

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1985 By: Crain of the Senate
3 and
4 Cox of the House
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8 (Oklahoma Sleep Diagnostic Testing Regulation Act -
9 board certification -
10 effective date)
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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
13 entire bill and insert

14 "An Act relating to public health; amending Section
15 3, Chapter 360, O.S.L. 2009, and Section 5, Chapter
16 360, O.S.L. 2009 (63 O.S. Supp. 2009, Sections
17 7200.3 and 7200.5), which relate to the Oklahoma
18 Sleep Diagnostic Testing Regulation Act; modifying
19 definitions; directing State Board of Health to
20 promulgate certain rules; and providing an effective
21 date.

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

23 SECTION 1. AMENDATORY Section 3, Chapter 360, O.S.L.
24 2009 (63 O.S. Supp. 2009, Section 7200.3), is amended to read as
follows:

1 Section 7200.3 As used in the Oklahoma Sleep Diagnostic Testing
2 Regulation Act:

3 1. "Advanced practice nurse" means a person licensed to
4 practice as an advanced practice nurse by the Oklahoma Board of
5 Nursing pursuant to the Oklahoma Nursing Practice Act;

6 2. "Interpreting physician" means a physician who provides
7 professional interpretation of data generated by sleep diagnostic
8 tests. An interpreting physician shall be board-certified in sleep
9 medicine by the American Board of Sleep Medicine (ABSM) or the
10 American Board of Medical Specialties or must have completed a one-
11 year sleep medicine fellowship accredited by the Accreditation
12 Council for Graduate Medical Education (ACGME) or received a
13 Certification of Special Qualifications (CSQ) or a Certification of
14 Added Qualifications (CAQ) in Sleep Medicine issued by the American
15 Osteopathic Association;

16 3. "Physician" means a person licensed to practice:

17 a. allopathic medicine and surgery by the ~~Oklahoma~~ State
18 Board of Medical Licensure and Supervision pursuant to
19 the Oklahoma Allopathic Medical and Surgical Licensure
20 and Supervision Act, or

21 b. osteopathic medicine by the State Board of Osteopathic
22 Examiners pursuant to the Oklahoma Osteopathic
23 Medicine Act;

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1 4. "Physician assistant" means a person licensed to practice as
2 a physician assistant by the ~~Oklahoma~~ State Board of Medical
3 Licensure and Supervision pursuant to the Physician Assistant Act;

4 5. "Sleep diagnostic test" means any technological recording
5 procedure used for the diagnosis of sleep-related breathing
6 disorders or other disorders of sleep;

7 6. "Sleep diagnostic testing facility" means a building or
8 place situated in a fixed location or a mobile entity that is used
9 to conduct sleep diagnostic tests and includes sleep disorder
10 centers and laboratories for sleep-related breathing disorders, but
11 does not include a hospital that conducts sleep diagnostic tests for
12 its patients, including sleep diagnostic tests performed under
13 arrangements made by a hospital for its patients whereby the
14 hospital exercises professional responsibility over the arranged
15 services; and

16 7. "Supervising physician" means a physician responsible for
17 the supervision of the sleep diagnostic testing performed,
18 including, but not limited to, the quality of the testing performed,
19 the proper operation and calibration of the equipment used to
20 perform sleep diagnostic tests and the actions of nonphysician
21 personnel engaged in the performance of the sleep diagnostic
22 testing. A supervising physician shall be board-certified in sleep
23 medicine by the American Board of Sleep Medicine (ABSM) or the
24 American Board of Medical Specialties or shall have completed a one-

1 year sleep medicine fellowship accredited by the Accreditation
2 Council for Graduate Medical Education (ACGME), or received a
3 Certification of Special Qualifications (CSQ) or a Certification of
4 Added Qualifications (CAQ) in Sleep Medicine issued by the American
5 Osteopathic Association.

6 SECTION 2. AMENDATORY Section 5, Chapter 360, O.S.L.
7 2009 (63 O.S. Supp. 2009, Section 7200.5), is amended to read as
8 follows:

9 Section 7200.5 A. It shall be unlawful for any facility or
10 person to perform sleep diagnostic tests without having first
11 complied with this act or as may otherwise be allowed by applicable
12 law.

13 B. The State Department of Health is authorized to enforce the
14 provisions of this act.

15 C. The State Board of Health shall promulgate rules and
16 enforcement measures as necessary to implement the provisions of the
17 Oklahoma Sleep Diagnostic Testing Regulation Act.

18 SECTION 3. This act shall become effective November 1, 2010.”
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1 Passed the House of Representatives the 15th day of April, 2010.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate