

1 ENGROSSED SENATE  
2 BILL NO. 1353

By: Yen of the Senate

3 and

4 Dunnington of the House

5  
6 An Act relating to provisionally licensed physicians;  
7 defining terms; providing for scope of practice;  
8 directing the State Board of Medical Licensure and  
9 Supervision and the State Board of Osteopathic  
10 Examiners to promulgate certain rules; specifying  
11 professional terms; requiring collaborative practice  
12 arrangement; setting forth provisions related to  
13 collaborative practice arrangements; providing  
14 certain exemption; specifying criteria to be included  
15 in arrangements; providing for promulgation of  
16 certain rules and approval of rules; prohibiting  
17 certain disciplinary action under certain  
18 circumstances; setting certain limitation on  
19 arrangements; requiring disclosure of certain  
20 information related to arrangements; requiring  
21 certain documentation; providing certain  
22 construction; requiring identification badges;  
23 setting forth provisions related to prescriptive  
24 authority of certain controlled substances; providing  
for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 479.1 of Title 59, unless there  
is created a duplication in numbering, reads as follows:

As used in this act:

1        1. "Graduate of a school or college of osteopathic medicine"  
2 means any person who has graduated from a school or college of  
3 osteopathic medicine as defined in this section;

4        2. "Medical school" means a legally chartered allopathic  
5 medical school recognized by the Oklahoma State Regents for Higher  
6 Education or the Liaison Council on Medical Examination;

7        3. "Medical school graduate" means any person who has graduated  
8 from a medical school as defined in this section;

9        4. "Provisionally licensed physician" means a medical school  
10 graduate or a graduate of a school or college of osteopathic  
11 medicine who:

12            a. is a resident and citizen of the United States or is a  
13 legal resident alien,

14            b. (1) has successfully completed Step 1 and Step 2 of  
15 the United States Medical Licensing Examination  
16 or the equivalent of such steps of any other  
17 medical licensing examination approved by the  
18 Board of Medical Licensure and Supervision within  
19 the two-year period immediately preceding  
20 application for licensure as a provisionally  
21 licensed physician, but in no event more than  
22 three (3) years after graduation from a medical  
23 school, or  
24

1           (2) has successfully completed Level 1 and Level 2 of  
2           the Comprehensive Osteopathic Medical Licensing  
3           Examination of the United States or the  
4           equivalent of such steps of any other medical  
5           licensing examination approved by the State Board  
6           of Osteopathic Examiners within the two-year  
7           period immediately preceding application for  
8           licensure as a provisionally licensed physician,  
9           but in no event more than three (3) years after  
10          graduation from a school or college of  
11          osteopathic medicine,

12          c.    (1) has not completed an approved postgraduate  
13                residency and has successfully completed Step 2  
14                of the United States Medical Licensing  
15                Examination or the equivalent of such step of any  
16                other medical licensing examination approved by  
17                the Board of Medical Licensure and Supervision  
18                within the immediately preceding two-year period  
19                unless when such two-year anniversary occurred he  
20                or she was serving as a resident physician in an  
21                accredited residency in the United States and  
22                continued to do so within thirty (30) calendar  
23                days prior to application for licensure as a  
24                provisionally licensed physician, or

1           (2) has not completed an approved postgraduate  
2           residency and has successfully completed Level 2  
3           of the Comprehensive Osteopathic Medical  
4           Licensing Examination of the United States or the  
5           equivalent of such step of any other medical  
6           licensing examination approved by the State Board  
7           of Osteopathic Examiners within the immediately  
8           preceding two-year period unless when such two-  
9           year anniversary occurred he or she was serving  
10          as a resident physician in an accredited  
11          residency in the United States and continued to  
12          do so within thirty (30) calendar days prior to  
13          application for licensure as a provisionally  
14          licensed physician, and

15          d. has proficiency in the English language;

16          5. "Provisionally licensed physician collaborative practice  
17          arrangement" means an agreement between a physician and a  
18          provisionally licensed physician that meets the requirements of this  
19          act; and

20          6. "School or college of osteopathic medicine" means a legally  
21          chartered and accredited school or college of osteopathic medicine  
22          requiring:

23          a. for admission to its courses of study, a preliminary  
24          education equal to the requirements established by the

1 Bureau of Professional Education of the American  
2 Osteopathic Association, and

- 3 b. for granting the D.O. degree, Doctor of Osteopathy or  
4 Doctor of Osteopathic Medicine, actual attendance at  
5 such osteopathic school or college and demonstration  
6 of successful completion of the curriculum and  
7 recommendation for graduation.

8 SECTION 2. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 479.2 of Title 59, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. A provisionally licensed physician collaborative practice  
12 arrangement shall limit the provisionally licensed physician to  
13 providing only primary care services.

