

Oklahoma Board of Nursing
2915 North Classen Blvd., Suite 524
Oklahoma City, OK 73106
(405) 962-1800

LEARNING PACKET FOR PRACTICAL NURSE EQUIVALENCY CANDIDATES: LEGAL RIGHTS AND RESPONSIBILITIES OF LICENSED PRACTICAL NURSES

Introduction

The Oklahoma Nursing Practice Act (ONPA) and Rules include provisions for students in state-approved registered nursing education programs to write the NCLEX-PN licensure examination after completion of courses that have been identified as equivalent. In addition, certain military medics are eligible to apply for practical nurse licensure through equivalency. The following unit is an introduction to the legal rights and responsibilities of the practical nurse. This unit must be completed and the post-test returned to the Oklahoma Board of Nursing with the request for equivalency evaluation.

Objectives

1. Describe the purpose and components of the Oklahoma Nursing Practice Act.
2. Identify functions of the Oklahoma Board of Nursing.
3. List qualifications for licensure as a practical nurse, according to the ONPA.
4. Identify legal implications regarding licensure of nurses.
5. List violations to the ONPA that may lead to disciplinary action.
6. Compare the scope of practice of the Licensed Practical Nurse and the Registered Nurse.
7. Describe limits of practice for the Licensed Practical Nurse.

The Oklahoma Nursing Practice Act and Rules

The Oklahoma Nursing Practice Act was initially passed in 1953 and has been periodically amended since that time to ensure that it is current. The act places the regulation of education, certification and licensure of registered nurses (RNs) and licensed practical nurses (LPNs) or advanced unlicensed assistive persons (AUAs), and the practice of registered or practical nursing or advanced unlicensed assistance under the control of the Oklahoma Board of Nursing. It requires that only those persons who are qualified shall be authorized to practice nursing or advanced unlicensed assistance.

The Board is authorized to promulgate rules to carry out the provisions of the ONPA. These rules are periodically revised through the administrative rule-making process. These rules are published and have the same effect as the law. Registered nurses and licensed practical nurses are required to practice in accordance with the ONPA and Rules.

The Oklahoma Nursing Practice Act describes qualifications for licensure as a registered or practical nurses, provides a mechanism for recognition for advanced practice nurses and for prescriptive authority, establishes grounds for disciplinary action, identifies exceptions to the act, provides the mechanism for approval and survey of nursing education programs, and establishes a peer assistance program.

Oklahoma Board of Nursing

The Oklahoma Board of Nursing was established in the ONPA to carry out the provisions of the act and the rules. According to the rules, the Board has the following functions:

1. Adopt and, from time to time, revise such rules and regulations not inconsistent with the Oklahoma Nursing Practice Act
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 applications
7. Recognize Advanced Practitioners in accordance with the Rules and Regulations
8. Conduct hearings upon charges calling for disciplinary action of a licensee
9. Provide consultation, conduct conferences, forums, studies and research on nursing education and practice.

The Oklahoma Board of Nursing consists of eleven members who are appointed by the Governor and who represent specified areas of practice and education. Two of the members represent the public and are not nurses. The Board meets every other month to conduct business and disciplinary hearings. These meetings are open to the public. The Board employs an Executive Director and other staff as needed to carry out the day-to-day operations of the Board. The Board receives no state-appropriated funding. All activities of the Board are funded through nursing licensure and other related fees.

Qualifications for Licensure as a Practical Nurse

In order to apply for licensure as a practical nurse, an applicant must have a high school diploma or graduate equivalency degree (G.E.D.), must have successfully completed a state-approved program of practical nursing or equivalent courses as designated in the Rules, have submitted a criminal history records search conducted by the Oklahoma State Bureau of Investigation, and must have met such other reasonable preliminary qualification requirements as the Board may prescribe.

Applicants for nursing licensure must have never been convicted in this state, the United States or another state of any felony, unless five years have elapsed since the date of the criminal conviction or the termination of any probation or other requirements imposed by the sentencing court, or a presidential or gubernatorial pardon has been received.

Legal Implications Regarding Licensure

All registered and licensed practical nurses should be thoroughly familiar with the *Oklahoma Nursing Practice Act* and the *Rules*. These documents are provided at the time of licensure and are the legal basis for their practice. Each nurse should read these documents carefully and keep them for future reference. All nurses are individually responsible for ensuring that they are practicing within the scope of practice as identified in the act and the rules. In addition, all nurses must have the knowledge and skills needed to perform the functions required in their positions.

