

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1613

By: Garvin

AS INTRODUCED

An Act relating to the practice of medicine; defining terms; providing for scope of practice of provisionally licensed physicians; directing the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners to promulgate certain rules; specifying professional terms; making collaborating physician responsible for provisionally licensed physicians; requiring collaborative practice arrangement; specifying certain protections for rural health clinics; stipulating requirements for collaborative practice arrangements; providing for promulgation of certain rules and approval of rules; prohibiting certain disciplinary action under certain circumstances; requiring certain notice by collaborating physician; imposing certain limit on collaborative practice arrangements; requiring certain documentation; providing certain construction; requiring identification badges; setting forth provisions related to prescriptive authority for certain controlled substances; amending 59 O.S. 2021, Section 725.2, as amended by Section 2, Chapter 149, O.S.L. 2022 (59 O.S. Supp. 2023, Section 725.2), which relates to use of professional terms; modifying applicability of certain provisions; providing for codification; and providing an effective date.

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

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

4       As used in this act:

5       1. "Graduate of an Oklahoma school or college of osteopathic  
6 medicine" means any person who has graduated from an Oklahoma school  
7 or college of osteopathic medicine as defined in this section;

8       2. "Medical school graduate" means any person who has graduated  
9 from an Oklahoma medical school or Oklahoma school or college of  
10 osteopathic medicine as defined in this section;

11       3. "Oklahoma medical school" means a legally chartered  
12 allopathic medical school located in this state recognized by the  
13 Oklahoma State Regents for Higher Education or the Liaison Committee  
14 on Medical Education;

15       4. "Oklahoma school or college of osteopathic medicine" means a  
16 legally chartered and accredited school or college of osteopathic  
17 medicine located in this state requiring:

18           a. for admission to its courses of study, a preliminary  
19 education equal to the requirements established by the  
20 Bureau of Professional Education of the American  
21 Osteopathic Association, and

22           b. for granting the D.O. degree, Doctor of Osteopathy or  
23 Doctor of Osteopathic Medicine, actual attendance at  
24 such osteopathic school or college and demonstration

1 of successful completion of the curriculum and  
2 recommendation for graduation;

3 5. "Provisionally licensed physician" means a graduate of an  
4 Oklahoma medical school or an Oklahoma school or college of  
5 osteopathic medicine who:

6 a. is a resident and citizen of the United States or is a  
7 legal resident alien,

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

18 (2) has successfully completed Level 1 and Level 2 of  
19 the Comprehensive Osteopathic Medical Licensing  
20 Examination of the United States or the  
21 equivalent of such steps of any other medical  
22 licensing examination approved by the State Board  
23 of Osteopathic Examiners within the two-year  
24 period immediately preceding application for

1 licensure as a provisionally licensed physician,  
2 but in no event more than three (3) years after  
3 graduation from a school or college of  
4 osteopathic medicine,

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

19 (2) has not completed an approved postgraduate  
20 residency and has successfully completed Level 2  
21 of the Comprehensive Osteopathic Medical  
22 Licensing Examination of the United States or the  
23 equivalent of such step of any other medical  
24 licensing examination approved by the State Board

1 of Osteopathic Examiners within the immediately  
2 preceding two-year period unless when such two-  
3 year anniversary occurred he or she was serving  
4 as a resident physician in an accredited  
5 residency in the United States and continued to  
6 do so within thirty (30) calendar days prior to  
7 application for licensure as a provisionally  
8 licensed physician, and

9 d. has proficiency in the English language; and

10 6. "Provisionally licensed physician collaborative practice  
11 arrangement" means an agreement between a physician and a  
12 provisionally licensed physician that meets the requirements of this  
13 act.

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

17 A. A provisionally licensed physician collaborative practice  
18 arrangement shall limit the provisionally licensed physician to  
19 providing only primary care services.

20 B. The licensure of provisionally licensed physicians shall  
21 take place within processes established by rules of the State Board  
22 of Medical Licensure and Supervision or of the State Board of  
23 Osteopathic Examiners. The State Board of Medical Licensure and  
24 Supervision and the State Board of Osteopathic Examiners shall

1 promulgate rules establishing licensure and renewal procedures,  
2 supervision, collaborative practice arrangements, and fees and  
3 addressing such other matters as are necessary to protect the public  
4 and discipline the profession. An application for licensure may be  
5 denied or the licensure of a provisionally licensed physician may be  
6 suspended or revoked by the State Board of Medical Licensure and  
7 Supervision or by the State Board of Osteopathic Examiners in the  
8 same manner and for violation of the standards as set forth by the  
9 Oklahoma Allopathic Medical and Surgical Licensure and Supervision  
10 Act or the Oklahoma Osteopathic Medicine Act, or such other  
11 standards of conduct set by the State Board of Medical Licensure and  
12 Supervision or the State Board of Osteopathic Examiners by rule.

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

20 D. The collaborating physician is responsible at all times for  
21 the oversight of the activities of and accepts responsibility for  
22 primary care services rendered by the provisionally licensed  
23 physician.

1 E. The provisions of Section 3 of this act shall apply to all  
2 provisionally licensed physician collaborative practice  
3 arrangements. To be eligible to practice as a provisionally  
4 licensed physician, a provisionally licensed physician shall enter  
5 into a provisionally licensed physician collaborative practice  
6 arrangement within six (6) months of his or her initial licensure  
7 and shall not have more than a six-month time period between  
8 collaborative practice arrangements during his or her licensure  
9 period. Any renewal of licensure pursuant to this section shall  
10 include verification of actual practice under a collaborative  
11 practice arrangement in accordance with this subsection during the  
12 immediately preceding licensure period.

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

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

19 2. No supervision requirements in addition to the minimum  
20 federal law shall be required.

21 SECTION 3. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 479.3 of Title 59, unless there  
23 is created a duplication in numbering, reads as follows:  
24  
25

1       A. A physician may enter into collaborative practice  
2 arrangements with provisionally licensed physicians. Collaborative  
3 practice arrangements shall be in the form of written agreements,  
4 jointly agreed-upon protocols or standing orders for the delivery of  
5 health care services. Collaborative practice arrangements, which  
6 shall be in writing, may delegate to a provisionally licensed  
7 physician the authority to administer and dispense drugs and provide  
8 treatment as long as the delivery of such health care services is  
9 within the scope of practice of the provisionally licensed physician  
10 and is consistent with that provisionally licensed physician's  
11 skill, training, and competence and the skill and training of the  
12 collaborating physician.

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

15       1. Complete names, home and business addresses, zip codes, and  
16 telephone numbers of the collaborating physician and the  
17 provisionally licensed physician;

18       2. A list of all other offices or locations besides those  
19 listed in paragraph 1 of this subsection where the collaborating  
20 physician authorized the provisionally licensed physician to  
21 prescribe;

22       3. A requirement that there shall be posted at every office  
23 where the provisionally licensed physician is authorized to  
24 prescribe, in collaboration with a physician, a prominently  
25



1 displayed disclosure statement informing patients that they may be  
2 seen by a provisionally licensed physician and have the right to see  
3 the collaborating physician;

4 4. All specialty or Board certifications of the collaborating  
5 physician and all certifications of the provisionally licensed  
6 physician;

7 5. The manner of collaboration between the collaborating  
8 physician and the provisionally licensed physician, including how  
9 the collaborating physician and the provisionally licensed physician  
10 shall:

- 11 a. engage in collaborative practice consistent with each  
12 professional's skill, training, education, and  
13 competence,
- 14 b. maintain geographic proximity; provided, the  
15 collaborative practice arrangement may allow for  
16 geographic proximity to be waived for a maximum of  
17 twenty-eight (28) calendar days per calendar year for  
18 rural health clinics as defined by P.L. 95-210, as  
19 long as the collaborative practice arrangement  
20 includes alternative plans as required in subparagraph  
21 c of this paragraph. Such exception to geographic  
22 proximity shall apply only to independent rural health  
23 clinics, provider-based rural health clinics if the  
24 provider is a critical access hospital as provided in

1 42 U.S.C. Section 1395i-4 and provider-based rural  
2 health clinics if the main location of the hospital  
3 sponsor is not less than fifty (50) miles from the  
4 clinic. The collaborating physician shall maintain  
5 documentation related to such requirement and present  
6 it to the State Board of Medical Licensure and  
7 Supervision or the State Board of Osteopathic  
8 Examiners when requested, and

9 c. provide coverage during absence, incapacity,  
10 infirmity, or emergency by the collaborating  
11 physician;

12 6. A description of the provisionally licensed physician's  
13 controlled substance prescriptive authority in collaboration with  
14 the physician, including a list of the controlled substances the  
15 physician authorizes the provisionally licensed physician to  
16 prescribe and documentation that it is consistent with each  
17 professional's education, knowledge, skill, and competence;

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

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

22 9. A description of the time and manner of the collaborating  
23 physician's review of the provisionally licensed physician's  
24 delivery of health care services. The description shall include

1 provisions that the provisionally licensed physician shall submit a  
2 minimum of ten percent (10%) of the charts documenting the  
3 provisionally licensed physician's delivery of health care services  
4 to the collaborating physician for review by the collaborating  
5 physician, or any other physician designated in the collaborative  
6 practice arrangement, every fourteen (14) calendar days; and

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

15 C. The State Board of Medical Licensure and Supervision and the  
16 State Board of Osteopathic Examiners shall promulgate rules  
17 regulating the use of collaborative practice arrangements for  
18 provisionally licensed physicians. Such rules shall specify:

19 1. Geographic areas to be covered;

20 2. The methods of treatment that may be covered by  
21 collaborative practice arrangements;

22 3. In conjunction with deans of medical schools and primary  
23 care residency program directors in the state, the development and  
24 implementation of educational methods and programs undertaken during

1 the collaborative practice service which shall facilitate the  
2 advancement of the provisionally licensed physician's medical  
3 knowledge and capabilities, and which may lead to credit toward a  
4 future residency program for programs that deem such documented  
5 educational achievements acceptable; and

6 4. The requirements for review of services provided under  
7 collaborative practice arrangements, including delegating authority  
8 to prescribe controlled substances.

9 D. Any rules relating to dispensing or distribution of  
10 medications or devices by prescription or prescription drug orders  
11 pursuant to this section shall be subject to the approval of the  
12 State Board of Pharmacy. Any rules relating to dispensing or  
13 distribution of controlled substances by prescription or  
14 prescription drug orders pursuant to this section shall be subject  
15 to the approval of the State Board of Pharmacy and the Oklahoma  
16 State Bureau of Narcotics and Dangerous Drugs Control. The State  
17 Board of Medical Licensure and Supervision and the State Board of  
18 Osteopathic Examiners shall promulgate rules applicable to  
19 provisionally licensed physicians that shall be consistent with  
20 guidelines for federally funded clinics.

21 E. The State Board of Medical Licensure and Supervision and the  
22 State Board of Osteopathic Examiners shall not deny, revoke,  
23 suspend, or otherwise take disciplinary action against a  
24 collaborating physician for health care services delegated to a

1 provisionally licensed physician, provided the provisions of this  
2 section and the rules promulgated thereunder are satisfied.

3 F. Within thirty (30) calendar days of any change and on each  
4 renewal, the State Board of Medical Licensure and Supervision and  
5 the State Board of Osteopathic Examiners shall require every  
6 physician to identify whether the physician is engaged in any  
7 collaborative practice arrangement, including but not limited to  
8 collaborative practice arrangements delegating the authority to  
9 prescribe controlled substances, and also report to the State Board  
10 of Medical Licensure and Supervision or the State Board of  
11 Osteopathic Examiners the name of each provisionally licensed  
12 physician with whom the physician has entered into such arrangement.  
13 The State Board of Medical Licensure and Supervision and the State  
14 Board of Osteopathic Examiners may make such information available  
15 to the public. The State Board of Medical Licensure and Supervision  
16 and the State Board of Osteopathic Examiners shall track the  
17 reported information and may routinely conduct random reviews of  
18 such arrangements to ensure that arrangements are carried out for  
19 compliance pursuant to this section.

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

23 H. The collaborating physician shall determine and document the  
24 completion of at least a thirty-calendar-day period of time during  
25

1 which the provisionally licensed physician shall practice with the  
2 collaborating physician continuously present before practicing in a  
3 setting where the collaborating physician is not continuously  
4 present.

5 I. No agreement made pursuant to this section shall supersede  
6 current hospital licensing regulations governing hospital medication  
7 orders under protocols or standing orders for the purpose of  
8 delivering inpatient or emergency care within a hospital as defined  
9 in Section 1-701 of Title 63 of the Oklahoma Statutes if such  
10 protocols or standing orders have been approved by the hospital's  
11 medical staff and pharmaceutical therapeutics committee.

12 J. No contract or other agreement shall require a physician to  
13 act as a collaborating physician for a provisionally licensed  
14 physician against the physician's will. A physician shall have the  
15 right to refuse to act as a collaborating physician, without  
16 penalty, for a particular provisionally licensed physician. No  
17 contract or other agreement shall limit the collaborating  
18 physician's ultimate authority over any protocols or standing orders  
19 or in the delegation of the physician's authority to any  
20 provisionally licensed physician, but such requirement shall not  
21 authorize a physician in implementing such protocols, standing  
22 orders, or delegation to violate applicable standards for safe  
23 medical practice established by a hospital's medical staff.  
24

1 K. No contract or other agreement shall require any  
2 provisionally licensed physician to serve as a collaborating  
3 provisionally licensed physician for any collaborating physician  
4 against the provisionally licensed physician's will. A  
5 provisionally licensed physician shall have the right to refuse to  
6 collaborate, without penalty, with a particular physician.

7 L. All collaborating physicians and provisionally licensed  
8 physicians in collaborative practice arrangements shall wear  
9 identification badges while acting within the scope of their  
10 collaborative practice arrangement. The identification badges shall  
11 prominently display the licensure status of such collaborating  
12 physicians and provisionally licensed physicians.

13 M. 1. A provisionally licensed physician with a certificate of  
14 controlled substance prescriptive authority as provided in this  
15 section may prescribe any controlled substance listed in Schedule  
16 III, IV, or V of the Uniform Controlled Dangerous Substances Act and  
17 may have restricted authority in Schedule II, when delegated the  
18 authority to prescribe controlled substances in a collaborative  
19 practice arrangement. Prescriptions for Schedule II medications  
20 prescribed by a provisionally licensed physician who has a  
21 certificate of controlled substance prescriptive authority are  
22 restricted to only those medications containing hydrocodone. Such  
23 authority shall be filed with the State Board of Medical Licensure  
24 and Supervision or the State Board of Osteopathic Examiners. The

1 collaborating physician shall maintain the right to limit a specific  
2 scheduled drug or scheduled drug category that the provisionally  
3 licensed physician is permitted to prescribe. Any limitations shall  
4 be listed in the collaborative practice arrangement. Provisionally  
5 licensed physicians shall not prescribe controlled substances for  
6 themselves or members of their families. Schedule III controlled  
7 substances and Schedule II hydrocodone prescriptions shall be  
8 limited to a five-day supply without refill. Provisionally licensed  
9 physicians who are authorized to prescribe controlled substances  
10 under this section shall register with the federal Drug Enforcement  
11 Administration and the Oklahoma State Bureau of Narcotics and  
12 Dangerous Drugs, and shall include the federal Drug Enforcement  
13 Administration registration number on prescriptions for controlled  
14 substances.

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

22 3. A provisionally licensed physician shall receive a  
23 certificate of controlled substance prescriptive authority from the  
24 State Board of Medical Licensure and Supervision or the State Board  
25



1 of Osteopathic Examiners upon verification of licensure pursuant to  
2 Section 2 of this act.

3 SECTION 4. AMENDATORY 59 O.S. 2021, Section 725.2, as  
4 amended by Section 2, Chapter 149, O.S.L. 2022 (59 O.S. Supp. 2023,  
5 Section 725.2), is amended to read as follows:

6 Section 725.2. A. The following ten classes of persons may use  
7 the word "Doctor", or an abbreviation thereof, and shall have the  
8 right to use, whether or not in conjunction with the word "Doctor",  
9 or any abbreviation thereof, the following designations:

10 1. The letters "D.P.M." or the words podiatrist, doctor of  
11 podiatry, podiatric surgeon, or doctor of podiatric medicine by a  
12 person licensed to practice podiatry under the Podiatric Medicine  
13 Practice Act;

14 2. The letters "D.C." or the words chiropractor or doctor of  
15 chiropractic by a person licensed to practice chiropractic under the  
16 Oklahoma Chiropractic Practice Act;

17 3. The letters "D.D.S." or "D.M.D.", as appropriate, or the  
18 words dentist, doctor of dental surgery, or doctor of dental  
19 medicine, as appropriate, by a person licensed to practice dentistry  
20 under the State Dental Act;

21 4. The letters "M.D." or the words surgeon, medical doctor, or  
22 doctor of medicine by a person licensed to practice medicine and  
23 surgery under the Oklahoma Allopathic Medical and Surgical Licensure  
24

1 and Supervision Act or by a person licensed as a provisionally  
2 licensed physician under this act;

3 5. The letters "O.D." or the words optometrist or doctor of  
4 optometry by a person licensed to practice optometry under Sections  
5 581 through 606 of this title;

6 6. The letters "D.O." or the words surgeon, osteopathic  
7 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic  
8 medicine by a person licensed to practice osteopathy under the  
9 Oklahoma Osteopathic Medicine Act or by a person licensed as a  
10 provisionally licensed physician under this act;

11 7. The letters "Ph.D.", "Ed.D.", or "Psy.D." or the words  
12 psychologist, therapist, or counselor by a person licensed as a  
13 health service psychologist pursuant to the Psychologists Licensing  
14 Act;

15 8. The letters "Ph.D.", "Ed.D.", or other letters representing  
16 a doctoral degree or the words language pathologist, speech  
17 pathologist, or speech and language pathologist by a person licensed  
18 as a speech and language pathologist pursuant to the Speech-Language  
19 Pathology and Audiology Licensing Act and who has earned a doctoral  
20 degree from a regionally accredited institution of higher learning  
21 in the field of speech and language pathology;

22 9. The letters "Ph.D.", "Ed.D.", or other letters representing  
23 a doctoral degree or the word audiologist by a person licensed as an  
24 audiologist pursuant to the Speech-Language Pathology and Audiology

1 Licensing Act and who has earned a doctoral degree from a regionally  
2 accredited institution of higher learning in the field of audiology;  
3 and

4 10. The letters "D.P.T." or the title Doctor of Physical  
5 Therapy by a person licensed to practice physical therapy under the  
6 Physical Therapy Practice Act who has earned a Doctor of Physical  
7 Therapy degree from a program approved by a national accrediting  
8 body recognized by the State Board of Medical Licensure and  
9 Supervision.

10 B. Unless otherwise specifically provided in a particular  
11 section or chapter of the Oklahoma Statutes, the word "doctor" or  
12 "doctors" shall mean and include each of the ten classes of persons  
13 listed in subsection A and the word "physician" or "physicians", as  
14 provided in subsection C of this section. Any other person using  
15 the term doctor, or any abbreviation thereof, shall designate the  
16 authority under which the title is used or the college or honorary  
17 degree that gives rise to use of the title.

18 C. Unless otherwise specifically provided in a particular  
19 section or chapter of the Oklahoma Statutes, the word "physician" or  
20 "physicians" shall mean and include each of the classes of persons  
21 listed in paragraphs 1 through 6 of subsection A of this section and  
22 the word "doctor" or "doctors" as provided in subsection B of this  
23 section. The term "physician" shall not include any person  
24 specified in paragraphs 7 through 10 of subsection A of this section

1 unless such person is otherwise authorized to use such designation  
2 pursuant to this section.

3 D. For purposes of this section, "provider" means and includes:

4 1. Each of the ten classes of persons listed in subsection A of  
5 this section and referred to in subsections B and C of this section;  
6 and

7 2. Any other person using the term doctor or any abbreviation  
8 thereof.

9 E. Persons in each of the ten classes listed in subsection A of  
10 this section, and referred to in subsections B and C of this section  
11 shall identify through written notice, which may include the wearing  
12 of a name tag, the type of license under which the doctor is  
13 practicing, utilizing the designations provided in subsections A, B  
14 and C of this section. Each applicable licensing board is  
15 authorized by rule to determine how its license holders may comply  
16 with this disclosure requirement.

17 F. 1. Any advertisement for health care services naming a  
18 provider shall:

19 a. identify the type of license of the doctor utilizing  
20 the letters or words set forth in this section if the  
21 person is one of the classes of persons listed in  
22 subsection A of this section, and referred to in  
23 subsections B and C of this section, or  
24

1           b.   utilize appropriate, accepted, and easily understood  
2               words or letters, which clearly show and indicate the  
3               branch of the healing art in which the person is  
4               licensed to practice and is engaged in, if the person  
5               is not one of the ten classes of persons listed in  
6               subsection A of this section, or referred to in  
7               subsections B and C of this section.

8           2.   The term "advertisement" includes any printed document  
9               including letterhead, video clip, or audio clip created by, for, or  
10              at the direction of the provider or providers and advertised for the  
11              purpose of promoting the services of the doctor or provider.

12          G.   1.   It shall be unlawful for any medical doctor, doctor of  
13               osteopathic medicine, doctor of dental surgery, doctor of dental  
14               medicine, doctor of optometry, doctor of podiatry, or doctor of  
15               chiropractic to make any deceptive or misleading statement, or  
16               engage in any deceptive or misleading act, that deceives or misleads  
17               the public or a prospective or current patient, regarding the  
18               training and the license under which the person is authorized to  
19               practice.

20          2.   The term "deceptive or misleading statement or act"  
21               includes, but is not limited to:

- 22              a.   such statement or act in any advertising medium,  
23              b.   making a false statement regarding the education,  
24                   skills, training, or licensure of a person, or  
25

1 c. in any other way describing the profession, skills,  
2 training, expertise, education, or licensure of a  
3 person in a fashion that causes the public, a  
4 potential patient, or current patient to believe that  
5 the person is a medical doctor, doctor of osteopathic  
6 medicine, doctor of dental surgery, doctor of dental  
7 medicine, doctor of optometry, doctor of podiatry, or  
8 doctor of chiropractic when that person does not hold  
9 such credentials.

10 H. Notwithstanding any other provision of this section, a  
11 person licensed in this state to perform speech pathology or  
12 audiology services is designated to be a practitioner of the healing  
13 art for purposes of making a referral for speech pathology or  
14 audiology services pursuant to the provisions of the Individuals  
15 with Disabilities Education Act, Amendment of 1997, Public Law 105-  
16 17, and Section 504 of the Rehabilitation Act of 1973.

17 SECTION 5. This act shall become effective November 1, 2024.  
18

19 59-2-3094 DC 1/11/2024 5:36:15 PM  
20  
21  
22  
23  
24  
25