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February 22, 2024

**AS AMENDED**

SENATE BILL NO. 1829

By: Green of the Senate

and

Newton of the House

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[ practice of medicine - exception - effective date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2021, Section 492, is amended to read as follows:

Section 492. A. Every person shall be regarded as practicing  
allopathic medicine within the meaning and provisions of ~~this act~~  
the Oklahoma Allopathic Medical and Surgical Licensure and

Supervision Act, who shall append to his or her name the letters

"M.D.", "Physician", or any other title, letters, or designation

which represent that such person is a physician, or who shall for a

fee or any form of compensation diagnose and/or treat disease,

injury, or deformity of persons in this state by any allopathic

legend drugs, surgery, manual, or mechanical treatment unless

otherwise authorized by law.

B. A hospital or related institution as such terms are defined

in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the

1 principal purpose or function of providing hospital or medical care,  
2 including but not limited to any corporation, association, trust, or  
3 other organization organized and operated for such purpose, may  
4 employ one or more persons who are duly licensed to practice  
5 medicine in this state without being regarded as itself practicing  
6 medicine within the meaning and provisions of this section. The  
7 employment by the hospital or related institution of any person who  
8 is duly licensed to practice medicine in this state shall not, in  
9 and of itself, be considered as an act of unprofessional conduct by  
10 the person so employed. Nothing provided herein shall eliminate,  
11 limit, or restrict the liability for any act or failure to act of  
12 any hospital, any hospital's employees, or persons duly licensed to  
13 practice medicine.

14 C. The definition of the practice of medicine and surgery shall  
15 include, but is not limited to:

16 1. Advertising, holding out to the public, or representing in  
17 any manner that one is authorized to practice medicine and surgery  
18 in this state;

19 2. Any offer or attempt to prescribe, order, give, or  
20 administer any drug or medicine and surgery for the use of any other  
21 person, except as otherwise authorized by law;

22 3. a. any offer or attempt, except as otherwise authorized  
23 by law, to prevent, diagnose, correct, or treat in any  
24 manner or by any means, methods, devices, or

instrumentalities except for manual manipulation any disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of any person, including the management of pregnancy and parturition, except as otherwise authorized by law,

b. except as provided in subsection D of this section, performance by a person within or outside of this state, through an ongoing regular arrangement, of diagnostic or treatment services, including but not limited to, stroke prevention and treatment, through electronic communications for any patient whose condition is being diagnosed or treated within this state by a physician duly licensed and practicing in this state. A person who performs any of the functions covered by this subparagraph submits himself or herself to the jurisdiction of the courts of this state for the purposes of any cause of action resulting from the functions performed, and

c. nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall be construed to affect or give jurisdiction to the State Board of Medical Licensure and Supervision over any person other than medical doctors or persons holding themselves out as medical doctors;

1       4. Any offer or attempt to perform any surgical operation upon  
2 any person, except as otherwise authorized by law; and

3       5. The use of the title Doctor of Medicine, Physician, Surgeon,  
4 Physician and Surgeon, Dr., M.D., or any combination thereof in the  
5 conduct of any occupation or profession pertaining to the  
6 prevention, diagnosis, or treatment of human disease or condition  
7 unless, where appropriate, such a designation additionally contains  
8 the description of another branch of the healing arts for which one  
9 holds a valid license in this state.

10       D. The practice of medicine and surgery, as defined in this  
11 section, shall not include:

12       1. A student while engaged in training in a medical school  
13 approved by the Board or while engaged in graduate medical training  
14 under the supervision of the medical staff of a hospital or other  
15 health care facility approved by the state medical board for such  
16 training, except that a student engaged in graduate medical training  
17 shall hold a license issued by the Board for such training;

18       2. Any person who provides medical treatment in cases of  
19 emergency where no fee or other consideration is contemplated,  
20 charged, or received;

21       3. A commissioned medical officer of the armed forces of the  
22 United States or medical officer of the United States Public Health  
23 Service or the Department of Veterans Affairs of the United States  
24 in the discharge of official duties and/or within federally

1 controlled facilities; and provided that such person shall be fully  
2 licensed to practice medicine and surgery in one or more  
3 jurisdictions of the United States; provided further, that such  
4 person who holds a medical license in this state shall be subject to  
5 the provisions of the Oklahoma Allopathic Medical and Surgical  
6 Licensure and Supervision Act;

7 4. Any person licensed under any other act when properly  
8 practicing in the healing art for which that person is duly  
9 licensed;

10 5. The practice of those who endeavor to prevent or cure  
11 disease or suffering by spiritual means or prayer;

12 6. Any person administering a domestic or family remedy to a  
13 member of such person's own family;

14 7. Any person licensed to practice medicine and surgery in  
15 another state or territory of the United States who renders  
16 emergency medical treatment or briefly provides critical medical  
17 service at the specific lawful direction of a medical institution or  
18 federal agency that assumes full responsibility for that treatment  
19 or service and is approved by the Board;

20 8. Any person who is licensed to practice medicine and surgery  
21 in another state or territory of the United States whose sole  
22 purpose and activity is limited to brief actual consultation with a  
23 specific physician who is licensed to practice medicine and surgery  
24

1 by the Board, other than a person with a special or restricted  
2 license; ~~or~~

3 9. Any person who is licensed to practice medicine and surgery  
4 in another state or territory of the United States whose sole  
5 purpose and activity is limited to interpreting medical imaging test  
6 results for patients physically located in this state by means of  
7 telemedicine as defined in Section 478 of this title; or

8 10. The practice of any other person as licensed by appropriate  
9 agencies of this state, provided that such duties are consistent  
10 with the accepted standards of the person's profession and the  
11 person does not represent himself or herself as a Doctor of  
12 Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D., or  
13 any combination thereof.

14 E. Nothing in the Oklahoma Allopathic Medical and Surgical  
15 Licensure and Supervision Act shall prohibit:

16 1. The service rendered by a physician's unlicensed trained  
17 assistant, if such service is rendered under the supervision and  
18 control of a licensed physician pursuant to Board rules, provided  
19 such rules are not in conflict with the provisions of any other  
20 healing arts licensure act or rules promulgated pursuant to such  
21 act; or

22 2. The service of any other person duly licensed or certified  
23 by the state to practice the healing arts.

1 F. Nothing in the Oklahoma Allopathic Medical and Surgical  
2 Licensure and Supervision Act shall prohibit services rendered by  
3 any person not licensed by the Board and practicing any  
4 nonallopathic healing practice.

5 G. Nothing in the Oklahoma Allopathic Medical and Surgical  
6 Licensure and Supervision Act shall be construed as to require a  
7 physician to secure a Maintenance of Certification (MOC) as a  
8 condition of licensure, reimbursement, employment, or admitting  
9 privileges at a hospital in this state. For the purposes of this  
10 subsection, "Maintenance of Certification (MOC)" shall mean a  
11 continuing education program measuring core competencies in the  
12 practice of medicine and surgery and approved by a ~~nationally-~~  
13 ~~recognized~~ nationally recognized accrediting organization.

14 SECTION 2. AMENDATORY 59 O.S. 2021, Section 622, is  
15 amended to read as follows:

16 Section 622. A. 1. Except as otherwise provided by this  
17 section, it shall be unlawful for any person to practice as an  
18 osteopathic physician and surgeon in this state, without a license  
19 to do so, issued by the State Board of Osteopathic Examiners;  
20 provided, that any license or certificate issued under the laws of  
21 this state, authorizing its holder to practice osteopathic medicine,  
22 shall remain in full force and effect. Persons who hold themselves  
23 out as osteopathic physicians in this state without a license issued  
24

1 by the State Board of Osteopathic Examiners submit themselves to the  
2 jurisdiction of the State Board of Osteopathic Examiners.

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

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

11 B. 1. A person within or outside of this state who performs  
12 through electronic communications diagnostic or treatment services  
13 within the scope of practice of an osteopathic physician and  
14 surgeon, including but not limited to, stroke prevention and  
15 treatment, for any patient whose condition is being diagnosed or  
16 treated within this state shall be licensed in this state, pursuant  
17 to the provisions of the Oklahoma Osteopathic Medicine Act.

18 However, in such cases, 7:

- 19 a. a nonresident osteopathic physician who, while located  
20 outside this state, consults on an irregular basis  
21 with a physician who is located in this state is not  
22 required to be licensed in this state, and  
23 b. a nonresident osteopathic physician whose sole purpose  
24 and activity while located outside this state is



1           limited to interpreting medical imaging test results  
2           for patients physically located in this state by means  
3           of telemedicine, as defined in Section 478 of this  
4           title, is not required to be licensed in this state.

5           2. Any osteopathic physician licensed in this state who engages  
6 in the prescription of drugs, devices, or treatments via electronic  
7 means may do so only in the context of an appropriate  
8 physician/patient relationship wherein a proper patient record is  
9 maintained including, at the minimum, a current history and  
10 physical.

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

23           4. A person who performs any of the functions covered by this  
24 subsection submits themselves to the jurisdiction of the courts of

1 this state for the purposes of any cause of action resulting from  
2 the functions performed.

3 C. A hospital or related institution, as such terms are defined  
4 in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the  
5 principal purpose or function of providing hospital or medical care,  
6 including but not limited to any corporation, association, trust, or  
7 other organization organized and operated for such purpose, may  
8 employ one or more persons who are duly licensed to practice  
9 osteopathic medicine in this state without being regarded as itself  
10 practicing osteopathic medicine within the meaning and provisions of  
11 this section. The employment by the hospital or related institution  
12 of any person who is duly licensed shall not, in and of itself, be  
13 considered as an act of unprofessional conduct by the person so  
14 employed. Nothing provided herein shall eliminate, limit, or  
15 restrict the liability for any act or failure to act of any  
16 hospital, any hospital's employees, or persons duly licensed to  
17 practice osteopathic medicine.

18 D. Nothing in the Oklahoma Osteopathic Medicine Act shall be  
19 construed as to require an osteopathic physician to secure an  
20 Osteopathic Continuous Certification (OCC) as a condition of  
21 licensure, reimbursement, employment or admitting privileges at a  
22 hospital in this state. For the purposes of this subsection,  
23 "Osteopathic Continuous Certification (OCC)" shall mean a continuing  
24 education program measuring core competencies in the practice of

1 medicine and surgery and approved by a ~~nationally-recognized~~  
2 nationally recognized accrediting organization.

3 SECTION 3. This act shall become effective November 1, 2024.

4 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
5 February 22, 2024 - DO PASS AS AMENDED  
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