An Act

ENROLLED HOUSE
BILL NO. 2674

By: Derby and Ritze of the House

and

Standridge of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 622, 624 and 626, which relate to the Oklahoma Osteopathic Medicine Act; modifying license requirements; providing for per diem and travel expenses for members of the State Board of Osteopathic Examiners; modifying hiring of certain personnel; providing for temporary resident license for out-of-state residents; providing for resident training license for certain persons; providing for codification; and providing an effective date.

SUBJECT: Oklahoma Osteopathic Medicine Act

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

SECTION 1. AMENDATORY 59 O.S. 2011, 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 ~~heretofore~~ 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 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 a 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 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 prescription of drugs, devices, or treatments via electronic means may do so only in the context of an appropriate 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 of the United States or medical officer of the United States Public Health Service or the Veterans Administration of the United States, in the discharge of official duties and/or 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 or 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.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 624, is amended to read as follows:

Section 624. A. There is hereby re-created the State Board of Osteopathic Examiners to continue until July 1, 2015, in accordance with the provisions of the Oklahoma Sunset Law.

B. The State Board of Osteopathic Examiners shall consist of eight (8) examiners appointed by the Governor, two of whom shall 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 Board of 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 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.

~~D. Examinations may be held at the discretion of the Board, at the time and place fixed by the Board, and all applicants shall be notified in writing.~~

SECTION 3. AMENDATORY 59 O.S. 2011, 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 and secretary-treasurer.

2. The president of said 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 shall perform all the duties of the president, during the president's absence or disability.

4. The secretary-treasurer shall keep a record 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 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 through 85.31 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. ~~All~~ An executive director and all necessary administrative, clerical and stenographic assistance as the Board shall deem necessary at a salary 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 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 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 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 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 obtain a search warrant from the district court where the facility or records are located to allow such access, entry, or inspection.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 635.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is established a temporary resident license for out-of-state residents to perform one- or two-month training rotations in this state. The temporary resident license shall be:

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

2. Issued without any continuing education requirements;

3. Issued for no more than six (6) months; and

4. Renewable only once upon payment of the fee.

B. The temporary resident license shall not permit:

1. The physician to apply for prescribing privileges from any state or federal authority;

2. The physician to practice medicine outside the scope allowed by the Oklahoma training program;

3. The licensee to practice independent of the residency program; or

4. Guaranteed subsequent full licensure in Oklahoma as an osteopathic physician.

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

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

1. Completion of a temporary resident license application;

2. Payment of the application fee; and

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

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 635.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

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;

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;

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 licensure in Oklahoma 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 6. This act shall become effective November 1, 2014.

Passed the House of Representatives the 13th day of March, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th
day of April, 20 14, at 2:30 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 14, at 2:36 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 14, at 5:40 o'clock P. M.
By: Chris Benge