

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1444

By: Stanley

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 138, which relates to chiropractic physicians; amending 59 O.S. 2001, Sections 156, 158, 159.1, 159.4 and 159.5, which relate to podiatric physicians; amending 59 O.S. 2001, Section 328.44a, which relates to dentists; amending 59 O.S. 2001, Section 355, which relates to the Oklahoma Pharmacy Act; amending 59 O.S. 2001, Sections 495h and 500, which relate to allopathic physicians; amending 59 O.S. 2001, Section 625, which relates to osteopathic physicians; updating and clarifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 138, is amended to read as follows:

Section 138. Nothing in ~~this act~~ the Podiatric Medicine Practice Act shall apply to any ~~medical doctor, osteopath,~~ allopathic physician, osteopathic physician or chiropractor ~~chiropractic physician~~ licensed ~~as such~~ under the laws of this state, ~~now or hereafter~~.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 156, is amended to read as follows:

Section 156. ~~Said~~ The Board of Podiatric Medical Examiners shall make an annual report to the Governor, not later than the fifteenth day of November each year, ~~which~~. The report shall contain an account of all monies received, licenses issued, suspended, or revoked and all expenditures made by ~~said~~ the Board during the twelve (12) months prior to ~~said~~ the date.

1 SECTION 3. AMENDATORY 59 O.S. 2001, Section 158, is
2 amended to read as follows:

3 Section 158. Restraining orders and temporary and permanent
4 injunctions may be granted by the district ~~and superior~~ courts upon
5 application of the Board of Podiatric Examiners for the purpose of
6 restraining, enjoining, and preventing threatened or likely
7 violations of, and also enforcing, and also requiring compliance
8 with, the ~~applicable laws~~ Podiatric Medicine Practice Act.

9 SECTION 4. AMENDATORY 59 O.S. 2001, Section 159.1, is
10 amended to read as follows:

11 Section 159.1 The Board of Podiatric Medical Examiners may
12 ~~adopt~~ promulgate rules ~~and regulations~~ which are necessary or
13 helpful to promote the public health and safety which define and
14 establish minimum standards and requirements for methods and
15 practices to be used in taking or making casts or equivalents
16 thereof of the human foot for the purpose of prescribing, offering,
17 making, furnishing, correcting, changing, or fitting shoes for the
18 foot. It shall be unlawful to take or make said casts or
19 equivalents for any purpose except in accordance with such rules ~~and~~
20 ~~regulations~~ as the Board may prescribe.

21 SECTION 5. AMENDATORY 59 O.S. 2001, Section 159.4, is
22 amended to read as follows:

23 Section 159.4 Nothing in ~~this act~~ the Podiatric Medicine
24 Practice Act shall apply to the manufacture or sale of shoes, pads,
25 or supports, whether patented or not, which are made for, and
26 offered to, persons generally.

27 SECTION 6. AMENDATORY 59 O.S. 2001, Section 159.5, is
28 amended to read as follows:

29 Section 159.5 Any violation of ~~this act~~ the Podiatric Medical
30 Practice Act shall constitute a misdemeanor, and shall be punishable
31 upon conviction, by a fine of not more than Five Hundred Dollars
32 (\$500.00) or imprisonment in the county jail for not more than six

1 (6) months or by both such fine and imprisonment; ~~and each.~~ Each
2 separate day upon which any person unlawfully does a thing made
3 unlawful by ~~this act~~ the Podiatric Medical Practice Act shall be and
4 constitute a separate and distinct offense.

5 SECTION 7. AMENDATORY 59 O.S. 2001, Section 328.44a, is
6 amended to read as follows:

7 Section 328.44a A. The Board of Dentistry is authorized, after
8 notice and opportunity for a hearing pursuant to Article II of the
9 Administrative Procedures Act, to issue an order imposing one or
10 more of the following penalties whenever the Board finds, by clear
11 and convincing evidence, that a dentist, dental hygienist, dental
12 assistant, dental laboratory technician, or holder of a permit to
13 operate a dental laboratory has committed any of the acts or
14 occurrences set forth in Sections 328.29, 328.32, 328.33 ~~and~~, 328.39
15 ~~and 328.39a of Title 59 of the Oklahoma Statutes and Section 13 of~~
16 ~~this act~~ title:

- 17 1. Refusal to issue a license, certificate or permit, or a
18 renewal thereof, provided for in the State Dental Act;
- 19 2. Suspension of a license, certificate or permit issued by the
20 Board for a maximum period of one (1) year;
- 21 3. Revocation of a license, certificate or permit issued by the
22 Board;
- 23 4. Imposition of an administrative penalty not to exceed One
24 Thousand Five Hundred Dollars (\$1,500.00);
- 25 5. Issuance of a censure;
- 26 6. Placement on probation for a period of time and under such
27 terms and conditions as deemed appropriate by the Board, provided
28 that the maximum period of probation shall be two (2) years, except
29 that, for an individual participating in a chemical dependency
30 program, the maximum period of probation shall be four (4) years; or
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1 7. Restriction of the services that can be provided by a
2 dentist or dental hygienist, under such terms and conditions as
3 deemed appropriate by the Board.

4 B. A dentist, dental hygienist, dental assistant, dental
5 laboratory technician, or holder of a permit to operate a dental
6 laboratory, against whom a penalty is imposed by an order of the
7 Board pursuant to the provisions of this section, shall have the
8 right to seek a judicial review of such order pursuant to Article II
9 of the Administrative Procedures Act.

10 SECTION 8. AMENDATORY 59 O.S. 2001, Section 355, is
11 amended to read as follows:

12 Section 355. As used in ~~Section 353.1 et seq. of this title~~ the
13 Oklahoma Pharmacy Act:

14 1. "Dangerous drugs" means any drug intended for use by humans
15 which, because of its toxicity or other potential for harmful
16 effects, or the method of its use, or the collateral measures
17 necessary for its use, is not safe for use except under the
18 supervision of a practitioner licensed by law to administer such
19 drugs. This shall include all drugs upon which the manufacturer or
20 distributor has, in compliance with federal law and regulations,
21 placed the following: "Caution - Federal Law prohibits dispensing
22 without prescription";

23 2. "Licensed practitioner" means ~~a medical doctor, dentist,~~
24 ~~pediatrist~~ an allopathic physician, osteopathic physician, podiatric
25 physician, dentist, veterinarian, or optometrist licensed to
26 practice and authorized to prescribe medication within the scope of
27 practice of such practitioner; and

28 3. "Professional samples" means complimentary drugs packaged in
29 accordance with federal and state statutes and regulations and
30 provided to a licensed practitioner free of charge by manufacturers
31 or distributors and distributed free of charge in such package by
32 the licensed practitioner to such practitioner's patients.

1 SECTION 9. AMENDATORY 59 O.S. 2001, Section 495h, is
2 amended to read as follows:

3 Section 495h. The Board of Medical Licensure and Supervision
4 may require evidence of professional competence from applicants
5 requesting reinstatement of any license or certificate issued by the
6 Board. The Board may set criteria for measurement of professional
7 competence by rule ~~or may instruct the professional advisory~~
8 ~~committee to evaluate applicants for current level of professional~~
9 ~~competence.~~

10 SECTION 10. AMENDATORY 59 O.S. 2001, Section 500, is
11 amended to read as follows:

12 Section 500. Each person holding a license authorizing the
13 practice of medicine and surgery in this state shall notify the
14 Board of Medical Licensure and Supervision, in writing, of such
15 licensee's current practice location and mailing address. Each
16 licensee shall carry on his or her person at all times while engaged
17 in such practice of medicine and surgery official verification of
18 valid and effective licensure as may be issued by the Board.

19 SECTION 11. AMENDATORY 59 O.S. 2001, Section 625, is
20 amended to read as follows:

21 Section 625. Each member of ~~said~~ the State Board ~~shall~~ of
22 Osteopathic Examiners, before entering upon the duties of the
23 office,:

24 1. Shall take the oath of office prescribed by the Constitution
25 before someone qualified to administer oaths, i and ~~shall, except~~

26 2. Except for the lay person, make oath that:

27 a. the member is a legally qualified practitioner of
28 osteopathic medicine in this state, i and ~~that~~

29 b. the member has been engaged in the active practice of
30 osteopathic medicine in this state at least five (5)
31 years preceding the appointment of such member.

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1 SECTION 12. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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