

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1540

By: Pugh

AS INTRODUCED

An Act relating to osteopathic physicians; amending 59 O.S. 2011, Section 622, as last amended by Section 2, Chapter 40, O.S.L. 2016 (59 O.S. Supp. 2017, Section 622), which relates to licensure; clarifying language; directing State Board of Osteopathic Examiners to issue certain license; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 622, as last amended by Section 2, Chapter 40, O.S.L. 2016 (59 O.S. Supp. 2017, Section 622), is amended to read as follows:

Section 622. A. 1. Except as otherwise provided ~~by~~ in this section, it shall be unlawful for any person to practice as an osteopathic physician and surgeon in this state~~,~~ without a license to do so~~.~~ The license to practice as an osteopathic physician and surgeon shall be issued by the State Board of Osteopathic Examiners; provided, that any license or certificate issued under the laws of this state~~,~~ authorizing its holder to practice osteopathic medicine~~,~~ shall remain in full force and effect. Persons who hold themselves

1 out as osteopathic physicians in this state without a license issued
2 by the State Board of Osteopathic Examiners submit themselves to the
3 jurisdiction of the State Board of Osteopathic Examiners.

4 2. Osteopathic physicians engaged in postgraduate training
5 beyond ~~the~~ an internship year, also known as PGY-1, shall be
6 licensed. Osteopathic physicians engaged in ~~the~~ an internship or
7 PGY-1 year may be eligible for a resident training license.

8 3. Osteopathic physicians engaged in interventional pain
9 management pursuant to the Oklahoma Interventional Pain Management
10 and Treatment Act shall be licensed by the State Board of
11 Osteopathic Examiners.

12 B. 1. A person within or outside of this state who performs
13 through electronic communications diagnostic or treatment services
14 within the scope of practice of an osteopathic physician and
15 surgeon, including but not limited to, stroke prevention and
16 treatment, for any patient whose condition is being diagnosed or
17 treated within this state shall be licensed in this state, pursuant
18 to the provisions of the Oklahoma Osteopathic Medicine Act.
19 However, in such cases, a nonresident osteopathic physician who,
20 while located outside this state, consults on an irregular basis
21 with a physician who is located in this state is not required to be
22 licensed in this state.

23 2. Any osteopathic physician licensed in this state who engages
24 in the prescription of drugs, devices, or treatments via electronic

1 means may do so only in the context of an appropriate
2 physician/patient relationship wherein a proper patient record is
3 maintained including, at the minimum, a current history and
4 physical.

5 3. Any commissioned medical officer of the armed forces of the
6 United States or medical officer of the United States Public Health
7 Service or the Veterans Administration of the United States, in the
8 discharge of official duties and/or within federally controlled
9 facilities, who is fully licensed to practice osteopathic medicine
10 and surgery in one or more jurisdictions of the United States shall
11 not be required to be licensed in this state pursuant to the
12 Oklahoma Osteopathic Medicine Act, unless the person already holds
13 an osteopathic medical license in this state pursuant to the
14 Oklahoma Osteopathic Medicine Act. In such case, the medical
15 officer shall be subject to the Oklahoma Osteopathic Medicine Act.

16 4. A person who performs any of the functions covered by this
17 subsection submits themselves to the jurisdiction of the courts of
18 this state for the purposes of any cause of action resulting from
19 the functions performed.

20 C. A hospital or related institution, as such terms are defined
21 in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the
22 principal purpose or function of providing hospital or medical care,
23 including but not limited to any corporation, association, trust, or
24 other organization organized and operated for such purpose, may

1 employ one or more persons who are duly licensed to practice
2 osteopathic medicine in this state without being regarded as itself
3 practicing osteopathic medicine within the meaning and provisions of
4 this section. The employment by the hospital or related institution
5 of any person who is duly licensed shall not, in and of itself, be
6 considered as an act of unprofessional conduct by the person so
7 employed. Nothing provided herein shall eliminate, limit or
8 restrict the liability for any act or failure to act of any
9 hospital, any hospital's employees or persons duly licensed to
10 practice osteopathic medicine.

11 D. Nothing in the Oklahoma Osteopathic Medicine Act shall be
12 construed ~~as~~ to require an osteopathic physician to secure an
13 Osteopathic Continuous Certification (OCC) as a condition of
14 licensure, reimbursement, employment or admitting privileges at a
15 hospital in this state. For the purposes of this subsection,
16 "Osteopathic Continuous Certification (OCC)" shall mean a continuing
17 education program measuring core competencies in the practice of
18 medicine and surgery and approved by a nationally-recognized
19 accrediting organization.

20 SECTION 2. This act shall become effective November 1, 2018.

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