

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1897

By: Cox

4
5 AS INTRODUCED

6
7 An Act relating to professions and occupations;
8 creating the Allied Professional Peer Assistance
9 Program; stating purpose; providing for powers and
10 duties of the Board; providing for fees; providing
11 for placement of funds; providing for records and
12 management; providing for immunity; providing for
13 suspension of license; requiring certain information
14 to be confidential; defining terms; amending 59 O.S.
15 2001, Section 3006, which relates to Orthotics and
16 Prosthetics Practice Act; authorizing Board to issue
17 temporary license; providing for codification; and
18 providing an effective date; and declaring an
19 emergency.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 518.1 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

24 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

1 shall be under the supervision and control of the Oklahoma Board of
2 Medical Licensure and Supervision.

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

15 C. The Board shall appoint and employ a qualified person or
16 persons to serve as program coordinators and shall fix such person's
17 compensation. The Board shall define the duties of the program
18 coordinators who shall report directly to the Board.

19 D. The Board is authorized to adopt and revise rules, not
20 inconsistent with the Oklahoma Medical Practice Act, as may be
21 necessary to enable it to carry into effect the provisions of this
22 section.

23

24

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

4 F. All monies paid by the section E above shall be deposited in
5 an agency special account revolving fund under the Oklahoma Board of
6 Medical Licensure and Supervision, and shall be used for the general
7 operating expenses of the Allied Professional Peer Assistance
8 Program, including payment of personal services.

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

16 H. Any person making a report to the Board or to a peer
17 assistance committee regarding a professional suspected of
18 practicing allied medical practice while habitually intemperate or
19 addicted to the use of habit-forming drugs, or a professional's
20 progress, or lack of progress in rehabilitation, shall be immune
21 from any civil or criminal action resulting from such reports,
22 provided such reports are made in good faith.

23 I. A professional's participation in the Allied Professional
24 Peer Assistance Program in no way precludes additional proceedings

1 by the Board for acts or omissions of acts not specifically related
2 to the circumstances resulting in the professional's entry into the
3 program. However, in the event the professional defaults from the
4 program, the Board may discipline the professional for those acts
5 which led to the professional entering the program.

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

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

16 L. As used in this section, unless the context otherwise
17 requires:

18 1. "Board" means the Oklahoma Board of Medical Licensure and
19 Supervision; and

20 2. "Peer assistance committee" means the peer assistance
21 evaluation advisory committee created in this section, which is
22 appointed by the Oklahoma Board of Medical Licensure and Supervision
23 to carry out specified duties.

24

1 SECTION 2. AMENDATORY 59 O.S. 2001, Section 3006, is
2 amended to read as follows:

3 Section 3006. A. The State Board of Medical Licensure and
4 Supervision, with the assistance of the Advisory Committee on
5 Orthotics and Prosthetics, shall establish qualifications for
6 licensure and registration under the Orthotics and Prosthetics
7 Practice Act. Until November 1, 2004, the Board shall provide, as
8 set forth herein, an alternative qualification licensure opportunity
9 for current practitioners in this state who are unable to meet
10 standard qualifications. Persons meeting the qualifications of more
11 than one discipline may be licensed in more than one discipline.

12 B. To be licensed to practice orthotics or prosthetics
13 according to standard qualifications, a person shall:

14 1. Possess a baccalaureate degree from an institution of higher
15 education accredited by a general accrediting agency recognized by
16 the Oklahoma State Regents for Higher Education;

17 2. Have completed an orthotic or prosthetic education program
18 that meets or exceeds the requirements, including clinical practice,
19 of the Commission on Accreditation of Allied Health Education
20 Programs;

21 3. Have completed a clinical residency in the professional area
22 for which the license is sought that meets or exceeds the standards,
23 guidelines, and procedures for residencies of the National
24 Commission on Orthotic and Prosthetic Education or of any other such

1 group that is recognized by the State Board of Medical Licensure and
2 Supervision; and

3 4. Demonstrate attainment of internationally accepted standards
4 of orthotic and prosthetic care as outlined by the International
5 Society of Prosthetics and Orthotics professional profile for
6 Category I orthotic and prosthetic personnel.

7 C. To be licensed to practice orthotics or prosthetics under
8 alternative qualification requirements, a person shall:

9 1. Pass an examination in the area of licensure, which may be
10 an available examination designated by the State Board of Medical
11 Licensure and Supervision or an examination developed by the Board;
12 and

13 2. Execute an alternative qualification contract with the State
14 Board of Medical Licensure and Supervision the conditions of which
15 shall be based on the Board's evaluation of the applicant's
16 experience and the Board's determination of further experience
17 needed or other requirements to be met, which contract shall specify
18 a period of time not to exceed ten (10) years for completion of the
19 further experience or requirements.

20 D. Upon execution of the alternative qualification contract,
21 the Board shall issue a license and shall renew the license subject
22 to the licensee's making satisfactory progress as required by the
23 contract. Persons who satisfactorily complete the alternative
24

1 qualification contract shall be thereafter considered as having met
2 the qualifications necessary for license renewal.

3 E. No person shall be permitted to enter into an alternative
4 qualification contract after October 31, 2004. A person who has not
5 done so by October 31, 2004, shall not be issued a license to
6 practice orthotics or prosthetics without meeting standard
7 qualifications.

8 F. Notwithstanding any other provision of this section, a
9 person who has practiced full time during the three-year period
10 preceding the effective date of this act in a prosthetic or orthotic
11 facility as a prosthetist or orthotist and has a high school diploma
12 or equivalent, or who has practiced as an assistant or technician,
13 may file an application with the Board within ninety (90) days from
14 the effective date of this act for permission to continue to
15 practice at his or her identified level of practice. The Board,
16 after verifying the applicant's work history and receiving payment
17 of the application fee as established pursuant to this act, shall,
18 without examination of the applicant, issue the applicant a license
19 or certificate of registration. To make the investigations
20 necessary to verify the applicant's work history, the Board may
21 require that the applicant complete a questionnaire regarding the
22 work history and scope of practice. The Board shall take no more
23 than six (6) months to verify the work history. Applicants applying
24 after the ninety-day application period of this subsection has

1 expired shall meet the qualifications elsewhere set forth for
2 standard or alternative qualification for licensure or for
3 registration as determined by the Board.

4 G. The Board may authorize the Board Secretary to issue a
5 temporary license for up to two (2) years to individuals who have
6 graduated from a program and completed their residency as outlined
7 in subsection B of this section, but not yet passed the licensure
8 exam. A temporary license authorizing practice under supervision
9 shall be granted only when the Board Secretary is satisfied as to
10 the qualifications of the applicant to be licensed under the
11 Orthotics and Prosthetics Practice Act except for examination. A
12 temporary license shall be granted only to an applicant demonstrably
13 qualified for a full and unrestricted license under the requirements
14 set by the Orthotics and Prosthetics Practice Act and the rules of
15 the Board.

16 SECTION 3. This act shall become effective July 1, 2009.

17 SECTION 4. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21

22 52-1-5659 LRB 01/13/09

23

24