14 B. The licensure of provisionally licensed physicians shall  
15 take place within processes established by rules of the Board of  
16 Medical Licensure and Supervision or of the State Board of  
17 Osteopathic Examiners, as appropriate. The Board of Medical  
18 Licensure and Supervision and the State Board of Osteopathic  
19 Examiners shall promulgate rules establishing licensure and renewal  
20 procedures, supervision, collaborative practice arrangements, fees  
21 and addressing such other matters as are necessary to protect the  
22 public and discipline the profession. An application for licensure  
23 may be denied or the licensure of a provisionally licensed physician  
24 may be suspended or revoked by the Board of Medical Licensure and

1 Supervision or by the State Board of Osteopathic Examiners, as  
2 appropriate, in the same manner and for violation of the standards  
3 as set forth by the Oklahoma Allopathic Medical and Surgical  
4 Licensure and Supervision Act or the Oklahoma Osteopathic Medicine  
5 Act, or such other standards of conduct set by the Board of Medical  
6 Licensure and Supervision or the State Board of Osteopathic  
7 Examiners, as appropriate, by rule.

8 C. A provisionally licensed physician shall clearly identify  
9 himself or herself as a provisionally licensed physician and shall  
10 be permitted to use the terms "doctor", "Dr.", or "doc". No  
11 provisionally licensed physician shall practice or attempt to  
12 practice without a provisionally licensed physician collaborative  
13 practice arrangement, except as otherwise provided in this section  
14 and in an emergency situation.

15 D. The collaborating physician is responsible at all times for  
16 the oversight of the activities of and accepts responsibility for  
17 primary care services rendered by the provisionally licensed  
18 physician.

19 E. The provisions of Section 3 of this act shall apply to all  
20 provisionally licensed physician collaborative practice  
21 arrangements. To be eligible to practice as a provisionally  
22 licensed physician, a provisionally licensed physician shall enter  
23 into a provisionally licensed physician collaborative practice  
24 arrangement within six (6) months of his or her initial licensure

1 and shall not have more than a six-month time period between  
2 collaborative practice arrangements during his or her licensure  
3 period. Any renewal of licensure pursuant to this section shall  
4 include verification of actual practice under a collaborative  
5 practice arrangement in accordance with this subsection during the  
6 immediately preceding licensure period.

7 F. For a physician-provisionally licensed physician team  
8 working in a rural health clinic under the federal Rural Health  
9 Clinic Services Act, P.L. 95-210:

10 1. A provisionally licensed physician shall be considered a  
11 physician assistant for purposes of regulations of the Centers for  
12 Medicare and Medicaid Services (CMS); and

13 2. No supervision requirements in addition to the minimum  
14 federal law shall be required.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 479.3 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. A physician may enter into collaborative practice  
19 arrangements with provisionally licensed physicians. Collaborative  
20 practice arrangements shall be in the form of written agreements,  
21 jointly agreed-upon protocols or standing orders for the delivery of  
22 health care services. Collaborative practice arrangements, which  
23 shall be in writing, may delegate to a provisionally licensed  
24 physician the authority to administer and dispense drugs and provide

1 treatment as long as the delivery of such health care services is  
2 within the scope of practice of the provisionally licensed physician  
3 and is consistent with that provisionally licensed physician's  
4 skill, training and competence and the skill and training of the  
5 collaborating physician.

6 B. The written collaborative practice arrangement shall  
7 include, but not be limited to:

8 1. Complete names, home and business addresses, zip codes and  
9 telephone numbers of the collaborating physician and the  
10 provisionally licensed physician;

11 2. A list of all other offices or locations besides those  
12 listed in paragraph 1 of this subsection where the collaborating  
13 physician authorized the provisionally licensed physician to  
14 prescribe;

15 3. A requirement that there shall be posted at every office  
16 where the provisionally licensed physician is authorized to  
17 prescribe, in collaboration with a physician, a prominently  
18 displayed disclosure statement informing patients that they may be  
19 seen by a provisionally licensed physician and have the right to see  
20 the collaborating physician;

21 4. All specialty or Board certifications of the collaborating  
22 physician and all certifications of the provisionally licensed  
23 physician;

24



1        5. The manner of collaboration between the collaborating  
2 physician and the provisionally licensed physician, including how  
3 the collaborating physician and the provisionally licensed physician  
4 shall:

