

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1280

By: Smalley of the Senate

and

Bush of the House

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9 An Act relating to professions and occupations;
10 amending 59 O.S. 2011, Section 144, as last amended
11 by Section 1, Chapter 87, O.S.L. 2017 (59 O.S. Supp.
12 2017, Section 144), which relates to the Podiatric
13 Medicine Practice Act; modifying requirements for
14 examination; setting forth procedure for review of
15 licensure applications; defining terms; amending 59
16 O.S. 2011, Section 2059, as amended by Section 1,
17 Chapter 19, O.S.L. 2017 (59 O.S. Supp. 2017, Section
18 2059), which relates to the Oklahoma Licensed
19 Perfusionist Act; setting forth procedure for review
20 of licensure applications; defining terms; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2011, Section 144, as last
24 amended by Section 1, Chapter 87, O.S.L. 2017 (59 O.S. Supp. 2017,
25 Section 144), is amended to read as follows:

26 Section 144. A. The fee for examination for a license to
27 practice podiatric medicine in this state shall be One Hundred
28 Dollars (\$100.00). The Board of Podiatric Medical Examiners may

1 increase this fee by not more than an additional Two Hundred Dollars
2 (\$200.00). The examination for such license shall be given by the
3 Board. The Board may give the examination at any special meeting,
4 but shall not be required to do so. The Board may utilize the
5 National Board of Podiatric Examiners' National Board Examination
6 Part III as the written portion of the state licensing exam.

7 B. To be entitled to take the examination, a person shall:

8 1. File a written or electronic online application on a form
9 prescribed by the Board;

10 2. Pay to the secretary-treasurer of the Board in advance the
11 fee for examination;

12 3. Satisfy the Board that the person is ~~loyal to~~ legally in the
13 United States of America;

14 4. Be more than twenty-one (21) years of age;

15 5. Be of good moral character;

16 6. Not have been finally convicted of any crime involving moral
17 turpitude or of any felony;

18 7. ~~Be free from contagious or infectious disease;~~

19 ~~8.~~ Be a graduate of an accredited college of podiatric
20 medicine; and

21 ~~9.~~ 8. Have complied with applicable Board rules.

22 C. An applicant satisfying the requirements of subsection B of
23 this section shall receive a license to practice podiatric medicine
24 in this state, to be issued by the Board, if the applicant:

1 1. Takes the examination administered or approved by the Board
2 and receives a passing score of at least seventy-five percent (75%)
3 on both the written and oral portions. An applicant receiving less
4 than a score of seventy-five percent (75%) on either the written or
5 oral portion of the examination shall be deemed to have failed the
6 entire examination;

7 2. Satisfactorily completes a podiatric surgical residency,
8 approved by the Council of Podiatric Medical Education of the
9 American Podiatric Medical Association, of not less than three (3)
10 years; provided, the provisions of this paragraph shall only apply
11 to applicants after March 1, 2018; and

12 3. Satisfies the Board that the applicant has not violated any
13 of the provisions of the Podiatric Medicine Practice Act or any of
14 the rules of the Board.

15 D. The examination administered or approved by the Board shall
16 include both a written and an oral portion, shall be administered in
17 the English language, and shall cover areas in anatomy, pathology,
18 podiatric medicine and surgery, dermatology, pharmacology,
19 biomechanics, anesthesia, radiology, Oklahoma law relating to
20 podiatric medicine, and such other subjects as the Board from time
21 to time determines necessary and appropriate. The Board may
22 authorize examination papers to be graded by one or more of its own
23 members or by any one or more licensed podiatric physicians selected
24 by the Board. Each license issued by the Board shall be signed by

1 each member of the Board, bear the seal of the Board, and designate
2 the licensee as a licensed podiatric physician.

3 E. The Board may issue a temporary license if the applicant:

4 1. Has met the requirements of subsection B of this section;

5 2. Takes the examination administered or approved by the Board
6 and receives a passing score of at least seventy-five percent (75%)
7 on both the written and oral portions. An applicant receiving less
8 than a score of seventy-five percent (75%) on either the written or
9 oral portion of the examination shall be deemed to have failed the
10 entire examination;

11 3. Is within ninety (90) days of completing or has completed a
12 podiatric surgical residency, approved by the Council of Podiatric
13 Medical Education of the American Podiatric Medical Association, of
14 not less than three (3) years; provided, the provisions of this
15 paragraph shall only apply to applicants after March 1, 2018; and

16 4. Satisfies the Board that the applicant has not violated any
17 of the provisions of the Podiatric Medicine Practice Act or any of
18 the rules of the Board.

19 F. The Board may review applications by circularization and
20 thereby vote to approve an application. The approval vote shall be
21 unanimous. Any Board member may vote to hold any application until
22 a meeting of the Board for review en banc. Applications approved by
23 circularization shall be ratified at a subsequent meeting of the
24 Board. No application shall be denied except in a meeting of the

1 Board upon a vote of a majority of the Board members. As used in
2 this subsection, "circularization" means a process by which the full
3 Board may review and vote on licensure applications in between
4 regular board meetings to expedite the licensure process. As used
5 in this subsection, "en banc" means a regularly scheduled Board
6 meeting in which an agenda item is heard before all or a quorum of
7 the Board members.

8 SECTION 2. AMENDATORY 59 O.S. 2011, Section 2059, as
9 amended by Section 1, Chapter 19, O.S.L. 2017 (59 O.S. Supp. 2017,
10 Section 2059), is amended to read as follows:

11 Section 2059. A. Except as otherwise provided in the Oklahoma
12 Licensed Perfusionists Act, on and after January 1, 1997, no person
13 shall practice perfusion in this state unless licensed pursuant to
14 the provisions of the Oklahoma Licensed Perfusionists Act.

15 B. No person shall be licensed to practice perfusion in this
16 state except upon a finding by the State Board of Examiners of
17 Perfusionists that such person:

18 1. Has fully complied with all applicable licensure
19 requirements of the Oklahoma Licensed Perfusionists Act;

20 2. Is of good moral character; and

21 3. Has produced satisfactory evidence to the Board of the
22 ability of the applicant to practice perfusion with reasonable skill
23 and safety.
24

1 C. An applicant for a perfusionist license must submit a sworn
2 application accompanied by an application fee specified in Section
3 2071 of this title in an amount set by rule of the Board.

4 D. The Board shall prescribe the form of the application and by
5 rule may establish dates by which applications and fees must be
6 received. These rules must not be inconsistent with present rules
7 of the State Board of Medical Licensure and Supervision related to
8 application dates of other licenses. The Board may review and
9 verify medical credentials and screen applicant records through
10 recognized national information services.

11 E. To qualify for the examination for licensure, the applicant
12 must have successfully completed a perfusion education program
13 approved by the Board.

14 F. In approving perfusion education programs necessary for
15 qualification for examination, the Board shall approve only a
16 program that has educational standards that are at least as
17 stringent as those established by the Accreditation Committee for
18 Perfusion Education and approved by the Committee on Allied Health
19 Education and Accreditation of the American Medical Association or
20 their successors.

21 G. Not later than the forty-fifth day after the date of receipt
22 of a properly submitted and timely application and not later than
23 the thirtieth day before the next examination date, the Board shall
24 notify an applicant in writing that the applicant's application and

1 any other relevant evidence pertaining to applicant qualifications
2 established by the Board by rule have been received and
3 investigated. The notice shall state whether the application and
4 other evidence submitted have qualified the applicant for
5 examination. If the applicant has not qualified for examination,
6 the notice shall state the reasons for lack of qualification.

7 H. The Board may review applications by circularization and
8 thereby vote to approve an application. The approval vote shall be
9 unanimous. Any Board member may vote to hold any application until
10 a meeting of the Board for review en banc. Applications approved by
11 circularization shall be ratified at a subsequent meeting of the
12 Board. No application shall be denied except in a meeting of the
13 Board upon a vote of a majority of the Board members. As used in
14 this subsection, "circularization" means a process by which the full
15 Board may review and vote on licensure applications in between
16 regular board meetings to expedite the licensure process. As used
17 in this subsection, "en banc" means a regularly scheduled Board
18 meeting in which an agenda item is heard before all or a quorum of
19 the Board members.

20 SECTION 3. This act shall become effective November 1, 2018.

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22 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
23 03/27/2018 - DO PASS.
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