

THE HOUSE OF REPRESENTATIVES

Thursday, April 8, 2010

Committee Substitute for

ENGROSSED

Senate Bill No. 1985

COMMITTEE SUBSTITUTE FOR ENGROSSED 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. 2004 (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:

1 SECTION 1. AMENDATORY Section 3, Chapter 360, O.S.L. 2009 (63 O.S.

2 Supp. 2009, Section 7200.3), is amended to read as follows:

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

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

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

1 Education (ACGME) or received a Certification of Special Qualifications (CSQ) or a
2 Certification of Added Qualifications (CAQ) in Sleep Medicine issued by the American
3 Osteopathic Association;

4 3. “Physician” means a person licensed to practice:

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

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

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

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

21 7. “Supervising physician” means a physician responsible for the supervision of the
22 sleep diagnostic testing performed, including, but not limited to, the quality of the testing

1 performed, the proper operation and calibration of the equipment used to perform sleep
2 diagnostic tests and the actions of nonphysician personnel engaged in the performance of
3 the sleep diagnostic testing. A supervising physician shall be board-certified in sleep
4 medicine by the American Board of Sleep Medicine (ABSM) or the American Board of
5 Medical Specialties or shall have completed a one-year sleep medicine fellowship
6 accredited by the Accreditation Council for Graduate Medical Education (ACGME), or
7 received a Certification of Special Qualifications (CSQ) or a Certification of Added
8 Qualifications (CAQ) in Sleep Medicine issued by the American Osteopathic Association.

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

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

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04-07-10 - DO
21 PASS, As Amended.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.