ENROLLED HOUSE
JOINT
RESOLUTION NO. 1043

By: Gray of the House

and

Brown of the Senate

A Joint Resolution disapproving rules of the Oklahoma State Board of Health relating to definitions of "physician" and "comprehensive services" and regarding physician's services; directing distribution; and declaring an emergency.

WHEREAS, pursuant to subsection C of Section 725.2 of Title 59 of the Oklahoma Statutes, persons licensed to practice podiatry, chiropractic, dentistry, medicine and surgery, optometry or osteopathy are defined to be physicians. Specifically excluded from the definition of "physician" by subsection C of Section 725.2 of Title 59 of the Oklahoma Statutes are licensed health service psychologists unless otherwise defined as physicians; and

WHEREAS, on February 16, 1995, the Oklahoma State Department of Health adopted proposed permanent rules 310:655-1-2, which redefines "physician" to include only doctors of medicine (M.D.) or osteopathy (D.O.) currently licensed to practice medicine and surgery in Oklahoma, and 310:655-5-1, which modifies physicians services to include psychological services; and

WHEREAS, agencies of this state and rules promulgated by such agencies are required to follow and comply with the statutory law of this state; and

WHEREAS, proposed permanent rules 310:655-1-2 and 310:655-5-1 of the Oklahoma State Board of Health, adopted by the Board on February 16, 1995, do not comply with subsection C of Section 725.2 of Title 59 of the Oklahoma Statutes; and

WHEREAS, pursuant to Section 250.2 of Title 75 of the Oklahoma Statutes, the Legislature has reserved the right to disapprove a permanent rule if the Legislature determines that a rule is not consistent with legislative intent.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. The Oklahoma Legislature hereby disapproves proposed permanent rules 310:655-1-2 and 310:655-5-1, adopted by the Oklahoma State Board of Health on February 16, 1995.

The language of proposed permanent rule 310:655-1-2 which is disapproved by this resolution reads as follows (underline and strikeouts reflect proposed language):

"310:655-1-2. Definitions

"Health professionals" means professionals, including <u>but not limited to</u> physicians, <u>chiropractors, podiatrists, optometrists and psychologists,</u> engaged in the delivery of health services who are licensed, certified, or practice under other authority consistent with State law.

"Physician" means ~~any person holding a valid license to practice medicine and surgery, osteopathy, chiropractic, podiatry, optometry~~

~~or psychological services, excluding dentistry, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes.~~ a doctor of medicine (M.D.) or osteopathy (D.O.) currently licensed to practice medicine and surgery in Oklahoma."

The language of proposed permanent rule 310:655-5-1 which is disapproved by this resolution reads as follows (underline and strikeouts reflect proposed language):

"310:655-5-1. Comprehensive services

Comprehensive services shall include:

(1) Physicians' services including consultant and referral services by a physician~~.~~, and health professionals' services as necessary to provide allopathic, osteopathic, chiropractic, podiatric, optometric, and psychological services."

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Oklahoma State Board of Health and the Office of Administrative Rules.

SECTION 3. 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.

Passed the House of Representatives the 29th day of March, 1995.

Speaker of the House of Representatives

Passed the Senate the 10th day of April, 1995.

President of the Senate