

THE HOUSE OF REPRESENTATIVES
Thursday, March 6, 2008

Committee Substitute for
House Bill No. 2763

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2763 - By: COX of the House.

An Act relating to public health and safety; amending 59 O.S. 2001, Sections 493.2 and 493.4, as last amended by Sections 4 and 5, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2007, Sections 493.2 and 493.4), which relate to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act; modifying foreign application requirements; providing for additional special license; amending 63 O.S. 2001, Section 1-218.1, which relates to travel expenses and reimbursement for employees of city-county health departments; providing for issuance of credit cards to employees of a city-county health department; limiting chargeable expenses; defining term; specifying payment procedures for charges; providing for receipts; providing for certain form developed by the State Auditor and Inspector; providing for procedures for form and recording of certain information; prohibiting reimbursement under certain circumstance; amending 59 O.S. 2001, Section 2306, which relates to the Oklahoma Licensed Podiatrists Act; modifying licensure requirements; providing for codification; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 493.2, as last amended by
2 Section 4, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2007, Section 493.2), is amended to
3 read as follows:

4 Section 493.2 A. Foreign applicants shall meet all requirements for licensure as
5 provided in Sections 492.1 and 493.1 of this title.

1 B. 1. A foreign applicant shall possess the degree of Doctor of Medicine or a Board-
2 approved equivalent based on satisfactory completion of educational programs from a
3 school with education and training ~~substantially~~ equivalent to that offered by the
4 University of Oklahoma College of Medicine.

5 2. In the event the foreign medical school utilized clerkships in the United States,
6 its territories or possessions, such clerkships shall have been performed in hospitals and
7 schools that have programs accredited by the Accreditation Council for Graduate Medical
8 Education (ACGME).

9 C. A foreign applicant shall have a command of the English language that is
10 satisfactory to the State Board of Medical Licensure and Supervision, demonstrated by
11 the passage of an oral English competency examination.

12 D. The Board may promulgate rules requiring all foreign applicants to
13 satisfactorily complete at least twelve (12) months and up to twenty-four (24) months of
14 Board-approved progressive graduate medical training as determined necessary by the
15 Board for the protection of the public health, safety and welfare.

16 E. All credentials, diplomas and other required documentation in a foreign
17 language submitted to the Board by such applicants shall be accompanied by notarized
18 English translations.

19 F. Foreign applicants shall provide satisfactory evidence of having met the
20 requirements for permanent residence or temporary nonimmigrant status as set forth by
21 the United States Immigration and Naturalization Service.

1 G. Foreign applicants shall provide a certified copy of the Educational Commission
2 for Foreign Medical Graduates (ECFMG) Certificate to the Board at such time and in
3 such manner as required by the Board. The Board may waive the requirement for an
4 Educational Commission for Foreign Medical Graduates Certificate by rule for good
5 cause shown.

6 SECTION 2. AMENDATORY 59 O.S. 2001, Section 493.4, as amended by
7 Section 5, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2007, Section 493.4), is amended to
8 read as follows:

9 Section 493.4. A. No person who is granted a special license or a special training
10 license shall practice outside the limitations of ~~such~~ the license.

11 B. To be eligible for special or special training licensure, the applicant shall have
12 completed all the requirements for full and unrestricted medical licensure except
13 graduate education and/or licensing examination or other requirements relative to the
14 basis for the special license or special training license.

15 C. By rule, the State Board of Medical Licensure and Supervision shall establish
16 restrictions for special and special training licensure to assure that the holder will
17 practice only under appropriate circumstances as set by the Board.

18 D. A special license or special training license shall be renewable annually upon
19 the approval of the Board and upon the evaluation of performance in the special
20 circumstances upon which the special license or special training license was granted.

1 E. The issuance of a special license or a special training license shall not be
2 construed to imply that a full and unrestricted medical license will be issued at a future
3 date.

4 F. All other provisions of the Oklahoma Allopathic Medical and Surgical Licensure
5 and Supervision Act shall apply to holders of special licenses or special training licenses.

6 G. This section shall not limit the authority of any state agency or educational
7 institution in this state which employs a special or special training licensed physician to
8 impose additional practice limitations upon such physician.

9 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-218.1, is amended to
10 read as follows:

11 Section 1-218.1 A. Upon direction of the director of a city-county health
12 department, with approval of the board of county commissioners of the county, employees
13 of such city-county health department may be reimbursed for use of their personally
14 owned automobiles while performing their duties on official business for the Department
15 at a rate not to exceed that allowed for mileage to state employees. Travel claims for
16 reimbursement on a mileage basis shall be accompanied by a detailed statement showing
17 an adequate basis for computing the miles of travel and the purpose for the travel, and
18 may be paid from any funds available for that purpose.

