

EHB 1897

1 THE STATE SENATE
2 Thursday, April 2, 2009

3 ENGROSSED

4 House Bill No. 1897

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1897 - By: Cox, Ritze and Shelton of the
7 House and Ford of the Senate.

8 [professions and occupations - Allied Professional Peer
9 Assistance Program - codification - effective date -
10 emergency]

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 518.1 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. There is hereby established the Allied Professional Peer
16 Assistance Program to rehabilitate allied medical professionals
17 whose competency may be compromised because of the abuse of drugs or
18 alcohol, so that such allied medical professionals can be treated
19 and can return to or continue the practice of allied medical
20 practice in a manner which will benefit the public. The program
21 shall be under the supervision and control of the Oklahoma Board of
22 Medical Licensure and Supervision.

23 B. The Board shall appoint one or more peer assistance
24 evaluation advisory committees, hereinafter called the "allied peer
25 assistance committees". Each of these committees shall be composed

1 of members, the majority of which shall be licensed allied medical
2 professionals with expertise in chemical dependency. The allied
3 peer assistance committees shall function under the authority of the
4 Oklahoma Board of Medical Licensure and Supervision in accordance
5 with the rules of the Board. The program may be one hundred percent
6 (100%) outsourced to professional groups specialized in this arena.
7 The committee members shall serve without pay, but may be reimbursed
8 for the expenses incurred in the discharge of their official duties
9 in accordance with the State Travel Reimbursement Act.

10 C. The Board shall appoint and employ a qualified person or
11 persons to serve as program coordinators and shall fix such person's
12 compensation. The Board shall define the duties of the program
13 coordinators who shall report directly to the Board.

14 D. The Board is authorized to adopt and revise rules, not
15 inconsistent with the Oklahoma Allopathic Medical and Surgical
16 Licensure and Supervision Act, as may be necessary to enable it to
17 carry into effect the provisions of this section.

18 E. A portion of licensing fees for each allied profession, not
19 to exceed Ten Dollars (\$10.00), may be used to implement and
20 maintain the Allied Professional Peer Assistance Program.

21 F. All monies paid pursuant to subsection E of this section
22 shall be deposited in an agency special account revolving fund under
23 the Oklahoma Board of Medical Licensure and Supervision, and shall

1 be used for the general operating expenses of the Allied
2 Professional Peer Assistance Program, including payment of personal
3 services.

4 G. Records and management information system of the
5 professionals enrolled in the Allied Professional Peer Assistance
6 Program and reports shall be maintained in the program office in a
7 place separate and apart from the records of the Board. The records
8 shall be made public only by subpoena and court order; provided
9 however, confidential treatment shall be cancelled upon default by
10 the professional in complying with the requirements of the program.

11 H. Any person making a report to the Board or to an allied peer
12 assistance committee regarding a professional suspected of
13 practicing allied medical practice while habitually intemperate or
14 addicted to the use of habit-forming drugs, or a professional's
15 progress or lack of progress in rehabilitation, shall be immune from
16 any civil or criminal action resulting from such reports, provided
17 such reports are made in good faith.

18 I. A professional's participation in the Allied Professional
19 Peer Assistance Program in no way precludes additional proceedings
20 by the Board for acts or omissions of acts not specifically related
21 to the circumstances resulting in the professional's entry into the
22 program. However, in the event the professional defaults from the

1 program, the Board may discipline the professional for those acts
2 which led to the professional entering the program.

3 J. The Executive Director of the Board shall suspend the
4 license immediately upon notification that the licensee has
5 defaulted from the Allied Professional Peer Assistance Program, and
6 shall assign a hearing date for the matter to be presented to the
7 Board.

8 K. All treatment information, whether or not recorded, and all
9 communications between a professional and therapist are both
10 privileged and confidential. In addition, the identity of all
11 persons who have received or are receiving treatment services shall
12 be considered confidential and privileged.