- 5            a. engage in collaborative practice consistent with each  
6                professional's skill, training, education and  
7                competence,
- 8            b. maintain geographic proximity; provided, the  
9                collaborative practice arrangement may allow for  
10               geographic proximity to be waived for a maximum of  
11               twenty-eight (28) calendar days per calendar year for  
12               rural health clinics as defined by P.L. 95-210, as  
13               long as the collaborative practice arrangement  
14               includes alternative plans as required in subparagraph  
15               c of this paragraph. Such exception to geographic  
16               proximity shall apply only to independent rural health  
17               clinics, provider-based rural health clinics if the  
18               provider is a critical access hospital as provided in  
19               42 U.S.C. Section 1395i-4 and provider-based rural  
20               health clinics if the main location of the hospital  
21               sponsor is not less than fifty (50) miles from the  
22               clinic. The collaborating physician shall maintain  
23               documentation related to such requirement and present  
24               it to the Board of Medical Licensure and Supervision

1 or the State Board of Osteopathic Examiners, as  
2 appropriate, when requested, and

3 c. provide coverage during absence, incapacity, infirmity  
4 or emergency by the collaborating physician;

5 6. A description of the provisionally licensed physician's  
6 controlled substance prescriptive authority in collaboration with  
7 the physician, including a list of the controlled substances the  
8 physician authorizes the provisionally licensed physician to  
9 prescribe and documentation that it is consistent with each  
10 professional's education, knowledge, skill and competence;

11 7. A list of all other written practice agreements of the  
12 collaborating physician and the provisionally licensed physician;

13 8. The duration of the written practice agreement between the  
14 collaborating physician and the provisionally licensed physician;

15 9. A description of the time and manner of the collaborating  
16 physician's review of the provisionally licensed physician's  
17 delivery of health care services. The description shall include  
18 provisions that the provisionally licensed physician shall submit a  
19 minimum of ten percent (10%) of the charts documenting the  
20 provisionally licensed physician's delivery of health care services  
21 to the collaborating physician for review by the collaborating  
22 physician, or any other physician designated in the collaborative  
23 practice arrangement, every fourteen (14) calendar days; and  
24

1        10. A requirement that the collaborating physician, or any  
2 other physician designated in the collaborative practice  
3 arrangement, shall review every fourteen (14) calendar days a  
4 minimum of twenty percent (20%) of the charts in which the  
5 provisionally licensed physician prescribes controlled substances.  
6 The charts reviewed pursuant to this paragraph may be counted in the  
7 number of charts required to be reviewed under paragraph 9 of this  
8 subsection.

9        C. The Board of Medical Licensure and Supervision and the State  
10 Board of Osteopathic Examiners shall promulgate rules regulating the  
11 use of collaborative practice arrangements for provisionally  
12 licensed physicians. Such rules shall specify:

13        1. Geographic areas to be covered;

14        2. The methods of treatment that may be covered by  
15 collaborative practice arrangements;

16        3. In conjunction with deans of medical schools and primary  
17 care residency program directors in the state, the development and  
18 implementation of educational methods and programs undertaken during  
19 the collaborative practice service which shall facilitate the  
20 advancement of the provisionally licensed physician's medical  
21 knowledge and capabilities, and which may lead to credit toward a  
22 future residency program for programs that deem such documented  
23 educational achievements acceptable; and  
24

1       4. The requirements for review of services provided under  
2 collaborative practice arrangements, including delegating authority  
3 to prescribe controlled substances.

4       D. Any rules relating to dispensing or distribution of  
5 medications or devices by prescription or prescription drug orders  
6 pursuant to this section shall be subject to the approval of the  
7 State Board of Pharmacy. Any rules relating to dispensing or  
8 distribution of controlled substances by prescription or  
9 prescription drug orders pursuant to this section shall be subject  
10 to the approval of the State Department of Health and the State  
11 Board of Pharmacy. The Board of Medical Licensure and Supervision  
12 and the State Board of Osteopathic Examiners shall promulgate rules  
13 applicable to provisionally licensed physicians that shall be  
14 consistent with guidelines for federally funded clinics.

15       E. The Board of Medical Licensure and Supervision and the State  
16 Board of Osteopathic Examiners shall not deny, revoke, suspend or  
17 otherwise take disciplinary action against a collaborating physician  
18 for health care services delegated to a provisionally licensed  
19 physician, provided the provisions of this section and the rules  
20 promulgated thereunder are satisfied.

21       F. Within thirty (30) calendar days of any change and on each  
22 renewal, the Board of Medical Licensure and Supervision or the State  
23 Board of Osteopathic Examiners, as appropriate, shall require every  
24 physician to identify whether the physician is engaged in any

1 collaborative practice arrangement, including but not limited to  
2 collaborative practice arrangements delegating the authority to  
3 prescribe controlled substances, and also report to the Board of  
4 Medical Licensure and Supervision or the State Board of Osteopathic  
5 Examiners, as appropriate, the name of each provisionally licensed  
6 physician with whom the physician has entered into such arrangement.  
7 The Board of Medical Licensure and Supervision and the State Board  
8 of Osteopathic Examiners may make such information available to the  
9 public. The Board of Medical Licensure and Supervision and the  
10 State Board of Osteopathic Examiners shall track the reported  
11 information and may routinely conduct random reviews of such  
12 arrangements to ensure that arrangements are carried out for  
13 compliance pursuant to this section.