19 B. Subject to the limitations and procedures provided by this section, approved
20 employees of a city-county health department may purchase materials, supplies, or
21 services necessary for travel out of the county in which the city-county health
22 department operates by use of one or more credit cards issued to the city-county health

1 department. Purchases made with the credit cards shall be limited to actual expenses
2 for travel out of the county by employees in the performance of their official duties. For
3 purposes of this section “actual expenses for travel” shall mean expenses for travel by
4 public or private railroads, airplanes, buses, rental cars, or other public or private
5 conveyances, fuel, oil, meals, lodging, parking fees, or telephone expenses.

6 C. The city-county health department shall encumber sufficient funds each month
7 to pay for the estimated charges made with the cards including any annual or other fee
8 owed for use of the cards. Payment for charges incurred on any card shall be made in a
9 timely manner so that no interest charges or penalties accrue and so that the total
10 payment amount corresponds to the balance of charges for purchases in addition to any
11 applicable annual fee or service charge.

12 D. All receipts for charges made by use of any card issued to a city-county health
13 department shall be maintained to facilitate accurate records of total monthly
14 expenditures for which the city-county health department shall be obligated.

15 E. Employees who make credit purchases with credit cards issued to a city-county
16 health department shall immediately and accurately document the expenditures on a
17 form prepared by the State Auditor and Inspector, attaching receipts and a written
18 explanation of each expenditure as to the date, case number, or other identification
19 number, area or location, reason for expenditure and amount expended. A copy of the
20 form shall be submitted to the director of the city-county health department for approval
21 and the original form shall be attached to the purchase order and shall be submitted for

1 payment. A copy of the form shall be retained for the records of the city-county health
2 department.

3 F. An employee of the city-county health department shall not receive any
4 reimbursement pursuant to the provisions of subsection A of this section for any
5 expenses for which a credit card issued pursuant to the provisions of this section has
6 been used.

7 SECTION 4. AMENDATORY 59 O.S. 2001, Section 2306, is amended to read
8 as follows:

9 Section 2306. A. The State Board of Medical Licensure and Supervision, with the
10 assistance of the Advisory Committee on Podorthotics, shall establish qualifications for
11 licensure and registration under the Oklahoma Licensed Podorthotics Act. The Board
12 shall also provide, as set forth herein, an alternative qualification licensure opportunity
13 for current practitioners in this state and for practitioners coming into this state prior to
14 November 1, 2004, who are unable to meet standard qualifications.

15 B. To be licensed to practice podorthotics according to standard qualifications, a
16 person shall have passed all examinations required for certification by ~~the Board for~~
17 Certification in Podorthotics (BCP) an entity approved by the Board as a certification
18 organization for licensure purposes. Once licensed, a podorthotist shall meet continuing
19 education and annual renewal requirements to maintain podorthotic licensure. The
20 licensed podorthotist shall also adhere to a code of ethics adopted by the Board upon
21 recommendation of the Committee. Absent another professional certification or
22 credential, a licensed podorthotist shall not diagnose, prescribe, provide prognosis, perform

1 invasive procedures, or make, without a prescription, any custom or customized shoe,
2 device, or modification addressing a medical condition.

3 C. To be licensed under alternative qualification a person shall:

4 1. Pass an examination, which may be an available examination designated by the
5 State Board of Medical Licensure and Supervision or an examination developed by the
6 Board; or

7 2. Enter into an alternative qualification contract with the State Board of Medical
8 Licensure and Supervision, the conditions of which shall be based on the Board's
9 evaluation of the applicant's experience and the Board's determination of further
10 experience needed or other requirements to be met, which contract shall specify a period
11 of time not to exceed ten (10) years for completion of the further experience or
12 requirements.

13 D. Upon execution of the alternative qualification contract, the Board shall issue a
14 license and shall renew the license subject to the licensee's making satisfactory progress
15 as required by the contract. Persons who satisfactorily complete the alternative
16 qualification contract shall be thereafter considered as having met the qualification
17 necessary for license renewal.

18 E. No person shall be permitted to enter into an alternative qualification contract
19 after October 31, 2004. A person who has not done so by October 31, 2004, shall not be
20 issued a license to practice pedorthics without meeting standard qualifications.

21 F. Notwithstanding any other provision of this section, a person who has practiced
22 full time during the three-year period immediately preceding the effective date of this act

1 in a pedorthic facility as a pedorthist, may file an application with the Board within
2 ninety (90) days from the effective date of this act for permission to continue to practice
3 at his or her identified level of practice. The Board, after verifying the applicant's work
4 history and receiving payment of the application fee as established pursuant to this act,
5 shall without examination of the applicant, issue the applicant a license or certificate of
6 registration. For making investigations necessary to verify the work history, the Board
7 may require that the applicant complete a questionnaire regarding the work history and
8 scope of practice. The Board shall take no more than six (6) months to make the
9 investigations necessary to verify the work history. Applicants applying after the ninety-
10 day application period of this subsection has expired, shall meet the qualifications
11 elsewhere set forth for standard or alternative qualification for licensure or for
12 registration as determined by the Board.

13 SECTION 5. It being immediately necessary for the preservation of the public
14 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
15 this act shall take effect and be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03-05-08 - DO
17 PASS, As Amended.