

1 **SENATE FLOOR VERSION**

2 February 25, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 298

6 By: McAffrey of the Senate

7 and

8 Floyd of the House

9 An Act relating to advertising by physicians;
10 creating the Task Force on Regulatory Standards for
11 Physician Advertising; designating membership and
12 appointing authorities; providing date by which
13 appointments shall be made; specifying terms of
14 service; providing for filling vacancies; providing
15 frequency of meetings; providing for a quorum;
16 providing travel reimbursements to Task Force
17 members; designating agency staff; providing for
18 noncodification; providing an effective date; and
19 declaring an emergency.

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

21 SECTION 1. NEW LAW A new section of law not to be
22 codified in the Oklahoma Statutes reads as follows:

23 There is hereby created, to continue until December 31, 2013, in
24 accordance with the provisions of the Oklahoma Sunset Law, a Task
25 Force on Regulatory Standards for Physician Advertising.

26 SECTION 2. NEW LAW A new section of law not to be
27 codified in the Oklahoma Statutes reads as follows:

1 A. There is hereby created a nine-member Task Force on
2 Regulatory Standards for Physician Advertising. The membership of
3 the Task Force shall be as follows:

4 1. The Director of the State Board of Medical Licensure and
5 Supervision, or a designee;

6 2. Two representatives from the field of allopathic medicine,
7 appointed by the President Pro Tempore of the Senate and Speaker of
8 the House of Representatives, respectively;

9 3. Two representatives from other areas of practice within the
10 healing arts, pursuant to the provisions of Section 725.2 of Title
11 63 of the Oklahoma Statutes, to be appointed by the President Pro
12 Tempore of the Senate and Speaker of the House of Representatives,
13 respectively;

14 4. Two Senators, appointed by the President Pro Tempore of the
15 Senate; and

16 5. Two Representatives, appointed by the Speaker of the House
17 of Representatives.

18 B. Appointments to the Task Force shall be made by August 1,
19 2013. Members shall serve at the pleasure of their appointing
20 authority. A vacancy on the Task Force shall be filled by the
21 original appointing authority.

22 C. The Task Force may meet monthly and at other times as deemed
23 necessary by members. A majority of members present at a meeting
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1 shall constitute a quorum to transact business and a majority
2 present may act for the Task Force.

3 D. Members of the Task Force shall receive no compensation for
4 their service, but shall be reimbursed for their actual and
5 necessary travel expenses as follows:

6 1. Nonlegislative members who are state officers or employees
7 shall be reimbursed by their respective agencies for their necessary
8 travel expenses incurred in the performance of their duties in
9 accordance with the provisions of the State Travel Reimbursement
10 Act;

11 2. Members who are not legislators, officers or employees of
12 the state shall be reimbursed by their appointing authorities in
13 accordance with the provisions of the State Travel Reimbursement
14 Act; and

15 3. Legislative members shall be reimbursed for their necessary
16 travel expenses incurred in the performance of their duties in
17 accordance with Section 456 of Title 74 of the Oklahoma Statutes.

18 E. The Task Force on Regulatory Standards for Physician
19 Advertising shall examine disparities in regulatory standards for
20 advertising between allopathic medicine and other practice areas of
21 the healing arts in Oklahoma, and may make specific recommendations
22 to the Legislature to remove prohibitive advertising regulations for
23 the respective practices.

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1 F. The State Board of Medical Licensure and Supervision shall
2 provide staff assistance to the Task Force on Regulatory Standards
3 for Physician Advertising.

4 SECTION 3. This act shall become effective July 1, 2013.

5 SECTION 4. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 February 25, 2013 - DO PASS AS AMENDED

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