

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2674

By: Derby

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to professions and occupations;  
10                   amending 59 O.S. 2011, Sections 622, 624 and 626,  
11                   which relate to the Oklahoma Osteopathic Medicine  
12                   Act; modifying license requirements; providing for  
13                   per diem and travel expenses for members of the State  
14                   Board of Osteopathic Examiners; modifying hiring of  
15                   certain personnel; providing for temporary resident  
16                   license for out-of-state residents; providing for  
17                   resident training license for certain persons;  
18                   providing for codification; and providing an  
19                   effective date.

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

21                   SECTION 1.            AMENDATORY            59 O.S. 2011, Section 622, is  
22                   amended to read as follows:

23                   Section 622. A. 1. Except as otherwise provided by this  
24                   section, it shall be unlawful for any person to practice as an  
25                   osteopathic physician and surgeon in this state, without a license  
26                   to do so, issued by the State Board of Osteopathic Examiners;  
27                   provided, that any license or certificate ~~heretofore~~ issued under

1 the laws of this state, authorizing its holder to practice  
2 osteopathic medicine, shall remain in full force and effect.  
3 Persons who hold themselves out as osteopathic physicians in this  
4 state without a license issued by the State Board of Osteopathic  
5 Examiners submit themselves to the jurisdiction of the State Board  
6 of Osteopathic Examiners.

7 2. Osteopathic physicians engaged in postgraduate training  
8 beyond the internship year, also known as PGY-1, shall be licensed.  
9 Osteopathic physicians engaged in the internship or PGY-1 year may  
10 be eligible for a resident training license.

11 3. Osteopathic physicians engaged in interventional pain  
12 management pursuant to the Oklahoma Interventional Pain Management  
13 and Treatment Act shall be licensed by the State Board of  
14 Osteopathic Examiners.

15 B. 1. A person within or outside of this state who performs  
16 through electronic communications diagnostic or treatment services  
17 within the scope of practice of an osteopathic physician and  
18 surgeon, including but not limited to, stroke prevention and  
19 treatment, for any patient whose condition is being diagnosed or  
20 treated within this state shall be licensed in this state, pursuant  
21 to the provisions of the Oklahoma Osteopathic Medicine Act.  
22 However, in such cases, a nonresident osteopathic physician who,  
23 while located outside this state, consults on an irregular basis  
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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 with a physician who is located in this state is not required to be  
2 licensed in this state.

3 2. Any osteopathic physician licensed in this state who engages  
4 in the prescription of drugs, devices, or treatments via electronic  
5 means may do so only in the context of an appropriate  
6 physician/patient relationship wherein a proper patient record is  
7 maintained including, at the minimum, a current history and  
8 physical.

9 3. Any commissioned medical officer of the armed forces of the  
10 United States or medical officer of the United States Public Health  
11 Service or the Veterans Administration of the United States, in the  
12 discharge of official duties and/or within federally controlled  
13 facilities, who is fully licensed to practice osteopathic medicine  
14 and surgery in one or more jurisdictions of the United States shall  
15 not be required to be licensed in this state pursuant to the  
16 Oklahoma Osteopathic Medicine Act, unless the person already holds  
17 an osteopathic medical license in this state pursuant to the  
18 Oklahoma Osteopathic Medicine Act. In such case, the medical  
19 officer shall be subject to the Oklahoma Osteopathic Medicine Act.

20 4. A person who performs any of the functions covered by this  
21 subsection submits themselves to the jurisdiction of the courts of  
22 this state for the purposes of any cause of action resulting from  
23 the functions performed.

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1 C. A hospital or related institution, as such terms are defined  
2 in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the  
3 principal purpose or function of providing hospital or medical care,  
4 including but not limited to any corporation, association, trust, or  
5 other organization organized and operated for such purpose, may  
6 employ one or more persons who are duly licensed to practice  
7 osteopathic medicine in this state without being regarded as itself  
8 practicing osteopathic medicine within the meaning and provisions of  
9 this section. The employment by the hospital or related institution  
10 of any person who is duly licensed shall not, in and of itself, be  
11 considered as an act of unprofessional conduct by the person so  
12 employed. Nothing provided herein shall eliminate, limit or  
13 restrict the liability for any act or failure to act of any  
14 hospital, any hospital's employees or persons duly licensed to  
15 practice osteopathic medicine.

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 624, is  
17 amended to read as follows:

18 Section 624. A. There is hereby re-created the State Board of  
19 Osteopathic Examiners to continue until July 1, 2015, in accordance  
20 with the provisions of the Oklahoma Sunset Law.

21 B. The State Board of Osteopathic Examiners shall consist of  
22 eight (8) examiners appointed by the Governor, two of whom shall be  
23 lay persons. The remaining examiners shall be regularly licensed  
24 osteopathic physicians in good standing in this state who have been

1 so engaged for a period of at least five (5) years immediately prior  
2 to their appointment. The osteopathic physician examiners shall be  
3 appointed by the Governor from a list of not less than six names  
4 submitted to the Governor by the Oklahoma Osteopathic Association  
5 annually, and any present member of the Board of Examiners shall be  
6 appointed to fill out the unexpired term. All appointments made to  
7 the Board shall be for terms of seven (7) years. In the event of a  
8 vacancy brought about for any reason, the post so vacated shall be  
9 filled from a list of not less than six names submitted by the  
10 Oklahoma Osteopathic Association.

11 C. The Board shall have and use a common seal, and make and  
12 adopt all necessary rules relating to the enforcement of the  
13 provisions of the Oklahoma Osteopathic Medicine Act. Each board  
14 member shall receive the daily per diem rate for state employees.  
15 Travel expenses allowed under the State Travel Reimbursement Act  
16 shall also be provided to board members traveling more than fifty  
17 (50) miles to the location of all regular and special board  
18 meetings.

19 ~~D. Examinations may be held at the discretion of the Board, at~~  
20 ~~the time and place fixed by the Board, and all applicants shall be~~  
21 ~~notified in writing.~~

22 SECTION 3. AMENDATORY 59 O.S. 2011, Section 626, is  
23 amended to read as follows:

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1 Section 626. A. 1. The State Board of Osteopathic Examiners  
2 shall, immediately after the members have qualified, elect a  
3 president, vice-president and secretary-treasurer.

4 2. The president of said Board shall preside at all meetings of  
5 the Board and perform such other duties as the Board by its rule may  
6 prescribe.

7 3. The vice-president shall perform all the duties of the  
8 president, during the president's absence or disability.

9 4. The secretary-treasurer shall keep a record of all  
10 proceedings of the Board and perform such other duties as are  
11 prescribed in the Oklahoma Osteopathic Medicine Act, or which may be  
12 prescribed by said Board. It shall be the duty of the secretary-  
13 treasurer to receive and care for all monies coming into the hands  
14 of said Board, and to pay out the same upon orders of the Board.

15 B. The State Board and such employees as determined by the  
16 Board shall be bonded as required by Sections 85.26 through 85.31 of  
17 Title 74 of the Oklahoma Statutes.

18 C. The State Board may expend such funds as are necessary in  
19 implementing the duties of the Board. The Board may hire:

20 1. ~~All~~ An executive director and all necessary administrative,  
21 clerical and stenographic assistance as the Board shall deem  
22 necessary at a salary to be fixed by the Board;

23 2. An attorney, on a case-by-case basis, to represent the Board  
24 in legal matters and to assist authorized state and county officers

1 in prosecuting or restraining violations of the provisions of the  
2 Oklahoma Osteopathic Medicine Act. The Board shall fix the  
3 compensation of said attorney; and

4 3. One or more investigators at least one of whom shall be  
5 certified by the Council on Law Enforcement Education and Training  
6 as a peace officer, as may be necessary to implement the provisions  
7 of the Oklahoma Osteopathic Medicine Act at an annual salary to be  
8 fixed by the Board, and may authorize necessary expenses. In  
9 addition, the investigators may investigate and inspect the  
10 nonfinancial business records of all persons licensed pursuant to  
11 the Oklahoma Osteopathic Medicine Act in order to determine whether  
12 or not licensees are in compliance with the Oklahoma Osteopathic  
13 Medicine Act and the Uniform Controlled Dangerous Substances Act or  
14 any other law, rule of the State of Oklahoma or any federal law or  
15 rule affecting the practice of osteopathic medicine.

16 D. Any licensee or applicant for license subject to the  
17 provisions of the Oklahoma Osteopathic Medicine Act shall be deemed  
18 to have given consent to any duly authorized employee or agent of  
19 the Board to access, enter, or inspect the records, either on-site  
20 or at the Board office, or facilities of such licensee or applicant  
21 subject to the Oklahoma Osteopathic Medicine Act. Refusal to allow  
22 such access, entry, or inspection may constitute grounds for the  
23 denial, nonrenewal, suspension, or revocation of a license. Upon  
24 refusal of such access, entry, or inspection, pursuant to this

1 section, the Board or a duly authorized representative may make  
2 application for and obtain a search warrant from the district court  
3 where the facility or records are located to allow such access,  
4 entry, or inspection.

5 SECTION 4. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 635.2 of Title 59, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. There is established a temporary resident license for out-  
9 of-state residents to perform one- or two-month training rotations  
10 in this state. The temporary resident license shall be:

11 1. Issued by the State Board of Osteopathic Examiners to  
12 eligible physicians;

13 2. Issued without any continuing education requirements;

14 3. Issued for no more than six (6) months; and

15 4. Renewable only once upon payment of the fee.

16 B. The temporary resident license shall not permit:

17 1. The physician to apply for prescribing privileges from any  
18 state or federal authority;

19 2. The physician to practice medicine outside the scope allowed  
20 by the Oklahoma training program;

21 3. The licensee to practice independent of the residency  
22 program; or

23 4. Guaranteed subsequent full licensure in Oklahoma as an  
24 osteopathic physician.

1 C. Any application for full licensure shall be adjudged by the  
2 Board on its own merits including training, education, and personal  
3 background.

4 D. A physician shall meet the following requirements to be  
5 eligible for a temporary resident license:

- 6 1. Completion of a temporary resident license application;
- 7 2. Payment of the application fee; and
- 8 3. Documentation from the applicant's primary training program  
9 recommending the physician and stating the applicant meets all the  
10 requirements for such licensure.

11 SECTION 5. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 635.3 of Title 59, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. There is established in this state a resident training  
15 license for medical school graduates during their internship or  
16 first postgraduate year (PGY-1). The resident training license  
17 shall be:

- 18 1. Issued by the State Board of Osteopathic Examiners to  
19 eligible physicians;
- 20 2. Issued without any continuing education requirements;
- 21 3. Issued for no more than one (1) year; and
- 22 4. Nonrenewable unless renewal is specifically approved by the  
23 State Board of Osteopathic Examiners.

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1 B. If the physician's resident training program specifically  
2 approves the resident to have prescribing authority, the resident  
3 training license shall permit the physician to apply for prescribing  
4 privileges from state or federal authorities.

5 C. The resident training license shall not permit:

6 1. The physician to practice medicine beyond the scope allowed  
7 by the physician's training program;

8 2. The licensee to practice independent of the residency  
9 program;

10 D. The resident training license is not a prerequisite to  
11 participation in any internship or PGY-1 training program.

12 E. Any person holding a resident training license is not  
13 guaranteed subsequent full licensure in Oklahoma as an osteopathic  
14 physician.

15 F. Any application for full licensure shall be adjudged by the  
16 Board on its own merits including training, education and personal  
17 background.

18 G. A physician shall meet the following requirements to be  
19 eligible for a resident training license:

20 1. Completion of a resident training license application;

21 2. Payment of the application fee; and

22 3. Documentation from the applicant's Oklahoma training program  
23 recommending the physician and stating the applicant meets all the  
24 requirements for such licensure.

1 SECTION 6. This act shall become effective November 1, 2014.

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3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/13/2014 -  
4 DO PASS, As Amended.  
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