

ENROLLED SENATE
BILL NO. 1985

By: Crain of the Senate

and

Cox of the House

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

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

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

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

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

2. "Interpreting physician" means a physician who provides professional interpretation of data generated by sleep diagnostic tests. An interpreting physician shall be board-certified in sleep medicine by the American Board of Sleep Medicine (ABSM) or the American Board of Medical Specialties or must have completed a one-year sleep medicine fellowship accredited by the Accreditation

Council for Graduate Medical Education (ACGME) or received a Certification of Special Qualifications (CSQ) or a Certification of Added Qualifications (CAQ) in Sleep Medicine issued by the American Osteopathic Association;

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

- a. allopathic medicine and surgery by the ~~Oklahoma~~ State Board of Medical Licensure and Supervision pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, or
- b. osteopathic medicine by the State Board of Osteopathic Examiners pursuant to the Oklahoma Osteopathic Medicine Act;

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

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

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

7. "Supervising physician" means a physician responsible for the supervision of the sleep diagnostic testing performed, including, but not limited to, the quality of the testing performed, the proper operation and calibration of the equipment used to perform sleep diagnostic tests and the actions of nonphysician personnel engaged in the performance of the sleep diagnostic testing. A supervising physician shall be board-certified in sleep medicine by the American Board of Sleep Medicine (ABSM) or the

American Board of Medical Specialties or shall have completed a one-year sleep medicine fellowship accredited by the Accreditation Council for Graduate Medical Education (ACGME), or received a Certification of Special Qualifications (CSQ) or a Certification of Added Qualifications (CAQ) in Sleep Medicine issued by the American Osteopathic Association.

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

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

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

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

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

Passed the Senate the 28th day of April, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2010.

Presiding Officer of the House
of Representatives