The nurse's pocket license card should be kept in a secure location. If the pocket license card is stolen or lost, please notify the Board in writing promptly. The nurse's employer verifies licensure upon employment and at the time of renewal to ensure that the nurse has a current unencumbered license.

The nursing license is renewed every two years: Registered Nurses renew during even-numbered years and Licensed Practical Nurses renew during odd-numbered years. The nurse's license will expire on the last day of his/her birth month during your renewal year. However, depending on the approval date of the initial license in Oklahoma, the initial license may expire before the end of two years. The Board will mail a courtesy renewal notice to the current address on file in the office approximately three months prior to the expiration of the license. It is up to the individual nurse to ensure that the license is renewed in a timely manner. It is essential that each nurse notify the Board promptly of a name change and/or a change of address, in order to ensure that the renewal notice is sent to the correct name and address. All registered and licensed practical nurses are required by law to notify the Board of a name change and/or a change of address within 30 days of the change.

In accordance with 59 O.S. §567.14B, "Any person licensed or certified by the Oklahoma Board of Nursing who provides direct care to patients shall, while on duty, wear an insignia or badge identifying the license or certification issued to such person by the Board."

Violations of the ONPA

The Oklahoma Board of Nursing has the power to deny, revoke, or suspend any license to practice registered nursing or licensed practical nursing, to assess administrative penalties, or to otherwise discipline a licensee or advanced unlicensed assistive person. Nurse investigators employed by the Board investigate all reported violations to the act. The Board will conduct a hearing and will take disciplinary action, if there is evidence to support such a violation. The following actions are included as violations of the act and are grounds for disciplinary action:

1. Is guilty of fraud or deceit or material deception in procuring or attempting to procure:
 - a. A license to practice registered nursing, licensed practical nursing, or recognition to practice advanced practice nursing, or
 - b. Certification as an advanced unlicensed assistive person;

2. Is guilty of a felony, or any offense reasonably related to the qualifications, functions or duties of any licensee or advanced unlicensed assistant, or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed, or any conduct resulting in the revocation of a deterred or suspended sentence or probation imposed pursuant to such a conviction;
3. Fails to adequately care for patients or to conform to the minimum standards of acceptable nursing or advanced unlicensed assistant practice that, in the opinion of the Board, unnecessarily exposes a patient or other person to risk of harm;
4. Is intemperate in the use of alcohol or drugs, which use the Board determines endangers or could endanger patients;
5. Exhibits through a pattern of practice or other behavior actual or potential inability to practice nursing with sufficient knowledge or reasonable skills and safety due to impairment caused by illness, use of alcohol, drugs, chemicals or any other substance, or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills, mental illness, or disability that results in inability to practice with reasonable judgment, skill or safety; provided, however, the provisions of this paragraph shall not be utilized in a manner that conflicts with the provisions of the Americans with Disabilities Act;
6. Has been adjudicated as mentally incompetent, mentally ill, chemically dependent or dangerous to the public or has been committed by a court of competent jurisdiction, within or without this state;
7. Is guilty of unprofessional conduct as defined in the rules of the Board;
8. Is guilty of any act that jeopardizes a patient's life, health or safety as defined in the rules of the Board;
9. Violated a rule promulgated by the Board, an order of the Board, or a state or federal law relating to the practice of registered, practical or advanced practice nursing or advanced unlicensed assisting, or a state or federal narcotics or controlled substance law; or
10. Has had disciplinary actions taken against the individual's registered or practical nursing license, advanced unlicensed assistive certification, or any health-related license, in this or any state, territory or country.

Scope of Practice for the LPN and RN

The practice of nursing is defined in the ONPA as “the performance of services provided for purposes of nursing diagnosis and treatment of human responses to actual or potential health problems consistent with education preparation. Knowledge and skill are the basis for assessment, analysis, planning, intervention, and evaluation used in the promotion and maintenance of health and nursing management of illness, injury, infirmity, restoration or optimal function, or death with dignity. Practice is based on understanding the human condition across the human lifespan and understanding the relationship of the individual within the environment. This practice includes execution of the medical regime including the administration of medications and treatments prescribed by any person authorized by state law to so prescribe”.

