

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1985

By: Crain of the Senate

and

6 Cox of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to public health; amending Section 3,
11 Chapter 360, O.S.L. 2009, and Section 5, Chapter 360,
12 O.S.L. 2004 (63 O.S. Supp. 2009, Sections 7200.3 and
13 7200.5), which relate to the Oklahoma Sleep
14 Diagnostic Testing Regulation Act; modifying
15 definitions; directing State Board of Health to
16 promulgate certain rules; and providing an effective
17 date.

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

19 SECTION 1. AMENDATORY Section 3, Chapter 360, O.S.L.
20 2009 (63 O.S. Supp. 2009, Section 7200.3), is amended to read as
21 follows:

22 Section 7200.3 As used in the Oklahoma Sleep Diagnostic Testing
23 Regulation Act:
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1 1. "Advanced practice nurse" means a person licensed to
2 practice as an advanced practice nurse by the Oklahoma Board of
3 Nursing pursuant to the Oklahoma Nursing Practice Act;

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

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

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

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

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

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

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

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

1 Added Qualifications (CAQ) in Sleep Medicine issued by the American
2 Osteopathic Association.

3 SECTION 2. AMENDATORY Section 5, Chapter 360, O.S.L.
4 2009 (63 O.S. Supp. 2009, Section 7200.5), is amended to read as
5 follows:

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

10 B. The State Department of Health is authorized to enforce the
11 provisions of this act.

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

15 SECTION 3. This act shall become effective November 1, 2010.

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