13 L. As used in this section, unless the context otherwise
14 requires:

15 1. "Board" means the Oklahoma Board of Medical Licensure and
16 Supervision; and

17 2. "Allied peer assistance committee" means the peer assistance
18 evaluation advisory committee created in this section, which is
19 appointed by the Oklahoma Board of Medical Licensure and Supervision
20 to carry out specified duties.

21 SECTION 2. AMENDATORY 59 O.S. 2001, Section 493.2, as
22 last amended by Section 4, Chapter 523, O.S.L. 2004 (59 O.S. Supp.
23 2008, Section 493.2), is amended to read as follows:

1 Section 493.2 A. Foreign applicants shall meet all
2 requirements for licensure as provided in Sections 492.1 and 493.1
3 of this title.

4 B. 1. A foreign applicant shall possess the degree of Doctor
5 of Medicine or a Board-approved equivalent based on satisfactory
6 completion of educational programs from a recognized foreign medical
7 ~~school with education and training substantially equivalent to that~~
8 ~~offered by the University of Oklahoma College of Medicine as~~
9 evidenced by national and international resources available to the
10 Board.

11 2. In the event the foreign medical school utilized clerkships
12 in the United States, its territories or possessions, such
13 clerkships shall have been performed in hospitals and schools that
14 have programs accredited by the Accreditation Council for Graduate
15 Medical Education (ACGME).

16 C. A foreign applicant shall have a command of the English
17 language that is satisfactory to the State Board of Medical
18 Licensure and Supervision, demonstrated by the passage of an oral
19 English competency examination.

20 D. The Board may promulgate rules requiring all foreign
21 applicants to satisfactorily complete at least twelve (12) months
22 and up to twenty-four (24) months of Board-approved progressive

1 graduate medical training as determined necessary by the Board for
2 the protection of the public health, safety and welfare.

3 E. All credentials, diplomas and other required documentation
4 in a foreign language submitted to the Board by such applicants
5 shall be accompanied by notarized English translations.

6 F. Foreign applicants shall provide satisfactory evidence of
7 having met the requirements for permanent residence or temporary
8 nonimmigrant status as set forth by the United States Immigration
9 and Naturalization Service.

10 G. Foreign applicants shall provide a certified copy of the
11 Educational Commission for Foreign Medical Graduates (ECFMG)
12 Certificate to the Board at such time and in such manner as required
13 by the Board. The Board may waive the requirement for an
14 Educational Commission for Foreign Medical Graduates Certificate by
15 rule for good cause shown.

16 SECTION 3. AMENDATORY 59 O.S. 2001, Section 493.3, is
17 amended to read as follows:

18 Section 493.3 A. Endorsement of licensed applicants: The
19 State Board of Medical Licensure and Supervision may issue a license
20 by endorsement to an applicant who:

21 1. Has complied with all current medical licensure requirements
22 except those for examination; and

1 2. Has passed a medical licensure examination given in English
2 in another state, the District of Columbia, a territory or
3 possession of the United States, or Canada, or has passed the
4 National Boards Examination administered by the National Board of
5 Medical Examiners, provided the Board determines that such
6 examination was equivalent to the Board's examination used at the
7 time of application.

8 B. Notwithstanding any other provision of the Oklahoma
9 Allopathic Medical and Surgical Licensure and Supervision Act, the
10 Board may require applicants for full and unrestricted medical
11 licensure by endorsement, who have not been formally tested by
12 another state or territory of the United States or any Canadian
13 medical licensure jurisdiction, a Board-approved medical
14 certification agency, or a Board-approved medical specialty board
15 within a specific period of time before application to pass a
16 written and/or oral medical examination approved by the Board.

17 C. The Board may authorize the secretary to issue a temporary
18 medical license for the intervals between Board meetings. A
19 temporary license shall be granted only when the secretary is
20 satisfied as to the qualifications of the applicant to be licensed
21 under the Oklahoma Allopathic Medical and Surgical Licensure and
22 Supervision Act but where such qualifications have not been verified
23 to the Board. A temporary license shall:

1 1. Be granted only to an applicant demonstrably qualified for a
2 full and unrestricted medical license under the requirements set by
3 the Oklahoma Allopathic Medical and Surgical Licensure and
4 Supervision Act and the rules of the Board; and

5 2. Automatically terminate on the date of the next Board
6 meeting at which the applicant may be considered for a full and
7 unrestricted medical license.

8 D. The Board may establish rules authorizing the issuance of
9 conditional, restricted, or otherwise circumscribed licenses, or
10 issuance of licenses under terms of agreement, for all licenses
11 under its legislative jurisdiction as are necessary for the public
12 health, safety, and welfare.

13 SECTION 4. AMENDATORY 59 O.S. 2001, Section 506, is
14 amended to read as follows:

15 Section 506. A. If it is the decision of the State Board of
16 Medical Licensure and Supervision, after considering all the
17 testimony presented, that the defendant is guilty as charged, the
18 Board shall revoke the license of the defendant, and the defendant's
19 rights to practice medicine and surgery. The Board, however, may
20 suspend a license, during which suspension the holder of such
21 suspended license shall not be entitled to practice medicine and
22 surgery thereunder. If during suspension, the defendant practiced
23 medicine or surgery or has been guilty of any act of unprofessional

1 conduct, as defined by the Oklahoma Allopathic Medical and Surgical
2 Licensure and Supervision Act, the Board may revoke the license of
3 such licensee or place the licensee upon probation for any period of
4 time not less than one (1) year, nor more than five (5) years, or on
5 second offense place the licensee on probation for an indefinite
6 period of time, during which time the licensee's conduct will be
7 kept under observation. The Board, furthermore, may impose on the
8 defendant, as a condition of any suspension or probation, a
9 requirement that the defendant attend and produce evidence of
10 successful completion of a specific term of education, residency, or
11 training in enumerated fields and/or institutions as ordered by the
12 Board based on the facts of the case. The education, residency, or
13 training shall be at the expense of the defendant. The Board may
14 also impose other disciplinary actions as provided for in Section
15 509.1 of this title. At the end of any term of suspension imposed
16 by the Board, the applicant for reinstatement shall show to the
17 Board successful completion of all conditions and requirements
18 imposed by the Board and demonstrate eligibility for reinstatement.

19 B. Immediately upon learning that a licensee has been convicted
20 of a felonious violation of a state or federal narcotics law, the
21 Executive Director of the Board shall summarily suspend the license
22 and assign a hearing date for the matter to be presented to the
23 Board. Immediately upon learning that a licensee is in violation of

1 a Board-ordered probation, the Executive Director of the Board may
2 summarily suspend the license based on imminent harm to the public
3 and assign a hearing date for the matter to be presented at the next
4 scheduled Board meeting.

5 SECTION 5. AMENDATORY 59 O.S. 2001, Section 509, as
6 amended by Section 9, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2008,
7 Section 509), is amended to read as follows:

8 Section 509. The words "unprofessional conduct" as used in
9 Sections 481 through 514 of this title are hereby declared to
10 include, but shall not be limited to, the following:

- 11 1. Procuring, aiding or abetting a criminal operation;
- 12 2. The obtaining of any fee or offering to accept any fee,
13 present or other form of remuneration whatsoever, on the assurance
14 or promise that a manifestly incurable disease can or will be cured;
- 15 3. Willfully betraying a professional secret to the detriment
16 of the patient;
- 17 4. Habitual intemperance or the habitual use of habit-forming
18 drugs;
- 19 5. Conviction of a felony or of any offense involving moral
20 turpitude;
- 21 6. All advertising of medical business in which statements are
22 made which are grossly untrue or improbable and calculated to
23 mislead the public;

- 1 7. Conviction or confession of a crime involving violation of:
- 2 a. the antinarcotic or prohibition laws and regulations
- 3 of the federal government,
- 4 b. the laws of this state, or
- 5 c. State Board of Health rules;
- 6 8. Dishonorable or immoral conduct which is likely to deceive,
- 7 defraud, or harm the public;
- 8 9. The commission of any act which is a violation of the
- 9 criminal laws of any state when such act is connected with the
- 10 physician's practice of medicine. A complaint, indictment or
- 11 confession of a criminal violation shall not be necessary for the
- 12 enforcement of this provision. Proof of the commission of the act
- 13 while in the practice of medicine or under the guise of the practice
- 14 of medicine shall be unprofessional conduct;
- 15 10. Failure to keep complete and accurate records of purchase
- 16 and disposal of controlled drugs or of narcotic drugs;
- 17 11. The writing of false or fictitious prescriptions for any
- 18 drugs or narcotics declared by the laws of this state to be
- 19 controlled or narcotic drugs;
- 20 12. Prescribing or administering a drug or treatment without
- 21 sufficient examination and the establishment of a valid physician-
- 22 patient relationship;

1 13. The violation, or attempted violation, direct or indirect,
2 of any of the provisions of the Oklahoma Allopathic Medical and
3 Surgical Licensure and Supervision Act, either as a principal,
4 accessory or accomplice;

5 14. Aiding or abetting, directly or indirectly, the practice of
6 medicine by any person not duly authorized under the laws of this
7 state;

8 15. The inability to practice medicine with reasonable skill
9 and safety to patients by reason of age, illness, drunkenness,
10 excessive use of drugs, narcotics, chemicals, or any other type of
11 material or as a result of any mental or physical condition. In
12 enforcing this subsection the State Board of Medical Licensure and
13 Supervision may, upon probable cause, request a physician to submit
14 to a mental or physical examination by physicians designated by it.
15 If the physician refuses to submit to the examination, the Board
16 shall issue an order requiring the physician to show cause why the
17 physician will not submit to the examination and shall schedule a
18 hearing on the order within thirty (30) days after notice is served
19 on the physician. The physician shall be notified by either
20 personal service or by certified mail with return receipt requested.
21 At the hearing, the physician and the physician's attorney are
22 entitled to present any testimony and other evidence to show why the
23 physician should not be required to submit to the examination.

1 After a complete hearing, the Board shall issue an order either
2 requiring the physician to submit to the examination or withdrawing
3 the request for examination. The medical license of a physician
4 ordered to submit for examination may be suspended until the results
5 of the examination are received and reviewed by the Board;

6 16. Prescribing, dispensing or administering of controlled
7 substances or narcotic drugs in excess of the amount considered good
8 medical practice, or prescribing, dispensing or administering
9 controlled substances or narcotic drugs without medical need in
10 accordance with published standards;

11 17. Engaging in physical conduct with a patient which is sexual
12 in nature, or in any verbal behavior which is seductive or sexually
13 demeaning to a patient;

14 18. Failure to maintain an office record for each patient which
15 accurately reflects the evaluation, treatment, and medical necessity
16 of treatment of the patient; ~~or~~

17 19. Failure to provide necessary ongoing medical treatment when
18 a doctor-patient relationship has been established, which
19 relationship can be severed by either party providing a reasonable
20 period of time is granted; or

21 20. Failure to provide a proper and safe medical facility
22 setting and qualified assistive personnel for a recognized medical
23 act, including but not limited to an initial in-person patient

1 examination, office surgery, diagnostic service or any other medical
2 procedure or treatment. Adequate medical records to support
3 diagnosis, procedure, treatment or prescribed medications must be
4 produced and maintained.

5 SECTION 6. AMENDATORY 59 O.S. 2001, Section 509.1, as
6 last amended by Section 10, Chapter 523, O.S.L. 2004 (59 O.S. Supp.
7 2008, Section 509.1), is amended to read as follows:

8 Section 509.1 A. RANGE OF ACTIONS: The State Board of Medical
9 Licensure and Supervision may impose disciplinary actions in
10 accordance with the severity of violation of the Oklahoma Allopathic
11 Medical and Surgical Licensure and Supervision Act. Disciplinary
12 actions may include, but are not limited to the following:

- 13 1. Revocation of the medical license with or without the right
14 to reapply;
- 15 2. Suspension of the medical license;
- 16 3. Probation;
- 17 4. Stipulations, limitations, restrictions, and conditions
18 relating to practice;
- 19 5. Censure, including specific redress, if appropriate;
- 20 6. Reprimand;
- 21 7. A period of free public or charity service;
- 22 8. Satisfactory completion of an educational, training, and/or
23 treatment program or programs; and

1 9. Administrative fines of up to Five Thousand Dollars
2 (\$5,000.00) per violation.
3 Provided, as a condition of disciplinary action sanctions, the Board
4 may impose as a condition of any disciplinary action, the payment of
5 costs expended by the Board for any legal fees and costs and
6 probation and monitoring fees including, but not limited to, staff
7 time, salary and travel expense, witness fees and attorney fees.
8 The Board may take such actions singly or in combination as the
9 nature of the violation requires.

10 B. LETTER OF CONCERN: The Board may authorize the secretary to
11 issue a confidential letter of concern to a licensee when evidence
12 does not warrant formal proceedings, but the secretary has noted
13 indications of possible errant conduct that could lead to serious
14 consequences and formal action. The letter of concern may contain,
15 at the secretary's discretion, clarifying information from the
16 licensee.

17 C. EXAMINATION/EVALUATION: The Board may, upon reasonable
18 cause, require professional competency, physical, mental, or
19 chemical dependency examinations of any licensee, including
20 withdrawal and laboratory examination of body fluids.

21 D. DISCIPLINARY ACTION AGAINST LICENSEES:

22 1. The Board shall promulgate rules describing acts of
23 unprofessional or unethical conduct by physicians pursuant to the

1 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
2 Act; and

3 2. Grounds for Action: The Board may take disciplinary action
4 for unprofessional or unethical conduct as deemed appropriate based
5 upon the merits of each case and as set out by rule. The Board
6 shall not revoke the license of a person otherwise qualified to
7 practice allopathic medicine within the meaning of the Oklahoma
8 Allopathic Medical and Surgical Licensure and Supervision Act solely
9 because the person's practice or a therapy is experimental or
10 nontraditional.

11 Reports of all disciplinary action provided for in this section
12 will be available to the public upon request.

13 E. ~~1.~~ SURRENDER IN LIEU OF PROSECUTION:

14 1. The Board may accept a surrender of license from a licensee
15 who has engaged in unprofessional conduct in lieu of Board staff
16 prosecuting a pending disciplinary action or filing formal
17 disciplinary proceedings only as provided in this section. To
18 effect such a surrender, the licensee must submit a sworn statement
19 to the Board:

20 a. expressing the licensee's desire to surrender the
21 license,

22 b. acknowledging that the surrender is freely and
23 voluntarily made, that the licensee has not been

1 subjected to coercion or duress, and that the licensee
2 is fully aware of the consequences of the license
3 surrender,
4 c. stating that the licensee is the subject of an
5 investigation or proceeding by the Board or a law
6 enforcement or other regulatory agency involving
7 allegations which, if proven, would constitute grounds
8 for disciplinary action by the Board, and
9 d. specifically admitting to and describing the
10 misconduct.

11 2. The sworn written statement must be submitted with the
12 licensee's wallet card and wall certificate. The Secretary or
13 Executive Director of the Board may accept the sworn statement,
14 wallet card and wall certificate from a licensee pending formal
15 acceptance by the Board. The issuance of a complaint and citation
16 by the Board shall not be necessary for the Board to accept a
17 surrender under this subsection. A surrender under this subsection
18 shall be considered disciplinary action by the Board in all cases,
19 even in cases where surrender occurs prior to the issuance of a
20 formal complaint and citation, and shall be reported as disciplinary
21 action by the Board to the public and any other entity to whom the
22 Board regularly reports disciplinary actions.

1 3. As a condition to acceptance of the surrender, the Board may
2 require the licensee to pay the costs expended by the Board for any
3 legal fees and costs and any investigation, probation and monitoring
4 fees including, but not limited to, staff time, salary and travel
5 expense, witness fees and attorney fees.

6 4. The licensee whose surrender in lieu of prosecution is
7 accepted by the Board shall be ineligible to reapply for
8 reinstatement of his or her license for at least one (1) year from
9 the date of the accepted surrender.

10 F. ALL LICENSED PROFESSIONALS: All disciplinary actions
11 defined in this section are applicable to any and all professional
12 licensees under the legislative jurisdiction of the State Board of
13 Medical Licensure and Supervision.

14 SECTION 7. AMENDATORY 59 O.S. 2001, Section 3006, is
15 amended to read as follows:

16 Section 3006. A. The State Board of Medical Licensure and
17 Supervision, with the assistance of the Advisory Committee on
18 Orthotics and Prosthetics, shall establish qualifications for
19 licensure and registration under the Orthotics and Prosthetics
20 Practice Act. Until November 1, 2004, the Board shall provide, as
21 set forth herein, an alternative qualification licensure opportunity
22 for current practitioners in this state who are unable to meet

1 standard qualifications. Persons meeting the qualifications of more
2 than one discipline may be licensed in more than one discipline.

3 B. To be licensed to practice orthotics or prosthetics
4 according to standard qualifications, a person shall:

5 1. Possess a baccalaureate degree from an institution of higher
6 education accredited by a general accrediting agency recognized by
7 the Oklahoma State Regents for Higher Education;

8 2. Have completed an orthotic or prosthetic education program
9 that meets or exceeds the requirements, including clinical practice,
10 of the Commission on Accreditation of Allied Health Education
11 Programs;

12 3. Have completed a clinical residency in the professional area
13 for which the license is sought that meets or exceeds the standards,
14 guidelines, and procedures for residencies of the National
15 Commission on Orthotic and Prosthetic Education or of any other such
16 group that is recognized by the State Board of Medical Licensure and
17 Supervision; and

18 4. Demonstrate attainment of internationally accepted standards
19 of orthotic and prosthetic care as outlined by the International
20 Society of Prosthetics and Orthotics professional profile for
21 Category I orthotic and prosthetic personnel.

22 C. To be licensed to practice orthotics or prosthetics under
23 alternative qualification requirements, a person shall:

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

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

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

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

1 F. Notwithstanding any other provision of this section, a
2 person who has practiced full time during the three-year period
3 preceding the effective date of this act in a prosthetic or orthotic
4 facility as a prosthetist or orthotist and has a high school diploma
5 or equivalent, or who has practiced as an assistant or technician,
6 may file an application with the Board within ninety (90) days from
7 the effective date of this act for permission to continue to
8 practice at his or her identified level of practice. The Board,
9 after verifying the applicant's work history and receiving payment
10 of the application fee as established pursuant to this act, shall,
11 without examination of the applicant, issue the applicant a license
12 or certificate of registration. To make the investigations
13 necessary to verify the applicant's work history, the Board may
14 require that the applicant complete a questionnaire regarding the
15 work history and scope of practice. The Board shall take no more
16 than six (6) months to verify the work history. Applicants applying
17 after the ninety-day application period of this subsection has
18 expired shall meet the qualifications elsewhere set forth for
19 standard or alternative qualification for licensure or for
20 registration as determined by the Board.

21 G. The Board may authorize the Board Secretary to issue a
22 temporary license for up to two (2) years to individuals who have
23 graduated from a program and completed their residency as outlined

1 in subsection B of this section, but not yet passed the licensure
2 exam. A temporary license authorizing practice under supervision
3 shall be granted only when the Board Secretary is satisfied as to
4 the qualifications of the applicant to be licensed under the
5 Orthotics and Prosthetics Practice Act except for examination. A
6 temporary license shall be granted only to an applicant demonstrably
7 qualified for a full and unrestricted license under the requirements
8 set by the Orthotics and Prosthetics Practice Act and the rules of
9 the Board.

10 SECTION 8. This act shall become effective July 1, 2009.

11 SECTION 9. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
16 3-26-09 - DO PASS, As Amended and Coauthored.