

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2123

By: Bryant (James)

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 481 and 482, as amended by Sections 1 and 2, Chapter 280, O.S.L. 1993, 484, 485, 487, 488, 489, 490, 491, 492, as amended by Section 25, Chapter 230, O.S.L. 1993, 495, 495b, 495c, 495d, 495e, 500, 503, 504, 505, 506, 508, 508.1, 508.2, 511, 512 and 513 (59 O.S. Supp. 1993, Sections 481, 482 and 492), which relate to the State Board of Medical Licensure and Supervision; clarifying certain terms; modifying re-creation date; adding member to the Board; limiting participation of lay members of Board; limiting number of terms of members; making references gender neutral; changing title of certain officer; modifying powers and duties of such officer; authorizing the employment of a secretary, and providing for hours and compensation related thereto; modifying content of record required to be kept by such officer; deleting certain reporting requirement; modifying meeting times; deleting certain meeting requirements; requiring such meetings to be in accordance with the Oklahoma Open Meeting Act; authorizing use of electronic medium for such meetings in certain circumstances, and providing for procedures related thereto; authorizing modification of fees and education requirements; authorizing the trial examiner to compel the attendance of certain witnesses; modifying certain penalties; authorizing the Board and certain designees of the Board to bring certain civil actions for certain purposes; requiring the promulgation of certain rules; requiring certain notice to the Board of designees' action; deleting and modifying certain terms relating to the practice of medicine; deleting certain construction of act; deleting certain provisions relating to the employment of persons licensed to practice medicine for hospitals or related institutions, and liability related thereto; defining the practice of medicine and surgery; providing exemptions from such definition; authorizing certain persons to perform certain services under certain supervision; requiring the Board to create certain application forms; prohibiting persons from practicing medicine unless certain requirements are met; prohibiting the Board from engaging in certain application processes unless specifically waived by such Board; requiring applicants to practice medicine and surgery to provide certain information and documentation to the Board and specifying such; providing for certain qualifications to be approved for licensure by Board, and specifying such; requiring certain disclosure by the applicant for licensure; requiring the applicant to submit to certain examinations or evaluations under certain circumstances; providing for certain disqualifying factors for such

applicants; providing for modifications of such restrictions; providing for verification of identity and credentials; providing for duties of the applicant; providing grounds for denial of licensure; providing for requirements and qualifications for foreign applicants; requiring notarized English translations of certain documents; providing for certain immigration status; providing for the license by endorsement under certain conditions; specifying such conditions; providing for endorsement examinations under certain conditions; providing for temporary licensure, and specifying conditions and limitations related thereto; providing for special licensure under certain conditions; prohibiting certain acts related to special licenses; providing for eligibility for such licenses; providing certain restrictions related to such licenses; providing for the issuance and renewal of such license; providing for limitations and restrictions on such license; authorizing additional restrictions and limitations on such special license by certain agencies and institutions; requiring a medical licensure examination; providing for such examination; providing for application for such examination, and procedures and requirements related thereto; prohibiting certain acts related to such examinations; providing for certain notices related to such examinations; changing the term "certificate" to "license"; requiring certain reregistration by licensees; requiring the submission of certain information for reregistration; specifying such information; authorizing the Board to require continuing medical education; providing for certain requirements and procedures related to reregistrations; modifying penalties relating to nonpossession of a renewal license; requiring certain reregistration fees; clarifying cite; authorizing suspension of license for failure to reregister within certain time period; providing additional requirements for reinstatement of license; providing location for appeal for certain persons upon rejection of reregistration application; authorizing additional sanctions against certain licensees; authorizing certain emergency suspensions and hearings related thereto; authorizing the Board to subpoena certain records, and authorizing procedures related thereto; providing for the reimbursement or payment of court reporters in certain hearing under certain conditions; modifying and deleting certain suspension rights, procedures and requirements; deleting and modifying certain actions by the Board related to suspensions; requiring certain applicant to provide certain proof of meeting certain requirements prior to reinstatement; prohibiting use of certain fraudulent information, and providing penalties related thereto; modifying time period to file an application for licensure after revocation or suspension of license; specifying range of disciplinary actions by Board; authorizing the issuance of certain letter of concern, and requirements and procedures related thereto; authorizing certain examinations and evaluations relating to such disciplinary actions; authorizing certain disciplinary actions; providing for the expungement of certain records; modifying deposit of certain monies; modifying duties and responsibilities of the secretary; authorizing increase in attorneys; authorizing quasi-judicial powers for the imposition of additional disciplinary actions; authorizing additional penalties;

amending Section 3, Chapter 282, O.S.L. 1993 (25 O.S. Supp. 1993, Section 307.1), which relates to the Open Meeting Act; authorizing the Board to hold meetings by teleconference; repealing 59 O.S. 1991, Sections 493, 494, 495a, 495f, 495g, 507, 508.3, 515, 516 and 517, which relate to the licensure of physicians and surgeons; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 481, as amended by Section 1, Chapter 280, O.S.L. 1993 (59 O.S. Supp. 1993, Section 481), is amended to read as follows:

Section 481. A State Board of Medical Licensure and Supervision hereinafter referred to as "Board", is hereby re-created, to continue until July 1, ~~1999~~ 1997, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall be composed of ~~six (6)~~ seven (7) allopathic physicians licensed to practice medicine in this state and represent the public and two (2) lay members. The physician members of the Board shall be graduates of legally chartered medical schools recognized by the Oklahoma State Regents for Higher Education or the Liaison Council on Medical Education. Said members shall have actively practiced as licensed physicians continuously in this state for the three (3) years immediately preceding their appointment to the Board. The two lay members shall participate only for the purpose of assisting in the review of complaints and in promulgating and adopting rules and shall not participate in the examination or licensing of physicians or other professions licensed by the Board. All members of the Board shall be residents of this state and shall be appointed by the Governor as provided for in Section 482 of this title. All present members of the Board shall continue to serve for the remainder of their current terms.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 482, as amended by Section 2, Chapter 280, O.S.L. 1993 (59 O.S. Supp. 1993, Section 482), is amended to read as follows:

Section 482. The members of the original ~~State Board of Medical Examiners~~ shall serve the following terms: One member to serve one (1) year, one member to serve two (2) years, one member to serve three (3) years, one member to serve four (4) years, one member to serve five (5) years, one member to serve six (6) years, and one member to serve seven (7) years. Their successors shall be appointed for terms of seven (7) years. The lay members of the Board shall serve terms coterminous with that of the Governor and shall serve at the pleasure of the Governor. No member shall be appointed to serve more than two complete consecutive terms. Each member shall hold office until the expiration of the term for which appointed or until a qualified successor has been duly appointed. An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member or the occurrence of a vacancy on the Board due to resignation, death, or any cause resulting in an unexpired term. The appointment of allopathic physicians shall be made from a list of three names submitted to the Governor by the Oklahoma State Medical Association. The Association may submit names of members or nonmembers of the Association. No member of the Board shall be a stockholder in or full-time salaried or full-time geographic member of the faculty or board of trustees of any medical school.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 484, is amended to read as follows:

Section 484. Each member of said Board shall, before entering upon the duties of ~~his~~ office, take the constitutional oath of office, and shall, in addition, make oath that he or she is qualified under the terms of this act to hold such office.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 485, is amended to read as follows:

Section 485. The ~~State Board of Medical Licensure and Supervision~~ shall, immediately after the members shall have qualified as such, organize by electing a president, a vice-president and a secretary-~~treasurer~~, and thereafter, at the next regular meeting of the Board, held in the first six (6) months of each calendar year, all such offices shall become vacant

and be filled by another election, except the secretary~~-treasurer~~, who shall serve at the pleasure of the Board.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 487, is amended to read as follows:

Section 487. The Board may appoint a secretary to serve as Medical Advisor to the Board and the Board staff. The Board may hire the secretary as an employee of the Board at such hours of employment and compensation as determined by the Board.

The secretary of the Board shall preserve a true record of the official proceedings of the meetings of the Board. He or she shall also preserve, ~~in a book kept for that purpose,~~ a record of physicians licensed or applying for such license in this state showing:

1. age,~~color,~~i
2. ethnic origin;
3. sex;
4. place of practice and residence,~~i~~
5. the time spent in premedical and medical study, together with the names of the schools attended, and the date of graduation therefrom, with the degrees granted,~~i~~
6. the grades made in examination for license or grades filed in reciprocity application therefor,~~i~~ and
7. a record of the final disposition of the each application for licensure.

The secretary of the Board shall, on or before the first day of March in each year, transmit an official copy of said register for the preceding calendar year, to the Secretary of State for permanent record, a certified copy of which shall be admitted as evidence in all courts of the state. ~~The secretary of the said Board shall make a biennial report to the Governor.~~

SECTION 6. AMENDATORY 59 O.S. 1991, Section 488, is amended to read as follows:

Section 488. A. ~~The State Board of Medical Licensure and Supervision shall~~ may hold ~~one regular meeting in the first six (6) months of each calendar year and one regular meeting in the last six (6) months of each calendar year,~~ meetings at times to be

~~fixed by the president and secretary of the Board in a written notice sent by the secretary to each member of the Board not less than forty (40) days before said meetings, which are to be held at the State Capitol. The Board shall adjourn from time to time until its business is completed. The~~ in accordance with the provisions of the Oklahoma Open Meeting Act. In addition, the president and secretary may call such special and other meetings ~~at any time to be held at the State Capitol or at any other place to be fixed by the president and secretary by giving written notice to each member at least ten (10) days before each special meeting~~ in accordance with the provisions of the Oklahoma Open Meeting Act. A majority of the members of the Board shall constitute a quorum for the transaction of business but a less number may adjourn from time to time until a quorum is present.

B. No meeting as provided for in subsection A of this section shall be required for the determination of the qualifications of an applicant for a certificate issued pursuant to the provisions of Section 495 of this title. Each member of the Board authorized to vote on licensure may review the qualifications of the applicant during times other than when a regular or special meeting is held, to determine the sufficiency of said qualifications. Each member shall notify the secretary of his findings, in writing. The provisions of this subsection shall not be construed to prohibit the Board from reviewing the qualifications of an applicant for licensure during any regular or special meeting of the Board.

C. The Board may meet for the sole purpose of taking emergency action to enforce this act via a telephonic or other telecommunication means if the president and secretary determine that an emergency exists which poses an immediate threat to the public health, safety and welfare. The Board, in any such meeting, shall have a speaker phone or other appropriate equipment at Board offices for public attendance. The Board shall promulgate procedures by which each of its committees may meet by telephone or other telecommunication conference system to take

emergency action to enforce the applicable responsibility of the committee.

D. The Board may circularize applications of persons who apply for licensure or certification for approval for licensure or certification. Provided, that:

1. A unanimous approval shall be necessary for issuance of licensure or certification;

2. Any vote against approval shall require that the application be scheduled for the next appropriate meeting of the Board for discussion; and

3. Each application approved unanimously by circularization shall be ratified in the next appropriate meeting of the Board.

All actions shall be either ratified or discussed in open meeting; therefore, actions taken on applications circularized to the Board shall not constitute a violation of the Oklahoma Open Meeting Act.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 489, is amended to read as follows:

Section 489. The ~~State Board of Medical Licensure and Supervision~~ shall from time to time adopt such rules ~~and regulations~~ as may be necessary to carry into effect the provisions of this act, and shall have authority to establish fees not otherwise provided for in this act; and from time to time, as the courses of instruction in medical colleges, under the contemplation of this act, are increased or changed, the Board is hereby directed in like manner to increase or change its educational requirements for license to practice medicine within the state.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 490, is amended to read as follows:

Section 490. Any member of the ~~State Board of Medical Licensure and Supervision~~ shall have the authority to administer oaths in all matters pertaining to the affairs of the Board and to take evidence and compel the attendance of witnesses on questions pertaining to the enforcement of ~~the terms of~~ this act. The trial

examiner of the Board shall have the authority to compel the attendance of witnesses.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 491, is amended to read as follows:

Section 491. Every person before practicing medicine and surgery or any of the branches or departments of such, within the meaning of this act, within the State of Oklahoma, must be in legal possession of the unrevoked license or certificate herein provided for, and any person so practicing in such manner within this state, who is not in such legal possession thereof, shall be guilty of a ~~misdemeanor~~ felony, and shall, upon conviction thereof, in any court having jurisdiction, be fined for the first offense in any sum not less than ~~One Hundred Dollars (\$100.00)~~ One Thousand Dollars (\$1,000.00), and not more than ~~Five Hundred Dollars (\$500.00)~~ Five Thousand Dollars (\$5,000.00), and shall, for any succeeding offense, be subject to fine in like amount, and in addition thereto, shall be imprisoned in ~~a county jail~~ the State Penitentiary for a period of time not less than ~~thirty (30) days~~ one (1) year, nor more than ~~one hundred and eighty (180) days~~ five (5) years; and in all instances, each day's practice shall constitute a separate and distinct offense. It is further provided, that any person who shall render such professional services without first complying with the provisions of this act, shall, in addition to the other penalties herein provided, receive no compensation for such services.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 491.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board may bring civil actions for declaratory rulings to determine if any act constitutes the unauthorized practice of medicine or surgery or any other healing art over which the Board has jurisdiction in this state.

