

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2908

By: Morgan

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Section 725.4, which relates
9 to requiring disclosure of financial interest to
10 patients or clients; modifying entities to which
11 referrals are subject to patient or client
12 disclosure; providing that certain state agencies
13 shall assess fine after notice and hearing; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2001, Section 725.4, is
17 amended to read as follows:

18 Section 725.4 A. 1. Any health or mental health care
19 professional or health care provider who refers patients or clients
20 to a ~~testing center or laboratory~~ facility providing medical
21 services shall provide written disclosure to such patient or client
22 or the guardian of such patient or client of any financial interest
23 of the professional or provider in the ~~center or laboratory~~ facility
24 or any remuneration received by the professional or provider for

1 referrals to the ~~center or laboratory~~ facility. Such disclosure
2 shall be provided:

3 a. in a format which allows acknowledgment by such
4 patient or client or the guardian of such patient or
5 client, and

6 b. by a sign posted in a conspicuous location in the
7 office of the health or mental health care
8 professional or health care provider.

9 2. Provided, however, that disclosure shall not be required
10 where:

11 ~~1. The testing center or laboratory~~

12 a. the facility is an extension of or ancillary to the
13 health or mental health care professional's or health
14 care provider's practice^{7,1}

15 ~~2. The testing center or laboratory~~

16 b. the facility is not a separate business entity and is
17 not billed as a separate entity^{7,1} and

18 ~~3. The~~

19 c. the health or mental health care professional or
20 health care provider provides for and supervises the
21 services at the facility.

22 B. Any person who has been determined to be in violation of
23 subsection A of this section by the ~~State Board of Health~~ state
24 agency licensing, certifying or registering the person, after notice

1 and a hearing by the ~~Board~~ agency shall be subject to a fine of not
2 less than One Hundred Dollars (\$100.00) or more than One Thousand
3 Dollars (\$1,000.00).

4 C. In addition to any other penalties or remedies provided by
5 law:

6 1. A violation of this section by a health or mental health
7 care professional or health care provider shall be grounds for
8 disciplinary action by the state agency licensing, certifying or
9 registering such professional or provider; and

10 2. A state agency licensing, certifying or registering such
11 professional or provider may institute an action to enjoin violation
12 or potential violation of this section. The action for an
13 injunction shall be in addition to any other action, proceeding or
14 remedy authorized by law.

15 SECTION 2. This act shall become effective November 1, 2010.

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