

An Act

ENROLLED SENATE
BILL NO. 929

By: Haste of the Senate

and

Newton of the House

An Act relating to the practice of osteopathic medicine; amending 59 O.S. 2021, Section 621, which relates to definitions; adding and modifying definitions; amending 59 O.S. 2021, Section 622, which relates to osteopathic physician license; modifying certain license requirements and procedures; prohibiting certain representation as board-certified specialist; amending 59 O.S. 2021, Section 624, as amended by Section 1, Chapter 190, O.S.L. 2024 (59 O.S. Supp. 2024, Section 624), which relates to the State Board of Osteopathic Examiners; modifying membership of the Board; specifying mission of the Board; deleting certain Board requirement; providing for quorum; amending 59 O.S. 2021, Section 625, which relates to oath of members; removing certain oath and membership requirements; amending 59 O.S. 2021, Section 626, which relates to organization of the Board; modifying title and duties of certain position; modifying provisions relating to hiring and compensation; providing for Board subpoena; amending 59 O.S. 2021, Section 627, which relates to record of proceedings; modifying and removing requirements related to publicly available records; requiring certain notice by physician; establishing powers and duties of the Board; amending 59 O.S. 2021, Section 632, which relates to examination; modifying and removing certain examination requirements; authorizing criminal history record checks for certain purpose; providing record check procedures; limiting applicability of certain provisions and disclosure of certain information; amending 59 O.S. 2021, Section 633, as amended by Section 5, Chapter

262, O.S.L. 2022 (59 O.S. Supp. 2024, Section 633), which relates to licensure; modifying, adding, and removing special license types; providing for certain restrictions; amending 59 O.S. 2021, Section 634, which relates to reciprocal license; removing certain exception; making language gender neutral; amending 59 O.S. 2021, Section 635.1, which relates to special volunteer medical license; removing certain exception; amending 59 O.S. 2021, Section 635.3, which relates to resident training license; expanding term of license; creating osteopathic faculty license; stating minimum requirements; limiting effect and term of license; amending 59 O.S. 2021, Section 637, as amended by Section 5, Chapter 150, O.S.L. 2023 (59 O.S. Supp. 2024, Section 637), which relates to disciplinary action; broadening certain powers of the Board; adding grounds for disciplinary action; stipulating certain requirements and procedures for assessment of penalties; specifying certain burdens of proof; limiting availability of license reinstatement; modifying certain rulemaking authority; providing for reconsideration of certain orders; authorizing certain appeals; granting quasi-judicial powers to the Board; authorizing certain penalties; amending 59 O.S. 2021, Section 641, which relates to license renewal; conforming language; authorizing certain rules; providing for late renewal; requiring certain attestation; providing for establishment of certain system and investigations; requiring certain malpractice liability insurance; providing exceptions; authorizing promulgation of certain rules; amending 59 O.S. 2021, Section 642, which relates to penalties; modifying conditions for license reinstatement; providing for certain appeals; imposing certain reporting duties on licensees and the Board; amending 59 O.S. 2021, Section 643, which relates to use of funds; broadening allowed uses; amending 59 O.S. 2021, Section 644, which relates to the State Board of Osteopathic Examiner's Revolving Fund; conforming language; amending 59 O.S. 2021, Section 645, which relates to rules; authorizing and requiring promulgation of certain rules; updating

statutory language and references; repealing 59 O.S. 2021, Section 631, which relates to definition; providing for codification; and declaring an emergency.

SUBJECT: Osteopathic medicine

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 621, is amended to read as follows:

Section 621. As used in the Oklahoma Osteopathic Medicine Act:

1. "Board" means the State Board of Osteopathic Examiners;

2. "Osteopathic medicine" means a patient-centered system of health care founded by Andrew Taylor Still, M.D., D.O., and based on the theory that the body is capable of making its own remedies against disease and other toxic conditions when it is in a normal structural relationship and has favorable environmental conditions and adequate nutrition. Osteopathic medicine emphasizes prevention and wellness and utilizes generally accepted physical, pharmacological and surgical methods of diagnosis and therapy while placing strong emphasis on the importance of body mechanics and manipulative methods to detect and correct faulty structure and function;

3. "Osteopathic physician" means a person who is licensed to practice osteopathic medicine in this state; and

4. "School of osteopathic medicine" or "college of osteopathic medicine" means a legally chartered school or college accredited by the Commission on Osteopathic College Accreditation requiring:

a. for admission to its courses of study, a preliminary education equal to the requirements established by the American Osteopathic Association, and

- b. for granting the D.O. degree, Doctor of Osteopathic Medicine, actual attendance at such osteopathic school or college and demonstration of successful completion of the curriculum and recommendation for graduation.

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

Section 622. A. 1. Except as otherwise provided by 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, 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 out as osteopathic physicians in this state without a license issued by the State Board of Osteopathic Examiners shall submit themselves to the jurisdiction of the State Board of Osteopathic Examiners.

2. Osteopathic physicians engaged in postgraduate training ~~beyond the internship year, also known as PGY-1,~~ shall be licensed. Osteopathic physicians engaged in the internship or PGY-1 year ~~may be eligible for~~ shall be issued a resident training license and all other postgraduate students shall be issued an advanced resident training license.

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

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

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

3. Any commissioned medical officer of the ~~armed forces~~ Armed Forces of the United States or medical officer of the United States Public Health Service or the ~~Veterans Administration of the United States~~ Department of Veterans Affairs, in the discharge of official duties ~~and/or whose practice is confined entirely~~ within federally controlled facilities, who is fully licensed to practice osteopathic medicine and surgery in one or more jurisdictions of the United States shall not be required to be licensed in this state pursuant to the Oklahoma Osteopathic Medicine Act, unless the person already holds an osteopathic medical license in this state pursuant to the Oklahoma Osteopathic Medicine Act. In such case, the medical officer shall be subject to the Oklahoma Osteopathic Medicine Act.

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

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

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

E. An osteopathic physician licensed under the Oklahoma Osteopathic Medicine Act may not hold himself or herself out as a board-certified specialist unless the osteopathic physician has successfully completed the requirements for certification by the American Osteopathic Association, the American Board of Medical Specialties, or the American Association of Physician Specialists. However, an osteopathic physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this statement accurately reflects the scope of practice of the osteopathic physician.

SECTION 3. AMENDATORY 59 O.S. 2021, Section 624, as amended by Section 1, Chapter 190, O.S.L. 2024 (59 O.S. Supp. 2024, Section 624), is amended to read as follows:

Section 624. A. There is hereby ~~re-created~~ created the State Board of Osteopathic Examiners.

B. The State Board of Osteopathic Examiners shall consist of eight (8) examiners appointed by the Governor, two of whom ~~shall~~ may be lay persons. The remaining examiners shall be regularly licensed osteopathic physicians in good standing in this state who have been so engaged for a period of at least five (5) years immediately prior to their appointment. The osteopathic physician examiners shall be appointed by the Governor from a list of not less than six names submitted to the Governor by the Oklahoma Osteopathic Association annually, and any present member of the State Board of Osteopathic Examiners shall be appointed to fill out the unexpired term. All appointments made to the Board shall be for terms of seven (7) years. In the event of a vacancy brought about for any reason, the

post so vacated shall be filled from a list of not less than six names submitted by the Oklahoma Osteopathic Association.

C. The mission of the Board shall be to:

1. Safeguard public health by ensuring the highest standards of osteopathic medical practice and ethical standards;

2. Uphold the integrity of the profession through continuing education, diligent licensing and regulation, and continuous oversight of osteopathic physicians and surgeons; and

3. Promote the principles of osteopathic medicine, enhance the access and quality of patient care, particularly in rural and underserved areas, and protect the residents of this state through effective governance, sound public policy, and enforcement of ethical and professional standards.

D. The Board shall ~~have and use a common seal, and~~ make and adopt all necessary rules relating to the enforcement of the provisions of the Oklahoma Osteopathic Medicine Act. Each Board member shall receive the daily per diem rate for state employees. Travel expenses allowed under the State Travel Reimbursement Act shall also be provided to Board members traveling more than fifty (50) miles to the location of all regular and special Board meetings.

E. A majority of the members of the Board shall constitute a quorum for the transaction of business.

SECTION 4. AMENDATORY 59 O.S. 2021, Section 625, is amended to read as follows:

Section 625. Each member of ~~said Board~~ the State Board of Osteopathic Examiners shall, before entering upon the duties of the office, take the oath of office prescribed by the Oklahoma Constitution before someone qualified to administer oaths, ~~and shall, except for the lay person, make oath that the member is a legally qualified practitioner of osteopathic medicine in this state; and that the member has been engaged in the active practice of osteopathic medicine in this state at least five (5) years preceding the appointment of such member.~~

SECTION 5. AMENDATORY 59 O.S. 2021, Section 626, is amended to read as follows:

Section 626. A. 1. The State Board of Osteopathic Examiners shall, immediately after the members have qualified, elect a president, ~~vice-president~~ vice president and ~~secretary-treasurer~~ secretary.

2. The president of ~~said~~ the Board shall preside at all meetings of the Board and perform such other duties as the Board by its rule may prescribe.

3. The ~~vice-president~~ vice president shall perform all the duties of the president, during the president's absence or disability.

4. The ~~secretary-treasurer~~ secretary shall ~~keep~~ ensure a record is kept of all proceedings of the Board and perform such other duties as are prescribed in the Oklahoma Osteopathic Medicine Act, or which may be prescribed by ~~said~~ the Board. ~~It shall be the duty of the secretary-treasurer to receive and care for all monies coming into the hands of said Board, and to pay out the same upon orders of the Board.~~

B. The ~~State~~ Board and such employees as determined by the Board shall be bonded as required by Sections ~~85.26~~ 85.58Q through ~~85.31~~ 85.58V of Title 74 of the Oklahoma Statutes.

C. The ~~State~~ Board may expend such funds as are necessary in implementing the duties of the Board. The Board may hire:

1. An executive director ~~and,~~ who may hire all necessary administrative, clerical and stenographic assistance as the Board shall deem necessary ~~at a salary to be fixed by the Board and~~ consistent with a budget to be fixed by the Board;

2. An attorney, ~~on a case-by-case basis,~~ to represent the Board in legal matters and to assist authorized state and county officers in prosecuting or restraining violations of the provisions of the Oklahoma Osteopathic Medicine Act. ~~The Board shall fix the compensation of said attorney; and~~

3. One or more investigators, at least one of whom shall be certified by the Council on Law Enforcement Education and Training as a peace officer, as may be necessary to implement the provisions of the Oklahoma Osteopathic Medicine Act ~~at an annual salary to be fixed by the Board, and may authorize necessary expenses.~~ In addition, the investigators may investigate and inspect, through use of a Board subpoena, the nonfinancial business records of all persons licensed pursuant to the Oklahoma Osteopathic Medicine Act in order to determine whether or not licensees are in compliance with the Oklahoma Osteopathic Medicine Act and the Uniform Controlled Dangerous Substances Act or any other law, rule of the State of Oklahoma this state, or any federal law or rule affecting the practice of osteopathic medicine.

D. Any licensee or applicant for license subject to the provisions of the Oklahoma Osteopathic Medicine Act shall be deemed to have given consent ~~to~~ after presented with a Board subpoena by any duly authorized employee or agent of the Board to access, enter, or inspect the records, either on-site or at the Board office, or facilities of such licensee or applicant subject to the Oklahoma Osteopathic Medicine Act. Refusal Unless the Board subpoena is legally challenged, refusal to allow such access, entry, or inspection may constitute grounds for the denial, nonrenewal, suspension, or revocation of a license. Upon refusal of such access, entry, or inspection, pursuant to this section, the Board or a duly authorized representative may make application for and to enforce the Board subpoena or to obtain a search warrant from the district court where the facility or records are located to allow such access, entry, or inspection.

SECTION 6. AMENDATORY 59 O.S. 2021, Section 627, is amended to read as follows:

Section 627. A. The State Board of Osteopathic Examiners shall preserve a record of its proceedings which shall be kept electronically and open to public inspection ~~at all reasonable times, showing:-~~

B. The official register of licensed osteopathic physicians available to the public shall include:

1. The name, ~~age~~ gender, license type, license status, and place of ~~residence~~ practice of each ~~applicant~~ licensee;
 2. The ~~time spent in the study of osteopathic medicine;~~
 3. ~~The year and school from which degrees were granted;~~
 4. ~~Its proceeding relative to the issuance, refusal, renewal, suspension, or revocation of licenses applied for, and issued pursuant to the Oklahoma Osteopathic Medicine Act; and~~
 5. ~~The name, known place of business and residence, and the date and number of license of each registered osteopathic physician and surgeon~~ practice specialty of each licensee and indication of whether the licensee is board certified in such specialty; and
3. Whether the licensee has had disciplinary action taken on his or her Oklahoma license.

The register shall be prima facie evidence of all matters contained therein.

~~B. The secretary of said Board shall on the first of March of each year submit an official copy of said register to the Secretary of State for permanent record. A certified copy of said register, or any part thereof, with the hand and seal of the secretary of said State Board of Osteopathic Examiners, or the Secretary of State, shall be admitted in evidence in all courts of the state.~~

C. ~~It~~ To ensure the accuracy of Board records, it shall be the responsibility of each osteopathic physician licensed under this act the Oklahoma Osteopathic Medicine Act to provide notify the Board with a notice of any change of address within fourteen (14) business days after any relocation of practice activity to the physician's registry information.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 628.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

The State Board of Osteopathic Examiners shall have the power to:

1. Adopt and prescribe the use of a common seal;
2. Hold regular meetings at times to be fixed by the president of the Board in accordance with the provisions of the Oklahoma Open Meeting Act. In addition, the president may call such special and other meetings in accordance with the provisions of the Oklahoma Open Meeting Act;
3. Promulgate rules necessary, expedient, or appropriate to the governance, performance, enforcement, or carrying out of any of the purposes, objectives, or provisions of the Oklahoma Osteopathic Medicine Act or to promulgate rules regarding the professional standards of the practice of osteopathic medicine;
4. Initiate and prosecute administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Osteopathic Medicine Act;
5. Appoint authorized agents to make inspections or investigations and to perform other services for the Board;
6. Sell, exchange, or dispose of property as provided by state law;
7. Have jurisdiction over all matters affecting the practice of osteopathic medicine, and shall have continuing jurisdiction to reopen any actions taken by the Board;
8. Institute collection proceedings against licensees, applicants, and other entities under its jurisdiction. This authority includes the right to impose penalties for nonpayment;
9. Employ, appoint, or contract and fix the duties and compensation of the executive director and other personnel, either on full-time, part-time, or contractual basis, as deemed necessary by the Board;
10. Fix the qualifications of the personnel of the Board;
11. Accept and use grants of money and other property from any source;

12. Advise, consult, cooperate, and enter into agreements or contracts;

13. Revoke, suspend, or deny any license, permit, or charter issued by the Board if the Board finds any violation of the Oklahoma Osteopathic Medicine Act or any rule promulgated by the Board;

14. Prescribe forms of application, certification, licenses, charters, permits, and other forms as may be necessary to carry out the provisions of the Oklahoma Osteopathic Medicine Act;

15. Set renewal dates for any licenses, permits, or certificates issued by the Board by notifying licensees in writing of the expiration and renewal date being assigned to the licensee and permittee and by making an appropriate adjustment in the fee charged for the license, permit, or certificate;

16. Establish and collect fees for licenses, permits, charters, certificates, and services provided. The fees shall be promulgated in accordance with the Administrative Procedures Act and shall be fair and equitable to all parties concerned;

17. Adopt official professional standards of conduct;

18. Apply to the district court for a temporary or permanent injunction or any other remedy restraining any person from violating the Oklahoma Osteopathic Medicine Act;

19. Increase its efforts to ensure the safety and well-being of patients through administration of continuing education programs;

20. Establish agency special accounts through the Office of Management and Enterprise Services and the Office of the State Treasurer as necessary for the collection and distribution of funds, including funds of sponsors and registration fees related to conferences, meetings, and continuing education and resident physician training; and

21. Exercise all incidental powers which are necessary and proper to implement and administer the purposes of the Oklahoma Osteopathic Medicine Act.

SECTION 8. AMENDATORY 59 O.S. 2021, Section 632, is amended to read as follows:

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

B. The applicant may be accepted who has successfully completed the examination sequence of the National Board of Osteopathic Medical Examiners and meets all other requirements as prescribed by the State Board of Osteopathic Examiners through rule.

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

D. 1. The Board is authorized to obtain a national criminal history record check on osteopathic physician applicants seeking a letter of qualification for purposes of registration for expedited licensure through the Interstate Medical Licensure Compact pursuant to Section 493.7 of this title.

2. Oklahoma osteopathic physician applicants seeking a letter of qualification under the Compact shall be fingerprinted for the national criminal history record check. Applicant fingerprints shall be submitted to the Oklahoma State Bureau of Investigation and the national criminal history record check shall be conducted in accordance with Section 150.9 of Title 74 of the Oklahoma Statutes. The Bureau shall return national criminal history record check results to the Board.

3. Results obtained from the national criminal history record check shall be used solely for the screening of osteopathic physician applicants and shall be retained by the Board. The Board shall not disseminate criminal history record information resulting from the record check.

4. This subsection shall only apply to Oklahoma osteopathic physician applicants seeking an expedited license under the Compact.

SECTION 9. AMENDATORY 59 O.S. 2021, Section 633, as amended by Section 5, Chapter 262, O.S.L. 2022 (59 O.S. Supp. 2024, Section 633), is amended to read as follows:

Section 633. A. Each applicant who has met all requirements for licensure shall be issued a full and unrestricted license to practice as an osteopathic physician and surgeon. Upon application, the State Board of Osteopathic Examiners may also issue special licenses, permits, warrants, and certificates including, but not limited to, a:

1. Temporary ~~License~~ license;

2. Resident ~~Training License~~ training license;

3. ~~Telemedicine License~~;

4. ~~Military Spouse License~~ Advanced resident training license;

or

~~5. 4. Temporary critical need license under Section 1 of this act~~ Section 6011 of this title.

B. The Board shall, through rule, establish restrictions for special licenses including, but not limited to, training licenses, to ensure that the holder practices only under appropriate circumstances as set by the Board.

SECTION 10. AMENDATORY 59 O.S. 2021, Section 634, is amended to read as follows:

Section 634. The State Board of Osteopathic Examiners may issue a license ~~without examination~~ to a practitioner who is currently

licensed in any country, state, territory or province, upon the following conditions:

1. That the requirements of registration in the country, state, territory or province in which the applicant is licensed are deemed by the ~~State~~ Board to have been equivalent to the requirements of registration in force in this state at the date of such license;

2. That the applicant has no disciplinary matters pending against him or her in any country, state, territory or province; and

3. That the license being reciprocated must have been obtained by an examination in that country, state, territory or province deemed by the Board to be equivalent to that used by the Board, or obtained by examination of the National Board of Osteopathic Medical Examiners.

SECTION 11. AMENDATORY 59 O.S. 2021, Section 635.1, is amended to read as follows:

Section 635.1. A. There is established a special volunteer medical license for physicians who are retired from active practice and wish to donate their expertise for the medical care and treatment of indigent and needy persons of the state. The special volunteer medical license shall be:

1. Issued by the State Board of Osteopathic Examiners to eligible physicians;

2. Issued without a payment of an application fee, license fee or renewal fee;

3. ~~Issued or renewed without any continuing education requirements;~~

~~4.~~ Issued for a fiscal year or part thereof; and

~~5.~~ 4. Renewable annually upon approval of the Board.

B. A physician must meet the following requirements to be eligible for a special volunteer medical license:

1. Completion of a special volunteer medical license application, including documentation of the physician's osteopathic school graduation and practice history;

2. Documentation that the physician has been previously issued a full and unrestricted license to practice medicine in ~~Oklahoma~~ this state or in another state of the United States and that he or she has never been the subject of any medical disciplinary action in any jurisdiction;

3. Acknowledgement and documentation that the physician's practice under the special volunteer medical license will be exclusively and totally devoted to providing medical care to needy and indigent persons in ~~Oklahoma~~ this state or to providing care under the Oklahoma Medical Reserve Corps; and

4. Acknowledgement and documentation that the physician will not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any medical services rendered under the special volunteer medical license.

SECTION 12. AMENDATORY 59 O.S. 2021, Section 635.3, is amended to read as follows:

Section 635.3. A. There is established in this state a resident training license for medical school graduates ~~during their internship or first postgraduate year (PGY-1)~~. The resident training license shall be:

1. Issued by the State Board of Osteopathic Examiners to eligible physicians;

2. Issued without any continuing education requirements; and

3. Issued for no more than one (1) year; ~~and~~

~~4. Nonrenewable unless renewal is specifically approved by the State Board of Osteopathic Examiners.~~

B. If the physician's resident training program specifically approves the resident to have prescribing authority, the resident

training license shall permit the physician to apply for prescribing privileges from state or federal authorities.

C. The resident training license shall not permit:

1. The physician to practice medicine beyond the scope allowed by the physician's training program; or

2. The licensee to practice independent of the residency program~~+~~.

D. The resident training license is ~~not~~ a prerequisite to participation in any ~~internship or PGY-1~~ training program.

E. Any person holding a resident training license is not guaranteed subsequent full or advanced resident licensure in ~~Oklahoma~~ this state as an osteopathic physician.

F. Any application for full licensure shall be adjudged by the Board on its own merits including training, education and personal background.

G. A physician shall meet the following requirements to be eligible for a resident training license:

1. Completion of a resident training license application;

2. Payment of the application fee; and

3. Documentation from the applicant's Oklahoma training program recommending the physician and stating the applicant meets all the requirements for such licensure.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 635.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Osteopathic Examiners may issue an osteopathic faculty license without examination to an individual who remits an electronic application and fee, as set by the Board, who:

1. Demonstrates to the Board that he or she is currently licensed to practice osteopathic medicine in another jurisdiction in the United States;

2. Demonstrates to the Board that he or she is a graduate of an accredited school of osteopathic medicine; and

3. Has completed the requirements of general licensure as defined by the Board.

B. The license shall authorize the holder to practice only in conjunction with his or her teaching duties at an accredited school of osteopathic medicine or in its affiliated teaching hospitals or clinics.

C. Such license shall automatically expire upon termination of the holder's relationship with the school or after a period of twenty-four (24) months, whichever occurs first.

SECTION 14. AMENDATORY 59 O.S. 2021, Section 637, as amended by Section 5, Chapter 150, O.S.L. 2023 (59 O.S. Supp. 2024, Section 637), is amended to read as follows:

Section 637. A. The State Board of Osteopathic Examiners may institute disciplinary action, enforce sanctions, or refuse to admit a person to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license:

1. Has obtained a license, license renewal or authorization to sit for an examination, as the case may be, through fraud, deception, misrepresentation or bribery; or has been granted a license, license renewal or authorization to sit for an examination based upon a material mistake of fact;

2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including, but not limited to, the following:

- a. obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur or for services which were not rendered,
- b. using intimidation, coercion or deception to obtain or retain a patient or discourage the use of a second opinion or consultation,
- c. willfully performing inappropriate or unnecessary treatment, diagnostic tests or osteopathic medical or surgical services,
- d. delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform them, noting that delegation may only occur within an appropriate ~~doctor-patient~~ physician-patient relationship, wherein a proper patient record is maintained including, but not limited to, at the minimum, a current history and physical,
- e. misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine or device,
- f. acting in a manner which results in final disciplinary action by any professional society or association or hospital or medical staff of such hospital in this or any other state, whether agreed to voluntarily or not, if the action was in any way related to professional conduct, professional competence, malpractice or any other violation of the Oklahoma Osteopathic Medicine Act,
- g. signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination or the establishment of a physician-patient relationship, or for other than

medically accepted therapeutic or experimental or investigational purpose duly authorized by a state or federal agency, or not in good faith to relieve pain and suffering, or not to treat an ailment, physical infirmity or disease, or violating any state or federal law on controlled dangerous substances including, but not limited to, prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes,

- h. engaging in any sexual activity within a physician-patient relationship,
- i. terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient,
- j. failing to furnish a copy of a patient's medical records upon a proper request from the patient or legal agent of the patient or another physician; or failing to comply with any other law relating to medical records,
- k. failing to comply with any subpoena issued by the Board,
- l. violating a probation agreement with or order ~~with~~ from this Board or any other agency, and
- m. failing to keep complete and accurate records of purchase and disposal of controlled drugs or narcotic drugs;

3. Has engaged in gross negligence, gross malpractice or gross incompetence;

4. Has engaged in repeated acts of negligence, malpractice or incompetence;

5. Has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere in a criminal prosecution, for any

offense reasonably related to the qualifications, functions or duties of an osteopathic physician, whether or not a sentence is imposed, and regardless of the pendency of an appeal;

6. Has had the authority to engage in the activities regulated by the Board revoked, suspended, restricted, modified or limited, or has been reprimanded, warned or censured, probated or otherwise disciplined by any other state or federal agency whether or not voluntarily agreed to by the physician including, but not limited to, the denial of licensure, surrender of the license, permit or authority, allowing the license, permit or authority to expire or lapse, or discontinuing or limiting the practice of osteopathic medicine pending disposition of a complaint or completion of an investigation;

7. Has violated or failed to comply with provisions of any act or regulation administered by the Board;

8. Is incapable, for medical or psychiatric or any other good cause, of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare;

9. Has been guilty of advertising by means of knowingly false or deceptive statements;

10. Has been guilty of advertising, practicing, or attempting to practice under a name other than one's own;

11. Has violated or refused to comply with a lawful order of the Board;

12. Has been guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs;

13. Has been guilty of personal offensive behavior, which would include, but not be limited to, obscenity, lewdness, and molestation;