14 G. A collaborating physician shall not enter into a  
15 collaborative practice arrangement with more than three full-time  
16 equivalent provisionally licensed physicians.

17 H. The collaborating physician shall determine and document the  
18 completion of at least a thirty-calendar-day period of time during  
19 which the provisionally licensed physician shall practice with the  
20 collaborating physician continuously present before practicing in a  
21 setting where the collaborating physician is not continuously  
22 present.

23 I. No agreement made pursuant to this section shall supersede  
24 current hospital licensing regulations governing hospital medication

1 orders under protocols or standing orders for the purpose of  
2 delivering inpatient or emergency care within a hospital as defined  
3 in Section 1-701 of Title 63 of the Oklahoma Statutes if such  
4 protocols or standing orders have been approved by the hospital's  
5 medical staff and pharmaceutical therapeutics committee.

6 J. No contract or other agreement shall require a physician to  
7 act as a collaborating physician for a provisionally licensed  
8 physician against the physician's will. A physician shall have the  
9 right to refuse to act as a collaborating physician, without  
10 penalty, for a particular provisionally licensed physician. No  
11 contract or other agreement shall limit the collaborating  
12 physician's ultimate authority over any protocols or standing orders  
13 or in the delegation of the physician's authority to any  
14 provisionally licensed physician, but such requirement shall not  
15 authorize a physician in implementing such protocols, standing  
16 orders, or delegation to violate applicable standards for safe  
17 medical practice established by a hospital's medical staff.

18 K. No contract or other agreement shall require any  
19 provisionally licensed physician to serve as a collaborating  
20 provisionally licensed physician for any collaborating physician  
21 against the provisionally licensed physician's will. A  
22 provisionally licensed physician shall have the right to refuse to  
23 collaborate, without penalty, with a particular physician.

1 L. All collaborating physicians and provisionally licensed  
2 physicians in collaborative practice arrangements shall wear  
3 identification badges while acting within the scope of their  
4 collaborative practice arrangement. The identification badges shall  
5 prominently display the licensure status of such collaborating  
6 physicians and provisionally licensed physicians.

7 M. 1. A provisionally licensed physician with a certificate of  
8 controlled substance prescriptive authority as provided in this  
9 section may prescribe any controlled substance listed in Schedule  
10 III, IV or V of the Uniform Controlled Dangerous Substances Act, and  
11 may have restricted authority in Schedule II, when delegated the  
12 authority to prescribe controlled substances in a collaborative  
13 practice arrangement. Prescriptions for Schedule II medications  
14 prescribed by a provisionally licensed physician who has a  
15 certificate of controlled substance prescriptive authority are  
16 restricted to only those medications containing hydrocodone. Such  
17 authority shall be filed with the Board of Medical Licensure and  
18 Supervision or the State Board of Osteopathic Examiners, as  
19 appropriate. The collaborating physician shall maintain the right  
20 to limit a specific scheduled drug or scheduled drug category that  
21 the provisionally licensed physician is permitted to prescribe. Any  
22 limitations shall be listed in the collaborative practice  
23 arrangement. Provisionally licensed physicians shall not prescribe  
24 controlled substances for themselves or members of their families.

1 Schedule III controlled substances and Schedule II hydrocodone  
2 prescriptions shall be limited to a five-day supply without refill.  
3 Provisionally licensed physicians who are authorized to prescribe  
4 controlled substances under this section shall register with the  
5 federal Drug Enforcement Administration and the Oklahoma Bureau of  
6 Narcotics and Dangerous Drugs, and shall include the Drug  
7 Enforcement Administration registration number on prescriptions for  
8 controlled substances.

9       2. The collaborating physician shall be responsible to  
10 determine and document the completion of at least one hundred twenty  
11 (120) hours in a four-calendar-month period by the provisionally  
12 licensed physician during which the provisionally licensed physician  
13 shall practice with the collaborating physician on-site prior to  
14 prescribing controlled substances when the collaborating physician  
15 is not on-site.

16       3. A provisionally licensed physician shall receive a  
17 certificate of controlled substance prescriptive authority from the  
18 Board of Medical Licensure and Supervision or the State Board of  
19 Osteopathic Examiners, as appropriate, upon verification of  
20 licensure pursuant to Section 2 of this act.

21       SECTION 4. This act shall become effective November 1, 2018.  
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1 Passed the Senate the 15th day of March, 2018.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2018.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives