

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1412

By: Murphey

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; defining certain terms; amending 59 O.S. 2011, Section 481, as amended by Section 1, Chapter 349, O.S.L. 2013 (59 O.S. Supp. 2014, Section 481), which relates to membership on the State Board of Medical Licensure and Supervision; increasing number of members on Board; requiring Board to prepare certain grievance form; requiring Board investigators to commence investigation regarding matters set forth in grievance and prepare investigative report; requiring members of Board to be divided into inquiry and hearing panels; requiring inquiry panel to hear grievances, issue certain report, and issue complaint if grievance discloses violation of certain act; setting forth requirements of complaint; setting forth proceedings after issuance of complaint; permitting physician to seek informal dispensation of any matter; amending 59 O.S. 2011, Sections 506, 509.1, 512, as amended by Section 3, Chapter 176, O.S.L. 2014 and 513 (59 O.S. Supp. 2014, Section 512), which relate to disciplinary actions, Board investigators, and appeal of Board decisions; removing ability of Board to accept surrender in lieu of prosecution; granting Board investigators authority to receive information necessary to prepare investigatory report; updating certain references; repealing 59 O.S. 2011, Section 503, as amended by Section 1, Chapter 176, O.S.L. 2014 (59 O.S. Supp. 2014, Section 503), which relates to sanctions for unprofessional conduct of physicians; repealing 59 O.S. 2011, Section 505, which relates to the state as a party in prosecuting unprofessional conduct;

1 providing for codification; and providing an  
2 effective date.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 479 of Title 59, unless there is  
7 created a duplication in numbering, reads as follows:

8 As used in this act:

9 1. "President" means the president of the State Board of  
10 Medical Licensure and Supervision;

11 2. "Secretary" means the secretary of the State Board of  
12 Medical Licensure and Supervision;

13 3. "Executive Director" means the executive director of the  
14 State Board of Medical Licensure and Supervision or any assistant  
15 executive directors appointed by the State Board of Medical  
16 Licensure and Supervision;

17 4. "Grievance" means a written submission to the State Board of  
18 Medical Licensure and Supervision alleging misconduct by a  
19 physician;

20 5. "Charge" means a specific allegation alleging a violation of  
21 a specified provision of the Oklahoma Allopathic Medical and  
22 Surgical Licensure and Supervision Act;

1           6. "Complaint" means a formal administrative pleading that sets  
2 forth charges against a physician and commences a formal  
3 disciplinary proceeding;

4           7. "Order" means a direction of the State Board of Medical  
5 Licensure and Supervision or its panels made or entered in writing  
6 that determines some point or directs some step in the proceeding  
7 and is not included in the final order;

8           8. "Agreed order" means a written document that includes but is  
9 not necessarily limited to stipulations of fact or stipulated  
10 conclusions of law that finally resolves a grievance or a complaint  
11 issued without expectation of further formal proceedings;

12           9. "Final order" means an order issued by the hearing panel  
13 that imposes one or more disciplinary sanctions authorized by the  
14 Oklahoma Allopathic Medical and Surgical Licensure and Supervision  
15 Act; and

16           10. "Letter of concern" means a confidential advisory letter to  
17 notify a physician that, although there is insufficient evidence to  
18 support disciplinary action, the State Board of Medical Licensure  
19 and Supervision believes the physician should modify or eliminate  
20 certain practices and that the continuation of those practices may  
21 result in action against the physician's license.

22           SECTION 2.           AMENDATORY           59 O.S. 2011, Section 481, as  
23 amended by Section 1, Chapter 349, O.S.L. 2013 (59 O.S. Supp. 2014,  
24 Section 481), is amended to read as follows:

1 Section 481. A. A State Board of Medical Licensure and  
2 Supervision hereinafter referred to as the "Board"~~7~~ is hereby re-  
3 created, to continue until July 1, 2019, in accordance with the  
4 provisions of the Oklahoma Sunset Law.

