

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3035

By: Stinson of the House

and

Garvin of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

1 president and secretary may call such special and other meetings in
2 accordance with the provisions of the Oklahoma Open Meeting Act. A
3 majority of the members of the Board shall constitute a quorum for
4 the transaction of business but a less number may adjourn from time
5 to time until a quorum is present.

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

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

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

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

1 2. Has passed a medical licensure examination given in English
2 in another state, the District of Columbia, a territory or
3 possession of the United States, or Canada, or has passed the
4 National Boards Examination administered by the National Board of
5 Medical Examiners, provided the Board determines that such
6 examination was equivalent to the Board's examination used at the
7 time of application.

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

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

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1 1. Be granted only to an applicant demonstrably qualified for a
2 full and unrestricted medical license under the requirements set by
3 the Oklahoma Allopathic Medical and Surgical Licensure and
4 Supervision Act and the rules of the Board; and

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

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

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

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

18 Section 512. A. The secretary of the State Board of Medical
19 Licensure and Supervision shall be paid an annual salary in an
20 amount fixed by the Board. The Board shall have the authority to
21 expend such funds as are necessary in carrying out the duties of the
22 Board and shall have the authority to hire all necessary personnel,
23 at salaries to be fixed by the Board, as the Board shall deem
24 necessary. The Board shall have the authority to hire attorneys to

1 represent the Board in all legal matters and to assist authorized
2 state and county officers in prosecuting or restraining violations
3 of Section 481 et seq. of this title, and to fix the salaries or per
4 diem of the attorneys.

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

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

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- 1 a. whether or not a disciplinary action for
2 unprofessional misconduct is warranted, or
3 b. whether the narcotic laws or the dangerous drug laws
4 have been complied with.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 518.1 A. There is hereby established the Allied
2 Professional Peer Assistance Program to rehabilitate allied medical
3 professionals whose competency may be compromised because of the
4 abuse of drugs or alcohol, so that such allied medical professionals
5 can be treated and can return to or continue the practice of allied
6 medical practice in a manner which will benefit the public. The
7 program shall be under the supervision and control of the State
8 Board of Medical Licensure and Supervision.

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

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

1 director's compensation. The Board shall define the duties of the
2 program coordinators and director who shall report directly to the
3 Board.

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

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

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

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

23 H. Any person making a report to the Board or to an allied peer
24 assistance committee regarding a professional suspected of

1 practicing allied medical practice while habitually intemperate or
2 addicted to the use of habit-forming drugs, or a professional's
3 progress or lack of progress in rehabilitation, shall be immune from
4 any civil or criminal action resulting from such reports, provided
5 such reports are made in good faith.

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

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

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

23 ~~L.~~ K. As used in this section, unless the context otherwise
24 requires:

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

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

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

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

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13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/15/2024 -
14 DO PASS, As Amended and Coauthored.

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