

OKLAHOMA BOARD OF NURSING
2915 North Classen Blvd., Suite 524
Oklahoma City, OK 73106
(405) 962-1800

INSTRUCTIONS FOR REQUEST FOR EVALUATION OF AUA EQUIVALENCY

The Oklahoma Board of Nursing has the authority to determine Advanced Unlicensed Assistant equivalency according to the Oklahoma law, as established in the *Oklahoma Board of Nursing Rules* [OAC 485:10-10-7].

ELIGIBILITY

All candidates for certification as an Advanced Unlicensed Assistant in Oklahoma must be a minimum of 18 years of age and have completed the prescribed curricula in a state-approved program for Advanced Unlicensed Assistants, or equivalent courses in a formal program of instruction [O.S. 59 § 567.6a].

PROCEDURES FOR EQUIVALENCY EVALUATION

1. Read the following *Learning Packet on Legal Rights and Responsibilities of the Advanced Unlicensed Assistant* as the information will be used to complete questions within the application.
2. Request that an administrative official representing the formal program of instruction you completed send the *Equivalency Verification Statement* **directly to the Board office**. All skills must be checked off in order to be considered for equivalency.
3. After the *Equivalency Evaluation* has been submitted and the information is reviewed, you will receive a letter from the Board office notifying you of your eligibility to apply. After you receive this letter, you may submit the application for certification as an Advanced Unlicensed Assistant. If approved, you will receive information regarding registering for the written and skills examinations.

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LEGAL AND ETHICAL RIGHTS AND RESPONSIBILITIES
OF ADVANCED UNLICENSED ASSISTANTS (AUAs)

INFORMATION FOR AUA EQUIVALENCY APPLICANTS

INTRODUCTION:

The Oklahoma Nursing Practice Act (ONPA) 1998 amendment includes a provision for individuals who have completed an equivalent course approved by the Board, or equivalent staff development courses in a health-care facility or an educational institution to apply for certification as an Advanced Unlicensed Assistant (AUA) (485:10-10-7). The following unit is an introduction to the legal and ethical rights and responsibilities of the AUA. This unit is to be used to complete the AUA Equivalency Evaluation application.

INSTRUCTIONS:

1. Read the objectives.
2. Study the information below.
3. Complete the test questions online.

OBJECTIVES:

1. Identify the purposes of the Oklahoma Nursing Practice Act.
2. List functions of the Oklahoma Board of Nursing.
3. Describe responsibilities of the AUA.
4. Identify types of disciplinary actions that may be taken by the Oklahoma Board of Nursing.
5. Select examples of actions that could be a cause for disciplinary action.

INFORMATION:

I. The Oklahoma Nursing Practice Act (ONPA)

The ONPA was written in 1953, and has been revised or amended as needed since that time. The purpose of the act is "to safeguard the public health and welfare...". It created the Oklahoma Board of Nursing, outlined its functions, and determined how members of the board were to be chosen.

In 1998, the ONPA was amended to include the establishment of the Board-certified Advanced Unlicensed Assistant. The certification training program, examination process and criteria for certification were established. Grounds for disciplinary action were identified.

II. Functions of the Oklahoma Board of Nursing

- Adopt and, from time to time, revise such rules and regulations not inconsistent with the Oklahoma Nursing Practice Act
- Prescribe standards for educational programs preparing persons for licensure to practice practical nursing, registered nursing, or preparing individuals for advanced practice nursing
- Provide for surveys of such educational programs
- 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
- Deny, or withdraw approval of educational programs for failure to meet or maintain prescribed standards required by this statute and by the Board
- Examine, license and renew the licenses of duly qualified applicants
- Recognize Advanced Practitioners in accordance with the Rules and Regulations
- Conduct hearings upon charges calling for disciplinary action of a licensee

III. Responsibilities of an AUA

When you become certified, you sign an agreement with the state in which you are certified. The state grants the certification as insurance that you will provide proper care and attention to your patients. In applying for and accepting the certification, you agree to provide this care to the best of your ability. Should charges be filed against you, you will be judged against the actions of a reasonably prudent person with the same background, rather than against the actions of a reasonably prudent person without training. This set of expectations extends to ethical behavior, such as confidentiality, in which you are trained.

IV. Delegation of skills to the AUA by LPNs and RNs

Delegating means entrusting the performance of selected nursing duties to individuals qualified, competent and legally able to perform such duties (ONPA, 485:10-1-2) RNs and LPNs may delegate "such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with this act." (ONPA, 567.3.3.g.) and (ONPA, 567.3.4.d.) Accountability is being responsible to the client and the public, other health-care practitioners and oneself for one's actions/decisions and their outcomes. The nurse who delegates retains accountability for the task delegated.

Tasks that can be delegated to the AUA by RNs and LPNs include skills that are listed on the Approved Skills List (see attached). The licensed nurse is legally responsible for delegation decisions. It is up to him/her to determine if the skill is safe to delegate in a certain situation. This determination will be based on the client's condition, any unusual circumstances that might make the skill inappropriate to delegate, and the competency of the AUA.

It is the AUA's responsibility to ensure that skills that are delegated by the licensed nurse are included on the Approved Skills List. The AUA should inform the nurse of changes in the client's condition, unusual circumstances, or of the AUA's own need for assistance with the skill.

V. Examples of Causes for Disciplinary Action

- **Fraud or deceit in obtaining a license or certification**
 - Lying on applications
 - Sending another person to take the test for you
 - Forged or altered credentials

- **Felony record**
 - Found guilty of felony or any offense that constitutes a felony
 - The felony does not have to be care related. For example, an AUA found guilty of felony theft may lose his/her certification. Committing a felony reflects upon the AUA's decision-making ability and performance under stress.

- **Incompetence by reason of negligence**
 - Use of improper or defective equipment
 - Failure to protect the patient from injury
 - Failure to properly meet the needs of the patient
 - Failure to carry out the nurse's instructions (**NOTE:** When instructions are contrary to policy or ethics, or when they endanger the patient, the AUA is expected to refuse to carry them out.
 - Failure to clarify an unclear or questionable order.

- **Habitual use of habit-forming drugs**
 - Though the ONPA uses the phrase "habitually intemperate or addicted," any use that interferes with nursing responsibilities may be grounds for discipline.
 - Alcohol is a habit-forming drug
 - Prescription drugs can be habit forming

- **Inability to practice safely**
 - May be a proven inability or potential inability
 - Illness, use of alcohol or drugs, mental or physical impairments, or other impairments may be the reason for insufficient skills

- **Incompetence, as determined by a court**
 - Found by a court of law to be mentally incompetent, mentally ill, chemically dependent, or dangerous to the public
 - Committed by a court of law

- **Unprofessional conduct**
 - Inaccurate recording, falsifying or altering patient records
 - Abusing patients physically or verbally
 - Administering medications or treatments in a negligent manner
 - Falsely manipulating drugs, supplies, or records
 - Unauthorized use of supplies, equipment, or drugs
 - Leaving an assignment without proper notification
 - Falsifying documents submitted to the Oklahoma Board of Nursing
 - Violating confidentiality
 - Fraudulent billing practices
 - Conduct detrimental to public interest
 - Discrimination while rendering nursing services
 - Obtaining money or other assets from a patient through other than reasonable billing.
 - Fraudulently applying for or renewing a certificate
 - Forging a prescription or presenting a forged prescription
 - Selling or otherwise making controlled drugs available to others
 - Sexual contact, seductive conversation with a patient or sexual exploitation of a patient.
 - Acting as proxy for an applicant during examination
 - Impersonating a certified practitioner or allowing another to impersonate you
 - Deliberately jeopardizing a patient's life, health or safety

- **Release of confidential patient information**

- **Violation of an Oklahoma Board of Nursing rule or policy or a federal law**
 - Practicing as an AUA without proper certification
 - Violating the terms of a disciplinary action

- **Jeopardizing a patient's life, health, or safety**
 - Accepting delegation of a skill when doing so can reasonably be expected to result in unsafe or ineffective patient care
 - Failing to use reasonable judgment based on the level of training and experience acquired
 - Failing to exercise technical competence when providing care
 - Performing new techniques or procedures without proper training
 - Failing to report unsafe or illegal practices of coworkers

- **Disciplinary action taken against any health-related certification or license held in Oklahoma or anywhere else**
 - Action taken against any certification or license may be grounds for revocation of all certification or licenses.
 - Disciplinary action taken in another state, territory, or country may be grounds for revocation of Oklahoma certification.