14. Has performed an abortion as defined by Section 1-730 of Title 63 of the Oklahoma Statutes, except for an abortion necessary to prevent the death of the mother or to prevent substantial or

irreversible physical impairment of the mother that substantially increases the risk of death. The performance of an abortion on the basis of the mental or emotional health of the mother shall be a violation of this paragraph, notwithstanding a claim or diagnosis that the woman may engage in conduct which she intends to result in her death. The Board shall impose a penalty as provided in this section and in Section 637.1 of this title on a licensee who violates this paragraph. The penalty shall include, but not be limited to, suspension of the license for a period not less than one (1) year;

15. Has been adjudicated to be insane, or incompetent, or admitted to an institution for the treatment of psychiatric disorders; ~~or~~

16. Has knowingly provided gender transition procedures as defined in ~~Section 1 of this act~~ Section 2607.1 of Title 63 of the Oklahoma Statutes to a child;

17. Has violated any of the provisions of the Oklahoma Pharmacy Act, which shall be punishable by appropriate actions established in rules promulgated by the Board; or

18. Has breached the American Osteopathic Association Code of Ethics or the Osteopathic Oath.

B. The Board may enter an order denying licensure or imposing any of the penalties as prescribed by rule against any applicant for licensure or licensee who is found guilty of violating any provision of subsection A of this section. In determining what action is appropriate, the Board shall first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the Board consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection shall be the obligation of the physician.

C. In any administrative action against a physician that does not involve revocation or suspension of a license, the Board shall have the burden, by the greater weight of the evidence, to establish the existence of grounds for disciplinary action. The Board shall

establish grounds for revocation or suspension of a license by clear and convincing evidence.

D. The Board shall not reinstate the license or certificate of an osteopathic physician, or cause a license or certificate to be issued to a person it has deemed unqualified, until such time as it is satisfied that he or she has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of osteopathic medicine. However, the Board shall not issue a license to, or reinstate the license of, any osteopathic physician found by the Board to have committed repeated medical malpractice, regardless of the extent to which the licensee or prospective licensee has complied with all terms and conditions set forth in the final order or is capable of safely engaging in the practice of osteopathic medicine.

E. The State Board of Osteopathic Examiners shall neither refuse to renew, nor suspend, nor revoke any license, however, for any of these causes, unless the person accused has been given at least twenty (20) days' notice in writing of the charge against him or her and a public hearing by the Board; provided, three-fourths (3/4) of a quorum present at a meeting may vote to suspend a license in an emergency situation if the licensee affected is provided a public hearing within thirty (30) days of the emergency suspension.

~~C.~~ F. The State Board of Osteopathic Examiners shall have the power to order or subpoena the attendance of witnesses, the inspection of records and premises and the production of relevant books and papers for the investigation of matters that may come before them it. The presiding officer of the Board or his or her designee shall have the authority to compel the giving of testimony as is conferred on courts of justice.

~~D.~~ G. Any osteopathic physician in this state whose license to practice osteopathic medicine is revoked or suspended under this section shall have the right to seek judicial review of a ruling of the Board pursuant to the Administrative Procedures Act.

~~E.~~ H. The Board may enact rules and regulations pursuant to the Administrative Procedures Act setting out additional acts of unprofessional conduct, which acts shall be grounds for refusal to issue or reinstate, or for action to condition, suspend or revoke a

license necessary or appropriate to the performance, enforcement, or carrying out of any of the purposes, objectives, or provisions of this section.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 637.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. At any time after the State Board of Osteopathic Examiners has revoked or suspended the license of any person to practice osteopathic medicine or surgery, the Board, upon its own motion and of its own authority and right, may reconsider such order and decision for any reason deemed by it to be sufficient and may, in its discretion, reinstate the license of such person.

B. At any time after the expiration of twelve (12) months from the date the license of any person to practice osteopathic medicine or surgery has been revoked with the right to reapply, or at any time after the expiration of six (6) months from the date the license of any person to practice osteopathic medicine or surgery has been suspended by the Board, such person whose license has been so revoked or suspended may file an application with the executive director of the Board, together with an application fee set by the Board, to reinstate the license. The Board may further prescribe through rule a process in which an application to reinstate such license may be pursued.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 637.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Osteopathic Examiners is hereby given quasi-judicial powers while sitting as a Board for the purpose of revoking, suspending, or imposing other disciplinary actions upon the license of an osteopathic physician or surgeon of this state.

B. To the extent necessary to allow the Board the power to enforce disciplinary actions imposed by the Board, in the exercise of its authority, the Board may punish willful violations of its orders and impose additional penalties as allowed by Section 638 of Title 59 of the Oklahoma Statutes.

SECTION 17. AMENDATORY 59 O.S. 2021, Section 641, is amended to read as follows:

Section 641. A. All persons legally licensed to practice osteopathic medicine in this state, on or before the first day of July of each year, shall apply to ~~the secretary-treasurer of the~~ State Board of Osteopathic Examiners, on forms furnished thereby, for a renewal certificate of registration entitling such licensee to practice osteopathic medicine and surgery in Oklahoma during the next ensuing fiscal year.

B. The State Board of Osteopathic Examiners may prescribe through rule the necessary information required relevant to a licensee's professional activity including, but not limited to:

1. Any action taken against the licensee for acts or conduct similar to acts or conduct described in the Oklahoma Osteopathic Medicine Act as grounds for disciplinary action;

2. Any adverse judgment, settlement, or award against the licensee arising from a professional liability claim;

3. The licensee's voluntary surrender of or voluntary limitation on any license or authorization to practice medicine and surgery in any jurisdiction including military, public health, and foreign;

4. Any denial to the licensee of a license or authorization to practice medicine and surgery by any jurisdiction including military, public health, or foreign;

5. The licensee's voluntary resignation from the medical staff of any health care institution or voluntary limitation of the licensee's staff privileges at such an institution if that action occurred while the licensee was under formal or informal investigation by the institution or a committee thereof for any reason related to alleged medical incompetence, unprofessional or unethical conduct, or mental or physical impairment;

6. The licensee's voluntary resignation or withdrawal from a national, state, or county medical society, association, or organization if that action occurred while the licensee was under

formal or informal investigation or review by that body for any reason related to alleged medical incompetence, unprofessional or unethical conduct, or mental or physical impairment;

7. Whether the licensee has had any health conditions that may affect his or her ability to practice safely. Disclosures shall focus on current impairments that directly affect clinical competence or adversely affect ability to practice medicine in a competent, ethical, and professional manner, not on past or managed health conditions that do not impair professional duties; and

8. The licensee's completion of continuing medical education or other forms of professional maintenance or evaluation, including specialty board certification or recertification, during the previous registration period.

C. 1. Each application shall be accompanied by a renewal fee in an amount sufficient to cover the cost and expense incurred by the State Board of Osteopathic Examiners, for a renewal of the person's certificate to practice osteopathic medicine.

2. The Board may provide for the late renewal of a license upon payment of a late fee in accordance with Board rules.

~~C.~~ D. 1. In addition to the payment of the annual renewal fee, each licensee applying for a renewal of the certificate shall furnish to the State Board of Osteopathic Examiners proof that the person has attended at least two (2) days of the annual educational program conducted by the Oklahoma Osteopathic Association, or its equivalent, as determined by the Board, in the fiscal year preceding the application for a renewal; provided, the Board may excuse the failure of the licensee to attend the educational program in the case of illness or other unavoidable casualty rendering it impossible for the licensee to have attended the educational program or its equivalent.

2. The Board shall require that the licensee receive not less than one (1) hour of education in pain management or one (1) hour of education in opioid use or addiction each year preceding an application for renewal of a license, unless the licensee has demonstrated to the satisfaction of the Board that the licensee does not currently hold a valid federal Drug Enforcement Administration

registration number. Such education may be held at the annual educational program referenced in paragraph 1 of this subsection.

~~D.~~ E. The secretary of the State Board of Osteopathic Examiners shall send a written notice to every person holding a legal certificate to practice osteopathic medicine in this state, at least thirty (30) days prior to the first day of July each year, directed to the last-known address of the licensee, notifying the licensee that it will be necessary for the licensee to pay the renewal license fee as herein provided, and proper forms shall accompany the notice upon which the licensee shall make application for renewal of the certificate.

F. The licensee shall attest to the veracity of the application form for license renewal. Failure to report fully and correctly shall be grounds for disciplinary action by the Board.

G. The Board shall establish a system for reviewing renewal forms. The Board may initiate investigations and disciplinary proceedings based on information submitted by licensees for license renewal.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 641.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. All osteopathic physicians in active practice licensed by the State Board of Osteopathic Examiners shall maintain a policy for professional malpractice liability insurance; provided, however, that such requirement shall not apply to osteopathic physicians:

1. Covered by a group or hospital malpractice liability insurance policy;

2. Practicing in a state facility subject to The Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes;

3. Practicing in a federal facility subject to the Federal Tort Claims Act;

4. Providing care as a volunteer under a special volunteer medical license pursuant to Section 635.1 of Title 59 of the Oklahoma Statutes or a temporary critical need license under Section 6011 of Title 59 of the Oklahoma Statutes;

5. Providing care as a retired osteopathic physician with a valid license in a volunteer, nonpaid capacity;

6. Practicing or residing in another state or country, who will not practice within this state during the license renewal year. An osteopathic physician that is residing but not practicing in this state but wishes to maintain an active license may sign an affidavit stating that the osteopathic physician is not practicing osteopathic medicine, listing the specific dates during which the osteopathic physician will not practice. The osteopathic physician must notify the Board in writing and provide proof of malpractice liability insurance no fewer than ten (10) days prior to resuming practice; or

7. Who petition the Board to be temporarily exempted due to health, injury, or other personal exigent circumstance during the year, if the Board approves such petition. A signed and sworn affidavit and other documentation may be required by the Board. The Board at its discretion may exempt an osteopathic physician for a specific stated period of time.

B. The State Board of Osteopathic Examiners may promulgate rules as necessary to carry out the provisions of this section including, but not limited to, minimum requirements for professional malpractice liability insurance policies and penalties for noncompliance.

SECTION 19. AMENDATORY 59 O.S. 2021, Section 642, is amended to read as follows:

Section 642. A. If any licensee shall fail to comply with the requirements of Section 641 of this title or this section and such license is allowed to lapse, the licensee shall, upon order of the State Board of Osteopathic Examiners, forfeit the right to practice osteopathic medicine in this state and the license and certificate shall be canceled; 7 provided, however, that the Board may reinstate such person upon the payment of all fees due, plus a penalty fee in the amount fixed by the State Board of Osteopathic Examiners not to

exceed twice the amount of the license renewal fees as determined by the Board and upon the presentation of satisfactory evidence of the attendance at an educational program as provided for in Sections 637, 637.1, and 641 of this title and such other proof of professional conduct as prescribed by rule. The State Board of Osteopathic Examiners shall not place the license of any person authorized to practice osteopathic medicine in this state on inactive status.

