

OKLAHOMA BOARD OF NURSING  
[www.nursing.ok.gov](http://www.nursing.ok.gov)

Virtual Special Board Meeting Agenda

First Special Board Meeting of Fiscal Year 2020  
April 15, 2020, 2:00 P.M.

This virtual Special Board Meeting is being held consistent with the amendments to the Open Meeting Act, 25 O.S. 2011, § 301 *et seq.*, signed into law by Governor Stitt on Wednesday, March 18, 2020. See SB661, 2020 O.S.L. 3, § 3

**Link to access meeting:**

<https://zoom.us/j/474185152?pwd=T2thS1Z3bk42U1VUcEx5VnhLdEhLUT09>

**Meeting ID:** 474 185 152

**Password:** 578234

**Website link to access meeting materials:** <http://nursing.ok.gov/bdagapril20.pdf>

Or iPhone one-tap:

US: +13462487799,,474185152#,,#,,578234# or +16699006833,,474185152#,,#,,578234#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656

International numbers available: <https://zoom.us/j/474185152?pwd=T2thS1Z3bk42U1VUcEx5VnhLdEhLUT09>

The Notice of this virtual Special Board Meeting was filed with the Secretary of State's Office on April 10, 2020. Notice/final agenda was posted on April 14, 2020, at 9:00 AM, on the Cameron Building front entrance at 2915 N. Classen Blvd., Oklahoma City, at the Board Office Suite 524, and on the Oklahoma Board of Nursing web site.

The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or vote to strike or not discuss any agenda item.

The following Board Members are participating remotely by the Zoom teleconferencing platform:

Liz Massey, MSN, RN, NEA-BC, NE-BC, President

Jan Palovik, MSA, APRN-CRNA, Vice-President

Lindsay Potts, LPN, Secretary/Treasurer

Cathy Abram, M.Ed., LPN

Gina Calhoun, Public Member

Shelly Hovis, MS, RN

Mandy Nelson, DNP, APRN-CNS

Carmen Nickel, MSN, RN

Kathy O'Dell, DNP, RN

Kathryn Taylor, JD, PHR, Public Member

Marilyn Turvey, BS, LPN

In the event electronic communications are lost or compromised during the meeting, the Oklahoma Board of Nursing will attempt to restore communications for a maximum of (2) two hours. If unable to restore communications the meeting will be adjourned.

### **1.0 Preliminary Activities**

- 1.1 Call to Order
- 1.2 Roll Call and Declaration of a Quorum

### **2.0 New Business. Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda (25 O.S. § 311(9))**

### **3.0 Administrative/General**

- 3.1 Review and Board discussion of Amended Executive Order 2020-13
- 3.2 Review and Board decision on affirming an emergency and adoption of proposed **emergency** revisions to the *Rules of the Oklahoma Board of Nursing*  
OAC Title 485. Oklahoma Board of Nursing  
Chapter 10. Licensure of Practical and Registered Nurses  
Subchapter 21. Pandemic Licensure Requirements [NEW]  
485:10-21-1. [NEW]  
485:10-21-2. [NEW]  
485:10-21-3. [NEW]  
485:10-21-4. [NEW]

### **Adjournment**

Date of Next Regular Meeting:	May 27, 2020
Place of Next Regular Meeting:	Virtual Meeting



J. Kevin Stitt  
Office of the Governor  
State of Oklahoma

**FILED**  
APR 13 2020  
OKLAHOMA SECRETARY  
OF STATE

**EXECUTIVE DEPARTMENT  
AMENDED EXECUTIVE ORDER 2020-13**

On April 13<sup>TH</sup>, 2020, the 2,069th case of a novel coronavirus (“COVID-19”), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as “high” both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19. On March 15, 2020, I issued Executive Order 2020-07 (which was last amended by Eighth Amended Executive Order 2020-07 dated April 2, 2020) declaring an emergency caused by the impending threat of COVID-19 to the people of this State and the public’s peace, health, and safety. Further, on April 2, 2020, I declared a health emergency in the State of Oklahoma as defined in 63 O.S. § 6104 of the Oklahoma Statutes.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 6101-6900 of the Oklahoma Statutes, specifically 63 O.S. § 6401, do hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

*All 77 Oklahoma Counties*

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.
3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the

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current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory State Wide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. Effective immediately, a moratorium is placed on all out-of-state travel for all employees and officers of agencies that is paid for, in whole or in part, by the State of Oklahoma. This moratorium shall apply to all travel expenses not already incurred as of the date of this Order. Any state employee or officer seeking an exception to this moratorium may submit a written request to the Governor, who shall have the sole discretion to approve or deny the request.
5. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.
6. So long as this Order is in effect, the requirement in Amended Executive Order 2019-3 that the Chief Administrative Officer request and obtain approval from the Cabinet Secretary for an exemption to the personnel freeze for agencies under the Secretary of Health and Mental Health shall be waived.
7. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.
8. Emergency responders employed by the State of Oklahoma who are correctional officers, law enforcement officers, and fire personnel shall not be excluded from the application of and benefits under the Emergency Paid Sick Leave Act of the Families First Coronavirus Response Act (FFCRA) if:
  - a. They are subject to a coronavirus quarantine or isolation order;
  - b. They have been advised by a healthcare provider to self-quarantine due to coronavirus concerns; or
  - c. They are experiencing symptoms of coronavirus and are seeking a medical diagnosis;

In addition, I direct as follows:

1. All State agencies shall transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;
2. All State agencies shall establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

3. All State agencies shall encourage Oklahomans interacting with agency services to utilize online options whenever possible;
4. All State agencies shall ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.
5. All State agencies shall promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.
6. All state agencies with licensing and certificate responsibility over medical professionals, including the Board of Medical Licensure and Supervision, State Board of Osteopathic Examiners, and Board of Nursing shall, by April 15, 2020 promulgate emergency rules necessary to increase the number of medical professionals able to practice in the State. Such action may include, but is not limited to, the following:
  - a. Reduction in supervisory requirements or limitations placed on non-physicians;
  - b. Removal of barriers of entry for retired medical professionals from re-entering the workforce. Medical professionals who have lapsed or inactive licenses or certifications may have their single-state license or certification reinstated if they submit a reinstatement application and fee proscribed by their respective licensing boards and meet the qualifications for licensure or certification established by such Board, provided such license shall only be valid as long as this Order is in effect. The continuing qualifications as required for licensure or certification are hereby waived for those reinstated licensees as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible; and
  - c. Increase opportunities for students and recent graduates who are not yet fully licensed to practice.

Any license or certificate issued pursuant to such Emergency Rules or this Order shall only be valid for as long as this Order is in effect. Further, any retired physician who returns to practice to provide assistance with the State's response to COVID-19 shall register with the Medical Reserve Corps.

7. As long as this Executive Order is in effect a licensed physician shall be able to supervise any number of Physician Assistants, Certified Registered Nurse Anesthetists, and Nurse Practitioners, and shall be able to supervise the Physician Assistants, Certified Registered Nurse Anesthetists Certified Registered Nurse Anesthetists, and Nurse Practitioners using remote or telephonic means.
8. Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management

Compact evidencing the meeting of qualifications for the practice of certain medical services, as more particularly described below, shall be deemed licensed to practice in Oklahoma so long as this Order shall be in effect, subject to the following conditions:

- a. This shall only apply to Medical (MD) and Allied Licenses issued by the Board of Medical Licensure and Supervision, Licenses issued by State Board of Osteopathic Examiners, and Licenses and Certificates issued by the Board of Nursing, all three shall collectively be referred to as “Boards”;
  - b. Any medical professional intending to practice in Oklahoma pursuant to this Order, hereinafter referred to as “Applicant,” shall first apply with and receive approval from appropriate Board;
  - c. It is the responsibility of each Board to verify the license status of any applicant and, upon verification of good standing, shall issue a temporary license to practice within this State; and
  - d. Any applicant licensed under this Order shall be subject to the oversight and jurisdiction of the licensing Board, which includes the ability of the Board to revoke said license and to initiate any administrative or civil proceeding related to any alleged misconduct of the applicant.
9. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.
10. Hospitals and Physician Clinics (collectively referred to as “hospitals”) operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health (“OSDH”), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:
- a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) anesthesia machines capable of patient ventilation, (viii) ventilator connecting circuits, (ix) patient interfaces, (x) negative flow rooms, (xi) and overall occupancy status;
  - b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;
  - c. The number of (i) positive patients and persons under investigation in

the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and

d. Personal Protective Equipment stock on hand.