B. The Board may designate authority to the Secretary and the Executive Director, individually, to initiate any civil action in the name of the Board to enforce the provisions of this act or

other duties of the Board. The Board shall promulgate rules to specify the types of actions the Secretary and Executive Director are designated to initiate. The Secretary shall apprise the Board at the next meeting of the Board of any action initiated by the Secretary or Executive Director.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 492, as amended by Section 25, Chapter 230, O.S.L. 1993 (59 O.S. Supp. 1993, Section 492), is amended to read as follows:

Section 492. A. Every person shall be regarded as practicing medicine within the meaning and provisions of this act, who shall append to his name the letters "M.D.", "Doctor", "Professor", "Specialist", "Physician" or any other title, letters or designation which represent that such person is a physician, or who shall for a fee or any form of compensation diagnose and/or treat disease, injury or deformity of persons by any drugs, surgery, manual or mechanical treatment whatsoever unless otherwise authorized by law.

~~B. Nothing in this article shall be so construed as to:~~

~~1. Prohibit the service in the case of emergency, or the domestic administration of family, remedies, or service rendered by a physician's trained assistant, a registered nurse, or a licensed practical nurse if such service be rendered under the direct supervision and control of a licensed physician;~~

~~2. Apply to any commissioned medical officer in the United States Army, Air Force, Navy, or Marine hospital service in the discharge of his professional duties;~~

~~3. Apply to any legally qualified dentist, when engaged exclusively in the practice of dentistry;~~

~~4. Apply to any legally licensed optometrist when engaged in the practice of optometry as defined by law;~~

~~5. Apply to any physician or surgeon from another state or territory when in actual consultation with a legal practitioner of this state, if such physician or surgeon is at the time of said consultation a legal practitioner of medicine or surgery in the state or territory in which he resides, nor to any physician or surgeon residing on the border of the neighboring state, and duly~~

~~authorized under the laws thereof to practice medicine and surgery therein, whose practice extends within the limits of this state; providing that such physician or surgeon shall not open an office or place to meet patients or receive calls within the limits of this state;~~

~~6. Apply to students while in actual classroom in an accredited medical school who, after completing one (1) year of study, treat diseases under the supervision of a licensed instructor;~~

~~7. Apply to students who have completed at least two (2) years of study in an accredited medical school who, as a part of their academic requirements for a degree, serve a preceptorship not to exceed ninety (90) days under the supervision of a licensed practitioner;~~

~~8. Apply to graduate students while serving the initial year of hospital training (internship or residency) in a hospital approved for intern and residency training by the State Board of Medical Licensure and Supervision;~~

~~9. Interfere in any way with the practice of those who endeavor to prevent or cure disease or suffering by spiritual means or prayer.~~

~~C. A hospital or related institution as such terms are defined in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the principal purpose or function of providing hospital or medical care, including but not limited to any corporation, association, trust, or other organization organized and operated for such purpose, may employ one (1) or more persons who are duly licensed to practice medicine in this state without being regarded as itself practicing medicine within the meaning and provisions of this section. The employment by the hospital or related institution of any person who is duly licensed to practice medicine in this state shall not, in and of itself, be considered as an act of unprofessional conduct by the person so employed. Nothing provided herein shall eliminate, limit or restrict the liability for any act or failure to act of any hospital, any~~

~~hospital's employees or persons duly licensed to practice medicine.~~

B. The definition of the practice of medicine and surgery shall include, but is not limited to:

1. Advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine and surgery in this state;

2. Any offer or attempt to prescribe, order, give or administer any drug or medicine and surgery for the use of any other person, except as otherwise authorized by law;

3. Any offer or attempt, except as otherwise authorized by law, to prevent, diagnose, correct or treat in any manner or by any means, methods, devices or instrumentalities except for manual manipulation any disease, illness, pain, wound, fracture, infirmity, defect or abnormal physical or mental condition of any person, including the management of pregnancy and parturition, except as otherwise authorized by law;

4. Any offer or attempt to perform any surgical operation upon any person, except as otherwise authorized by law; and

5. The use of the title Doctor of Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D. or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless, where appropriate, such a designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this state.

C. The practice of medicine and surgery, as defined in this section, shall not include:

1. A student while engaged in training in a medical school approved by the Board or while engaged in graduate medical training under the supervision of the medical staff of a hospital or other health care facility approved by the state medical board for such training, except that a student engaged in graduate medical training shall hold a license issued by the Board for such training;

2. Any person who provides medical treatment in cases of emergency where no fee or other consideration is contemplated, charged or received;

3. A commissioned medical officer of the armed forces of the United States or medical officer of the United States Public Health Service of the Veterans Administration of the United States in the discharge of official duties and/or within federally controlled facilities; and provided that such person shall be fully licensed to practice medicine and surgery in one or more jurisdictions of the United States; provided further that such person who holds a medical license in this state shall be subject to the provisions of this act;

4. Any person licensed under any other act when properly practicing in the healing art for which that person is duly licensed;

5. Any person who practices the tenets of a religion or who ministers to the sick or suffering by mental or spiritual means in accordance with such tenets, provided that no person shall be exempt from any public health laws of this state;

6. Any person administering a lawful domestic or family remedy to a member of his or her own family;

7. Any person licensed to practice medicine and surgery in another state or territory of the United States who renders emergency medical treatment or briefly provides critical medical service at the specific lawful direction of a medical institution or federal agency that assumes full responsibility for that treatment or service and is approved by the Board;

8. Any person who is licensed to practice medicine and surgery in another state or territory of the United States whose sole purpose and activity is limited to brief actual consultation with a specific physician who is licensed to practice medicine and surgery by the Board, other than a person with a special or restricted license; or

9. The practices of other persons licensed by appropriate agencies of the State of Oklahoma, provided that such duties are consistent with the accepted standards of the person's profession

and the person does not represent himself or herself as a Doctor of Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D., or any combination thereof.

D. Nothing in the Oklahoma Medical Practice Act shall prohibit service rendered by a physician's trained assistant, registered nurse or licensed practical nurse if such service is rendered under the supervision and control of a licensed physician or the service of any other person duly licensed or certified by the state to practice the healing arts.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 492.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board shall create such application forms as are necessary for the licensure of applicants to practice medicine and surgery in this state.

B. No person shall be licensed to practice medicine and surgery in this state except upon a finding by the Board that such person has fully complied with all applicable licensure requirements of this act, is of good moral character, and has produced satisfactory evidence to the Board of the ability of the applicant to practice medicine and surgery with reasonable skill and safety.

