

An Act

ENROLLED SENATE
BILL NO. 443

By: Stanley of the Senate

and

Miller of the House

An Act relating to the practice of medicine; amending 59 O.S. 2021, Section 487, which relates to the secretary of the State Board of Medical Licensure and Supervision; modifying duties and requirements related to the secretary; authorizing the Board to hire a medical advisor as a separate position; amending 59 O.S. 2021, Section 493.1, which relates to requirements for licensure; removing certain conditions for licensure; modifying requirements for postgraduate medical training; amending 59 O.S. 2021, Section 493.2, which relates to foreign applicants; modifying licensure requirements for foreign applicants; authorizing the Board to obtain national criminal history background check on certain physician applicants; specifying certain background check procedures; limiting use of background check results; specifying applicability of certain provisions; amending 59 O.S. 2021, Section 513, which relates to quasi-judicial powers of the Board; broadening applicability of certain provisions; amending 59 O.S. 2021, Section 518.1, as amended by Section 4, Chapter 302, O.S.L. 2024 (59 O.S. Supp. 2024, Section 518.1), which relates to the Allied Professional Peer Assistance Program; authorizing certain contracts; removing certain duty of the Board; amending 59 O.S. 2021, Section 519.4, which relates to licensure requirements for physician assistants; requiring national criminal history background check; authorizing the Board to obtain background checks on physician assistant applicants; specifying certain background check procedures; limiting use of background check results; updating statutory language; updating statutory references;

providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Practice of medicine

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 487, is amended to read as follows:

Section 487. A. The State Board of Medical Licensure and Supervision may appoint ~~the~~ a Board secretary to ~~serve as Medical Advisor or hire a physician to serve as Medical Advisor to the Board and the Board staff~~ carry out the statutory duties of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act. The Board may hire the secretary as an employee of the Board at such hours of employment and compensation as determined by the Board. ~~The Board may hire~~ secretary shall be a licensed allopathic physician ~~to serve as the secretary or medical advisor, or both, to the Board and its staff. This position shall be in the exempt unclassified service, as provided for in subsection B of Section 840-5.5 of Title 74 of the Oklahoma Statutes.~~ The secretary shall not be a member of the Board and shall not vote on Board actions.

B. The secretary of the Board shall preserve a true record of the official proceedings of the meetings of the Board. He or she shall also preserve a record of physicians licensed, applying for such license, or applying for reinstatement of such license in this state showing:

1. Age;
2. Ethnic origin;
3. Sex;
4. Place of practice and residence;

5. The time spent in premedical and medical study, together with the names of the schools attended, and the date of graduation therefrom, with the degrees granted;

6. The grades made in examination for license or grades filed in application therefor; and

7. A record of the final disposition of each application for licensure.

~~The secretary of the Board shall, on or before the first day of May in each year, transmit an official copy of the register for the preceding calendar year, to the Secretary of State for permanent record, a certified copy of which shall be admitted as evidence in all courts of the state.~~

C. The Board may hire a licensed physician to serve as a medical advisor to the Board and the Board staff. The medical advisor shall assist in carrying out the statutory duties of the Board including, but not limited to, compliance and investigations.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 493.1, is amended to read as follows:

Section 493.1. A. An applicant to practice medicine and surgery in this state shall provide to the State Board of Medical Licensure and Supervision and attest to the following information and documentation in a manner required by the Board:

1. The applicant's full name and all aliases or other names ever used, current address, Social Security number, and date and place of birth;

2. A photograph of the applicant, taken within the previous twelve (12) months;

3. All documents and credentials required by the Board, or notarized photocopies or other verification acceptable to the Board of such documents and credentials;

4. A list of all jurisdictions, United States or foreign, in which the applicant is licensed or has applied for licensure to

practice medicine and surgery or is authorized or has applied for authorization to practice medicine and surgery;

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

6. A list of all sanctions, judgments, awards, settlements, or convictions against the applicant in any jurisdiction, United States or foreign, that would constitute grounds for disciplinary action under ~~this act~~ the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Board's rules;

7. A detailed educational history, including places, institutions, dates, and program descriptions, of all his or her education, including all college, preprofessional, professional, and professional graduate education;

8. A detailed chronological ~~life~~ history from age eighteen (18) years to the present, including ~~places and dates of residence,~~ employment, ~~and~~ military service (United States or foreign), and all professional degrees ~~or~~, licenses, or certificates now or ever held; and

9. Any other information or documentation specifically requested by the Board that is related to the applicant's ability to practice medicine and surgery.