Registered nurses are prepared in nursing education programs offered in colleges and universities. Registered nurses have completed general education courses in social and behavioral sciences, biological and physical sciences, and the humanities. In addition, registered nurses have successfully completed nursing courses that prepare them for the full scope of nursing practice, including the following roles:

- Assessing the health status of individuals, families and groups
- Analyzing assessment data to determine nursing care needs
- Establishing goals to meet identified health care needs
- Planning a strategy of care
- Establishing priorities of nursing intervention
- Implementing the strategy of care
- Delegating tasks that may safely be performed by others, consistent with educational preparation and the Oklahoma Nursing Practice Act
- Providing safe and effective nursing care
- Evaluating responses to interventions
- Teaching the principles and practice of nursing
- Managing and supervising the practice of nursing
- Collaborating with other health professionals in the management of health care
- Performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation
- Delegating tasks that can be performed by the advanced unlicensed assistive person

Licensed Practical Nurses are prepared in technical programs that include basic principles of body structure and function, nutrition, attainment of health, and the care of patients in all age groups to meet relatively stable nursing requirements. LPNs must work under the supervision or direction of a Registered Nurse, licensed physician or dentist. Their directed scope of practice includes:

- Contributing to the assessment of the health status of individuals and groups
- Participating in the development and modification of the plan of care
- Implementing the appropriate aspects of the plan of care
- Delegating tasks that may safely be performed by others, consistent with educational preparation and the Oklahoma Nursing Practice Act
- Providing safe and effective nursing care
- Participating in the evaluation of responses to interventions
- Teaching basic nursing skills and related principles
- Performing additional nursing procedures in accordance with knowledge and skills acquired through education beyond nursing preparation
- Delegating tasks that can be performed by the advanced unlicensed assistive person

All licensed nurses are responsible for ensuring that they work within their scope of practice, and that they are adequately prepared to carry out the functions of their positions. Maintaining the competency necessary for the position is a professional responsibility of the licensed nurse.

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POST-TEST: LEGAL RIGHTS AND RESPONSIBILITIES
OF LICENSED PRACTICAL NURSES

Instructions: Please complete the post-test **in ink** and return to the Oklahoma Board of Nursing with the request for equivalency evaluation and appropriate fee.

Name _____

Address _____

Social Security Number _____

1. The Oklahoma Nursing Practice Act provides for the regulation of registered and licensed practical nursing by the:
 - a. Oklahoma State Department of Health
 - b. Office of Administrative Rules
 - c. Oklahoma Board of Nursing
 - d. Oklahoma Board of Medical Licensure

2. Licensed practical nurses must have a high school diploma or G.E.D.
 - a. True
 - b. False

3. The Oklahoma Board of Nursing receives its funding from:
 - a. Nurse licensure and other related fees.
 - b. State appropriations.
 - c. The Oklahoma State Department of Health.
 - d. A federal grant.

4. How often must nursing licenses be renewed?
 - a. Annually during the month of initial licensure
 - b. Every two years during the licensee's birth month
 - c. Every four years during the licensee's birth month
 - d. There is no renewal required

5. The members of the Board of Nursing are appointed by the:
 - a. Executive Director
 - b. Legislature
 - c. State Senate
 - d. Governor

6. Registered Nurses and Licensed Practical Nurses are required by law to notify the Board of a change of address.
- True
 - False
7. List four actions that are identified as violations of the Oklahoma Nursing Practice Act:
- _____
 - _____
 - _____
 - _____
8. Below is a list of roles of Registered Nurses or Licensed Practical Nurses, as identified in the ONPA. Indicate in the space whether the role should be carried out by the Registered Nurse (RN) or the Licensed Practical Nurse (LPN).
- _____ Evaluating responses to interventions
 - _____ Participating in the development of the plan of care
 - _____ Collaborating with other health professionals in the management of health care
 - _____ Teaching basic nursing skills and related principles
 - _____ Establishing priorities of nursing interventions
 - _____ Contributing to the assessment of the health status of individuals and groups
 - _____ Managing and supervising the practice of nursing
9. Identify three roles that are listed in the ONPA as being appropriate for BOTH Registered Nurses and Licensed Practical Nurses.
- _____
 - _____
 - _____