5 B. The Board shall be composed of ~~seven (7)~~ eleven (11)  
6 members:

7 1. Nine shall be allopathic physicians licensed to practice  
8 medicine in this state ~~and represent the public and two (2) lay~~  
9 ~~members.~~ The physician members of the Board shall be graduates of  
10 legally chartered medical schools recognized by the Oklahoma State  
11 Regents for Higher Education or the Liaison Council on Medical  
12 Education. The physician members shall have actively practiced as  
13 licensed physicians continuously in this state for the three (3)  
14 years immediately preceding their appointment to the Board; and

15 2. Two shall be lay members of the public who are not  
16 associated with nor financially interested in the practice  
17 regulated.

18 All members of the Board shall be residents of this state and shall  
19 be appointed by the Governor as provided for in Section 482 of this  
20 title. All ~~present~~ members of the Board serving as of the effective  
21 date of this act shall continue to serve for the remainder of their  
22 current terms.

1           SECTION 3.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 500.1 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. 1. A grievance may be submitted by an individual,  
5 organization or entity.

6           2. The State Board of Medical Licensure and Supervision shall  
7 prepare and make available to the public a grievance form, and  
8 waiver of privilege and agreement to release records form. The  
9 forms shall be provided to a party who wants to register a grievance  
10 against a physician.

11           B. Each grievance shall be filed on a grievance form and:

12           1. Include the name and address of the party filing the  
13 grievance; or

14           2. Be filed anonymously, subject to subsection D of this  
15 section.

16           C. A Board member may initiate a grievance by providing a  
17 written memorandum to the Executive Director.

18           D. If the Board receives an anonymous grievance, an  
19 investigation shall be conducted only if the grievance is  
20 accompanied by sufficient corroborating evidence as would allow the  
21 Board to believe, based upon a totality of the circumstances, that a  
22 reasonable probability exists that the grievance is meritorious.

23           E. Upon the receipt of a grievance meeting the requirements of  
24 subsection B of this section, Board investigators shall commence an

1 investigation of the matters set forth in the grievance. Prior to  
2 the completion of the investigation, the investigators shall request  
3 an interview with or written response from the physician who is the  
4 subject of the grievance. The investigators shall provide the  
5 physician with a copy of the grievance(s) upon which the  
6 investigation was initiated and details of the investigation  
7 sufficient to allow the physician a meaningful opportunity to  
8 respond.

9 F. Upon completion of the investigation, the investigators  
10 shall prepare an investigative report that details the information  
11 obtained during the course of the investigation. The investigative  
12 report shall include the response, if any, provided by the physician  
13 who is the subject of the grievance. The grievance and the  
14 investigative report shall be submitted to the assigned inquiry  
15 panel for consideration.

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 500.2 of Title 59, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. The President shall divide the membership of the State Board  
20 of Medical Licensure and Supervision, excluding himself or herself,  
21 into two panels of five members, each panel to include at least one  
22 consumer member. Each panel shall have the power to act as an  
23 inquiry or a hearing panel. The President shall not be a permanent  
24 member of either panel, but shall have the power to render the

1 deciding vote whenever a tie vote is rendered by either panel and  
2 shall have the power to serve as a member of either panel when  
3 necessary to achieve a quorum by majority.

4 B. Each grievance shall be investigated as necessary and the  
5 Secretary of the Board shall assign each grievance to an inquiry  
6 panel. The Secretary shall have the power to issue investigatory  
7 subpoenas for the appearance of any person or production of any  
8 record, document or other item within the jurisdiction of the state.  
9 The panel or Secretary may seek enforcement of investigatory  
10 subpoenas and search warrants in the courts of the state as may be  
11 necessary.

12 C. Upon completion of its inquiry, the inquiry panel shall  
13 issue a written report, a copy of which shall be provided to the  
14 physician who is the subject of the inquiry, containing findings of  
15 fact and conclusions of law supporting a determination that:

16 1. There is no evidence of a violation of the Oklahoma  
17 Allopathic Medical and Surgical Licensure and Supervision Act and no  
18 further action is necessary;

19 2. There is insufficient evidence of a violation to warrant the  
20 issuance of a complaint, but that there is evidence of a practice or  
21 activity that requires modification and the panel may issue a letter  
22 of concern. The letter of concern shall be a confidential document;  
23 provided, that the letter may be used in future disciplinary actions  
24 against the physician;

1 3. The grievance discloses an instance of misconduct which does  
2 not warrant the issuance of a complaint. In these instances the  
3 panel may admonish the physician for his or her misconduct; or

4 4. The grievance disclosed one or more violations of the  
5 provisions of the Oklahoma Allopathic Medical and Surgical Licensure  
6 and Supervision Act which warrant the issuance of a complaint. In  
7 these instances the panel shall cause a complaint to be prepared,  
8 signed by the presiding officer, which shall contain sufficient  
9 information to apprise the named physician of the general nature of  
10 the charges.

11 D. In the event the inquiry panel makes a determination as set  
12 forth in paragraphs 2 through 4 of subsection C of this section, the  
13 inquiry panel shall provide the physician a copy of the  
14 investigative report submitted to the inquiry panel.

15 SECTION 5. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 500.3 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. The complaint issued by an inquiry panel shall:

19 1. Be signed and dated;

20 2. Be styled in regard to the matter of the license to practice  
21 in the State of Oklahoma held by the named physician and designated  
22 with an appropriate case number; and

23 3. Set forth the State Board of Medical Licensure and  
24 Supervision's jurisdiction in regard to the subject matter of the



1 complaint and, in numerical paragraphs, sufficient information to  
2 apprise the named physician of the general nature of the charges.

3 B. Upon the filing of the complaint, the Executive Director  
4 shall assign the matter for an administrative hearing by a hearing  
5 panel, and a citation shall be issued over the signature of the  
6 Secretary and seal of the Board giving due notice of the time and  
7 place of the hearing by the hearing panel and advising the physician  
8 that a response must be filed with the Board within thirty (30) days  
9 after service and that failure to submit a timely response may be  
10 taken by the Board as an admission of the charges.

11 C. The inquiry panel shall cause the complaint to be served on  
12 the charged physician by personal delivery or by certified mail to  
13 the physician's last address of which the Board has record. The  
14 physician shall submit a response within thirty (30) days after  
15 service. The Secretary of the Board may extend the time of answer  
16 upon satisfactory showing that the defendant is for reasonable cause  
17 unable to answer within the thirty (30) days, but in no case shall  
18 the time be extended beyond the date of the next regular meeting of  
19 the Board, unless a continuance is granted by the Board. Failure to  
20 submit a timely response or willful avoidance of service may be  
21 taken by the Board as an admission of the charges.

22 SECTION 6. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 500.4 of Title 59, unless there  
24 is created a duplication in numbering, reads as follows:

1           A. For each complaint assigned to a hearing panel, the hearing  
2 panel shall choose from among the panel members a member to serve as  
3 the presiding officer. The rulings of the presiding officer shall  
4 be the rulings of the hearing panel, unless reversed by a majority  
5 vote of the hearing panel upon appeal thereto from such rulings of  
6 the hearing officer. The hearing panel shall sit as the trial body  
7 over the hearing on the complaint and over hearings on dispositive  
8 motions. All other pretrial matters may be assigned by the hearing  
9 panel to the Board trial examiner of the State Board of Medical  
10 Licensure and Supervision. Orders of the trial examiner may be  
11 appealed to the hearing panel. No member who served on the inquiry  
12 panel may also serve as a member of the hearing panel.

13           B. The State of Oklahoma is a proper and necessary party in the  
14 prosecution of all such actions and hearings before the Board in all  
15 matters pertaining to unprofessional conduct under the contemplation  
16 of this act, and the Attorney General of this state, in person, or  
17 by deputy, is authorized and directed to appear in behalf thereof  
18 and shall act as the prosecuting attorney in regard to any  
19 disciplinary proceeding. The burden of proof shall be upon the  
20 state to prove the allegations contained in the complaint by clear  
21 and convincing evidence. The prosecuting attorney shall not engage  
22 in ex parte communications with or participate in any deliberations  
23 of the Board related to the matter for which the attorney is serving  
24 as prosecutor.

1 C. The Board may appoint an attorney to act as advisory counsel  
2 to the Board in regard to any deliberations of the Board pursuant to  
3 the issuance of a complaint or order of temporary discipline.