B. The applicant shall possess a valid degree of Doctor of Medicine from a medical college or school located in the United States, its territories or possessions, or Canada that was approved by the Board or by a private nonprofit accrediting body approved by the Board at the time the degree was conferred. The application shall be considered by the Board based upon the product and process of the medical education and training.

C. The applicant shall have satisfactorily completed twelve (12) months of progressive postgraduate medical training approved as promulgated by rule by the Board ~~or by a private nonprofit accrediting body approved by the Board in an institution in the United States, its territories or possessions, or in programs in~~

~~Canada, England, Scotland, Ireland, Australia or New Zealand approved by the Board or by a private nonprofit accrediting body approved by the Board. The Board shall consider as evidence of acceptability the sponsoring institution's accreditation by the Accreditation Council for Graduate Medical Education (ACGME), the American Society of Transplant Surgeons (ASTS), the Royal College of Physicians and Surgeons of Canada, the College of Family Physicians of Canada, the Royal College of Surgeons of Edinburgh, the Royal College of Surgeons of England, the Royal College of Physicians and Surgeons of Glasgow, or the Royal College of Surgeons in Ireland.~~

D. The applicant shall submit a history from the ~~Administration~~ administration of the ~~Medical School~~ medical school from which the applicant graduated of any suspension, probation, or disciplinary action taken against the applicant while a student at that institution.

E. The applicant shall have passed medical licensing examination(s) ~~satisfactory to~~ consistent with policies and procedures regarding the number of medical licensure exam attempts as established by the United States Medical Licensing Examination program unless granted an exception by the Board.

F. The applicant shall have demonstrated a familiarity with all appropriate statutes and rules and regulations of this state and the federal government relating to the practice of medicine and surgery.

G. The applicant shall be physically, mentally, professionally, and morally capable of practicing medicine and surgery in a manner reasonably acceptable to the Board and in accordance with federal law and shall be required to submit to a physical, mental, or professional competency examination or a drug dependency evaluation if deemed necessary by the Board.

H. The applicant shall not have committed or been found guilty by a competent authority, United States or foreign, of any conduct that would constitute grounds for disciplinary action under ~~this act~~ the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or rules of the Board. The Board may modify this restriction for cause.

I. Upon request by the Board, the applicant shall make a personal appearance before the Board or a representative thereof for interview, examination, or review of credentials. At the discretion of the Board, the applicant shall be required to present his or her original medical education credentials for inspection during the personal appearance.

J. The applicant shall be held responsible for verifying to the satisfaction of the Board the identity of the applicant and the validity of all credentials required for his or her medical licensure. The Board may review and verify medical credentials and screen applicant records through recognized national physician information services.

K. The applicant shall have paid all fees and completed and attested to the accuracy of all application and information forms required by the Board.

L. Grounds for the denial of a license shall include:

1. Use of false or fraudulent information by an applicant;
2. Suspension or revocation of a license in another state unless the license has been reinstated in that state;
3. Refusal of licensure in another state other than for examination failure; and
4. Multiple examination failures.

M. The Board shall not deny a license to a person otherwise qualified to practice allopathic medicine within the meaning of ~~this act~~ the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act solely because the person's practice or a therapy is experimental or nontraditional.

SECTION 3. AMENDATORY 59 O.S. 2021, Section 493.2, is amended to read as follows:

Section 493.2. A. Foreign applicants shall meet all requirements for licensure as provided in Sections 492.1 and 493.1 of this title.

B. 1. A foreign applicant shall possess the degree of Doctor of Medicine or ~~a Board-approved~~ an equivalent approved by the State Board of Medical Licensure and Supervision based on satisfactory completion of educational programs from a foreign medical school as evidenced by recognized national and international resources available to the Board.

2. In the event the foreign medical school utilized clerkships in the United States, its territories, or possessions, such clerkships shall have been performed in hospitals and schools that have programs accredited by the Accreditation Council for Graduate Medical Education (ACGME).

C. A foreign applicant shall have a command of the English language that is satisfactory to the State Board of Medical Licensure and Supervision, demonstrated by ~~the passage of an oral English competency examination~~ certification by the Educational Commission for Foreign Medical Graduates (ECFMG).

D. The Board may promulgate rules requiring all foreign applicants to satisfactorily complete at least twelve (12) months and up to twenty-four (24) months of Board-approved progressive graduate medical training as determined necessary by the Board for the protection of the public health, safety, and welfare.

E. All credentials, diplomas, and other required documentation in a foreign language submitted to the Board by such applicants shall be accompanied by notarized English translations.

F. Foreign applicants shall provide satisfactory evidence of having met the requirements for permanent residence or temporary nonimmigrant status as set forth by the United States ~~Immigration and Naturalization Service~~ Department of Homeland Security.

G. Foreign applicants shall provide a certified copy of the Educational Commission for Foreign Medical Graduates (ECFMG) Certificate or the Medical Council of Canada Certificate of Registration to the Board at such time and in such manner as required by the Board. The Board may waive the requirement for an Educational Commission for Foreign Medical Graduates Certificate or

a Medical Council of Canada Certificate of Registration by rule for good cause shown.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 493.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Medical Licensure and Supervision is authorized to obtain a national criminal history background check on 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 Title 59 of the Oklahoma Statutes.

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

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

D. This section shall only apply to Oklahoma physician applicants seeking an expedited license under the Compact.

SECTION 5. AMENDATORY 59 O.S. 2021, Section 513, is amended to read as follows:

Section 513. A. 1. The State Board of Medical Licensure and Supervision 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 physicians or ~~surgeons of this state~~ other licensees of the Board, and appeals from its decisions shall be taken to the Supreme Court of this state within thirty (30) days of the date that a copy of the decision is mailed

to the appellant, as shown by the certificate of mailing attached to the decision.

2. The license of any physician or ~~surgeon~~ other licensee of the Board who has been convicted of any felony ~~in~~ within or ~~without the State of Oklahoma~~ outside of this state, and whether in a state or federal court, may be suspended by the Board upon the submission thereto of a certified copy of the judgment and sentence of the trial court ~~and the certificate of the clerk of the court of the conviction.~~

3. Upon proof of a felony conviction by the courts or any plea of a felony, the Board shall revoke the ~~physician's~~ license of the physician or other licensee of the Board. If the felony conviction is overturned on appeal and no other appeals are sought, the Board shall restore the license ~~of the physician.~~ Court records of such a conviction shall be prima facie evidence of the conviction.

4. The Board shall also revoke and cancel the license of any physician or ~~surgeon~~ other licensee of the Board who has been charged in a court of record of this or other states of the United States or in the federal court with the commission of a felony and who is a fugitive from justice, upon the submission of a certified copy of the charge together with a certificate from the clerk of the court that after the commitment of the crime the physician or ~~surgeon~~ other licensee of the Board fled from the jurisdiction of the court and is a fugitive from justice.

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 509.1 of this title.

SECTION 6. AMENDATORY 59 O.S. 2021, Section 518.1, as amended by Section 4, Chapter 302, O.S.L. 2024 (59 O.S. Supp. 2024, Section 518.1), is amended to read as follows:

Section 518.1. A. There is hereby established the Allied Professional Peer Assistance Program to rehabilitate allied medical professionals whose competency may be compromised because of the abuse of drugs or alcohol, so that such allied medical professionals

can be treated and can return to or continue the practice of allied medical practice in a manner which will benefit the public. The program shall be under the supervision and control of the State Board of Medical Licensure and Supervision.

B. The Board may appoint one or more peer assistance evaluation advisory committees, hereinafter called ~~the~~ "allied peer assistance committees". Each of these committees shall be composed of members, the majority of which shall be licensed allied medical professionals with expertise in chemical dependency. The allied peer assistance committees shall function under the authority of the State Board of Medical Licensure and Supervision in accordance with the rules of the Board. The program may be one hundred percent (100%) outsourced to professional groups specialized in this arena. The committee members shall serve without pay, but may be reimbursed for the expenses incurred in the discharge of their official duties in accordance with the State Travel Reimbursement Act.

C. The Board may ~~appoint and~~ employ or contract with a qualified person or persons to serve as program coordinators and shall fix such person's compensation. The program may employ or contract with a director for purposes of ongoing nonclerical administrative duties and shall fix the director's compensation. ~~The Board shall define the duties of the program coordinators and director who shall report directly to the Board.~~

D. The Board is authorized to adopt and revise rules, not inconsistent with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, as may be necessary to enable it to carry into effect the provisions of this section.

E. A portion of licensing fees for each allied profession, not to exceed Ten Dollars (\$10.00), may be used to implement and maintain the Allied Professional Peer Assistance Program.

F. All monies paid pursuant to subsection E of this section shall be deposited in an agency special account revolving fund under the State Board of Medical Licensure and Supervision, and shall be used for the general operating expenses of the Allied Professional Peer Assistance Program, including payment of personal services.

G. ~~Records~~ The records and management information system of the professionals enrolled in the Allied Professional Peer Assistance Program and reports shall be maintained in the program office in a place separate and apart from the records of the Board. The records shall be made public only by subpoena and court order; provided however, confidential treatment shall be ~~cancelled~~ canceled upon default by the professional in complying with the requirements of the program.

H. Any person making a report to the Board or to an allied peer assistance committee regarding a professional suspected of practicing allied medical practice while habitually intemperate or addicted to the use of habit-forming drugs, or a professional's progress or lack of progress in rehabilitation, shall be immune from any civil or criminal action resulting from such reports, provided such reports are made in good faith.

I. A professional's participation in the Allied Professional Peer Assistance Program in no way precludes additional proceedings by the Board for acts or omissions of acts not specifically related to the circumstances resulting in the professional's entry into the program. However, in the event the professional defaults from the program, the Board may discipline the professional for those acts which led to the professional entering the program.

J. The Board may suspend the license immediately upon notification that the licensee has defaulted from the Allied Professional Peer Assistance Program, and shall assign a hearing date for the matter to be presented to the Board.

K. All treatment information, whether or not recorded, and all communications between a professional and therapist are both privileged and confidential. In addition, the identity of all persons who have received or are receiving treatment services shall be considered confidential and privileged.

L. As used in this section, unless the context otherwise requires:

1. "Board" means the State Board of Medical Licensure and Supervision; and

2. "Allied peer assistance committee" means the peer assistance evaluation advisory committee created in this section, which is appointed by the State Board of Medical Licensure and Supervision to carry out specified duties.

M. The Allied Professional Peer Assistance Program may contract with outside entities for services that are not available to it or can be obtained for a lesser cost through such a contract. The contract shall be ratified by the Board.

SECTION 7. AMENDATORY 59 O.S. 2021, Section 519.4, is amended to read as follows:

Section 519.4. To be eligible for licensure as a physician assistant pursuant to the provisions of Section 519.1 et seq. of this title an applicant shall:

1. Have graduated from an accredited physician assistant program recognized by the State Board of Medical Licensure and Supervision; ~~and~~

2. Successfully pass an examination for physician assistants recognized by the Board; and

3. Obtain a national criminal history background check.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 519.4A of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Medical Licensure and Supervision is authorized to obtain a national criminal history background check as a condition of eligibility for individuals seeking:

1. Licensure to practice as a physician assistant for initial licensure in this state pursuant to the provisions of the Physician Assistant Act, Section 519.1 et seq. of Title 59 of the Oklahoma Statutes; or

2. A Compact privilege under the PA Licensure Compact, Section 545.1 et seq. of Title 59 of the Oklahoma Statutes.

B. Applicants shall be fingerprinted for the national criminal history background check. Applicant fingerprints shall be submitted to the Oklahoma State Bureau of Investigation and the national criminal history background check shall be conducted in accordance with Section 150.9 of Title 74 of the Oklahoma Statutes. The Bureau shall return national criminal history results to the Board.

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

SECTION 9. This act shall become effective July 1, 2025.

SECTION 10. 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 14th day of May, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 30th day of April, 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: _____