the fee for licensure by endorsement and temporary license; ~~and~~
    - (E) Foreign-educated applicants must provide evidence of current competence in oral and written English by meeting the requirements of 485: 10-7-2(d)(1)(D)(i-iv); and
    - (F) Certification of employment in a position that requires nursing licensure as a registered nurse for a minimum of 520 work hours in the past two years.
  - (2) The temporary license may not be issued for a period longer than ninety (90) days.
  - (3) The temporary license may be extended, but such period shall be no longer than one (1) year for any applicant.

#### **SUBCHAPTER 9. REQUIREMENTS FOR REGISTRATION AND LICENSURE AS A LICENSED PRACTICAL NURSE**

##### **485:10-9-2. Licensure by endorsement**

- (a) **Qualifications.**
  - (1) The applicant must submit an application containing such information as the Board may prescribe.
  - (2) An applicant for licensure by endorsement as a Licensed Practical Nurse shall meet the requirements of the Oklahoma Nursing Practice Act. An evaluation of educational requirements may be completed to ensure the applicant meets educational standards.
  - (3) An applicant licensed in another state or U.S. territory since June 30, 1954 must have passed the licensing examination adopted by the Board. A license to practice practical nursing in Oklahoma will not be issued until this requirement is met.
  - (4) In addition to meeting other requirements for endorsement established by the Board in these rules, effective January 1, 2005, each applicant for endorsement must demonstrate evidence of continued qualifications for practice through completion of one or more of the following requirements within the last two (2) years prior to receipt of the completed application in the Board office:
    - (A) Submission of an official transcript or certificate of completion verifying completion of a nurse refresher course with content consistent with Board policy;
    - (B) Successfully pass the National Council Licensure Examination for Practical Nurses;
    - (C) Submission of an official transcript verifying successful completion of at least seven (7) academic semester credit hours or 105 contact hours of nursing courses in a state-approved practical or registered nursing education program, which includes classroom and clinical instruction; and/or

- (D) Present evidence of licensure as a practical nurse in another state with employment in a position that requires practical nursing licensure with verification of at least 520 work hours during the past two (2) years.
- (5) Applicants for endorsement who took the National Council Licensure Examination for Practical Nurses for initial licensure within the last two years must
  - (A) Provide evidence of completion of the nursing education program within two years of initial application for licensure by examination; or
  - (B) Provide evidence of at least six months work experience as a practical nurse in the state, U.S. territory, or country of original licensure.
- (b) **Applications.**
  - (1) Applications must be completed, certified and accompanied by a photograph signed by the applicant and filed with the Board.
  - (2) Endorsement may be accepted from the original state of licensure by examination.
  - (3) If the applicant has written the licensing examination adopted by the Board in a state other than the state or U.S. territory of original licensure, an endorsement will be requested from that state, also.
  - (4) If the application is not completed within one (1) year after receipt of fee, the application must be refilled.
- (c) **Fee for licensure by endorsement.**
  - (1) The fee shall accompany the application.
  - (2) The fee is not refundable.
  - (3) If the application is not completed within one (1) year, a new application and new fee will be required for licensure.
- (d) **Qualifications for applicants educated in foreign countries or in a U.S. territory.** An applicant educated in a foreign country must meet the current educational requirements for licensure in Oklahoma. An applicant educated in a U.S. territory not recognized as a full member of National Council of State Boards of Nursing (NCSBN) must meet the requirements for applicants educated in foreign countries. An applicant educated in a U.S. territory that is a full member of NCSBN but in a nursing education program not included on the NCSBN state-approved programs of nursing list at the time of the applicant's graduation from the program must meet the requirements for applicants educated in foreign countries.
  - (1) The applicant must present evidence of:
    - (A) completion of a high school diploma or high school equivalency certificate (GED), or meet criteria for an Adult High School Diploma;
    - (B) current competence in oral and written English as evidenced by receipt of current, valid scores directly from the testing service verifying successful completion of:
      - (i) Test of English as a Foreign Language (TOEFL), Test of Written English (TWE), and Test of Spoken English (TSE) of the Educational Testing Service; or
      - (ii) Test of English for International Communication (TOEIC) and Test of Spoken English and Test of Written English of the Educational Testing Service; or
      - (iii) International English Language Testing System (IELTS); or
      - (iv) Test of English as a Foreign Language Internet-based test (TOEFL iBT) of the Educational Testing Service.
    - (C) graduation from a government approved practical nursing education program or equivalent courses in a government approved nursing education program, as verified from the Commission of Graduates of Foreign Nursing Schools (CGFNS);
    - (D) licensure in country of graduation as evidenced by official verification completed within the last 12 months immediately preceding the date of application for licensure by endorsement received directly from the Commission of Graduates of Foreign Nursing Schools,
    - (E) completion of formal courses including theory and clinical experience in nursing care of the adult, nursing care of children, and maternal-infant nursing in a government-approved school of nursing as evidenced by:
      - (i) a translated transcript received directly from the nursing education program in the original country of licensure with certified proof of translation; or
      - (ii) a certified copy of the transcript received directly from the Commission on Graduates of Foreign Nursing Schools (CGFNS).
    - (F) An evaluation of educational credentials as evidenced by:

- (i) Commission on Graduates of Foreign Nursing Schools (CGFNS) Healthcare Profession and Science Course-by-Course Report or
  - (ii) Commission on Graduates of Foreign Nursing Schools (CGFNS) Certificate or Visa Screen Certificate status;
  - (iii) Reports received from CGFNS must have been completed within the five (5) years immediately preceding the date of application for licensure by endorsement. The five-year requirement is waived if the applicant holds a license in another state.
- (2) The applicant must successfully complete the licensing examination adopted by the Oklahoma Board of Nursing.
- (3) The requirements for competence in spoken and written English are waived for applicants who are:
  - (A) Graduates of nursing education programs taught in English in Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom, Trinidad, Tobago, Jamaica, Barbados, South Africa, and the United States or
  - (B) Licensed in another US State or Territory, have successfully completed the licensure examination approved by the Board and provide evidence of at least one year full-time equivalent work experience in a clinical setting as a practical nurse in the state of licensure.
- (4) Applicants must submit a completed application with the required application and evaluation fees.
- (e) **Temporary license for endorsement applicants.**
  - (1) A temporary license may be issued to the applicant on proof of
    - (A) Current unrestricted licensure in another state with no history of arrest or disciplinary action requiring further review;
    - (B) Evidence of having successfully passed the licensure examination adopted by the Oklahoma Board of Nursing;
    - (C) Evidence of meeting educational qualifications through completion of a state board-approved nursing education program meeting the educational standards established by the Board, or an evaluation of educational credentials and nursing licensure in country of origin for the foreign-educated nurse as evidenced by:
      - (i) Commission on Graduates of Foreign Nursing Schools (CGFNS) Healthcare Profession and Science Course-by-Course Report with verification of equivalent educational credentials and unrestricted licensure in country of origin, or
      - (ii) Commission on Graduates of Foreign Nursing Schools (CGFNS) Certificate status or Visa Screen Certificate, accompanied by a verification of graduation from a government approved nursing education program, the translated transcript, and verification of unrestricted nursing licensure in country of graduation;
    - (D) Payment of the fee for licensure by endorsement and temporary license; ~~and~~
    - (E) Foreign-educated applicants must provide evidence of current competence in oral and written English by meeting the requirements of 485: 10-9-2(d)(1)(B)(i-iv); and
    - (F) Certification of employment in a position that requires nursing licensure as a licensed practical nurse for a minimum of 520 work hours in the past two years.
  - (2) The temporary license may not be issued for a period longer than ninety (90) days.
  - (3) The temporary license may be extended, but such period shall be no longer than one (1) year for any applicant.

## SUBCHAPTER 10. ADVANCED UNLICENSED ASSISTIVE PERSONNEL

### 485:10-10-8. Recertification

- (a) Certification as an advanced unlicensed assistive person shall be renewed every two years in accordance with the schedule published by the Board.
- (b) The application for recertification must be completed and accompanied by the established fee before a new certificate is issued.
- (c) The applicant must submit an application containing such information as the Board may prescribe.
- (d) The application for recertification must be accompanied by one of the following:
  - (1) ~~notarized~~ verification of employment as an AUA in an acute care setting for a minimum of 12 months within the previous 24 months immediately prior to renewal of AUA certification; or
  - (2) ~~documentation verifying~~ verification of successful completion of twelve hours of clinical inservice appropriate to the AUA role within the previous 24 months; or

- (3) rewriting the certification examination with a passing score, both the written and core skills portions of the exam, within the 24 months immediately preceding renewal of AUA certification; or
- (4) ~~documentation verifying~~ verification of initial certification as an AUA within the 24 months immediately prior to renewal of AUA certification.
- (e) The fee for renewal of the certificate shall be established by the Board.

**485:10-10-8.1. Reinstatement of certification**

- (a) The certification of the advanced unlicensed assistive person is lapsed if not renewed by expiration date thereof.
- (b) A completed application for reinstatement must be submitted to the Board office with the required fee. If the application is not completed within one (1) year, a new application and new fee will be required.
- (c) The applicant must submit an application containing such information as the Board may prescribe.
- (d) The application for reinstatement must be accompanied by one of the following:
  - (1) ~~notarized~~ verification of employment as an AUA in an acute care setting for a minimum of 12 months within the previous 24 months; or
  - (2) ~~documentation verifying~~ verification of successful completion of twelve hours of clinical inservice appropriate to the AUA role within the previous 24 months; or
  - (3) rewriting the certification examination with a passing score, both the written and core skills portions of the exam; or
  - (4) ~~documentation verifying~~ verification of initial certification as an AUA within the 24 months immediately prior to reinstatement of AUA certification.
- (e) An application for reinstatement for a certification that has been revoked, suspended or surrendered must be in compliance with all terms and conditions of any Order entered with regard to the revocation, suspension or surrender and shall be considered by the Board.

**SUBCHAPTER 11. DISCIPLINARY ACTION**

**485:10-11-2. Hearings**

- (a) **Conduct of hearing.** All hearings and notice thereof shall be conducted and governed in accordance with the provisions of the Oklahoma Administrative Procedures Act. [75 O.S. Section 309]
- (b) **Notice of hearing.** Notice of the hearing shall be served in any manner authorized by the Oklahoma Pleading Code for the personal service of summons in proceedings in state courts.
- (c) **Procedures before the Board.**
  - (1) Every individual proceeding shall be initiated by a sworn complaint containing a brief statement of the facts supporting the request for action by the Board.
  - (2) The respondent shall file with the Board a written response under oath to the complaint by the date to be furnished. If no response is filed, the respondent shall be considered in default and the Board may take whatever action it deems sufficient and appropriate. The Executive Director of the Board or designee may extend the time within which a response must be filed, but in no event may the time be extended beyond the hearing date.
  - (3) Requests for continuances or extensions of time shall be filed in writing and state the reasons for the request and time desired. The Board or its designee shall promptly rule on such requests.
  - (4) Discovery shall be conducted in accordance with the Oklahoma Discovery Code except that all discovery must be completed prior to the date set for hearing unless otherwise ordered by the Board. The time periods contained in the Oklahoma Discovery Code shall be modified to conform to this Rule.
  - (5) The order of procedure shall be the same as followed by the state trial courts in civil proceedings.
  - (6) The admissibility of evidence shall be governed by the provisions of the Oklahoma Administrative Procedures Act [75 O.S. Section 310].
  - (7) The President of the Board or his/her designee shall rule on admissibility of evidence and objections to such evidence and shall rule on other motions or objections in the course of the hearing.
  - (8) The Board, its designee, attorney for the Board, the respondent or attorney for the respondent, may conduct examinations.
  - (9) A respondent who fails to appear, after having received proper notice, may be determined to have waived the right to present a defense to the charges in the complaint and the Board may declare the respondent in default and revoke, suspend or otherwise discipline respondent as it may deem necessary.

- (10) Subpoenas for the attendance of witnesses and/or furnishing of information required by the Board and as requested by the respondent, and/or the production of evidence or records of any kind shall be issued by the Board. Should any person fail to obey a subpoena, the Board may institute appropriate judicial proceedings under the laws of the State for an Order to compel compliance with the subpoena.
- (11) The respondent is responsible for any expenses associated with witnesses, subpoenas and/or evidence presented on her/his behalf.
- (12) In the event disciplinary action is imposed against the defendant of an individual proceeding, the Board may require the defendant to reimburse the Board for its actual costs in the investigation and prosecution of the disciplinary action. Such costs shall include, but not be limited to: staff time and expenses, travel expenses, witness fees and expenses, attorney fees and expenses, and court reporter fees, if applicable.
- (13) The respondent shall not communicate with any member of the Board concerning the matters alleged in the complaint before or during or after the hearing. This restriction does not apply to the presentation of testimony or evidence by the respondent in the course of the hearing.
- (d) **Penalties.** When determining the amount of penalty to be imposed for a violation of the Oklahoma Nursing Practice Act the following additional factors shall be a part of the consideration by the Board when establishing the nature, circumstance, and gravity of the violation, the degree of culpability, the effect on the ability of the person to continue to practice and any show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Nursing Practice Act:
- (1) evidence of actual or potential harm to patients, clients or the public;
  - (2) the seriousness of the violation, including the nature, circumstances, extent and gravity of any prohibited acts, and the hazard or potential hazard created to the health, safety and welfare of the public;
  - (3) evidence of misrepresentation(s) of knowledge, education, experience, credentials or skills which would lead a member of the public, an employer, a member of the health-care team, or a patient to rely on the fact(s) misrepresented where such reliance could be unsafe;
  - (4) evidence of practice history;
  - (5) evidence of present lack of fitness;
  - (6) evidence of prior disciplinary history by the Board or any other health care licensing agency in Oklahoma or another jurisdiction;
  - (7) the length of time the licensee has practiced;
  - (8) the actual damages, physical or otherwise resulting from the violation;
  - (9) the deterrent effect of the penalty imposed;
  - (10) attempts by the licensee to correct or stop the violation;
  - (11) any mitigating or aggravating circumstances;
  - (12) the extent to which system dynamics in the practice setting contributed to the problem;
  - (13) evidence of a lack of truthfulness or trustworthiness;
  - (14) any other matter that justice may require.
- (e) **Orders.**
- (1) At the conclusion of the hearing the Board will announce its decision and a written order will be issued within twenty (20) days of the Board's decision.
  - (2) A copy of the order shall be delivered or mailed to the respondent and the respondent's attorney of record.
- (f) **Record of hearing.**
- (1) The record in an individual proceeding shall be as defined in the Oklahoma Administrative Procedures Act and shall also include the licensing history of the respondent.
  - (2) All hearings shall be transcribed by a duly certified reporter, unless the presiding officer designates otherwise. A transcript of the proceedings shall not be made except in the event of an appeal of the decision of the Board, or upon written application accompanied by a deposit sufficient to cover the cost of transcription. Tapes and shorthand or stenotype notes of the proceedings shall be retained for a period of not less than five (5) years.
- (g) **Appeals and reconsideration.** Requests for reconsideration and appeals of order in individual proceeding shall be in accordance with the Oklahoma Administrative Procedures Act.

