

An Act

ENROLLED HOUSE
BILL NO. 3035

By: Stinson of the House

and

Garvin of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2021, Sections 488, 493.3, 512, and 518.1, which relate to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act; clarifying when the State Board of Medical Licensure and Supervision meets; modifying terms related to issuance of licenses; modifying investigator duties; modifying Executive Director duties; and providing an effective date.

SUBJECT: Professions and occupations

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

B. No meeting as provided for in subsection A of this section shall be required for the determination of the qualifications of an applicant for a certificate or license issued ~~pursuant to the~~

~~provisions of Section 495 of this title for all licenses under the legislative jurisdiction of the Board.~~ Each member of the Board authorized to vote on licensure may review the qualifications of the applicant during times other than when a regular or special meeting is held, to determine the sufficiency of said qualifications. Each member shall notify the secretary of his findings, in writing. The provisions of this subsection shall not be construed to prohibit the Board from reviewing the qualifications of an applicant for licensure during any regular or special meeting of the Board.

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

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

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

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

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

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

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

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

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

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

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

Section 512. A. The ~~secretary~~ Secretary of the State Board of Medical Licensure and Supervision shall be paid an annual salary in an amount fixed by the Board. The Board shall have the authority to expend such funds as are necessary in carrying out the duties of the Board and shall have the authority to hire all necessary personnel, at salaries to be fixed by the Board, as the Board shall deem necessary. The Board shall have the authority to hire attorneys to represent the Board in all legal matters and to assist authorized state and county officers in prosecuting or restraining violations of Section 481 et seq. of this title, and to fix the salaries or per diem of the attorneys.

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

C. 1. For purposes of this section, investigators at least one investigator shall be a peace officers officer certified by the Council on Law Enforcement Education and Training and shall have statewide jurisdiction to perform the duties authorized by this section. In addition, the investigators shall have all the powers now or hereafter vested by law in peace officers. In addition, such investigators shall have the authority and duty to investigate and inspect the records of all persons including, but not limited to, personnel records of the licensee in order to determine:

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

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

3. Any licensee or applicant for license subject to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall be deemed to have given consent to any duly authorized investigator 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 Allopathic Medical and Surgical Licensure and Supervision 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.

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

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

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

SECTION 4. AMENDATORY 59 O.S. 2021, 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 a qualified person or persons to serve as program coordinators and shall fix such person's compensation. The program may employ 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 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 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 ~~Executive Director of the Board shall~~ 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 5. This act shall become effective November 1, 2024.

Passed the House of Representatives the 9th day of May, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2024.

Presiding Officer of the Senate

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: _____