

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 220

By: Daniels

4
5
6 AS INTRODUCED

7 An Act relating to the practice of nursing; amending
8 59 O.S. 2021, Section 567.4, which relates to the
9 Oklahoma Board of Nursing; removing certain
10 limitation on appointees; permitting the Governor to
11 consider certain recommendations; updating statutory
12 language; updating statutory references; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2021, Section 567.4, is
16 amended to read as follows:

17 Section 567.4. A. The Oklahoma Board of Nursing is hereby
18 established in ~~the State of Oklahoma~~ this state. The Board shall
19 consist of eleven (11) members who shall be citizens of the United
20 States of America, and residents of Oklahoma, for at least the
21 previous three (3) years. Six of the members shall be Registered
22 Nurses, in good standing under the provisions of the Oklahoma
23 Nursing Practice Act, currently engaged in the practice of nursing
24 as a Registered Nurse and shall have had no less than five (5) years
of experience as a Registered Nurse. At least two of the Registered

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

1 member and one public Board member shall be appointed from a county
2 with a population of less than forty thousand (40,000).

3 B. For the purpose of nominating, appointing or reappointing
4 members to the Board, this state shall be divided into eight
5 geographical districts, consisting of counties within the districts
6 as follows:

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

10 District No. 2 Roger Mills, Custer, Beckham, Washita, Caddo,
11 Greer, Kiowa, Harmon, Jackson, Comanche, Tillman
12 and Cotton;

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

15 District No. 4 Oklahoma;

16 District No. 5 Lincoln, Okfuskee, Cleveland, Pottawatomie,
17 Seminole, Hughes, Pontotoc, Coal, Johnston,
18 Marshall and Bryan;

19 District No. 6 Creek and Tulsa;

20 District No. 7 Osage, Washington, Nowata, Craig, Ottawa,
21 Pawnee, Payne, Rogers, Mayes and Delaware; and

22 District No. 8 Wagoner, Cherokee, Adair, Okmulgee, Muskogee,
23 Sequoyah, McIntosh, Haskell, ~~Leflore~~ Le Flore,

1 Pittsburg, Latimer, Atoka, Pushmataha, McCurtain
2 and Choctaw.

3 Not more than one Registered Nurse and one Licensed Practical
4 Nurse and one public member shall be appointed from any one
5 geographical district.

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

15 In selecting appointees, the Governor may consider
16 recommendations from a statewide organization representing nurses, a
17 state chapter of a national organization representing nurses, or
18 other groups or individuals in this state.

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

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

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

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

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

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

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

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

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

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

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

3 3. a. Orders issued under Section ~~2 of this act~~ 567.8a of
4 this title,

5 b. Agreed disciplinary orders requiring an applicant or
6 licensee to enter and comply with the ~~Peer Assistance~~
7 ~~Program~~ peer assistance program,

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

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

14 SECTION 2. This act shall become effective November 1, 2023.

15
16 59-1-1356 DC 1/9/2023 5:53:17 PM
17
18
19
20
21
22
23
24
25