4 D. The defendant may be represented by legal counsel in all  
5 matters before the Board.

6 E. Upon completion of an administrative hearing, the hearing  
7 panel shall issue a final order that:

8 1. Dismisses the complaint upon a conclusion that the  
9 allegations contained in the complaint were not proven by clear and  
10 convincing evidence;

11 2. Finds a violation of the provisions of the Oklahoma  
12 Allopathic Medical and Surgical Licensure and Supervisions Act, but  
13 does not impose discipline because the panel does not believe  
14 discipline to be necessary under the circumstances; or

15 3. Imposes discipline upon the licensee. In these instances  
16 the panel may revoke, suspend, restrict, deny, or limit a license,  
17 or may reprimand a licensee or place a licensee on probation under  
18 terms the panel may establish to protect the licensee, his or her  
19 patients, or the general public. The hearing panel may impose a  
20 fine whenever it finds that a violation of the Oklahoma Allopathic  
21 Medical and Surgical Licensure and Supervision Act has occurred.

22 F. The secretary shall preserve a record of all proceedings in  
23 such hearings and shall furnish a transcript thereof to the  
24 defendant upon request therefor; provided, the said defendant shall

1 pay the actual cost of preparing such transcript. If the services  
2 of a court reporter are requested, the court reporter shall be  
3 reimbursed or paid by the party who made such request.

4 G. The presiding officer or trial examiner shall at any  
5 proceeding held pursuant to a complaint take whatever measures are  
6 necessary to protect the privacy interests of individuals other than  
7 the charged physician upon a showing that evidence is to be  
8 introduced, the public disclosure of which would constitute a clear  
9 invasion of personal privacy. It is the general policy of the state  
10 that administrative proceedings should be open to the public.  
11 Therefore, in applying this subsection, the presiding officer or  
12 trial examiner shall balance the competing interests and employ the  
13 least restrictive measures available to protect the privacy  
14 interests involved.

15 SECTION 7. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 500.5 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. At any time after the authorized issuance of a complaint or  
19 the issuance of a show-cause order, the responding physician may  
20 seek an informal dispensation of any matter. The prosecuting  
21 attorney shall have complete discretion to negotiate with the  
22 responding physician concerning stipulations of fact, conclusions of  
23 law and proposed discipline, if any. The prosecuting attorney shall  
24 also have discretion to reject any or all offers of informal

1 dispensation and may commence informal proceedings on his or her own  
2 initiative. Except as set forth in subsection B of this section,  
3 the prosecuting attorney shall not consult with nor seek the consent  
4 of the State Board of Medical Licensure and Supervision or any Board  
5 employee concerning the terms negotiated during informal  
6 proceedings.

7 B. Whenever the prosecuting attorney believes that an  
8 appropriate informal dispensation has been negotiated, he or she  
9 shall cause to be presented to the Board stipulations of fact,  
10 conclusions of law and a proposed order of informal dispensation  
11 signed by the responding physician and the prosecuting attorney.  
12 The documents shall include a line for the signature of an officer  
13 of the Board and shall become effective upon being accepted by the  
14 Board, signed by an officer and filed of record.

15 C. If the Board rejects an offer of informal dispensation, the  
16 matter shall continue to proceed as a formal proceeding; provided,  
17 however, that further informal negotiations may be conducted and  
18 subsequent offers of informal dispensation presented to the Board.  
19 Rejection shall not be taken as a finding or determination of any  
20 kind on behalf of the Board and no orders or other pleadings shall  
21 be filed of record in regard to any rejected proposal.

22 D. The Board may allow oral or written presentation before the  
23 Board in regard to any offer of informal dispensation. Oral  
24 presentations shall not be recorded and written presentations shall

1 not be filed of record or included in the Board's minutes. All oral  
2 and written presentations shall be heard and considered in closed  
3 session.

4 SECTION 8. AMENDATORY 59 O.S. 2011, Section 506, is  
5 amended to read as follows:

6 Section 506. A. ~~If it is the decision of the State Board of~~  
7 ~~Medical Licensure and Supervision, after considering all the~~  
8 ~~testimony presented, that the defendant is guilty as charged, the~~  
9 ~~Board shall revoke the license of the defendant, and the defendant's~~  
10 ~~rights to practice medicine and surgery. The Board, however, may~~  
11 ~~suspend a license, during which suspension the holder of such~~  
12 ~~suspended license shall not be entitled to practice medicine and~~  
13 ~~surgery thereunder.~~ If during suspension, the defendant practiced  
14 medicine or surgery or has been guilty of any act of unprofessional  
15 conduct, as defined by the Oklahoma Allopathic Medical and Surgical  
16 Licensure and Supervision Act, the Board may revoke the license of  
17 such licensee or place the licensee upon probation for any period of  
18 time not less than one (1) year, nor more than five (5) years, or on  
19 second offense place the licensee on probation for an indefinite  
20 period of time, during which time the licensee's conduct will be  
21 kept under observation. The Board, furthermore, may impose on the  
22 defendant, as a condition of any suspension or probation, a  
23 requirement that the defendant attend and produce evidence of  
24 successful completion of a specific term of education, residency, or

1 training in enumerated fields and/or institutions as ordered by the  
2 Board based on the facts of the case. The education, residency, or  
3 training shall be at the expense of the defendant. The Board may  
4 also impose other disciplinary actions as provided for in Section  
5 509.1 of this title. At the end of any term of suspension imposed  
6 by the Board, the applicant for reinstatement shall show to the  
7 Board successful completion of all conditions and requirements  
8 imposed by the Board and demonstrate eligibility for reinstatement.

9 B. Immediately upon learning that a licensee has been convicted  
10 of a felonious violation of a state or federal narcotics law, the  
11 Executive Director of the Board shall summarily suspend the license  
12 and assign a hearing date for the matter to be presented to the  
13 Board. Immediately upon learning that a licensee is in violation of  
14 a Board-ordered probation, the Executive Director of the Board may  
15 summarily suspend the license based on imminent harm to the public  
16 and assign a hearing date for the matter to be presented at the next  
17 scheduled Board meeting.

18 SECTION 9. AMENDATORY 59 O.S. 2011, Section 509.1, is  
19 amended to read as follows:

20 Section 509.1 A. RANGE OF ACTIONS: The State Board of Medical  
21 Licensure and Supervision may impose disciplinary actions in  
22 accordance with the severity of violation of the Oklahoma Allopathic  
23 Medical and Surgical Licensure and Supervision Act. Disciplinary  
24 actions may include, but are not limited to the following:

- 1 1. Revocation of the medical license ~~with or without the right~~  
2 ~~to reapply;~~
- 3 2. Suspension of the medical license;
- 4 3. Probation;
- 5 4. Stipulations, limitations, restrictions, and conditions  
6 relating to practice;
- 7 5. Censure, including specific redress, if appropriate;
- 8 6. Reprimand;
- 9 7. A period of free public or charity service;
- 10 8. Satisfactory completion of an educational, training, and/or  
11 treatment program or programs; and
- 12 9. Administrative fines of up to Five Thousand Dollars  
13 (\$5,000.00) per violation.

14 Provided, as a condition of disciplinary action sanctions, the Board  
15 may impose as a condition of any disciplinary action, ~~the payment of~~  
16 ~~costs expended by the Board for any legal fees and costs and~~  
17 ~~probation and monitoring fees including, but not limited to, staff~~  
18 ~~time, salary and travel expense, witness fees and attorney fees.~~  
19 The Board may take such actions singly or in combination as the  
20 nature of the violation requires.

21 B. ~~LETTER OF CONCERN: The Board may authorize the secretary to~~  
22 ~~issue a confidential letter of concern to a licensee when evidence~~  
23 ~~does not warrant formal proceedings, but the secretary has noted~~  
24 ~~indications of possible errant conduct that could lead to serious~~



1 ~~consequences and formal action. The letter of concern may contain,~~  
2 ~~at the secretary's discretion, clarifying information from the~~  
3 ~~licensee.~~

4 ~~C.~~ EXAMINATION/EVALUATION: The Board may, upon reasonable  
5 cause, require professional competency, physical, mental, or  
6 chemical dependency examinations of any licensee, including  
7 withdrawal and laboratory examination of body fluids.

8 ~~D.~~ C. DISCIPLINARY ACTION AGAINST LICENSEES:

9 1. The Board shall promulgate rules describing acts of  
10 unprofessional or unethical conduct by physicians pursuant to the  
11 Oklahoma Allopathic Medical and Surgical Licensure and Supervision  
12 Act; and

13 2. Grounds for Action: The Board may take disciplinary action  
14 for unprofessional or unethical conduct as deemed appropriate based  
15 upon the merits of each case and as set out by rule. The Board  
16 shall not revoke the license of a person otherwise qualified to  
17 practice allopathic medicine within the meaning of the Oklahoma  
18 Allopathic Medical and Surgical Licensure and Supervision Act solely  
19 because the person's practice or a therapy is experimental or  
20 nontraditional.

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

23 ~~E. SURRENDER IN LIEU OF PROSECUTION:~~

1       ~~1. The Board may accept a surrender of license from a licensee~~  
2 ~~who has engaged in unprofessional conduct in lieu of Board staff~~  
3 ~~prosecuting a pending disciplinary action or filing formal~~  
4 ~~disciplinary proceedings only as provided in this section. To~~  
5 ~~effect such a surrender, the licensee must submit a sworn statement~~  
6 ~~to the Board:~~

7           ~~a. expressing the licensee's desire to surrender the~~  
8           ~~license,~~

9           ~~b. acknowledging that the surrender is freely and~~  
10           ~~voluntarily made, that the licensee has not been~~  
11           ~~subjected to coercion or duress, and that the licensee~~  
12           ~~is fully aware of the consequences of the license~~  
13           ~~surrender,~~

14           ~~c. stating that the licensee is the subject of an~~  
15           ~~investigation or proceeding by the Board or a law~~  
16           ~~enforcement or other regulatory agency involving~~  
17           ~~allegations which, if proven, would constitute grounds~~  
18           ~~for disciplinary action by the Board, and~~

19           ~~d. specifically admitting to and describing the~~  
20           ~~misconduct.~~

21       ~~2. The sworn written statement must be submitted with the~~  
22 ~~licensee's wallet card and wall certificate. The Secretary or~~  
23 ~~Executive Director of the Board may accept the sworn statement,~~  
24 ~~wallet card and wall certificate from a licensee pending formal~~

1 ~~acceptance by the Board. The issuance of a complaint and citation~~  
2 ~~by the Board shall not be necessary for the Board to accept a~~  
3 ~~surrender under this subsection. A surrender under this subsection~~  
4 ~~shall be considered disciplinary action by the Board in all cases,~~  
5 ~~even in cases where surrender occurs prior to the issuance of a~~  
6 ~~formal complaint and citation, and shall be reported as disciplinary~~  
7 ~~action by the Board to the public and any other entity to whom the~~  
8 ~~Board regularly reports disciplinary actions.~~

9 ~~3. As a condition to acceptance of the surrender, the Board may~~  
10 ~~require the licensee to pay the costs expended by the Board for any~~  
11 ~~legal fees and costs and any investigation, probation and monitoring~~  
12 ~~fees including, but not limited to, staff time, salary and travel~~  
13 ~~expense, witness fees and attorney fees.~~

14 ~~4. The licensee whose surrender in lieu of prosecution is~~  
15 ~~accepted by the Board shall be ineligible to reapply for~~  
16 ~~reinstatement of his or her license for at least one (1) year from~~  
17 ~~the date of the accepted surrender.~~

18 ~~F. D.~~ ALL LICENSED PROFESSIONALS: All disciplinary actions  
19 defined in this section are applicable to any and all professional  
20 licensees under the legislative jurisdiction of the State Board of  
21 Medical Licensure and Supervision.

22 SECTION 10. AMENDATORY 59 O.S. 2011, Section 512, as  
23 amended by Section 3, Chapter 176, O.S.L. 2014 (59 O.S. Supp. 2014,  
24 Section 512), is amended to read as follows:

1 Section 512. The secretary of the State Board of Medical  
2 Licensure and Supervision shall be paid an annual salary in an  
3 amount fixed by the Board. The Board shall have the authority to  
4 expend such funds as are necessary in carrying out the duties of the  
5 Board and shall have the authority to hire all necessary personnel,  
6 at salaries to be fixed by the Board, as the Board shall deem  
7 necessary. The Board shall have the authority to hire attorneys to  
8 represent the Board in all legal matters and to assist authorized  
9 state and county officers in prosecuting or restraining violations  
10 of Section 481 et seq. of this title, and to fix the salaries or per  
11 diem of said attorneys.

12 The Board shall have the authority to hire one or more  
13 investigators as may be necessary to carry out the provisions of  
14 this act at an annual salary to be fixed by the Board. Such  
15 investigators may be commissioned peace officers of this state. In  
16 addition such investigators shall have the authority and duty to  
17 investigate and inspect the records of all persons in order to  
18 ~~determine whether or not a disciplinary action for unprofessional~~  
19 ~~misconduct is warranted or whether the narcotic laws or the~~  
20 ~~dangerous drug laws have been complied with~~ receive information  
21 necessary to the preparation of an investigatory report for  
22 submission to the inquiry panel.

1 The Board is specifically authorized to contract with state  
2 agencies or other bodies to perform investigative services at a rate  
3 set by the Board.

4 The Board is authorized to pay the travel expenses of Board  
5 employees and members in accordance with the State Travel  
6 Reimbursement Act.

7 The expenditures authorized herein shall not be a charge against  
8 the state, but the same shall be paid solely from the Board's  
9 depository fund.

10 SECTION 11. AMENDATORY 59 O.S. 2011, Section 513, is  
11 amended to read as follows:

12 Section 513. A. 1. The State Board of Medical Licensure and  
13 Supervision is hereby given quasi-judicial powers while sitting as a  
14 Board for the purpose of revoking, suspending or imposing other  
15 disciplinary actions upon the license of physicians or surgeons of  
16 this state, and appeals from ~~its decisions~~ final orders shall be  
17 taken to the Supreme Court of this state within thirty (30) days of  
18 the date that a copy of the ~~decision~~ final order is mailed to the  
19 appellant, as shown by the certificate of mailing attached to the  
20 decision.

21 2. The license of any physician or surgeon who has been  
22 convicted of any felony in or without the State of Oklahoma and  
23 whether in a state or federal court, may be suspended by the Board  
24 upon the submission thereto of a certified copy of the judgment and

1 sentence of the trial court and the certificate of the clerk of the  
2 court of the conviction.

3 3. Upon proof of a final felony conviction by the courts and  
4 after exhaustion of the appellate process, the Board shall revoke  
5 the physician's license. If the felony conviction is overturned on  
6 appeal and no other appeals are sought, the Board shall restore the  
7 license of the physician. Suspension or revocation of the license  
8 of any person convicted of a felony on any other grounds than that  
9 of moral turpitude or the violation of the federal or state narcotic  
10 laws, shall be on the merits of the particular case, but the court  
11 records in the trial of such case when conviction has been had shall  
12 be prima facie evidence of the conviction.

13 4. The Board shall also revoke and cancel the license of any  
14 physician or surgeon who has been charged in a court of record of  
15 this or other states of the United States or in the federal court  
16 with the commission of a felony and who is a fugitive from justice,  
17 upon the submission of a certified copy of the charge together with  
18 a certificate from the clerk of the court that after the commitment  
19 of the crime the physician or surgeon fled from the jurisdiction of  
20 the court and is a fugitive from justice.

21 B. To the extent necessary to allow the Board the power to  
22 enforce disciplinary actions imposed by the Board, in the exercise  
23 of its authority, the Board may punish willful violations of its  
24

1 orders and impose additional penalties as allowed by Section 509.1  
2 of this title.

3 SECTION 12. REPEALER 59 O.S. 2011, Section 503, as  
4 amended by Section 1, Chapter 176, O.S.L. 2014 (59 O.S. Supp. 2014,  
5 Section 503), is hereby repealed.

6 SECTION 13. REPEALER 59 O.S. 2011, Section 505, is  
7 hereby repealed.

8 SECTION 14. This act shall become effective November 1, 2015.

9

10 55-1-6894 LRB 02/18/15

11

12

13

14

15

16

17

18

19

20

21

22

23

24