

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1355

By: Gray

AS INTRODUCED

An Act relating to public health and safety; requiring easily accessible profile information on physicians in Oklahoma; defining terms; requiring submission of certain information; specifying type of information to be submitted; requiring certain utilization information on the practice of a physician; requiring publication of a summary; requiring maintenance of records; prohibiting certain uses; requiring accurate information under oath; providing for liability; prohibiting certain use of presumptions; providing penalty; prohibiting certain actions; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2550.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The purpose of this act is to make available to every citizen of the State of Oklahoma information necessary to allow such citizen to make an informed decision about health care needs. It is the intent of this act to provide easily accessible profile information on physicians in Oklahoma.

B. For purposes of this act:

1. "Board" means the Oklahoma State Board of Medical Licensure and Supervision;
2. "Department" means the State Department of Health; and
3. "Physician" means an individual as defined in Section 725.2 of Title 59 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2550.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Each person who applies for licensure or relicensure as a physician in Oklahoma must, at the time of application, provide in conjunction with the renewal application, pursuant to procedures promulgated by the Oklahoma State Board of Medical Licensure and Supervision, the following information to the Board:

1. The names and addresses of medical/professional schools or other institutions of higher learning attended by the physician. The provisions of this paragraph shall include the date of graduation and shall also include any graduate education/internship/residency/fellowships received by the applicant;

2. A list of specialty certifications recognized by the Board;

3. The location and type of medical practice provided within the last ten (10) years;

4. The current location of the physician's primary practice setting. If more than one, the percentage of time spent at each location shall be included;

5. The hospital or hospitals where the physician has active clinical or admitting privileges in good standing;

6. Information concerning participation in the Medicare and Medicaid programs. Such information shall include any prohibition of the physician from participation in the programs;

7. A list of any criminal conviction for any felonies or other crimes involving moral turpitude within the last ten (10) years;

8. A description of any final Board disciplinary actions from any state within the last ten (10) years;

9. A description of any revocation or involuntary restriction of hospital privileges, or a reduction in credentialing for a period

of more than one hundred eighty (180) days from any state for reasons related to competence or character;

10. The method by which the physician is indemnified against adverse judgments as a result of malpractice litigation such as malpractice insurance or letter of credit. Information shall include but is not limited to whether the physician has ever been denied malpractice insurance;

11. Information regarding all malpractice judgments and arbitration awards made to a party within the most recent ten (10) years of practice;

12. A disclosure of settlements of professional malpractice claims within the most recent five (5) years of continuous practice;

13. The names and addresses of any health facilities, other than the primary practice location, in which the physician has an ownership interest. This information shall include the percentage of ownership interest the physician has in the facility; and

14. The names and types of health benefit plans or insurance that the physician contracts with for the provision of comprehensive health services to patients of the physician.

B. Each person who is licensed as a physician in Oklahoma shall provide on a quarterly basis to the State Department of Health, in the manner designated by the Department, the following utilization information on the practice of the physician:

1. The number and percentage of female patients who have received a breast cancer screening. Criteria for screening shall be based on medically accepted standards of treatment;

2. The number and percentage of female patients who have received a cervical cancer screening. Criteria for screening shall be based on medically accepted standards of treatment;

3. The number and percentage of male patients who have received a screening examination for prostate cancer. Criteria for screening shall be based on medically accepted standards of treatment;

4. The number and percentage of cesarean section deliveries as a function of all deliveries;

5. The number of laboratory procedures performed per member per month;

6. The number and percentage of children immunized;

7. The total number of office visits for each month;

8. The number of procedures performed by the physician for which the physician is not certified by the appropriate specialty board; and

9. The number of outpatient surgeries performed each month.

C. The Department shall compile, from the utilization data gathered from physicians pursuant to subsection B of this section, summary statistics for each of the utilization categories.

D. The Department shall publish, not less than once per year, and make available to the public the summary results of utilization information it is required to compile pursuant to this section.

E. The Board, the Department and providers shall maintain printed information on summary information and provider profiles on their premises. The information will be available upon request by any person.

F. The utilization data gathered by the Department shall not be used as proof of malpractice in any such proceeding pending against a physician.

G. Information submitted to the Board and the Department pursuant to this section shall include a statement, signed under oath, by the physician attesting to the correctness and completeness of the information contained in the profile.

H. Neither the Board nor the Department shall be held liable for the correctness or completeness of the information contained in the provider profile. Each agency shall include a disclaimer attesting to the self-reporting nature of the program, and that the information has not been verified by the agency.

I. No state law prohibiting, limiting or penalizing disclosure of information about a physician shall apply in regards to information required by this section.

J. Any physician who fails to comply with the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined not more than Fifty Dollars (\$50.00) per day for each day that the physician is in violation thereof. The Board may take any disciplinary action it deems necessary for failure to comply with the provisions of this section. However, the Board shall not revoke, suspend or refuse to issue or renew a physician's license solely because of the physician's failure to comply with this section.

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.

47-1-5155 KSM 6/12/15