C. Except as specifically may be waived by the Board, the Board shall not engage in any application process with any agent or representative of the applicant.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 493.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An applicant to practice medicine and surgery in this state shall provide to the Board and attest to the following information and documentation in a manner required by the Board:

1. The applicant's full name and all aliases or other names ever used, current address, social security number and date and place of birth;

2. A signed and notarized photograph of the applicant, taken within the previous twelve (12) months;

3. Originals of all documents and credentials required by the Board, or notarized photocopies or other verification acceptable to the Board of such documents and credentials;

4. A list of all jurisdictions, United States or foreign, in which the applicant is licensed or has applied for licensure to practice medicine and surgery or is authorized or has applied for authorization to practice medicine and surgery;

5. A list of all jurisdictions, United States or foreign, in which the applicant has been denied licensure or authorization to practice medicine and surgery or has voluntarily surrendered a license or an authorization to practice medicine and surgery;

6. A list of all sanctions, judgments, awards, settlements or convictions against the applicant in any jurisdiction, United States or foreign, that would constitute grounds for disciplinary action under this act or the Board's rules;

7. A detailed educational history, including places, institutions, dates, and program descriptions, of all his or her education, including all college, preprofessional, professional and professional graduate education;

8. A detailed chronological life history from age eighteen (18) years to the present, including places and dates of residence, employment and military service (United States or foreign) and all professional degrees or licenses or certificates now or ever held; and

9. Any other information or documentation specifically requested by the Board that is related to the applicant's ability to practice medicine and surgery.

B. The applicant shall possess a valid degree of Doctor of Medicine from a medical college or school located in the United States, its territories or possessions, or Canada that was approved by the Board or by a private nonprofit accrediting body approved by the Board at the time the degree was conferred. The application shall be considered by the Board based upon the product and process of the medical education and training.

C. The applicant shall have satisfactorily completed twelve (12) months of progressive postgraduate medical training approved by the Board or by a private nonprofit accrediting body approved by the Board in an institution in the United States, its territories or possessions, or Canada approved by the Board or by a private nonprofit accrediting body approved by the Board.

D. The applicant shall submit a history from the Administration of the Medical School from which the applicant graduated of any suspension, probation, or disciplinary action taken against the applicant while a student at that institution.

E. The applicant shall have passed medical licensing examination(s) satisfactory to the Board.

F. The applicant shall have demonstrated a familiarity with all appropriate statutes and rules and regulations of this state and the federal government relating to the practice of medicine and surgery.

G. The applicant shall be physically, mentally, professionally and morally capable of practicing medicine and surgery in a manner reasonably acceptable to the Board and in accordance with federal law and shall be required to submit to a physical, mental or professional competency examination or a drug dependency evaluation if deemed necessary by the Board.

H. The applicant shall not have committed or been found guilty by a competent authority, United States or foreign, of any conduct that would constitute grounds for disciplinary action under this act or rules of the Board. The Board may modify this restriction for cause.

I. Upon request by the Board, the applicant shall make a personal appearance before the Board or a representative thereof for interview, examination, or review of credentials. At the discretion of the Board, the applicant shall be required to present his or her original medical education credentials for inspection during the personal appearance.

J. The applicant shall be held responsible for verifying to the satisfaction of the Board the identity of the applicant and the validity of all credentials required for his or her medical

licensure. The Board may review and verify medical credentials and screen applicant records through recognized national physician information services.

K. The applicant shall have paid all fees and completed and attested to the accuracy of all application and information forms required by the Board.

L. The use of false or fraudulent information by an applicant shall constitute grounds for the denial of a license.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 493.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Foreign applicants shall meet all requirements for licensure as provided in Sections 492.1 and 493.1 of Title 59 of the Oklahoma Statutes.

B. Such applicant shall possess the degree of Doctor of Medicine or a Board-approved equivalent based on satisfactory completion of educational programs from a school with education and training substantially equivalent to that offered by the University of Oklahoma College of Medicine.

C. Such applicants shall have a command of the English language satisfactory to the Board and demonstrated by the passage of an oral English competency examination.

D. The Board may promulgate rules requiring all such applicants to complete satisfactorily at least twelve (12) months and up to twenty-four (24) months of Board-approved progressive graduate medical training as determined necessary by the Board for the protection of the public health, safety and welfare.

E. All credentials, diplomas and other required documentation in a foreign language submitted to the Board by such applicants shall be accompanied by notarized English translations.

F. Such applicants shall provide satisfactory evidence of having met the requirements for permanent residence or temporary nonimmigrant status as set forth by the United States Immigration and Naturalization Service.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 493.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Endorsement of licensed applicants: The Board may issue a license by endorsement to an applicant who:

1. Has complied with all current medical licensure requirements except that for examination;
2. Has passed a medical licensure examination given in English in another state, the District of Columbia, a territory or possession of the United States, or Canada, provided the Board determines that such examination was equivalent to the Board's examination used at the time of application; and
3. Possesses a valid current medical license in another state, the District of Columbia, a territory or possession of the United States, or Canada.

B. Endorsement for Certified Applicants: The Board may, at its discretion, issue a license by endorsement to an applicant who:

1. Has complied with all current medical licensure requirements except that for examination; and
2. Has passed the examination of and been certified by a certification agency recognized by the Board, provided the Board determines that the examination was equivalent to an examination acceptable to the Board at the time of the application and was not a specialty board examination.

C. Endorsement examination: Notwithstanding any other provision of this act, the Board may require applicants for full and unrestricted medical licensure by endorsement, who have not been formally tested by any state or territory of the United States or any Canadian medical licensure jurisdiction, a Board-approved medical certification agency, or a Board-approved medical specialty board within a specific period of time before application to pass a written and/or oral medical examination approved by the Board.

D. Temporary licensure: The Board may authorize the secretary to issue a temporary medical license for the intervals between Board meetings. Such temporary license shall be granted only when the secretary is satisfied as to the qualifications of the applicant to be licensed under this act but where such qualifications have been verified to the Board. Such a license shall:

1. Be granted only to an applicant demonstrably qualified for a full and unrestricted medical license under the requirements set by this act and the rules of the Board; and

2. Automatically terminate on the date of the next Board meeting at which the applicant may be considered for a full and unrestricted medical license.

E. Special licensure: The Board may establish rules authorizing the issuance of conditional, restricted, or otherwise circumscribed license as is necessary for public health, safety and welfare.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 493.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No person who is granted a special license shall practice outside the limitations of such license.

B. To be eligible for special licensure, the applicant shall have completed all the requirements for full and unrestricted medical licensure except graduate education and/or licensing examination or other requirements relative to the basis for the special license.

C. By rule, the Board shall establish restrictions for special licensure to assure that the holder will practice only under appropriate circumstances as set by the Board.

D. A special license shall be renewable annually upon the approval of the Board and upon the evaluation of performance in the special circumstances upon which the special license was granted.

E. The issuance of a special license shall not be construed to imply that a full and unrestricted medical license will be issued at a future date.

F. All other provisions of this act shall apply to holders of special licenses.

G. This section shall not limit the authority of any state agency or educational institution in this state which employs a specially licensed physician to impose additional practice limitation upon such physician.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 494.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board shall conduct a medical licensure examination as necessary to test the qualifications of applicants.

1. Except as otherwise provided, no person shall receive a license to practice medicine and surgery in this state unless he or she passes or has passed all required examinations satisfactory to the Board.

2. The Board shall approve the preparation and administration of any examination, in English, that it deems necessary to determine an applicant's ability to practice medicine and surgery with reasonable skill and safety.

3. Examinations shall be reviewed and scored in a way to ensure the anonymity of applicants.

4. Examinations shall be conducted at least semiannually, provided that there is an applicant.

5. The Board shall specify the minimum score required to pass any examination. The required passing score shall be specified prior to the administration of any examination.

6. Applicants shall be required to pass all examinations with a score as set by rule, within a specific period of time after initial application. Specific requirements for the satisfactory completion of further medical education shall be established by the Board for those applicants seeking to be examined after the specified period of time after initial application.

7. The Board may limit the number of times an applicant may take an examination before the satisfactory completion of further medical education is required of an applicant, provided that this limitation may be waived by the Board for good cause.

8. Fees for any examination shall be paid by an applicant prior to the examination and no later than a date set by the Board.

B. To apply for an examination, an applicant shall provide the Board and attest to the following information and documentation no later than a date set by the Board:

1. His or her full name and all aliases or other names ever used, current address, social security number, and date and place of birth;

2. A signed and notarized photograph of the applicant, taken within the previous twelve (12) months;

3. Originals of all documents and credentials required by the Board, or notarized photocopies or other verification acceptable to the Board of such documents and credentials;

4. A list of all jurisdictions, United States or foreign, in which the applicant is licensed or has applied for licensure to practice medicine and surgery or is authorized or has applied for authorization to practice medicine and surgery;

5. A list of all jurisdictions, United States or foreign, in which the applicant has been denied licensure or authorization to practice medicine and surgery or has voluntarily surrendered a license or an authorization to practice medicine and surgery;

6. A list of all sanctions, judgments, awards, settlements, or convictions against the applicant in any jurisdiction, United States or foreign, that would constitute grounds for disciplinary action under this act or the Board's rules;

7. A detailed educational history, including places, institutions, dates, and program descriptions, of the applicant's education including all college, pre-professional, professional, and professional graduate education;

8. A detailed chronological life history from age eighteen (18) to present, including places and dates of residence, employment, and military service (United States or foreign); and

9. Any other information or documentation specifically requested by the Board that is related to the applicant's eligibility to sit for the examination.

C. No person shall subvert or attempt to subvert the security of any medical licensure examination. The Board shall establish procedures to ensure the security and validity of all medical licensure examinations.

Any individual found by the Board to have engaged in conduct that subverts or attempts to subvert the medical licensing examination process may have his or her scores on the licensing examination withheld and/or declared invalid, be disqualified from the practice of medicine and surgery, and/or be subject to the imposition of other appropriate sanctions. The Board shall notify the Federation of State Medical Boards of the United States of any such action.

Conduct that subverts or attempts to subvert the medical licensing examination process shall include, but not be limited to:

1. Conduct that violates the security of the examination materials, such as removal from the examination room of any of the examination materials; reproduction or reconstruction of any portion of the licensure examination; aid by any means in the reproduction or reconstruction of any portion of the licensure examination; sale, distribution, purchase, receipt or unauthorized possession of any portion of a future, current, or previously administered licensure examination; and/or

2. Conduct that violates the standard of test administration, such as communication with any other examinee during the administration of the licensure examination; copying answers from another examinee or by knowingly permitting one's answers to be copied by another examinee during the administration of the licensure examination; possession during the administration of the licensing examination, unless otherwise required or authorized, of

any books, notes, written or printed materials or data of any kind, other than the examination distributed; and/or

3. Conduct that violates the credentialing process, such as falsification or misrepresentation of educational credentials or other information required for admission to the licensure examination; impersonation of an examinee or having an impersonator take the licensure examination on one's behalf.

D. The Board shall provide written notice to all applicants for medical licensure of such prohibitions and of the sanctions imposed for such conduct. A copy of such notice, attesting that the applicant has read and understands the notice, shall be signed by the applicant and filed with the application.

SECTION 18. AMENDATORY 59 O.S. 1991, Section 495, is amended to read as follows:

Section 495. When an applicant shall have shown ~~himself~~ that he or she is qualified as herein required, a ~~certificate~~ license, in form approved by the Board and signed by all members of the Board, or a quorum thereof, and attested by the seal of the Board, shall be issued to ~~him~~ the applicant by said Board, authorizing ~~him~~ the applicant to practice medicine and surgery within the meaning of this act, within the State of Oklahoma.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 495a.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. At regular intervals set by the Board, no less than one time per annum, each licensee licensed by this act shall demonstrate to the Board the licensee's continuing qualification to practice medicine and surgery. The licensee shall apply for license reregistration on a form(s) provided by the Board, which shall be designed to require the licensee to update and/or add to the information in the Board's file relating to the licensee and his or her professional activity. It shall also require the licensee to report to the Board the following information:

1. Any action taken against the licensee for acts or conduct similar to acts or conduct described in this act as grounds for disciplinary action by:

- a. any jurisdiction or authority (United States or foreign) that licenses or authorizes the practice of medicine and surgery,
- b. any peer review body,
- c. any health care institution,
- d. any professional medical society or association,
- e. any law enforcement agency,
- f. any court, or
- g. any governmental agency;

2. Any adverse judgment, settlement, or award against the licensee arising from a professional liability claim;

3. The licensee's voluntary surrender of or voluntary limitation on any license or authorization to practice medicine and surgery in any jurisdiction, including military, public health and foreign;

4. Any denial to the licensee of a license or authorization to practice medicine and surgery by any jurisdiction, including military, public health or foreign;

5. The licensee's voluntary resignation from the medical staff of any health care institution or voluntary limitation of the licensee's staff privileges at such an institution if that action occurred while the licensee was under formal or informal investigation by the institution or a committee thereof for any reason related to alleged medical incompetence, unprofessional conduct, or mental or physical impairment;

6. The licensee's voluntary resignation or withdrawal from a national, state, or county medical society, association, or organization if that action occurred while the licensee was under formal or informal investigation or review by that body for any reason related to possible medical incompetence, unprofessional or unethical conduct, or mental or physical impairment;

7. Whether the licensee has abused or has been addicted to or treated for addiction to alcohol or any chemical substance during

the previous registration period, unless such person is in a rehabilitation program approved by the Board;

8. Whether the licensee has had any physical injury or disease or mental illness during the previous registration period that affected or interrupted his or her practice of medicine and surgery; and

9. The licensee's completion of continuing medical education or other forms of professional maintenance and/or evaluation, including specialty board certification or recertification, during the previous registration period.

B. The Board may require continuing medical education for license reregistration and require documentation of that education.

C. The licensee shall sign and attest to the veracity of the application form for license reregistration. Failure to report fully and correctly shall be grounds for disciplinary action by the Board.

D. The Board shall establish a system for reviewing reregistration forms. The Board may initiate investigations and disciplinary proceedings based on information submitted by licensees for license reregistration.

E. Upon a finding by the Board that the licensee is fit to continue to practice medicine and surgery in this state, the Board shall issue to the licensee a license to practice medicine and surgery during the next registration period.

SECTION 20. AMENDATORY 59 O.S. 1991, Section 495b, is amended to read as follows:

Section 495b. Any person practicing medicine and surgery in Oklahoma as defined by law without having the legal possession of a current renewal ~~certificate of registration~~ license, shall be guilty of a ~~misdemeanor~~ felony and upon conviction be punished by a fine of not less than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), and such practice shall constitute grounds for the revocation or suspension of his or her license ~~or certificate~~ to practice medicine and surgery in this state.

SECTION 21. AMENDATORY 59 O.S. 1991, Section 495c, is amended to read as follows:

Section 495c. A. Each application for reregistration, as set forth in Section 495a.1 of this title, shall be accompanied by a reregistration fee in an amount fixed by the Board.

B. All ~~renewal~~ reregistration fees paid to the ~~secretary-treasurer~~ secretary of the State Board of ~~Medical Licensure and Supervision~~ under the provisions of this act shall be deposited ~~by him~~ with the State Treasurer, who shall place the same in the regular depository fund of the Board. Said fund, less the ten percent (10%) gross fees paid into the General Fund of the state under the provisions of Sections 211 through 214 of Title 62 of the Oklahoma Statutes, shall be expended in the manner and for the purposes now provided by law.

SECTION 22. AMENDATORY 59 O.S. 1991, Section 495d, is amended to read as follows:

Section 495d. If a ~~person eligible for renewal~~ licensee fails ~~for sixty (60) days~~ to apply for a ~~renewal certificate of registration~~ reregistration within sixty (60) days from the end of the previous registration period, as provided in ~~said section~~ this act, his original license ~~or certificate~~ to practice medicine ~~or~~ and surgery in this state ~~is automatically~~ shall be suspended and the ~~State Board of Medical Licensure and Supervision~~ shall report to the office of the district attorney of the county of practice any physician who failed to ~~renew his license~~ reregister if ~~his~~ the physician's practice is still in Oklahoma. Said original license ~~or certificate~~ shall, upon due application by said person therefor, be reinstated by the Board or its agent designated for that purpose if and when the applicant furnishes satisfactory proof that:

(a) ~~he~~ The licensee had not practiced medicine or surgery in any other state or territory of the United States in violation of the laws thereof during said period;

(b) ~~his~~ The licensee's license to practice medicine or surgery had not been revoked in any other such state or territory during said period; ~~and~~

(c) ~~he~~ The licensee has not been convicted of a felony or the violation of the narcotic laws of the United States during said period; and

(d) The licensee has met the same standards for licensure as is required at the time for initial licensure and the latest reregistration period.

A fee set by the Board shall accompany the application for reinstatement. The Board may in its discretion require the applicant to take and pass an examination prescribed by it to assess ~~his~~ the applicant's clinical competency unless the applicant can show that fifty percent (50%) of his monthly activities during the time ~~his~~ the applicant's Oklahoma license has been inactive include the practice of medicine.

SECTION 23. AMENDATORY 59 O.S. 1991, Section 495e, is amended to read as follows:

Section 495e. ~~Provided any person~~ Any licensee whose ~~renewal certificate of registration~~ reregistration application is rejected by the Board, shall have the right to appeal from such action to the district court of the county of ~~his~~ residence. If the licensee does not reside or practice in Oklahoma, appeal shall be to Oklahoma County District Court.

SECTION 24. AMENDATORY 59 O.S. 1991, Section 500, is amended to read as follows:

Section 500. ~~Every~~ Each person holding a license ~~or certificate~~ authorizing ~~him to~~ the practice of medicine and surgery in this state shall ~~also~~ notify the ~~State Board of Medical Licensure and Supervision,~~ in writing, of ~~their~~ such licensee's current practice location and mailing address. ~~Every person must also~~ Each licensee shall carry on his person at all times while engaged in such practice of medicine and surgery official verification of valid and effective licensure as may be issued by the Board.

SECTION 25. AMENDATORY 59 O.S. 1991, Section 503, is amended to read as follows:

Section 503. The ~~State Board of Medical Licensure and Supervision~~ may suspend ~~or,~~ revoke or order any other appropriate

~~sanctions against the license or certificate of any physician or surgeon holding a license or certificate to practice in the State of Oklahoma~~ this state for unprofessional conduct, but no such suspension ~~or~~, revocation or other penalty shall be made until such ~~licentiate be~~ licensee is cited to appear for hearing. No such citation shall be issued except upon sworn complaint filed with the secretary of ~~said~~ the Board, charging the ~~said licentiate~~ licensee with having been guilty of unprofessional conduct and setting forth the particular act or acts alleged to constitute such unprofessional conduct. In the event it comes to the attention of ~~said~~ the Board that a violation of the rules of professional conduct may have occurred, even though a formal complaint or charge may not have been filed, ~~said~~ the Board may conduct an investigation of such possible violation, and may upon its own motion institute a formal complaint. In the course of such investigation persons appearing before the Board may be required to testify under oath. Upon the filing of such complaint, either by an individual or the Board as provided herein, such citation must forthwith be issued by the secretary of the Board over his signature and seal of the Board, setting forth the complaint of said unprofessional conduct, and giving due notice of the time and place of the hearing ~~thereof~~ by the Board. The ~~said~~ citation shall be made returnable at the next regular meeting of the Board occurring at least thirty (30) days next after the service of said citation. The accused shall file ~~his~~ a written answer thereto under oath with the secretary of ~~said~~ the Board within twenty (20) days after the service ~~upon him~~ of ~~said~~ the citation ~~and therewith shall~~. In addition, the Board may require the accused to deposit with the secretary his or her license or certificate authorizing him or her to practice medicine and surgery within this state and unless such answer with such license or certificate be filed as herein set forth, the accused shall be considered in default and his license or certificate suspended or revoked, if the charges be deemed sufficient by the Board; provided, that the. The secretary of the Board may extend the time of answer upon satisfactory showing that the defendant is

for reasonable cause, unable to ~~make~~ answer within the ~~said~~ twenty (20) days, but in no case shall the time be extended beyond the date of the next regular meeting of the Board, unless continuance thereof be granted by the Board.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 503.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Secretary of the Board, upon concurrence of the President of the Board that an emergency exists for which the immediate suspension of a license is imperative for the public health, safety and welfare, may conduct a hearing as contemplated by Section 314 of Title 75 of the Oklahoma Statutes to suspend temporarily the license of any person under the jurisdiction of the Board.

SECTION 27. AMENDATORY 59 O.S. 1991, Section 504, is amended to read as follows:

Section 504. All citations and subpoenas, under the contemplation of this act, shall be served in general accordance with the statutes of the State of Oklahoma then in force applying to the service of such documents, and all provisions of the statutes of the state then in force, relating to citations and subpoenas, are hereby made applicable to the citations and subpoenas herein provided for. The Board shall have the authority to subpoena medical records of patients whose physicians are under investigation by the Board, including psychiatric records, and shall have the authority to subpoena peer review committee records. The Board may establish procedures to protect the confidentiality of such records. All the provisions of the statutes of the state, then in force, governing the taking of testimony by depositions, are made applicable to the taking of depositions under this act. The attendance of witnesses shall be compelled in such hearings by subpoenas issued by the secretary of the State Board of Medical Licensure and Supervision over the seal thereof, and the secretary shall in no case refuse to issue such subpoenas upon praecipe filed therefor accompanied with the fee of

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Five Dollars (\$5.00) for each subpoena issued. If any person refuse to obey such subpoena served upon him in such manner, the fact of such refusal shall be certified by the secretary of the Board, over the seal thereof, to the district court of the county in which such service was had, and the court shall proceed to hear said matter in accordance with the statutes of the state then in force governing contempt as for disobedience of its own process.

SECTION 28. AMENDATORY 59 O.S. 1991, Section 505, is amended to read as follows:

Section 505. It is hereby provided that the State of Oklahoma is a proper and necessary party in the prosecution of all such actions and hearings before the ~~State Board of Medical Licensure and Supervision~~ in all matters pertaining to unprofessional conduct under the contemplation of this act, and the Attorney General of the state, in person, or by deputy, is authorized and directed to appear in behalf thereof and the defendant in such action shall have the right to be represented by counsel. The Board shall sit as a trial body and the rulings of the president thereof in all questions shall be the rulings of the Board, unless reversed by a majority vote of the Board upon appeal thereto from such rulings of the president. The secretary shall preserve a record of all proceedings in such hearings and shall furnish a transcript thereof to the defendant upon request therefor, provided the said defendant shall pay the actual cost of preparing such transcript. If the services of a court reporter are requested, the court reporter shall be reimbursed or paid by the party who made such request.

SECTION 29. AMENDATORY 59 O.S. 1991, Section 506, is amended to read as follows:

Section 506. If it be the decision of the ~~State Board of Medical Licensure and Supervision~~, after considering all the testimony presented, that the defendant is guilty as charged, it shall be the duty of ~~said~~ the Board and the Board shall have the power to revoke ~~and cancel~~ the license ~~or certificate~~ of such defendant, and ~~his~~ the defendant's rights thereunder to practice medicine and surgery, as defined by this act, shall forever cease.

The Board, however, may suspend such license ~~or certificate~~ for a definite period of time ~~not to exceed five (5) years,~~ during which suspension the holder of such suspended license ~~or certificate~~ shall not be entitled to practice medicine and surgery thereunder, ~~but, upon expiration of such term of suspension, he shall be reinstated by the Board, and shall be then entitled to resume his practice, unless it shall be shown to the satisfaction of the Board that such party has, during the term of such suspension, continued to practice medicine and surgery in the State of Oklahoma,~~ If during suspension, the defendant practiced medicine or surgery or has been guilty of any act of unprofessional conduct, as herein defined, ~~in which event~~ the Board ~~shall~~ may revoke ~~and cancel~~ the ~~certificate or~~ license of such holder ~~and his rights thereunder shall forever cease~~ licensee. Provided, that the Board shall have power to place the ~~holder of such license or certificate~~ licensee upon probation for any period of time not less than one (1) year, nor more than five (5) years, provided that on second offense the period of probation may be for an indefinite period of time, during which time ~~his~~ the licensee's conduct will be kept under observation; at the expiration of such period of probation the charges of unprofessional conduct shall be dismissed; provided, that the ~~accused~~ defendant shall have been guilty of no additional offense; or the Board may take such other action as at its discretion it may deem proper. Provided further, that the Board may impose on the defendant as a condition of any suspension or probation, that the defendant attend and produce evidence of successful completion of a specific term of education, residency or training in enumerated fields and/or institutions as ordered by the Board based on the facts of the case. Said education, residency or training shall be at the expense of the defendant. Provided, further, that the Board may impose ~~on the defendant, as a condition of any suspension or probation, the payment of costs expended by the Board in investigating and prosecuting said cause, to include but not be limited to staff time, salary and travel expense, witness fees and attorney fees~~ such other disciplinary actions as provided for in Section 33 of

this act. Provided, further, that at the end of any term of suspension imposed by the Board, the applicant for reinstatement shall show to the Board successful completion of all conditions and requirements imposed by the Board and eligibility for reinstatement.

SECTION 30. AMENDATORY 59 O.S. 1991, Section 508, is amended to read as follows:

Section 508. Whenever any license ~~or certificate~~ has been procured or obtained by fraud or misrepresentation, or was issued by mistake; or if the diploma of graduation in medicine and surgery or any other credentials required as necessary to the admission to the examination for license ~~or certificate~~, were obtained by fraud or misrepresentation or were issued by mistake; or if the reciprocity endorsement from another state, upon which a license ~~or certificate~~ has been issued in this state, was procured by fraud or misrepresentation, or was issued by mistake, it shall be the duty of the ~~State Board of Medical Licensure and Supervision~~ to revoke such license ~~or certificate~~ in the same manner as is provided by this act for the revocation of license ~~or certificate~~ for unprofessional conduct.

Use of fraudulent information to obtain a license shall be a felony offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment.

SECTION 31. AMENDATORY 59 O.S. 1991, Section 508.1, is amended to read as follows:

Section 508.1 At any time after the ~~State Board of Medical Licensure and Supervision~~ has revoked or suspended the license to practice medicine or surgery of any person, ~~such~~ the Board, upon its own motion and of its own authority and right, may reconsider such order and decision for any reason deemed by it to be sufficient and may, in its discretion, reinstate the license of such person.

SECTION 32. AMENDATORY 59 O.S. 1991, Section 508.2, is amended to read as follows:

Section 508.2 At any time after the expiration of twelve (12) months from the date the license of any person to practice medicine or surgery has been revoked, or at any time after the expiration of six (6) months from the date the license of any person to practice medicine or surgery has been suspended ~~for a definite period of time not to exceed five (5) years~~ by the State Board ~~of Medical Licensure and Supervision~~, such person whose license has been so revoked or suspended may file ~~his~~ application with the secretary of ~~such~~ the Board, together with an application fee set by the Board, to reinstate his license. The application shall be assigned for hearing at the next regular meeting of the Board following the filing thereof, or the Board may authorize the ~~secretary-treasurer~~ secretary to hear same at any time and the Board shall have the authority and right to reconsider such order and decision of revocation or suspension and, in its discretion and for such causes and reasons deemed by it sufficient and for the best interest of the medical profession and the citizens of this state, may reinstate the license of the applicant and issue the order therefor.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 509.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. RANGE OF ACTIONS: The Board may impose disciplinary actions in accordance with the severity of violation of this act. Disciplinary actions may include but are not limited to the following:

1. Revocation of the medical license;
2. Suspension of the medical license;
3. Probation;
4. Stipulations, limitations, restrictions, and conditions relating to practice;
5. Censure (including specific redress, if appropriate);
6. Reprimand;
7. A period of free public or charity service; and

8. Satisfactory completion of an educational, training, and/or treatment program or programs.

Provided, as a condition of disciplinary action sanctions, the Board may impose as a condition of any disciplinary action, the payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees. The Board may take such actions singly or in combination as the nature of the violation requires.

B. LETTER OF CONCERN: The Board may authorize the secretary to issue a letter of concern to a licensee when evidence does not warrant formal proceedings, but the secretary has noted indications of possible errant conduct that could lead to serious consequences and formal action. The letter of concern may contain, at the secretary's discretion, clarifying information from the licensee. The Board may direct that such letter of concern be held confidential by the Board.

C. EXAMINATION/EVALUATION: The Board may, upon reasonable cause, require professional competency, physical, mental, or chemical dependency examinations of any licensee, including withdrawal and laboratory examination of body fluids.

D. DISCIPLINARY ACTION AGAINST LICENSEES:

1. The Board shall promulgate and adopt rules of Professional Conduct for professional conduct of physicians under this act; and

2. Grounds for Action: The Board may take disciplinary action for unprofessional or unethical conduct as deemed appropriate based upon the merits of each case and as set out by rule.

E. EXPUNGEMENT OF RECORD: Upon request of a licensee who has received disciplinary action other than suspension or revocation, the Board may expunge the record of the Board's action upon showing by the licensee of good cause and no further misconduct for a period of five (5) years from the date of the action.

SECTION 34. AMENDATORY 59 O.S. 1991, Section 511, is amended to read as follows:

Section 511. All monies accruing to the ~~State Board of Medical Licensure and Supervision~~ from fees herein provided for, and from all other sources whatsoever, shall be received by the ~~secretary-treasurer and he~~ secretary who shall make deposit thereof with the State Treasurer, who shall place the same in a designated depository fund to the credit of the ~~said~~ Board. All salaries and expenses of the Board shall be paid from said depository fund upon proper vouchers approved by the secretary of the Board in the usual manner as the other similar departments of state. It is further provided that, at the end of each fiscal year, the unexpended balance of such funds shall be carried forward and placed to the credit of the Board for the succeeding fiscal year.

SECTION 35. AMENDATORY 59 O.S. 1991, Section 512, is amended to read as follows:

Section 512. The ~~secretary-treasurer~~ secretary of the ~~State Board of Medical Licensure and Supervision~~ shall be paid an annual salary in an amount fixed by the Board. The Board shall have the authority to expend such funds as are necessary in carrying out the duties of the Board and shall have the authority to hire all necessary ~~clerical and stenographic assistance~~ personnel, at a ~~salary~~ salaries to be fixed by the Board, as the Board shall deem necessary. The Board shall have the authority to hire ~~an attorney~~ attorneys to represent ~~said~~ the Board in all legal matters and to assist authorized state and county officers in prosecuting or restraining violations of Section 481 et seq. of this title, and to fix the ~~salary~~ salaries or per diem of said ~~attorney~~ attorneys.

The Board shall have the authority to hire one or more investigators as may be necessary to carry out the provisions of this act at an annual salary to be fixed by the Board. Such investigators shall be commissioned peace officers of this state. In addition such investigators shall have the authority and duty to investigate and inspect the records of all persons in order to determine whether or not the narcotic laws or the dangerous drug laws have been complied with.

The Board is specifically authorized to contract with state agencies or other bodies to perform investigative services at a rate set by the Board.

The Board is authorized to pay the travel expenses of Board employees and members in accordance with the State Travel Reimbursement Act.

The expenditures authorized herein shall not be a charge against the state, but the same shall be paid solely from the Board's depository fund.

SECTION 36. AMENDATORY 59 O.S. 1991, Section 513, is amended to read as follows:

Section 513. The ~~State Board of Medical Licensure and Supervision~~ is hereby given quasi-judicial powers while sitting as a Board for the purpose of revoking ~~or~~, suspending or imposing other disciplinary actions upon the license of physicians or surgeons of this state, and appeals from its decisions shall be taken to the Supreme Court of this state. The license of any physician or surgeon who has been convicted of any felony in or without the State of Oklahoma and whether in a state or federal court, and which conviction shall have become final, shall be suspended or revoked and canceled by ~~said~~ the Board upon the submission thereto of a certified copy of the judgment and sentence of the trial court and the certificate of the clerk of ~~said~~ the court that ~~said~~ the conviction has become final; Provided, that the revocation of the license of any person convicted of a felony on any other grounds than that of moral turpitude or the violation of the federal or state narcotic laws, shall be on the merits of the particular case, but the court records in the trial of such case when conviction has been had shall be prima facie evidence of the conviction. ~~Said~~ The Board shall also revoke and cancel the license of any physician or surgeon who has been charged in a court of record of this or other states of the United States or in the federal court with the commission of a felony and who is a fugitive from justice, upon the submission of a certified copy of the charge together with a certificate from the clerk of ~~said~~ the court that after the

commitment of ~~said~~ the crime ~~said~~ the physician or surgeon fled from the jurisdiction of the court and is a fugitive from justice.

To the extent necessary to allow the Board the power to enforce disciplinary action imposed by the Board, in the exercise of its quasi-judicial authority, the Board may punish willful violations of its orders as for contempt of court and impose additional penalties as allowed by Section 33 of this act.

SECTION 37. AMENDATORY Section 3, Chapter 282, O.S.L. 1993 (25 O.S. Supp. 1993, Section 307.1), is amended to read as follows:

Section 307.1 A. No public body shall hold meetings by teleconference except:

1. Oklahoma Futures; ~~and~~
2. The Oklahoma State Regents for Higher Education; and
3. The Oklahoma Board of Medical Licensure and Supervision.

B. No public body authorized to hold meetings by teleconference shall conduct an executive session by teleconference.

SECTION 38. REPEALER 59 O.S. 1991, Sections 493, 494, 495a, 495f, 495g, 507, 508.3, 515, 516 and 517, are hereby repealed.

SECTION 39. This act shall become effective July 1, 1994.

SECTION 40. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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