

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3035 _____
 _____ Of the printed Bill
 Page _____ Section _____ Lines _____
 _____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Preston Stinson

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3035

By: Stinson

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to professions and occupations;
10 amending 59 O.S. 2021, Sections 488, 493.3, 512, 513,
11 and 518.1, which relate to the Oklahoma Allopathic
12 Medical and Surgical Licensure and Supervision Act;
13 clarifying when the board meets; modifying terms
14 related to issuance of licenses; modifying
15 investigator duties; expanding applicability to
16 inactive physicians or surgeons; modifying executive
17 director duties; and providing an effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2021, Section 488, is
20 amended to read as follows:

21 Section 488. A. The State Board of Medical Licensure and
22 Supervision may hold regular meetings at times to be fixed by the
23 president and secretary of the Board in accordance with the
24 provisions of the Oklahoma Open Meeting Act. In addition, the
president and secretary may call such special and other meetings in
accordance with the provisions of the Oklahoma Open Meeting Act. A

1 majority of the members of the Board shall constitute a quorum for
2 the transaction of business but a less number may adjourn from time
3 to time until a quorum is present.

4 B. No meeting as provided for in subsection A of this section
5 shall be required for the determination of the qualifications of an
6 applicant for a certificate or license issued for all licenses under
7 the legislative jurisdiction of the Board ~~pursuant to the provisions~~
8 ~~of Section 495 of this title.~~ Each member of the Board authorized
9 to vote on licensure may review the qualifications of the applicant
10 during times other than when a regular or special meeting is held,
11 to determine the sufficiency of said qualifications. Each member
12 shall notify the secretary of his findings, in writing. The
13 provisions of this subsection shall not be construed to prohibit the
14 Board from reviewing the qualifications of an applicant for
15 licensure during any regular or special meeting of the Board.

16 SECTION 2. AMENDATORY 59 O.S. 2021, Section 493.3, is
17 amended to read as follows:

18 Section 493.3 A. Endorsement of licensed applicants: The
19 State Board of Medical Licensure and Supervision may issue a license
20 by endorsement to an applicant who:

21 1. Has complied with all current medical licensure requirements
22 except those for examination; and

23 2. Has passed a medical licensure examination given in English
24 in another state, the District of Columbia, a territory or

1 possession of the United States, or Canada, or has passed the
2 National Boards Examination administered by the National Board of
3 Medical Examiners, provided the Board determines that such
4 examination was equivalent to the Board's examination used at the
5 time of application.

6 B. Notwithstanding any other provision of the Oklahoma
7 Allopathic Medical and Surgical Licensure and Supervision Act, the
8 Board may require applicants for full and unrestricted medical
9 licensure by endorsement, who have not been formally tested by
10 another state or territory of the United States or any Canadian
11 medical licensure jurisdiction, a Board-approved medical
12 certification agency, or a Board-approved medical specialty board
13 within a specific period of time before application to pass a
14 written and/or oral medical examination approved by the Board.

15 C. The Board may authorize the secretary to issue a temporary
16 medical license for the intervals between Board meetings. A
17 temporary license shall be granted only when the secretary is
18 satisfied as to the qualifications of the applicant to be licensed
19 under the Oklahoma Allopathic Medical and Surgical Licensure and
20 Supervision Act but where such qualifications have not been verified
21 to the Board. A temporary license shall:

22 1. Be granted only to an applicant demonstrably qualified for a
23 full and unrestricted medical license under the requirements set by
24

1 the Oklahoma Allopathic Medical and Surgical Licensure and
2 Supervision Act and the rules of the Board; and

3 2. Automatically terminate on the date of the next Board
4 meeting at which the applicant may be considered for a full and
5 unrestricted medical license.

6 D. The Board ~~may establish rules authorizing~~ authorizes the
7 issuance of conditional, restricted, or otherwise circumscribed
8 licenses, or issuance of licenses under terms of agreement, for all
9 licenses under its ~~legislative~~ jurisdiction as are necessary for the
10 public health, safety, and welfare.

11 E. The Board may issue a temporary license to any of the
12 professions under the jurisdiction of the Board based on defined
13 qualifications set by each advisory committee of the profession.

14 SECTION 3. AMENDATORY 59 O.S. 2021, Section 512, is
15 amended to read as follows:

16 Section 512. A. The secretary of the State Board of Medical
17 Licensure and Supervision shall be paid an annual salary in an
18 amount fixed by the Board. The Board shall have the authority to
19 expend such funds as are necessary in carrying out the duties of the
20 Board and shall have the authority to hire all necessary personnel,
21 at salaries to be fixed by the Board, as the Board shall deem
22 necessary. The Board shall have the authority to hire attorneys to
23 represent the Board in all legal matters and to assist authorized
24 state and county officers in prosecuting or restraining violations

1 of Section 481 et seq. of this title, and to fix the salaries or per
2 diem of the attorneys.

3 B. The Board shall have the authority to hire one or more
4 investigators as may be necessary to carry out the provisions of the
5 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
6 Act at an annual salary to be fixed by the Board. Such
7 investigators may be commissioned peace officers of this state. ~~In~~
8 ~~addition such investigators shall have the authority and duty to~~
9 ~~investigate and inspect the records of all persons in order to~~
10 ~~determine whether or not a disciplinary action for unprofessional~~
11 ~~misconduct is warranted or whether the narcotic laws or the~~
12 ~~dangerous drug laws have been complied with.~~

13 C. 1. For purposes of this section, investigators ~~shall~~ may be
14 peace officers certified by the Council on Law Enforcement Education
15 and Training and shall have statewide jurisdiction to perform the
16 duties authorized by this section. In addition, the investigators
17 shall have all the powers now or hereafter vested by law in peace
18 officers. In addition, such investigators shall have the authority
19 and duty to investigate and inspect the records of all persons
20 including, but not limited to, personnel records of the licensee in
21 order to determine:

22 a. whether or not a disciplinary action for
23 unprofessional misconduct is warranted, or

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1 b. whether the narcotic laws or the dangerous drug laws
2 have been complied with.

3 2. Investigators for the Oklahoma State Board of Medical
4 Licensure and Supervision shall perform such services as are
5 necessary in the investigation of criminal activity or preparation
6 of administrative actions.

7 3. Any licensee or applicant for license subject to the
8 provisions of the Oklahoma Allopathic Medical and Surgical Licensure
9 and Supervision Act shall be deemed to have given consent to any
10 duly authorized investigator of the Board to access, enter or
11 inspect the records, either on-site or at the Board office, or
12 facilities of such licensee or applicant subject to the Oklahoma
13 Allopathic Medical and Surgical Licensure and Supervision Act.
14 Refusal to allow such access, entry or inspection may constitute
15 grounds for the denial, nonrenewal, suspension or revocation of a
16 license. Upon refusal of such access, entry or inspection, pursuant
17 to this section, the Board or a duly authorized representative may
18 make application for and obtain a search warrant from the district
19 court where the facility or records are located to allow such
20 access, entry or inspection.

21 D. 1. The Board is specifically authorized to contract with
22 state agencies or other bodies to perform investigative services or
23 other administrative services at a rate set by the Board.

1 2. The Board is authorized to pay the travel expenses of Board
2 employees and members in accordance with the State Travel
3 Reimbursement Act.

4 3. The expenditures authorized herein to include capital
5 purchases shall not be a charge against the state, but the same
6 shall be paid solely from the Board's depository fund.

7 SECTION 4. AMENDATORY 59 O.S. 2021, Section 513, is
8 amended to read as follows:

9 Section 513. A. 1. The State Board of Medical Licensure and
10 Supervision is hereby given quasi-judicial powers while sitting as a
11 Board for the purpose of revoking, suspending or imposing other
12 disciplinary actions upon the license of physicians or surgeons of
13 this state, and appeals from its decisions shall be taken to the
14 Supreme Court of this state within thirty (30) days of the date that
15 a copy of the decision is mailed to the appellant, as shown by the
16 certificate of mailing attached to the decision.

17 2. The license of any physician or surgeon who has been
18 convicted of any felony in or without the State of Oklahoma, and
19 whether in a state or federal court, may be suspended by the Board
20 upon the submission thereto of a certified copy of the judgment and
21 sentence of the trial court and the certificate of the clerk of the
22 court of the conviction.

23 3. Upon proof of a felony conviction by the courts, the Board
24 shall revoke the physician's license. If the felony conviction is

1 overturned on appeal and no other appeals are sought, the Board
2 shall restore the license of the physician. Court records of such a
3 conviction shall be prima facie evidence of the conviction.

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

12 B. To the extent necessary to allow the Board the power to
13 enforce disciplinary actions imposed by the Board, in the exercise
14 of its authority, the Board may punish willful violations of its
15 orders and impose additional penalties as allowed by Section 509.1
16 of this title.

17 C. This section shall also apply to physicians or surgeons of
18 this state who are in an inactive status.

19 SECTION 5. AMENDATORY 59 O.S. 2021, Section 518.1, is
20 amended to read as follows:

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

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

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

17 C. The Board may appoint and employ a qualified person or
18 persons to serve as program coordinators and shall fix such person's
19 compensation. The program may employ a director for purposes of
20 ongoing nonclerical administrative duties and shall fix the
21 director's compensation. The Board shall define the duties of the
22 program coordinators and director who shall report directly to the
23 Board.

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

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

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

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

20 H. Any person making a report to the Board or to an allied peer
21 assistance committee regarding a professional suspected of
22 practicing allied medical practice while habitually intemperate or
23 addicted to the use of habit-forming drugs, or a professional's
24 progress or lack of progress in rehabilitation, shall be immune from

1 any civil or criminal action resulting from such reports, provided
2 such reports are made in good faith.

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

10 ~~J. The Executive Director of the Board shall suspend the~~
11 ~~license immediately upon notification that the licensee has~~
12 ~~defaulted from the Allied Professional Peer Assistance Program, and~~
13 ~~shall assign a hearing date for the matter to be presented to the~~
14 ~~Board.~~

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

20 ~~H.~~ K. As used in this section, unless the context otherwise
21 requires:

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

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

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

9 SECTION 6. This act shall become effective November 1, 2024.

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