

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1008

By: Weedn

AS INTRODUCED

An Act relating to medical licensure and supervision; amending 59 O.S. 1991, Sections 481, as last amended by Section 1, Chapter 324, O.S.L. 1998, 482, as last amended by Section 2, Chapter 324, O.S.L. 1998, and 503, as last amended by Section 6, Chapter 211, O.S.L. 1995 (59 O.S. Supp. 1999, Sections 481, 482, and 503), which relate to the State Board of Medical Licensure and Supervision and the powers and duties thereof; adding two lay members to the Board, one of whom shall be an attorney having certain qualifications; adding exception for extension of time to answer complaint; providing specified persons in certain counties potentially impacted by revocation of a physician license be afforded certain opportunity to describe potential impact; providing for notice; authorizing Board to impose lesser penalty notwithstanding other provisions of law under certain circumstances; providing for codification; 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 last amended by Section 1, Chapter 324, O.S.L. 1998 (59 O.S. Supp. 1999, Section 481), is amended to read as follows:

Section 481. A State Board of Medical Licensure and Supervision hereinafter referred to as the "Board", is hereby re-created, to continue until July 1, 2003, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall be composed of seven (7) allopathic physicians licensed to practice medicine in this state and represent the public and ~~two (2)~~ four (4) lay members one of whom shall be an attorney licensed to practice law in this state and experienced in the practice of public interest advocacy. 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. The physician members shall have actively practiced as licensed physicians continuously in this state for the three (3) years immediately preceding their appointment to 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 last amended by Section 2, Chapter 324, O.S.L. 1998 (59 O.S. Supp. 1999, Section 482), is amended to read as follows:

Section 482. Physician members and the lay attorney member of the State Board of Medical Licensure and Supervision shall be appointed for terms of seven (7) years. The other lay members of the Board shall serve terms coterminous with that of the Governor and until a qualified successor has been duly appointed and shall serve at the pleasure of the Governor. No member shall be appointed to serve more than two complete consecutive terms. Each physician 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 503, as last amended by Section 6, Chapter 211, O.S.L. 1995 (59 O.S. Supp. 1999, Section 503), is amended to read as follows:

Section 503. A. The State Board of Medical Licensure and Supervision may suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice in this state for unprofessional conduct, but no such suspension, revocation or other penalty shall be made until the licensee is cited to appear for hearing. No such citation shall be issued except upon sworn complaint filed with the secretary of the Board, charging the licensee with having been guilty of unprofessional conduct and setting forth the particular act or acts alleged to constitute unprofessional conduct. In the event it comes to the attention of 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, the Board may conduct an investigation of the possible violation, and may upon its own motion institute a formal complaint. In the course of the investigation persons appearing before the Board may be required to testify under oath. Upon the filing of a complaint, either by an individual or the Board as provided herein, the citation must forthwith be issued by the secretary of the Board over the signature of the secretary and seal of the Board, setting forth the complaint of unprofessional conduct, and giving due notice of the time and place of the hearing by the Board. The citation shall be made returnable at the next regular meeting of the Board occurring at least thirty (30) days after the service of the citation. The defendant shall file a written answer under oath with the secretary of the Board within twenty (20) days after the service of the citation. The secretary of the Board may extend the time of answer upon satisfactory showing that the defendant is for reasonable cause, unable to answer within the twenty (20) days, but in no case

shall the time be extended beyond the date of the next regular meeting of the Board, unless otherwise required to comply with requirements of subsection B of this section or unless a continuance is granted by the Board.

B. The Board, prior to revoking the license of a physician pursuant to the provisions of this or any other section of law who has practiced for at least one year at a practice location in a county having fewer than forty thousand (40,000) population according to the most recent decennial census, shall afford opportunity to be heard on the matter to not fewer than three (3) persons who are residents of the county but are not complainants against the physician or related to a complainant within the third degree of consanguinity or affinity. The persons shall be granted opportunity to appear before the Board to:

1. Describe the anticipated impact on the community served by the physician that is likely to result from revocation of the physician's license; and

2. Suggest or recommend alternative actions that might better protect the public interest.

The Board shall, at least thirty (30) days prior to the date of such appearance, publish notice of the opportunity to appear in at least one newspaper of general circulation in the county of the physician's practice location. Notwithstanding any other provision of law, the Board, upon considering the impact of revocation on such community and finding that revocation would be contrary to the public interest, shall have the power to impose a lesser penalty.

SECTION 4. 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.