

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1878

By: Newberry

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6 AS INTRODUCED

7 An Act relating to osteopathic physicians; amending
8 59 O.S. 2011, Section 622, which relates to licenses;
9 expanding certain jurisdiction of the State Board of
10 Osteopathic Examiners; providing for a Resident
11 Training License; amending 59 O.S. 2011, Section 624,
12 which relates to the State Board of Osteopathic
13 Examiners; permitting certain compensation and
14 reimbursement to Board members; removing Board
15 authority to hold certain examinations; amending 59
16 O.S. 2011, Section 626, which relates to organization
17 of the State Board of Osteopathic Examiners;
18 permitting Board to hire an Executive Director;
19 requiring one Board investigator to be certified by
20 the Council on Law Enforcement Education and
21 Training; creating temporary resident license;
22 creating resident training license; providing
23 standards for issuance and renewal of licenses;
24 limiting certain authority under license; specifying
scope of practice for licenses; providing
requirements for eligibility; providing for
codification; and providing an effective date.

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

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

22 Section 622. A. 1. Except as otherwise provided by this
23 section, it shall be unlawful for any person to practice as an
24 osteopathic physician and surgeon in this state, without a license

1 to do so, issued by the State Board of Osteopathic Examiners;
2 provided, that any license or certificate heretofore issued under
3 the laws of this state, authorizing its holder to practice
4 osteopathic medicine, shall remain in full force and effect. A
5 person who holds themselves out as an osteopathic physician in this
6 state without a license issued by the State Board of Osteopathic
7 Examiners submits themselves to the jurisdiction of the State Board
8 of Osteopathic Examiners.

9 2. Osteopathic physicians engaged in postgraduate training
10 beyond the internship year, also known as PGY-1, shall be licensed.
11 Osteopathic physicians engaged in the internship or PGY-1 may be
12 eligible for a Resident Training License.

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

17 B. 1. A person within or outside of this state who performs
18 through electronic communications diagnostic or treatment services
19 within the scope of practice of an osteopathic physician and
20 surgeon, including but not limited to, stroke prevention and
21 treatment, for any patient whose condition is being diagnosed or
22 treated within this state shall be licensed in this state, pursuant
23 to the provisions of the Oklahoma Osteopathic Medicine Act.
24 However, in such cases, a nonresident osteopathic physician who,

1 while located outside this state, consults on an irregular basis
2 with a physician who is located in this state is not required to be
3 licensed in this state.

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

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

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

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.

14 ~~D. Examinations may be held at the discretion of the Board, at~~
15 ~~the time and place fixed by the Board, and all applicants shall be~~
16 ~~notified in writing~~ Each Board member shall be compensated by
17 receiving the daily per diem rate for state employees. Travel
18 expenses under the State Travel Reimbursement Act shall be provided
19 to Board members traveling more than fifty (50) miles to the
20 location of all regular and special Board meetings.

21 SECTION 3. AMENDATORY 59 O.S. 2011, Section 626, is
22 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~~ the Board shall preside at all
5 meetings of the Board and perform such other duties as the Board by
6 its rule may 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~~ the Board. It shall be the duty of the
13 secretary-treasurer to receive and care for all monies coming into
14 the hands of ~~said~~ the Board, and to pay out the same upon orders of
15 the Board.

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

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

21 1. ~~All~~ An Executive Director and all necessary administrative,
22 clerical and stenographic assistance as the Board shall deem
23 necessary at a salary to be fixed by the Board;
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1 2. An attorney, on a case-by-case basis, to represent the Board
2 in legal matters and to assist authorized state and county officers
3 in prosecuting or restraining violations of the provisions of the
4 Oklahoma Osteopathic Medicine Act. The Board shall fix the
5 compensation of said attorney; and

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

19 D. Any licensee or applicant for license subject to the
20 provisions of the Oklahoma Osteopathic Medicine Act shall be deemed
21 to have given consent to any duly authorized employee or agent of
22 the Board to access, enter, or inspect the records, either on-site
23 or at the Board office, or facilities of such licensee or applicant
24 subject to the Oklahoma Osteopathic Medicine Act. Refusal to allow

1 such access, entry, or inspection may constitute grounds for the
2 denial, nonrenewal, suspension, or revocation of a license. Upon
3 refusal of such access, entry, or inspection, pursuant to this
4 section, the Board or a duly authorized representative may make
5 application for and obtain a search warrant from the district court
6 where the facility or records are located to allow such access,
7 entry, or inspection.

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

11 A. The State Board of Osteopathic Examiners may issue a
12 Temporary Resident License for out-of-state residents who are
13 physicians seeking one (1) or two (2) month training rotations in
14 this state. Such license shall not permit the physician to apply
15 for prescribing privileges from any state or federal authority nor
16 permit the physician to practice medicine outside the scope provided
17 by training programs in this state. Such license shall not permit
18 the licensee to practice medicine independent of the residency
19 program.

20 B. Temporary resident licenses shall be issued by the Board
21 without continuing education requirements. Such licenses shall only
22 be used for a period of not more than six (6) months following
23 licensure and may be renewed once upon payment of a fee to the
24 Board.

1 C. Any person holding a Temporary Resident License is not
2 guaranteed subsequent full licensure in this state as an osteopathic
3 physician. Any application for full licensure shall be adjudged by
4 the Board on its own merits including training, education and
5 personal background.

6 D. Prior to issuance of a temporary resident license, the
7 physician applicant must provide:

- 8 1. A completed application for a temporary resident license;
- 9 2. Payment of the application fee; and
- 10 3. Documentation from the applicant's Oklahoma training program
11 recommending the physician and stating the applicant meets all
12 requirements for such licensure.

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

16 A. The State Board of Osteopathic Examiners may issue a
17 resident training license to medical school graduates during their
18 internship or first post-graduate year (PGY-1). Such license shall
19 be issued without continuing education requirements for a period not
20 to exceed one (1) year. Renewal of the resident training license
21 may be approved by the Board.

22 B. The resident training license shall not permit the licensee
23 to apply for prescribing privileges from state and federal
24 authorities unless such privileges are approved by the licensee's

1 Oklahoma training program. The resident training license shall not
2 permit the licensee to practice medicine outside the scope provided
3 by training programs in this state, nor permit the licensee to
4 practice independent of the residency program. Such license shall
5 not be construed as a prerequisite to participation in any
6 internship or PGY-1 training program.

7 C. Any person holding a Resident Training License is not
8 guaranteed subsequent full licensure in this state as an osteopathic
9 physician. Any application for full licensure shall be adjudged by
10 the Board on its own merits including training, education and
11 personal background.

12 D. Prior to issuance of a resident training license, the
13 physician applicant must provide:

- 14 1. A completed application for a resident training license;
- 15 2. Payment of the application fee; and
- 16 3. Documentation from the applicant's training program
17 recommending the physician and stating the applicant meets all
18 requirements for such licensure.

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