

1 ENGROSSED HOUSE
2 BILL NO. 2603

By: Ritze of the House

and

Standridge of the Senate

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7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 491, which relates to
9 the practice of medicine without a license; modifying
licensing provisions; and providing an effective
date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 491, is
14 amended to read as follows:

15 Section 491. A. 1. Every person before practicing medicine
16 and surgery or any of the branches or departments of medicine and
17 surgery, within the meaning of the Oklahoma Allopathic Medical and
18 Surgical Licensure and Supervision Act, the Oklahoma Osteopathic
19 Medicine Act, or the Oklahoma Interventional Pain Management and
20 Treatment Act, within this state, must be in legal possession of the
21 unrevoked license or certificate issued pursuant to the Oklahoma
22 Allopathic Medical and Surgical Licensure and Supervision Act or the
23 Oklahoma Osteopathic Medicine Act.

1 2. Any person practicing in such manner within this state, who
2 is not in the legal possession of a license or certificate, shall,
3 upon conviction, be guilty of a felony, punishable by a fine in an
4 amount not less than One Thousand Dollars (\$1,000.00) nor more than
5 Ten Thousand Dollars (\$10,000.00), or by imprisonment in the county
6 jail for a term of not more than one (1) year or imprisonment in the
7 custody of the Department of Corrections for a term of not more than
8 four (4) years, or by both such fine and imprisonment.

9 3. Each day a person is in violation of any provision of this
10 subsection shall constitute a separate criminal offense and, in
11 addition, the district attorney may file a separate charge of
12 medical battery for each person who is injured as a result of
13 treatment or surgery performed in violation of this subsection.

14 4. Any person who practices medicine and surgery or any of the
15 branches or departments thereof without first complying with the
16 provisions of the Oklahoma Allopathic Medical and Surgical Licensure
17 and Supervision Act, the Oklahoma Osteopathic Medicine Act, or the
18 Oklahoma Interventional Pain Management and Treatment Act shall, in
19 addition to the other penalties provided therein, receive no
20 compensation for such medical and surgical or branches or
21 departments thereof services.

22 B. 1. If a license has been revoked or suspended pursuant to
23 the Oklahoma Allopathic Medical and Surgical Licensure and
24 Supervision Act or the Oklahoma Osteopathic Medicine Act whether for

1 disciplinary reasons or for failure to renew the license, the State
2 Board of Medical Licensure and Supervision may, subject to rules
3 promulgated by the Board, assess and collect an administrative fine
4 not to exceed Five Thousand Dollars (\$5,000.00) for each day after
5 revocation or suspension whether for disciplinary reasons or for
6 failure to renew such license that the person practices medicine and
7 surgery or any of the branches or departments thereof within this
8 state.

9 2. The Board may impose administrative penalties against any
10 person who violates any of the provisions of the Oklahoma
11 Interventional Pain Management and Treatment Act or any rule
12 promulgated pursuant thereto. The Board is authorized to initiate
13 disciplinary and injunctive proceedings against any person who has
14 violated any of the provisions of the Oklahoma Interventional Pain
15 Management and Treatment Act or any rule of the Board promulgated
16 pursuant thereto. The Board is authorized in the name of the state
17 to apply for relief by injunction in the established manner provided
18 in cases of civil procedure, without bond, to enforce the provisions
19 of the Oklahoma Interventional Pain Management and Treatment Act, or
20 to restrain any violation thereof. The members of the Board shall
21 not be personally liable for proceeding under this section.

22 3. Fines assessed shall be in addition to any criminal penalty
23 provided pursuant to subsection A of this section.

24 SECTION 2. This act shall become effective November 1, 2016.

1 Passed the House of Representatives the 16th day of February,
2016.

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Presiding Officer of the House
of Representatives

6 Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate