

1 **SENATE FLOOR VERSION**

2 February 24, 2020

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1525

By: Pugh

6  
7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Sections 494.1 and 632, which  
9 relate to medical licensure examinations; specifying  
10 certain authority of the State Board of Medical  
11 Licensure and Supervision and the State Board of  
12 Osteopathic Examiners; requiring criminal history  
13 check for medical doctors and osteopathic physicians;  
14 prohibiting Boards from disseminating certain  
15 information outside this state; and declaring an  
16 emergency.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 494.1, is  
19 amended to read as follows:

20 Section 494.1. A. The State Board of Medical Licensure and  
21 Supervision shall offer a medical licensure examination as necessary  
22 to test the qualifications of applicants.

23 1. Except as otherwise provided, no person shall receive a  
24 license to practice medicine and surgery in this state unless he or  
she passes or has passed all required examinations satisfactory to  
the Board.

1        2. The Board shall approve the preparation and administration  
2 of any examination, in English, that it deems necessary to determine  
3 an applicant's ability to practice medicine and surgery with  
4 reasonable skill and safety.

5        3. Examinations shall be reviewed and scored in a way to ensure  
6 the anonymity of applicants.

7        4. Examinations shall be conducted at least semiannually,  
8 provided that there is an applicant.

9        5. The Board shall specify the minimum score required to pass  
10 any examination. The required passing score shall be specified  
11 prior to the administration of any examination.

12       6. Applicants shall be required to pass all examinations with a  
13 score as set by rule, within a specific period of time after initial  
14 application. Specific requirements for the satisfactory completion  
15 of further medical education shall be established by the Board for  
16 those applicants seeking to be examined after the specified period  
17 of time after initial application.

18       7. The Board may limit the number of times an applicant may  
19 take an examination before the satisfactory completion of further  
20 medical education is required of an applicant, provided that this  
21 limitation may be waived by the Board for good cause.

22       8. Fees for any examination shall be paid by an applicant prior  
23 to the examination and no later than a date set by the Board.  
24

1       B. To apply for an examination, an applicant shall provide the  
2 Board and attest to the following information and documentation no  
3 later than a date set by the Board:

4       1. His or her full name and all aliases or other names ever  
5 used, current address, social security number, and date and place of  
6 birth;

7       2. A signed and notarized photograph of the applicant, taken  
8 within the previous twelve (12) months;

9       3. Originals of all documents and credentials required by the  
10 Board, or notarized photocopies or other verification acceptable to  
11 the Board of such documents and credentials;

12       4. A list of all jurisdictions, United States or foreign, in  
13 which the applicant is licensed or has applied for licensure to  
14 practice medicine and surgery or is authorized or has applied for  
15 authorization to practice medicine and surgery;

16       5. A list of all jurisdictions, United States or foreign, in  
17 which the applicant has been denied licensure or authorization to  
18 practice medicine and surgery or has voluntarily surrendered a  
19 license or an authorization to practice medicine and surgery;

20       6. A list of all sanctions, judgments, awards, settlements, or  
21 convictions against the applicant in any jurisdiction, United States  
22 or foreign, that would constitute grounds for disciplinary action  
23 under this act or the Board's rules;

1        7. A detailed educational history, including places,  
2 institutions, dates, and program descriptions, of the applicant's  
3 education including all college, preprofessional, professional, and  
4 professional graduate education;

5        8. A detailed chronological life history from age eighteen (18)  
6 to present, including places and dates of residence, employment, and  
7 military service (United States or foreign); and

8        9. Any other information or documentation specifically  
9 requested by the Board that is related to the applicant's  
10 eligibility to sit for the examination.

11       C. No person shall subvert or attempt to subvert the security  
12 of any medical licensure examination. The Board shall establish  
13 procedures to ensure the security and validity of all medical  
14 licensure examinations.

15       Any individual found by the Board to have engaged in conduct  
16 that subverts or attempts to subvert the medical licensing  
17 examination process may have his or her scores on the licensing  
18 examination withheld ~~and/or~~ or declared invalid, be disqualified  
19 from the practice of medicine and surgery, ~~and/or~~ or be subject to  
20 the imposition of other appropriate sanctions. The Board shall  
21 notify the Federation of State Medical Boards of the United States  
22 of any such action.

23       Conduct that subverts or attempts to subvert the medical  
24 licensing examination process shall include, but not be limited to:

1        1. Conduct that violates the security of the examination  
2 materials, such as removal from the examination room of any of the  
3 examination materials; reproduction or reconstruction of any portion  
4 of the licensure examination; aid by any means in the reproduction  
5 or reconstruction of any portion of the licensure examination; sale,  
6 distribution, purchase, receipt, or unauthorized possession of any  
7 portion of a future, current, or previously administered licensure  
8 examination; ~~and/or~~ or

9        2. Conduct that violates the standard of test administration,  
10 such as communication with any other examinee during the  
11 administration of the licensure examination; copying answers from  
12 another examinee or by knowingly permitting one's answers to be  
13 copied by another examinee during the administration of the  
14 licensure examination; possession during the administration of the  
15 licensing examination, unless otherwise required or authorized, of  
16 any books, notes, written or printed materials or data of any kind,  
17 other than the examination distributed; ~~and/or~~ or

18        3. Conduct that violates the credentialing process, such as  
19 falsification or misrepresentation of educational credentials or  
20 other information required for admission to the licensure  
21 examination; impersonation of an examinee or having an impersonator  
22 take the licensure examination on one's behalf.

23        D. The Board shall provide written notice to all applicants for  
24 medical licensure of such prohibitions and of the sanctions imposed

1 for such conduct. A copy of such notice, attesting that the  
2 applicant has read and understands the notice, shall be signed by  
3 the applicant and filed with the application.

4 E. The Board shall have exclusive power and authority to  
5 determine the qualifications and fitness of all applicants for  
6 admission to practice allopathic medicine in this state. The Board  
7 shall require that each applicant submit to a national criminal  
8 history record check as defined in Section 150.9 of Title 74 of the  
9 Oklahoma Statutes. The Board shall not disseminate criminal history  
10 record information resulting from the background check outside of  
11 this state.

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 632, is  
13 amended to read as follows:

14 Section 632. A. The examination of those who desire to  
15 practice as osteopathic physicians shall embrace those general  
16 subjects and topics, a knowledge of which is commonly and generally  
17 required of candidates for a D.O. degree, Doctor of Osteopathy or  
18 Doctor of Osteopathic Medicine, by accredited osteopathic colleges  
19 in the United States. An examination furnished by the National  
20 Board of Osteopathic Medical Examiners shall be deemed to fulfill  
21 this requirement.

22 B. The applicant may be accepted who has successfully completed  
23 the examination sequence of the National Board of Osteopathic  
24 Medical Examiners and meets all other requirements.

1        C. The State Board of Osteopathic Examiners shall have  
2 exclusive power and authority to determine the qualifications and  
3 fitness of all applicants for admission to practice osteopathic  
4 medicine in this state. The Board shall require that each applicant  
5 submit to a national criminal history record check as defined in  
6 Section 150.9 of Title 74 of the Oklahoma Statutes. The Board shall  
7 not disseminate criminal history record information resulting from  
8 the background check outside of this state.

9        SECTION 3. It being immediately necessary for the preservation  
10 of the public peace, health or safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
14 February 24, 2020 - DO PASS AS AMENDED  
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