11. For the duration of the health emergency declared herein, any physical space offered and found to be safe for patient care by a Medicare- or Medicaid-certified and Oklahoma-licensed hospital (including psychiatric and critical access facilities) or skilled nursing facility shall be deemed an annex to a provider's license. State certificate of need requirements for adding beds are waived and Centers for Medicare and Medicaid Services regulations, including waivers of certain regulations due to COVID-19 emergency, will pre-empt state statutes and rules relating to expanding capacity.

For the duration of Executive Order 2020-12, for any Medicare- or Medicaid-certified and Oklahoma-licensed hospital (including psychiatric and critical access facilities) or skilled nursing facility, Centers for Medicare and Medicaid Services regulations, including waivers of certain regulations due to COVID-19 emergency, will pre-empt any conflicting state statutes and rules.

12. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraphs to the Office of the Governor by 3:00 p.m.
13. Every public or private entity that is utilizing, or has utilized, an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to Oklahoma State Department of Health (OSDH), as well as to the local health department, daily reports of all test results, both positive and negative, the number of test supplies ordered, the number of test supplies available, the number of samples/specimens received and pending processing, and timeframe of test completion, for all days from March 15, 2020 forward. In addition, OSDH shall promptly share this information with the CDC.
14. Telemedicine shall be used to maximum potential and shall be allowed for non-established patients for the purposes of the COVID-19 response. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, only applies to the prescribing of opiates and other controlled dangerous substances. 59 O.S. § 478.1 already allows the physician to see patients using telemedicine without the prior establishment of the physician patient relationship. Nothing in this Order shall waive 59 O.S. § 478.1 (C) for the purpose of prescribing opiates and other controlled dangerous substances reference therein.
15. In order to allow stretcher vans and stretcher aid vans to assist with the emergency and operate anywhere in the state, the geographic and population-based limitations found in 63 O.S. § 1-2503 are hereby waived so long as this Order is in effect.

16. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived so long as this Order remains in effect.
17. Advanced practice registered nurses, registered nurses, licensed practical nurses and advanced unlicensed assistants who have lapsed or inactive licenses or certifications may have their single-state license or certification reinstated if they submit a reinstatement application and fee prescribed by the Board and meet the qualifications for licensure or certification established by the Board, provided such license shall only be valid as long as this Order is in effect. The continuing qualifications as required for licensure or certification by OAC 485:10-7-4 (h); 485:10-7-5 (g); 485:10-9-4 (h); 485:10-9-5 (g); 485:10-10-8.1 (d) are hereby waived as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible.
18. The requirements for Oklahoma Tax Commission compliance for any license or certificate issued by the Board of Medical Licensure and Supervision, State Board of Osteopathic Examiners, and Board of Nursing for renewal or reinstatement of a lapsed or inactive license or certification who is identified as being Oklahoma Tax Commission non-compliant, as set forth in 68 OS § 238.1 (E), is hereby waived as long as this Order remains in effect.
19. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended until further notice for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma and Oklahoma State University are authorized to conduct testing and testing-related activities in response to the COVID-19 pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies to perform laboratory tests and test-related activities, without regard to CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.
20. No prescription for chloroquine or hydroxychloroquine may be dispensed unless all of the following apply:
  - a. The prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.
  - b. The prescription is limited to no more than a fourteen (14) day supply, unless the patient was previously established on the medication prior to



the effective date of this Order.

- c. No refills may be permitted unless a new prescription is furnished.