### SUBCHAPTER 13. REQUIREMENTS FOR EMPLOYMENT

#### 485:10-13-1. Conditions of employment

- (a) Any person who practices or offers to practice nursing or represents himself or herself ~~themselves~~ as a licensed nurse, (excluding federal employment) shall possess a valid Oklahoma license.
- (b) Any individual offering to practice advanced practice nursing as an ARNP, CNS, CNM, CRNA, shall possess a valid Oklahoma license and a certificate of recognition issued by the Board.
- (c) A valid temporary license shall be required in lieu of a full certificate of licensure.
- (d) Any person employed as a Nurse Administrator, as defined in these rules, shall possess a valid license to practice nursing in Oklahoma, except as otherwise provided by law.
- (e) If the term "doctor" is used by a licensed nurse holding the appropriate educational credentials, such usage must be in accordance with 59 O.S. Supp. 2009, §725.1, et seq.

## SUBCHAPTER 19. PEER ASSISTANCE PROGRAM

### 485:10-19-4. Peer Assistance Committee(s)

- (a) Members of the Peer Assistance Committee(s) shall have expertise in chemical dependency.
- (b) Composition of the Committee shall be:
  - (1) at least three members,
  - (2) at least one member who is currently certified through the Addictions Nursing Certification Board, ~~the National Association of Alcohol and Drug Abuse Counselor Certification Board or the Oklahoma Drug and Alcohol Professional Counselor Certification Board~~ and/or licensed or certified by the Oklahoma Board of Licensed Alcohol and Drug Counselors,
  - (3) at least one recovering person, and
  - (4) the majority to be currently licensed nurses.
  - (5) A quorum shall be at least two members, with at least one member having expertise in chemical dependency.
- (c) The committee shall have the following responsibilities:
  - (1) determine licensee's acceptance into program,
  - (2) develop with licensee a contract for program participation,
  - (3) meet with licensee on a specified basis to monitor and determine progress,
  - (4) determine successful completion of program,
  - (5) determine termination from program for failure to comply,
  - (6) report all terminations to the Board.
- (d) The Peer Assistance Committee(s) shall be appointed by the Board from applications for a term of three years.

### 485:10-19-5. Qualifications of applicant

- (a) To be eligible for participation in the Peer Assistance Program, each applicant must:
  - (1) have a current ~~unrestricted~~ license to practice nursing in the State of Oklahoma, unless referred by the Board,
  - (2) have no pending felony charge or conviction that would prevent the nurse from practicing,
  - (3) voluntarily submit an application for participation, and
  - (4) ~~reside in this state~~ practice nursing only within the State of Oklahoma while participating in the Program.
- (b) Nurses previously disciplined by the Board shall be ineligible, unless referred to the Peer Assistance Program by the Board.
- (c) Nurses referred by the Board shall have sixty (60) days from the date of acceptance into the Program within which to obtain a current license.

### 485:10-19-8. Termination from program

- (a) The Peer Assistance Committee shall make the determination that a licensee has failed to comply with the contract ~~and/or amended contracts~~ and ~~and/or~~ treatment ~~plan~~ plan(s). A licensee may be terminated for any of the following reasons, including but not limited to:
  - (1) the licensee fails to comply with terms of the contract and/or amended contracts with the Peer Assistance Committee,
  - (2) the licensee has become unsafe to practice with reasonable skill and safety to patients under his care, or
  - (3) the licensee transfers to another state and fails to submit to that state's Board of Nursing or its equivalent.
- (b) A licensee who voluntarily withdraws from the program shall be considered terminated from the program.