B. Any licensee whose renewal application is rejected by the Board shall have the right to appeal from such action to the district court of the county of residence. If the licensee does not reside or practice in this state, appeal shall be to the Oklahoma County District Court.

C. Licensees who retire from such practice or desire to request cancellation of their license shall file with the State Board of Osteopathic Examiners an affidavit, on a form to be furnished by the Board, which states the date of retirement and such other facts to verify the retirement or other reasons for cancellation as the Board may deem necessary and the license shall be canceled. If a licensee desires to re-engage the practice, the licensee shall reinstate the license as provided for in Sections 637, 637.1, and 641 of this title and subsection A of this section.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 642.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Every person licensed to practice osteopathic medicine by the State Board of Osteopathic Examiners shall report within fourteen (14) days any criminal investigation in a jurisdiction which concerns that person.

B. Every person licensed to practice osteopathic medicine by the Board shall report within fourteen (14) days any action taken to limit their license, credentials, or other authorization to practice osteopathic medicine.

C. If a person licensed to practice osteopathic medicine in this state voluntarily resigns from the staff of a health care institution, or voluntarily limits that person's own staff

privileges at a health care institution or fails to reapply for hospital or staff privileges at a health care institution, the person shall report in writing such conduct to the Board within fourteen (14) days. If the conduct occurs while the person is under formal investigation by the institution or a committee thereof for any reason related to possible unprofessional conduct or possible inability to practice osteopathic medicine, that conduct shall be included in the report.

D. Every person to whom a license to practice osteopathic medicine is issued has a duty to report to the Board, within thirty (30) days, all information concerning medical malpractice claims settled or adjudicated to final judgment.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 642.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Every person licensed to practice osteopathic medicine by the State Board of Osteopathic Examiners shall report to the Board information that the reporting person reasonably believes indicates that a person licensed to practice medicine in this state is, or may be, engaged in unprofessional conduct or may be unable to practice medicine with reasonable skill or safety to patients.

B. An individual, institution, agency, or organization required to report under this section who does so in good faith is not subject to civil damages for reporting.

C. Upon receiving a complaint involving potential criminal conduct, the Board shall promptly report the complaint to appropriate law enforcement agencies.

SECTION 22. AMENDATORY 59 O.S. 2021, Section 643, is amended to read as follows:

Section 643. The funds received pursuant to the Oklahoma Osteopathic Medicine Act or the Oklahoma Abortion-Inducing Drug Certification Program Act shall be deposited to the credit of the State Board of Osteopathic Examiners Revolving Fund and may be expended by the State Board of Osteopathic Examiners and under its direction in assisting in the enforcement of the laws of this state

prohibiting the unlawful practice of osteopathic medicine, assisting in the support of a peer assistance program, administering continuing education programs to ensure the safety and well-being of patients, sponsoring resident physician training, and for the dissemination of information to prevent the violation of such laws, and for the purchasing of supplies and such other expense as is necessary to properly carry out the provisions of the Oklahoma Osteopathic Medicine Act or the Oklahoma Abortion-Inducing Drug Certification Program Act.

SECTION 23. AMENDATORY 59 O.S. 2021, Section 644, is amended to read as follows:

Section 644. There is hereby created in the State Treasury a revolving fund for the State Board of Osteopathic Examiners, to be designated the "State Board of Osteopathic ~~Examiner's~~ Examiners Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the Oklahoma Osteopathic Medicine Act or the Oklahoma Abortion-Inducing Drug Certification Program Act. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of enforcing the laws of this state which prohibit the unlawful practice of osteopathic medicine, for the dissemination of information to prevent the violation of such laws and, for the purchase of supplies and such other expense as is necessary to properly implement the provisions of the Oklahoma Osteopathic Medicine Act or the Oklahoma Abortion-Inducing Drug Certification Program Act, and for any other purpose specified in Section 643 of this title. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims signed by an authorized employee or employees of the State Board of Osteopathic Examiners and filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 24. AMENDATORY 59 O.S. 2021, Section 645, is amended to read as follows:

Section 645. A. The State Board of Osteopathic Examiners shall adopt such rules as may be necessary to implement the provisions of the Oklahoma Osteopathic Medicine Act and may establish fees

authorized but not specified in the Oklahoma Osteopathic Medicine Act.

B. The Board shall promulgate rules to identify essential elements of education and practice necessary to protect the public.

C. The Board may prescribe by rule administrative remedies, disciplinary actions, sanctions, and administrative procedures to provide remedies and disciplinary actions for licensee violations of statutory- or regulatory-prescribed unprofessional conduct, to include fines up to the limits otherwise prescribed by statute or rule.

D. The Board may provide by rule procedures for the licensee to contest or dispute any administrative action, procedures for resolution of any such contest or dispute, and appropriate protection of private information consistent with state and federal law.

SECTION 25. REPEALER 59 O.S. 2021, Section 631, is hereby repealed.

SECTION 26. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 5th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 1st day of May, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____