

EHB 2763

THE STATE SENATE
Monday, April 7, 2008

ENGROSSED

House Bill No. 2763

As Amended

ENGROSSED HOUSE BILL NO. 2763 - By: Cox of the House and Ford of the Senate.

[public health and safety - Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act - travel expenses and reimbursement for employees of city-county health department - Oklahoma Licensed Podiatrists Act - codification - emergency]

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 144, as amended by Section 1, Chapter 118, O.S.L. 2002 (59 O.S. Supp. 2007, Section 144), is amended to read as follows:

Section 144. A. The fee for examination for a license to practice podiatric medicine in this state shall be One Hundred Dollars (\$100.00). The Board of Podiatric Medical Examiners may increase this fee by not more than an additional Two Hundred Dollars (\$200.00). The examination for such license shall be given by the Board. The Board may give the examination at any special meeting, but shall not be required to do so.

B. To be entitled to take the examination, a person shall:

- 1. File a written application on a form prescribed by the Board;

1 2. Pay to the secretary-treasurer of the Board in advance the
2 fee for examination;

3 3. Satisfy the Board that the person is loyal to the United
4 States of America;

5 4. Be more than twenty-one (21) years of age;

6 5. Be of good moral character;

7 6. Not have been finally convicted of any crime involving moral
8 turpitude or of any felony;

9 7. Be free from contagious or infectious disease;

10 8. Be a graduate of an accredited college of podiatric
11 medicine; and

12 9. Have complied with applicable Board rules.

13 C. An applicant satisfying the requirements of subsection B of
14 this section shall receive a license to practice podiatric medicine
15 in this state, to be issued by the Board, if the applicant:

16 1. Takes the examination administered by the Board and receives
17 a passing score of at least seventy-five percent (75%) on both the
18 written and oral portions. An applicant receiving less than a score
19 of seventy-five percent (75%) on either the written or oral portion
20 of the examination shall be deemed to have failed the entire
21 examination;

22 2. Satisfactorily completes a podiatric surgical residency,
23 approved by the Council of Podiatric Medical Education of the

1 American Podiatric Medical Association, of not less than three
2 hundred sixty-five (365) days; and

3 3. Satisfies the Board that the applicant has not violated any
4 of the provisions of the Podiatric Medicine Practice Act or any of
5 the rules of the Board.

6 D. The examination administered by the Board shall include both
7 a written and an oral portion, shall be administered in the English
8 language, and shall cover areas in anatomy, pathology, podiatric
9 medicine and surgery, dermatology, pharmacology, biomechanics,
10 anesthesia, radiology, Oklahoma law relating to podiatric medicine,
11 and such other subjects as the Board from time to time determines
12 necessary and appropriate. The Board may authorize examination
13 papers to be graded by one or more of its own members or by any one
14 or more licensed podiatric physicians selected by the Board. Each
15 license issued by the Board shall be signed by each member of the
16 Board, bear the seal of the Board, and designate the licensee as a
17 licensed podiatric physician.

18 E. The Board may issue a temporary license if the applicant:

19 1. Has met the requirements of subsection B of this section;

20 2. Takes the examination administered by the Board and receives
21 a passing score of at least seventy-five percent (75%) on both the
22 written and oral portions. An applicant receiving less than a score
23 of seventy-five percent (75%) on either the written or oral portion

1 of the examination shall be deemed to have failed the entire
2 examination;

3 3. Is within ninety (90) days of completing a podiatric
4 surgical residency, approved by the Council of Podiatric Medical
5 Education of the American Podiatric Medical Association, of not less
6 than three hundred sixty-five (365) days; and

7 4. Satisfies the Board that the applicant has not violated any
8 of the provisions of the Podiatric Medicine Practice Act or any of
9 the rules of the Board.

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

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

16 B. To be eligible for special or special training licensure,
17 the applicant shall have completed all the requirements for full and
18 unrestricted medical licensure except graduate education and/or
19 licensing examination or other requirements relative to the basis
20 for the special license or special training license.

21 C. By rule, the State Board of Medical Licensure and
22 Supervision shall establish restrictions for special and special

1 training licensure to assure that the holder will practice only
2 under appropriate circumstances as set by the Board.

3 D. A special license or special training license shall be
4 renewable annually upon the approval of the Board and upon the
5 evaluation of performance in the special circumstances upon which
6 the special license or special training license was granted.

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

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

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

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

19 Section 1-218.1 A. Upon direction of the director of a
20 city-county health department, with approval of the board of county
21 commissioners of the county, employees of such city-county health
22 department may be reimbursed for use of their personally owned
23 automobiles while performing their duties on official business for

1 the Department at a rate not to exceed that allowed for mileage to
2 state employees. Travel claims for reimbursement on a mileage basis
3 shall be accompanied by a detailed statement showing an adequate
4 basis for computing the miles of travel and the purpose for the
5 travel, and may be paid from any funds available for that purpose.

6 B. Subject to the limitations and procedures provided by this
7 section, approved employees of a city-county health department may
8 purchase materials, supplies, or services necessary for travel out
9 of the county in which the city-county health department operates by
10 use of one or more credit cards issued to the city-county health
11 department. Purchases made with the credit cards shall be limited
12 to actual expenses for travel out of the county by employees in the
13 performance of their official duties. For purposes of this section
14 "actual expenses for travel" shall mean expenses for travel by
15 public or private railroads, airplanes, buses, rental cars, or other
16 public or private conveyances, fuel, oil, meals, lodging, parking
17 fees, or telephone expenses.

18 C. The city-county health department shall encumber sufficient
19 funds each month to pay for the estimated charges made with the
20 cards including any annual or other fee owed for use of the cards.
21 Payment for charges incurred on any card shall be made in a timely
22 manner so that no interest charges or penalties accrue and so that
23 the total payment amount corresponds to the balance of charges for

1 purchases in addition to any applicable annual fee or service
2 charge.

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

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

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

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

1 Section 2306. A. The State Board of Medical Licensure and
2 Supervision, with the assistance of the Advisory Committee on
3 Pedorthics, shall establish qualifications for licensure and
4 registration under the Oklahoma Licensed Pedorthists Act. The Board
5 shall also provide, as set forth herein, an alternative
6 qualification licensure opportunity for current practitioners in
7 this state and for practitioners coming into this state prior to
8 November 1, 2004, who are unable to meet standard qualifications.

9 B. To be licensed to practice pedorthics according to standard
10 qualifications, a person shall have passed all examinations required
11 for certification by ~~the Board for Certification in Pedorthics (BCP)~~
12 an entity approved by the Board as a certification organization for
13 licensure purposes. Once licensed, a pedorthist shall meet
14 continuing education and annual renewal requirements to maintain
15 pedorthic licensure. The licensed pedorthist shall also adhere to a
16 code of ethics adopted by the Board upon recommendation of the
17 Committee. Absent another professional certification or credential,
18 a licensed pedorthist shall not diagnose, prescribe, provide
19 prognosis, perform invasive procedures, or make, without a
20 prescription, any custom or customized shoe, device, or modification
21 addressing a medical condition.

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

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

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

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

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
22 4-3-08 - DO PASS, As Amended.