If a scenario is not addressed in these medication limitations a pharmacy can use the waiver form provided by the Board of Pharmacy to request further consideration.

21. Adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as “vulnerable individuals,” shall stay in their home or place of residence except for working in a critical infrastructure sector, as more particularly described herein, and the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medication, groceries, gasoline, and visiting medical providers. The vulnerable population is encouraged to use delivery and/or curbside services whenever available.
22. Oklahomans and medical providers in Oklahoma shall postpone all elective surgeries, minor medical procedures, and non-emergency dental procedures until April 30, 2020. For purposes of aiding in the determination of what is “elective,” medical providers are encouraged to consult the Centers for Medicare & Medicaid Services Non-Emergent, Elective Medical Services, and Treatment Recommendations
23. Social gatherings of more than ten people are prohibited. Businesses within a critical infrastructure sector, as more particularly described herein, shall take all reasonable steps necessary to comply with this Order and protect their employees, workers, and patrons.
24. Effective at 11:59 p.m. on March 25, 2020, all businesses not identified as being within a critical infrastructure sector as defined by the U.S. Department of Homeland Security or defined as essential by the Oklahoma Department of Commerce through the use of the North American Industry Classification System (NAICS) shall close to the public. A list of the essential business NAICS codes shall be published on the Oklahoma Department of Commerce website. Additional sectors may be designated as critical or essential by Executive Memorandum. Nothing in this provision shall prevent restaurants and bars from providing takeout, curbside, and delivery. This shall be effective until April 30, 2020.
25. Visitors are prohibited from entering and visiting patients and residents at nursing homes, long-term care facilities, and retirement homes.
26. All delivery personnel including package, floral, and food delivery shall, at the request of a hospital, clinic, long-term care facility, or childcare facility submit to a screening prior to delivering goods. Such screening shall include a temperature check and may include a short questionnaire about potential exposure. Additionally, package delivery drivers must take their own

temperature daily and shall not deliver packages if it registers over 100.4 degrees Fahrenheit. Questionnaires shall include questions about recent travel to areas with significant community spread and personal contact with individuals who have tested positive for COVID-19.

27. As supporting front-line healthcare workers is essential to our battle against COVID-19, front-line healthcare workers and their children, who have not tested positive for COVID-19 and are not otherwise exhibiting the symptoms thereof, shall not – simply because they are healthcare workers or children of healthcare workers – be discriminated against in housing or childcare services.
28. Any statutory or rule-based time requirements for completing training and becoming certified as a peace officer for duly appointed or elected peace officers during the existence of this emergency are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over.
29. Any requirements that county reserve deputies, municipal reserve officers, or other duly appointed reserve peace officers in this State be CLEET-certified prior to serving in an individual capacity or be accompanied by a CLEET-certified peace officer prior to becoming CLEET-certified are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over. Any such reserve deputy, municipal reserve officer, or other duly appointed reserve peace officer must be commissioned and authorized by his or her appointing agency's head or designee before being allowed to work as a peace officer under this provision.
30. During the existence of this emergency, the Executive Director of CLEET or his designee is authorized to issue conditional private security licenses for unarmed security guards upon receipt of a properly completed application and licensing fee but without requiring fingerprint cards or electronic submission of fingerprints. In addition, the Executive Director of CLEET or his designee is authorized to renew conditional licenses as necessary. Any conditional licenses granted or renewed pursuant to this provision will expire and become void thirty days after the emergency is declared to be over unless such conditional licenses are again renewed by CLEET action.
31. I hereby direct all persons who enter the State of Oklahoma from an area with substantial community spread, including but not limited to the New York Tri-State Area (Connecticut, New Jersey and New York), the state of Washington, California, and Louisiana, to quarantine for a period of 14 days from the time of entry into the State of Oklahoma or the duration of the person's presence in the State of Oklahoma, whichever is shorter. This Order shall not apply to persons employed by the airlines and those performing military, emergency or health response, or those workers coming into the State to participate in businesses within critical infrastructure sectors as defined in paragraph 24 herein and in Amended Executive

Memorandum 2020-01. This Order shall also not apply to persons employed by utility companies and their contractors, as well as their Mutual Aid partners, and Mutual Aide First Responders, who are traveling into the State to assist with Emergency Management. This Order shall take effect immediately and apply retroactively to all persons who have entered Oklahoma after being in any area with substantial community spread within the previous 14 days. All persons quarantining under this Section shall be responsible for all costs associated with their quarantine, including transportation, lodging, food, medical care and any other expenses to sustain the person during the period of quarantine.

32. I hereby direct all persons covered under paragraph 31 of this Order to inform any individual in Oklahoma with whom they have had direct physical contact in the past 21 days that they traveled from an area with substantial community spread.
33. All local educational agencies shall to the greatest extent practicable, continue to pay their employees and contractors for the remainder of the contracted period of the 2019-20 fiscal year, and in furtherance of this intent the State hereby authorizes accredited public school districts to pay support staff for the remainder of their contracted period for the 2019-20 fiscal year and waives any statutory or rule-based time limitations on which support personnel (as defined in 70 O.S. § 1-116) may accumulate or receive leave for the 2019-20 fiscal year.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes;
2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.
  - a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of

COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

- b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.
  - c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.
- 3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and
  - 4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

Nothing contained in this Order shall be construed as an exemption from the Controlled Substance and Alcohol Use and testing requirements. (49 C.F.R. part 382), the Commercial Driver License requirements (49 C.F.R. part 383), the Financial Responsibilities requirements (49 C.F.R. part 387), or any other portion of the

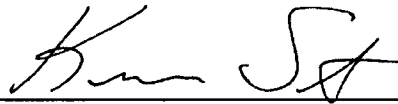
regulations not specifically identified herein. Motor carriers that have an Out-of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provided.

***This Order shall be effective until the end of thirty (30) days after the filing of this Order.***

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety, the Director of the Office of Management and Enterprise Services, the Oklahoma Tax Commission, the Oklahoma Corporation Commission who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

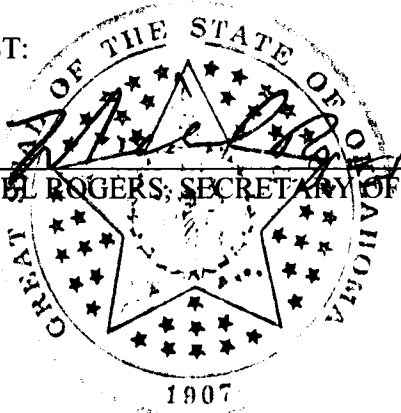
IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 13th day of April 2020.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



J. KEVIN STITT

ATTEST:



MICHAEL ROGERS, SECRETARY OF STATE

## AGENDA ITEM # 3.2

# MEMO

TO: Board Members

FROM: Kim Glazier, RN, M.Ed.

RE: Review and Board decision on affirming an emergency and adoption of proposed **emergency** revisions to the *Rules of the Oklahoma Board of Nursing*  
OAC Title 485. Oklahoma Board of Nursing  
Chapter 10. Licensure of Practical and Registered Nurses  
Subchapter 21. Pandemic Licensure Requirements  
485:10-21-1. [NEW]  
485:10-21-2. [NEW]  
485:10-21-3. [NEW]  
485:10-21-4. [NEW]

DATE: April 12, 2020

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The proposed emergency rule revisions in 485:10-21 are necessary to comply with the directives contained in Executive Order 2020-13 signed by the Governor on April 8, 2020 and filed with the Secretary of State on the same date.

Attached are the following documents:

1. Emergency Rule Document, pages 2-4. The emergency rule text begins on page 2.
2. Rule Impact Statement, pages 5-7.
3. Employment of Nursing Students or Non-Licensed Graduates Guidelines, pages 8-9. This Board Approved Guideline is referenced in the emergency rules at 485:10-21-4 (a) and is provided as a reference document.

If the Board affirms finding of an emergency and adopts the proposed emergency additions to the Rules, the Rules will be submitted to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate. The Governor approves or disapproves the proposed emergency rules in their entirety pursuant to one of the following:

- A. Governor approves in writing within 45 calendar days after submission
- B. Governor disapproves in writing within 45 calendar days after submission
- C. Governor fails to act within 45 calendar days after submission, resulting in disapproval of rules.

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

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 21. Pandemic Licensure Requirements

485:10-21-1 [NEW]

485:10-21-2 [NEW]

485:10-21-3 [NEW]

485:10-21-4 [NEW]

**AUTHORITY:**

Oklahoma Board of Nursing: 59 O.S., §§ 567.2 (A), 567.3a, 567.5 (B)(5), 567.5a (C), 567.6 (B)(5), 567.6a (B)(5), 567.7 (B), 567.14; Executive Order 2020-13

**ADOPTION:**

April 15, 2020

**EFFECTIVE:**

Immediately upon Governor's approval.

**EXPIRATION:**

Effective through the duration of the Governor's emergency declaration for the COVID-19 outbreak, as declared by executive order of the Governor, or through September 14, 2021, whichever occurs first, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

The proposed new rules in 485:10-21-1, 485:10-21-2, 485:10-21-3 and 485:10-21-4 are pursuant to Executive Order 2020-13, signed by Governor Stitt and filed with the Secretary of State on April 8, 2020. The rule revisions are necessary to respond to the emergency and to comply with directives contained in the Executive Order, including provision for amendments thereto, and the requirement for state agencies to promulgate emergency rules by April 15, 2020.

**GIST/ANALYSIS:**

Executive Order 2020-13 allows for the promulgation of emergency rules aimed at increasing the number of nursing professionals able to practice in the State. The proposed new rules in 485:10-21-2 allow for reinstatement of temporary licensure and certification of registered nurses (RN), licensed practical nurses (LPN) and advanced unlicensed assistants (AUA) at no cost to the applicant, waiving the continuing qualification requirements for up to 5 years for RNs and LPNs and 2 years for AUAs.

The proposed new rules in 485:10-21-3 broadens the opportunity Advanced Practice Registered Nurses from other states to seek licensure in Oklahoma.

485:10-21-4 increases opportunities for students and recent graduates of Board-approved nursing education programs to safely and competently contribute to the practice of nursing in hospitals and nursing homes.

**CONTACT PERSON:**

Jackye Ward, Deputy Director, (405) 962-1809, 2915 North Classen Boulevard, Suite 524, Oklahoma City, OK 73106

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR:**

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

**SUBCHAPTER 21. PANDEMIC LICENSURE REQUIREMENTS**

**485:10-21-1. Purpose**

The rules of this Subchapter have been adopted for the purpose of complying with the provisions of Executive Orders issued during a declared health emergency. These requirements, known as the Pandemic Licensure Requirements, shall assist in the licensure of nurses, non-licensed graduates of Board-approved nursing education programs and students of Board-approved nursing education programs.

**485:10-21-2. Continuing Qualifications Waiver for Licensure/Certification Reinstatement**

(a) During the pandemic, continuing qualifications for licensure reinstatement to a temporary license or certification in the following sections are waived:

- (1) 485:10-7-4(h)
- (2) 485:10-7-5(g)
- (3) 485:10-9-4(h)
- (4) 485:10-9-5(g)
- (5) 485:10-10-8.1(d)
- (6) 485:10-10-8.2(f)

(b) An applicant must submit an application containing such information as the Board may prescribe and meet the qualifications established by the Board. The fee for issuance of a temporary license or certification is waived.

**485:10-21-3. Advanced Practice Registered Nurse (APRN)**

An APRN who holds an active APRN license in another state can be licensed in Oklahoma in the role and with the certification currently held in another state as long as a declared health emergency is in effect.

**485:10-21-4. Students or Non-Licensed Graduates**

(a) A nursing student currently enrolled in a Board-approved registered or licensed practical nursing education program may be employed consistent with the Board's Employment of Nursing Students or Non-Licensed Graduates Guidelines.

