

ENROLLED SENATE  
BILL NO. 764

By: Leftwich of the Senate

and

Benson of the House

An Act relating to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act; amending 59 O.S. 1991, Section 491, as amended by Section 10, Chapter 323, O.S.L. 1994 (59 O.S. Supp. 2000, Section 491), which relates to penalty for practice without license; authorizing State Board of Medical Licensure and Supervision to assess and collect administrative fines within specified limit for practice after revocation of license; requiring adoption and promulgation of rules; making administrative fines additional to other penalties; clarifying reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 491, as amended by Section 10, Chapter 323, O.S.L. 1994 (59 O.S. Supp. 2000, Section 491), is amended to read as follows:

Section 491. A. Every person before practicing medicine and surgery or any of the branches or departments of such, within the meaning of ~~this act~~ the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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, and shall, upon conviction thereof, in any court having jurisdiction, be fined for the first offense in any sum not less than One Thousand Dollars (\$1,000.00), and not more than 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 for a period of time not less than thirty (30) days, nor more than one hundred eighty (180) days; 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.

B. If the license has been revoked, the State Board of Medical Licensure and Supervision may, pursuant to rules adopted and promulgated by the Board, assess and collect an administrative fine

not to exceed Five Thousand Dollars (\$5,000.00) for each day after revocation that the person practices medicine and surgery or any of the branches or departments of such, within the meaning of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, within this state. Fines assessed shall be in addition to such fines or imprisonment as may be invoked pursuant to subsection A of this section.

SECTION 2. 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 Senate the 6th day of March, 2001.

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Presiding Officer of the Senate

Passed the House of Representatives the 11th day of April, 2001.

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Presiding Officer of the House  
of Representatives