An Act

ENROLLED SENATE
BILL NO. 1311

By: Rice, Coates and Crain of the Senate

and

Cox, Denney, Hoskin and Derby of the House

An Act relating to professions and occupations; amending Section 1, Chapter 74, O.S.L. 2009 (59 O.S. Supp. 2009, Section 367.8), which relates to emergency medication kits; clarifying language; defining term; amending Section 1, Chapter 138, O.S.L. 2003, as last amended by Section 1, Chapter 255, O.S.L. 2009 (59 O.S. Supp. 2009, Section 493.5), which relates to special volunteer license; modifying qualifications; modifying time period for issuance and renewal of certain license; allowing electronic verification of certain information; requiring certain written acknowledgement; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 74, O.S.L. 2009 (59 O.S. Supp. 2009, Section 367.8), is amended to read as follows:

Section 367.8 A. A long-term care pharmacy may maintain controlled dangerous substances in an emergency ~~electronic~~ medication kit used at a facility. The controlled dangerous substances may be used only for the emergency medication needs of a resident at the facility. A long-term care pharmacy may maintain drugs in an emergency medication kit for any facility.

B. The State Board of Pharmacy shall promulgate rules relating to emergency medication kits, including, but not limited to:

1. The amount and type of controlled dangerous substances that may be maintained in an emergency medication kit;

2. Procedures regarding the use of drugs from an emergency medication kit;

3. Recordkeeping requirements; and

4. Security requirements.

C. As used in this section:

1. "Facility" means a facility as defined by the Nursing Home Care Act or an assisted living center as defined by the Continuum of Care and Assisted Living Act; and

2. "Long-term care pharmacy" means a licensed pharmacy ~~which is not open to the general public and~~ which primarily provides pharmacy services to ~~institutions~~ a facility.

SECTION 2. AMENDATORY Section 1, Chapter 138, O.S.L. 2003, as last amended by Section 1, Chapter 255, O.S.L. 2009 (59 O.S. Supp. 2009, Section 493.5), is amended to read as follows:

Section 493.5 A. 1. There is established a special volunteer license for eligible volunteers from a medically related field who are retired from active practice or actively licensed in another state and practicing in that state and wish to donate their expertise for the care and treatment of indigent and needy persons of this state.

2. For purposes of this section:

a. "eligible volunteer" means a physician, physician assistant, nurse, dentist, optometrist or pharmacist, and

b. "nurse" means an advanced practice nurse, advanced registered nurse practitioner, registered nurse, or licensed practical nurse.

3. The special volunteer license shall be:

a. issued by the State Board of Medical Licensure and Supervision to eligible physicians and physician assistants, by the Board of Osteopathic Examiners to eligible physicians, by the Oklahoma Board of Nursing to eligible nurses, the Board of Dentistry to eligible dentists, the Board of Examiners in Optometry to eligible optometrists, and by the Board of Pharmacy to eligible pharmacists,

b. issued without the payment of an application fee, license fee or renewal fee,

c. issued or renewed without any continuing education requirements in this state,

d. issued for ~~a fiscal year or part thereof~~ a period of time to be determined by the applicable board, and

e. renewable ~~annually~~ upon approval of the applicable Board.

B. An eligible volunteer shall meet the following requirements before obtaining a special volunteer license:

1. Completion of a special volunteer license application, including, as applicable, documentation of:

a. the medical school graduation of the physician,

b. the completion of a physician assistant program by a physician assistant,

c. the completion of the basic professional curricula of a school of nursing by the nurse,

d. the dental school graduation of the dentist,

e. the optometry school graduation of the optometrist, or

f. the school or college of pharmacy graduation of a pharmacist, and

g. the relevant practice history of the applicant;

2. Documentation or electronic verification that the eligible volunteer has been previously issued a full and unrestricted license to practice in Oklahoma or in another state of the United States and written acknowledgment that he or she has never been the subject of any professional disciplinary action in any jurisdiction;

3. ~~Acknowledgement and documentation~~ Written acknowledgement that the practice of the eligible volunteer under the special volunteer license will be exclusively and totally devoted to providing care to needy and indigent persons in Oklahoma or to providing care under the Oklahoma Medical Reserve Corps; and

4. ~~Acknowledgement and documentation~~ Written acknowledgement that the eligible volunteer shall not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any services rendered in this state under the special volunteer license. The only exception to the indirect compensation provision is for those out-of-state physicians, physician assistants, nurses, dentists, optometrists or pharmacists that participate in the free care given by means of Telemedicine through the Shriners Hospitals for Children national network.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and 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 4th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 7th day of April, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 5th **day of** May, **20** 10, **at** 1:37 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 10th **day of** May, **20** 10, **at** 6:23 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 11th **day of** May, **20** 10, **at** 11:52 **o'clock** A **M.**

By: M. Susan Savage