

1 ENGROSSED SENATE
2 BILL NO. 1477

By: Yen of the Senate

3 and

4 Cox of the House

5
6 [Oklahoma Sleep Diagnostic Testing Regulation Act -
7 exclusion - certification - effective date]
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9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 63 O.S. 2011, Section 7200.3, is
11 amended to read as follows:

12 Section 7200.3. As used in the Oklahoma Sleep Diagnostic
13 Testing Regulation Act:

14 1. "Advanced practice nurse" means a person licensed to
15 practice as an advanced practice nurse by the Oklahoma Board of
16 Nursing pursuant to the Oklahoma Nursing Practice Act;

17 2. "Interpreting physician" means a physician who provides
18 professional interpretation of data generated by sleep diagnostic
19 tests. An interpreting physician shall be board-certified in sleep
20 medicine by the American Board of Sleep Medicine (ABSM) or the
21 American Board of Medical Specialties or must have completed a one-
22 year sleep medicine fellowship accredited by the Accreditation
23 Council for Graduate Medical Education (ACGME) or received a
24 Certification of Special Qualifications (CSQ) or a Certification of

1 Added Qualifications (CAQ) in Sleep Medicine issued by the American
2 Osteopathic Association;

3 3. "Physician" means a person licensed to practice:

4 a. allopathic medicine and surgery by the State Board of
5 Medical Licensure and Supervision pursuant to the
6 Oklahoma Allopathic Medical and Surgical Licensure and
7 Supervision Act, or

8 b. osteopathic medicine by the State Board of Osteopathic
9 Examiners pursuant to the Oklahoma Osteopathic
10 Medicine Act;

11 4. "Physician assistant" means a person licensed to practice as
12 a physician assistant by the State Board of Medical Licensure and
13 Supervision pursuant to the Physician Assistant Act;

14 5. "Sleep diagnostic test" means any technological recording
15 procedure used for the diagnosis of sleep-related breathing
16 disorders or other disorders of sleep;

17 6. "Sleep diagnostic testing facility" means a building or
18 place situated in a fixed location or a mobile entity that is used
19 to conduct sleep diagnostic tests and includes sleep disorder
20 centers and laboratories for sleep-related breathing disorders, ~~but~~
21 ~~does not include a hospital that conducts sleep diagnostic tests for~~
22 ~~its patients, including sleep diagnostic tests performed under~~
23 ~~arrangements made by a hospital for its patients whereby the~~

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1 ~~hospital exercises professional responsibility over the arranged~~
2 ~~services; and~~

3 7. "Supervising physician" means a physician responsible for
4 the supervision of the sleep diagnostic testing performed,
5 including, but not limited to, the quality of the testing performed,
6 the proper operation and calibration of the equipment used to
7 perform sleep diagnostic tests and the actions of nonphysician
8 personnel engaged in the performance of the sleep diagnostic
9 testing. A supervising physician shall be board-certified in sleep
10 medicine by the American Board of Sleep Medicine (ABSM) or the
11 American Board of Medical Specialties or shall have completed a one-
12 year sleep medicine fellowship accredited by the Accreditation
13 Council for Graduate Medical Education (ACGME), or received a
14 Certification of Special Qualifications (CSQ) or a Certification of
15 Added Qualifications (CAQ) in Sleep Medicine issued by the American
16 Osteopathic Association.

17 SECTION 2. AMENDATORY 63 O.S. 2011, Section 7200.4, is
18 amended to read as follows:

19 Section 7200.4. A. Sleep diagnostic tests shall be ordered by
20 a physician, physician assistant or advance practice nurse.

21 B. Sleep diagnostic tests shall be furnished:

22 1. By a sleep diagnostic testing facility;

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1 2. By, or under arrangements made by, a hospital for its
2 patients whereby the hospital exercises professional responsibility
3 over the arranged services; or

4 3. In the patient's home.

5 C. Sleep diagnostic testing facilities shall meet the following
6 standards:

7 1. Sleep diagnostic testing facilities shall be supervised by a
8 supervising physician as defined by this act;

9 2. On and after January 1, 2010, sleep diagnostic testing
10 facilities shall be fully or provisionally certified or accredited
11 by the American Academy of Sleep Medicine (AASM), the Joint
12 Commission or the Accreditation Commission for Healthcare (ACHC),
13 except that the full or provisional certification or accreditation
14 by AASM, the Joint Commission, or ACHC shall not be required until
15 June 30, 2010, for any sleep diagnostic testing facility that has
16 submitted a complete application for certification or accreditation
17 to AASM, the Joint Commission and/or ACHC on or before December 31,
18 2009, or another national organization issuing certifications or
19 accreditations for sleep diagnostic testing facilities;

20 3. An interpreting physician shall interpret the data generated
21 by all sleep diagnostic tests conducted at a sleep diagnostic
22 testing facility; and

1 4. Nonphysician personnel conducting sleep diagnostic tests
2 shall perform their duties under the direction and supervision of
3 the supervising physician.

4 D. Sleep diagnostic tests performed in the patient's home shall
5 be conducted under the supervision of a supervising physician and
6 interpreted by an interpreting physician.

7 SECTION 3. This act shall become effective November 1, 2016.

8 Passed the Senate the 8th day of March, 2016.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2016.

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Presiding Officer of the House
of Representatives

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