

1 ENGROSSED HOUSE
2 BILL NO. 2051

By: Stinson of the House

3 and

4 Thompson of the Senate
5
6

7 An Act relating to practice of medicine; creating the
8 Supervised Physicians Act; defining terms; limiting
9 scope of supervised physician practice; specifying
10 applicability of supervision requirements; directing
11 the State Board of Medical Licensure and Supervision
12 to promulgate certain rules; specifying duration of
13 licensure; authorizing certain penalties for
14 noncompliance with specified standards; specifying
15 allowed professional titles; making supervising
16 physician responsible for supervised physicians;
17 requiring collaborative practice arrangement within
18 specified time period; stipulating requirements for
19 supervising physician and collaborative practice
20 arrangement; requiring arrangement to include certain
21 provisions; directing promulgation of additional
22 rules; imposing certain limits on collaborative
23 practice arrangements; prohibiting certain
24 disciplinary actions under certain circumstances;
providing for identification and reporting of
supervising physicians; providing for publication and
tracking of certain information; granting certain
protections to supervising physicians and supervised
physicians; requiring certain identification badges;
requiring completion of certification course;
specifying applicability of collaborative practice
agreements; 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 This act shall be known and may be cited as the "Supervised
5 Physicians Act".

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

9 As used in this act:

10 1. "Medical school graduate" means any person who has graduated
11 from a medical school as described in Section 493.1 of Title 59 of
12 the Oklahoma Statutes or a school of osteopathic medicine as
13 described in Section 630 of Title 59 of the Oklahoma Statutes;

14 2. "Supervised physician" means a medical school graduate who:
15 a. is a resident and citizen of the United States,
16 b. has successfully completed Step 1 and Step 2 of the
17 United States Medical Licensing Examination (USMLE),
18 or the equivalent of Step 1 and Step 2 of any other
19 medical licensing examination or combination of
20 examinations that is approved by the State Board of
21 Medical Licensure and Supervision or the State Board
22 of Osteopathic Examiners, within the same calendar
23 year as the person's graduation from a medical school
24 or school of osteopathic medicine,

1 c. has successfully graduated from an Oklahoma medical
2 school with a doctorate of medicine or a doctorate of
3 osteopathic medicine; notwithstanding any other
4 provisions of this act, this subparagraph C is the
5 controlling provision for the location of the medical
6 school the supervised physician may be a graduate of,
7 and

8 d. has entered into a supervised physician collaborative
9 practice arrangement as defined in paragraph 3 of this
10 section;

11 3. "Supervised physician collaborative practice arrangement"
12 means an agreement between an Oklahoma licensed supervising
13 physician and a supervised physician in good standing that meets the
14 requirements of this act; and

15 4. "Supervising physician" means the physician tasked with
16 overseeing or delegating the activities of the medical services
17 rendered by a supervised physician through a practice agreement
18 between a supervising physician performing procedures or directly or
19 indirectly involved with the treatment of a patient, and the
20 supervised physician working jointly toward a common goal of
21 providing services. Delegation shall be defined by the practice
22 arrangement. The physical presence of the delegating physician is
23 not required as long as the supervising physician and supervised
24 physician are or can be easily in contact with each other by

1 telecommunication. At all times a supervised physician shall be
2 considered an agent of the supervising physician. The supervising
3 physician shall meet the following criteria:

4 a. have possession of a full and unrestricted Oklahoma
5 license to practice medicine, with the Drug
6 Enforcement Agency (DEA) and the Oklahoma Bureau of
7 Narcotics and Dangerous Drugs Control (OBND) permits,
8 and

9 b. the supervising physician shall be trained and fully
10 qualified in the field of the supervised physician's
11 specialty.

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

15 Supervised physicians shall be subject to the supervision
16 requirements established in any controlling federal law, any
17 supervision requirements provided in this act, and any supervision
18 requirements established by the State Board of Medical Licensure and
19 Supervision. Supervised physicians are not subject to any
20 additional supervision requirements, other than the supervision
21 requirements provided in this section.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 479.4 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The State Board of Medical Licensure and Supervision and the
2 State Board of Osteopathic Examiners shall independently promulgate
3 rules, with the input and assistance of designated institutional
4 officers and graduate medical education departments at the state's
5 medical schools:

6 1. To establish the process for temporary licensure of
7 supervised physicians, supervision requirements, and additional
8 requirements for supervised physician collaborative practice
9 arrangements;

10 2. To set fees in an amount greater than or equal to the total
11 costs necessary to facilitate the supervised physician collaborative
12 practice arrangement each year; and

13 3. To address any other matters necessary to protect the public
14 and discipline the profession.

15 B. A supervised physician's temporary license issued pursuant
16 to this act and the rules promulgated by the State Board of Medical
17 Licensure and Supervision shall only be valid for two (2) years from
18 the date of the supervised physician's medical school graduation and
19 is not subject to renewal. The State Board of Medical Licensure and
20 Supervision or the State Board of Osteopathic Examiners may deny an
21 application for temporary licensure or suspend or revoke the
22 temporary license of a supervised physician for violation of the
23 standards provided in the Oklahoma Allopathic Medical and Surgical
24 Licensure and Supervision Act or the Oklahoma Osteopathic Medicine

1 Act, or such other standards of conduct established by the State
2 Board of Medical Licensure and Supervision or the State Board of
3 Osteopathic Examiners by rule.

4 C. This act shall not be construed to be an alternative pathway
5 to full licensure. The license created in this act shall only be
6 temporary for the amount of time allowed in this act.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 479.5 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A supervised physician shall clearly identify himself or herself
11 as a supervised physician and shall clearly be identified as a
12 supervised physician on his or her name tag or lab coat. A
13 supervised physician shall not practice, or attempt to practice,
14 without a supervised physician collaborative practice arrangement,
15 except as otherwise provided in this act.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 479.6 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 The licensed supervising physician collaborating with a
20 supervised physician shall be responsible for directly supervising
21 the activities of the supervised physician and shall accept full
22 responsibility for the services provided by the supervised
23 physician.

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 479.7 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. This act applies to all supervised physician collaborative
5 practice arrangements. To be eligible to practice as a supervised
6 physician, a temporary licensed supervised physician shall enter
7 into a supervised physician collaborative practice arrangement with
8 a supervising physician by the end of the calendar year of his or
9 her graduation from medical school and no later than thirty (30)
10 days after the date on which the supervised physician obtains
11 initial licensure.

12 B. Only a physician licensed by the State Board of Medical
13 Licensure and Supervision or the State Board of Osteopathic
14 Examiners may enter into a supervised physician collaborative
15 practice arrangement with a supervised physician. Supervised
16 physician collaborative practice arrangements shall take the form of
17 a written agreement that includes mutually agreed-upon protocols and
18 any standing orders for the delivery of services. Supervised
19 physician collaborative practice arrangements may delegate to a
20 supervised physician the authority to prescribe, administer, or
21 dispense drugs and provide treatment, as long as the delivery of the
22 services is within the scope of the supervising physician's practice
23 and is consistent with the supervised physician's skill, training,
24 and competence and the skill, training, and competence of the

1 supervising physician; except that a supervised physician shall not
2 prescribe controlled dangerous substances. The supervising
3 physician shall be board-certified in the specialty that the
4 supervised physician is practicing.

5 C. The supervised physician collaborative practice arrangement
6 shall contain the following provisions:

7 1. Complete names, home and business addresses, and telephone
8 numbers of the supervising physician and the supervised physician;

9 2. A requirement that the supervised physician practice at the
10 same location as the supervising physician;

11 3. A requirement that a prominently displayed disclosure
12 statement informing patients that they may be seen by a supervised
13 physician, and advising patients that the patient has the right to
14 see the supervising physician;

15 4. All specialty or board certifications of the supervising
16 physician and all certifications of the supervised physician;

17 5. The manner of collaboration between the supervising
18 physician and the supervised physician, including how the
19 supervising physician and the supervised physician will engage in
20 collaborative practice consistent with each professional's skill,
21 training, education, and competence;

22 6. A requirement that the supervised physician shall not
23 provide patient care during an absence of the supervising physician
24 for any reason;

1 7. A list of all other supervised physician collaborative
2 practice arrangements of the supervising physician and the
3 supervised physician;

4 8. The duration of the supervised physician collaborative
5 practice arrangement between the supervising physician and the
6 supervised physician;

7 9. A provision describing the time and manner of the
8 supervising physician's review of the supervised physician's
9 delivery of services. The provision shall require the supervising
10 physician shall review one hundred percent (100%) of the charts
11 documenting the supervised physician's delivery of services; and

12 10. A copy of the supervised physician collaborative practice
13 arrangement shall be kept at the business address of the supervising
14 physician and the supervised physician. Copies of the arrangement
15 shall be provided upon request.

16 SECTION 8. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 479.8 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The State Board of Medical Licensure and Supervision and the
20 State Board of Osteopathic Examiners, shall independently promulgate
21 rules regulating the use of supervised physician collaborative
22 practice arrangements for supervised physicians. The rules shall
23 specify:

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1 1. The methods of treatment that may be covered by the
2 supervised physician collaborative practice arrangement; and

3 2. Require review of the services provided under a supervised
4 physician collaborative practice arrangement.

5 B. A supervising physician shall not enter into a supervised
6 physician collaborative practice arrangement with more than three
7 supervised physicians at the same time in addition to any other laws
8 or rules of the State of Oklahoma.

9 SECTION 9. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 479.9 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Within thirty (30) days of any change to a supervised
13 physician collaborative practice arrangement, including the initial
14 practice arrangement, a supervised physician and a supervising
15 physician shall report to the State Board of Medical Licensure and
16 Supervision or the State Board of Osteopathic Examiners whether the
17 physician is engaged in a supervised physician collaborative
18 practice arrangement, and to report to the physician's licensing
19 board the name of each supervised physician with whom the physician
20 has entered into an arrangement. Each board may make the
21 information available to the public. The State Board of Medical
22 Licensure and Supervision shall track the reported information and
23 may routinely conduct reviews or inspections to ensure that the
24 arrangements are being carried out in compliance with this act.

1 Copies of the supervised practice arrangements shall be provided
2 upon request of the State Board of Medical Licensure and Supervision
3 or the State Board of Osteopathic Examiners. Copies shall be stored
4 at the business address of the supervising physician and the
5 supervised physician.

6 B. A contract or other agreement shall not require a physician
7 to act as a supervising physician for a supervised physician against
8 the physician's will. A physician has the right to refuse to act as
9 a supervising physician, without penalty, for a particular
10 supervised physician. A contract or other agreement shall not limit
11 the supervising physician's authority over any protocols or standing
12 orders, or delegate the physician's authority to a supervised
13 physician. However, this subsection does not authorize a physician
14 in implementing protocols, standing orders, or delegation to violate
15 applicable standards for safe medical practice established by a
16 hospital's medical staff.

17 C. A contract or other agreement shall not require a supervised
18 physician to serve as a supervised physician for any supervising
19 physician against the supervised physician's will. A supervised
20 physician has the right to refuse to collaborate, without penalty,
21 with a particular physician.

22 D. All supervising physicians and supervised physicians under a
23 supervised physician collaborative practice arrangement shall wear
24 identification badges while acting within the scope of the

1 arrangement. The identification badges shall prominently display
2 the licensure status of the supervising physician and the supervised
3 physician.

4 SECTION 10. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 479.10 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The supervising physician shall complete a certification
8 course, which may include material on the laws pertaining to the
9 professional relationship. The certification course shall be
10 approved by the State Board of Medical Licensure and Supervision or
11 the State Board of Osteopathic Examiners.

12 B. A supervised physician collaborative practice arrangement
13 shall supersede current hospital licensing regulations governing
14 hospital medication orders under protocols or standing orders for
15 the purpose of delivering inpatient or emergency care within a
16 hospital as defined in Section 1-701 of Title 63 of the Oklahoma
17 Statutes, if the protocols or standing orders have been approved by
18 the hospital's medical staff and pharmaceutical therapeutics
19 committee.

20 SECTION 11. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 479.11 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

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