STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1394 By: Paulk

AS INTRODUCED

An Act relating to professions and occupations; amending Section 33, Chapter 323, O.S.L. 1994 (59 O.S. Supp. 1998, Section 509.1), which relates to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act; amending 59 O.S. 1991, Section 637.1, as last amended by Section 7, Chapter 222, O.S.L 1997 (59 O.S. Supp. 1998, Section 637.1), which relates to the State Board of Osteopathic Examiners; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 33, Chapter 323, O.S.L. 1994 (59 O.S. Supp. 1998, Section 509.1), is amended to read as follows:

Section 509.1 A. RANGE OF ACTIONS: The State Board of Medical Licensure and Supervision 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.

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. The Board shall not revoke the license of a person otherwise qualified to practice allopathic medicine within the meaning of this act solely because the person's practice or a therapy is experimental or nontraditional.

Reports of all disciplinary action provided for in this section will be available to the public upon request.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 637.1, as last amended by Section 7, Chapter 222, O.S.L. 1997 (59 O.S. Supp. 1998, Section 637.1), is amended to read as follows:

Section 637.1 A. In addition or as an alternative, as the case may be, to revoking, conditioning, suspending, reinstating or refusing to renew any license, the State Board of Osteopathic Examiners ~~may~~, after affording opportunity to be heard, may:

1. Temporarily order suspension or limitation of license;

2. Issue an order of warning, reprimand or censure with regard to any act, conduct or practice which, in the judgment of the Board upon consideration of all relevant facts and circumstances, does not warrant the initiation of formal action;

3. Order that any person violating any provision of an act or regulation administered by the Board to cease and desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the Board;

4. Order any person as a condition for continued, reinstated or renewed licensure or as a condition for probation or suspension to secure medical or such other professional treatment as may be necessary to properly discharge licensee functions; or

5. Order any person as a condition of any suspension or probation or any disciplinary action, to 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 person so ordered.

B. If after considering all the testimony presented, the State Board of Osteopathic Examiners finds that the respondent has violated any provision of the Oklahoma Osteopathic Medicine Act or any rule promulgated thereto, the Board may impose on the respondent as a condition of any suspension, revocation, or probation, or any other disciplinary action, the payment of costs expended by the Board in investigating and prosecuting said cause, such costs to include but not be limited to staff time, salary and travel expense,

witness fees and attorney fees. In addition, the Board may impose an administrative fine in an amount not to exceed One Thousand Dollars ($1,000.00) for each count or separate violation.

C. The Secretary of the Board may issue a letter of concern to a licensee, without a hearing, when evidence does not warrant formal proceedings, but indications exist 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. Such letters of concern are considered remedial.

SECTION 3. This act shall become effective November 1, 1999.

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