(b) A non-licensed graduate of a Board-approved nursing education program may work as a non-licensed graduate as long as a declared health emergency is in effect under the following conditions:



(1) Works under the direct supervision and direction of a licensed registered nurse in a hospital or nursing home for a maximum of 180 days immediately following graduation from a Board-approved registered and licensed practical nursing education program and has applied for nursing licensure in the State of Oklahoma.

(2) Has received an Authorization to Test (ATT) from Pearson Vue. The ATT will serve as a Temporary Permit to practice nursing. If the graduate nurse fails the NCLEX exam then the Temporary Permit to practice nursing expires and is void.

(3) The nursing graduate may perform continuing assessments or focused assessments of an assigned patient/resident; however, the nurse graduate shall not perform initial or change in condition assessments of a patient/resident.

(4) The nursing graduate may follow healthcare provider orders for administration of medications and treatments. The nursing graduate shall not administer blood or blood products, intravenous medications; to include, but not limited to anticoagulants, emergent or intensive care drips, and insulin.

(5) The nursing graduate shall wear a name tag that identifies the graduate nurse as a "graduate nurse-r.n." or "graduate nurse-l.p.n." as applicable.

(6) The employing facility maintains written documentation of observed competencies that will be provided by the graduate nurse.

(7) The employing facility maintains a written job description for the graduate nurse. The written job description may be more restrictive than this Rule provides but may not be less restrictive.

**RULE IMPACT STATEMENT: Oklahoma Board of Nursing; OAC Title 485., Chapter 10. Licensure of Practical and Registered Nurses, Subchapter 21. Pandemic Licensure Requirements**

a. Description of the purpose of the proposed rule:

Executive Order 2020-13 allows for the promulgation of emergency rules aimed at increasing the number of nursing professionals able to practice in the State. Specific to single state temporary license reinstatement, 485:10-21-2(a)(1)(2)(3)(4) waives the continuing qualifications for practice of RN and LPN applicants whose nursing license has not been in an active status for less than five years. 485:10-21-2(a)(5)(6) allows for temporary recertification for Advanced Unlicensed Assistants (AUA) waives the required continuing qualifications for AUAs whose certificates have not been in an active status for less than 24 months. 485:10-21-2(b) requires submission of an application and allows for the temporary license or certificate to be issued at no cost to the applicant.

485:10-21-3 allows for Advanced Practice Registered Nurses (APRN) holding an active APRN license in another state to be licensed in the same role with the same certification currently held in another state as long as a declared health emergency is in effect.

485:10-21-4(a) allows nursing students currently enrolled in a Board-approved registered or licensed practical nursing education program to be employed consistent with the Board's Employment of Nursing Students or Non-Licensed Graduates Guidelines. In addition, 485:10-21-4(b) allows a graduate of a Board-approved nursing education program to work for a maximum of 180 days immediately following graduation provided the individual has applied for nursing licensure in Oklahoma and has received Authorization to Test from Pearson VUE. During March 2019 through September 2019, the Board processed 2,126 graduates to take the national licensure examination; thus, these provisions will approximate to that number of graduates available to assist during the Pandemic. Proposed rules include conditions of employment to which the employer may be more restrictive than the rule provides but may not be less restrictive.

b. Description of the 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:

Three groups of licensees or certificants are affected by the proposed rules in Subchapter 21 including RN, LPN, and AUA applicants who wish to reinstate nursing licensure or certification but do not meet the continuing qualification requirements; APRNs who hold active licensure in another state in a specialty certification not included on the current list of national certification examinations in our State; and, students and non-licensed graduates of Board-approved nursing education programs wishing to practice nursing as defined in the proposed rules with a temporary permit.

The agency has not received any information on cost impacts from any private or public entities.

- c. Description of classes of persons who will benefit from the proposed rule:

In addition to the groups of individuals described in b above who may return to the workforce, the citizens of Oklahoma will benefit by an increase in the number of individuals providing competent and safe nursing care in our State.

- d. Description of the 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 will be no economic impact on political subdivisions. The temporary licenses reinstated as described in the proposed rules are at no cost to the applicant. The non-licensed graduates will incur no additional cost.

- 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.

The agency does anticipate a revenue loss with the implementation of the temporary licenses with a fee waiver. However, the anticipated revenue loss can't be projected as the number of individuals who will apply for the temporary license is unknown. The agency's database indicates an eligibility pool of 3,415 individuals whose RN or LPN license has expired in the past five years.

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

The implementation of the proposed rules will have no economic impact on a political subdivision or require cooperation in implementing or enforcing the rules.

- 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.

The proposed rules will have no adverse impact 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:

The agency carefully considered the proposed emergency rules to ensure there were no less costly, non-regulatory, or less intrusive methods to implement the statutory requirements and meet the agency's mission of protection of the public. It was determined that the proposed rules provide the most effective and fiscally-responsible method for achieving the purpose.

- 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 are pursuant to Executive Order 2020-13 addressing the need to increase the number of nursing licensees able to practice in the State during the declared health emergency and thereby advances public health, welfare and safety.

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

If the proposed rule is not implemented, there will be no increase in the number of nursing licensees able to practice in our State.

- k. Date the rule impact statement was prepared and if modified, the date modified:

April 11, 2020

OKLAHOMA BOARD OF NURSING  
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Employment of Nursing Students or Non-Licensed  
Graduates Guidelines

When a nursing student or a recent graduate of a nursing education program is employed by a health care institution, the following guidelines shall be utilized:

- I. A nursing student or a recent graduate of a nursing education program may be employed as a Nurse Technician or a Practical Nurse Technician as follows:
  - A. After evaluation of competency and as defined in the employing facility's job description, the Nurse Technician and the Practical Nurse Technician are allowed to perform all duties of a nursing assistant, as well as other technical skills which have been learned in a nursing education program and for which competency has been previously demonstrated under the supervision of a faculty member. Delegation of nursing functions must fall within the Oklahoma Board of Nursing Policy, #P-02, *Delegation of Nursing Functions to Unlicensed Persons*.
  - B. Exceptions include but are not limited to the following: The Nurse Technician or Practical Nurse Technician may not administer medication (including but not limited to blood products and intravenous fluids), perform assessments, act in a supervisory position, take verbal orders from any person authorized by state law to so prescribe [59 O.S. §567.3a(2)], or develop the plan of care.
  - C. A Registered Nurse is directly responsible at all times for the Nurse Technician/Practical Nurse Technician, who is functioning as an unlicensed person with a defined job description. The RN must be physically present in the institution, not, however, providing direct supervision for every activity.

II. Definitions:

- A. The Nurse Technician
  - 1. is currently enrolled in a program of registered nursing or between terms/semesters; or
  - 2. has completed a program of registered nursing and has applied to write the licensure examination. The graduate may continue to be employed in a Nurse Technician role until licensed in any state, territory, or country, provided that the first licensure examination is taken within 90 days after graduation and the examination is passed within 6 months of graduation, on either the first or the second attempt.

Board Approved: 5/90

Board Reviewed w/o Revision:

Board Revised: 11/94; 7/26/01; 3/27/07; 5/25/10; 7/30/13; 3/21/17

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Graduates Guidelines

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- B. The Practical Nurse Technician:
  - 1. is currently enrolled in a program of practical nursing; or
  - 2. has completed a program of practical nursing and has applied to write the licensure examination. The graduate may continue to be employed in a Practical Nurse Technician role until licensed in any state, territory, or country, provided that the first licensure examination is taken within 90 days after graduation and the examination is passed within 6 months of graduation, on either the first or the second attempt.

III. Job Description and Identification:

- A. A written job description for the Nurse Technician/Practical Nurse Technician must be developed by the employing facility and provided to the Nurse Technician/Practical Nurse Technician. The job description may be more restrictive than the Board policy but may not be less restrictive.
- B. The Nurse Technician/Practical Nurse Technician shall not wear a patch, uniform, or nametag that identifies him/her as a student of the nursing education program.