

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 3319

By: Miller of the House

4 and

5 Haste of the Senate

6
7 An Act relating to health care provider licensing;
8 defining terms; creating emergency licensing
9 conditions; requiring physicians or nurses to submit
10 application; prescribing requirements for
11 application; providing for expiration of temporary
12 license; providing for construction of statutory
13 provisions; requiring permits from designated state
14 or federal agencies; providing for construction with
15 respect to medical marijuana; providing for
16 ratification of licenses and prescribing time period
17 for action; authorizing imposition of certain fee for
18 temporary license; amending 59 O.S. 2021, Section
19 567.15, which relates to temporary licenses;
20 providing for issuance of temporary licenses based
21 upon certain statutory authorizations; providing for
22 codification; providing an effective date; and
23 declaring an emergency.

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AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

“An Act relating to health care provider licensing;
defining terms; providing for issuance of temporary
critical need license under certain conditions;
specifying application procedure and criteria;
providing for expiration of temporary critical need
license; providing certain construction; providing
for ratification of temporary critical need license;
authorizing imposition of fee for temporary critical
need license; allowing promulgation of rules;
conforming language; amending 59 O.S. 2021, Section
567.15, which relates to temporary licenses for

1 registered nurses; conforming language; amending 59
2 O.S. 2021, Section 633, which relates to licenses for
3 osteopathic physicians; conforming language;
4 providing for codification; providing an effective
5 date; and declaring an emergency.

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

7 SECTION 1. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 6011 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. As used in this section:

11 1. "Appropriate licensing board" means:

- 12 a. for an allopathic physician, physician assistant, or
13 respiratory care practitioner, the State Board of
14 Medical Licensure and Supervision,
- 15 b. for an osteopathic physician, the State Board of
16 Osteopathic Examiners,
- 17 c. for a registered nurse, licensed practical nurse, or
18 Advanced Practice Registered Nurse, the Oklahoma Board
19 of Nursing, or
- 20 d. for a perfusionist, the State Board of Examiners of
21 Perfusionists; and

22 2. "Health care provider" means an individual who holds a
23 valid, unexpired license or credential granted by another state or
24 territory that authorizes or qualifies the individual to perform

1 acts that are substantially the same as the acts that any of the
2 following are licensed to perform:

- 3 a. an allopathic physician licensed under Section 480 et
4 seq. of Title 59 of the Oklahoma Statutes,
- 5 b. an osteopathic physician licensed under Section 620 et
6 seq. of Title 59 of the Oklahoma Statutes,
- 7 c. a physician assistant licensed under Section 519.1 et
8 seq. of Title 59 of the Oklahoma Statutes,
- 9 d. a registered nurse, licensed practical nurse, or
10 Advanced Practice Registered Nurse licensed under
11 Section 567.1 et seq. of Title 59 of the Oklahoma
12 Statutes,
- 13 e. a respiratory care practitioner licensed under Section
14 2026 et seq. of Title 59 of the Oklahoma Statutes, or
- 15 f. a perfusionist licensed under Section 2051 et seq. of
16 Title 59 of the Oklahoma Statutes.

17 B. The licensing staff of the appropriate licensing board may
18 grant a health care provider a temporary critical need license under
19 the following conditions:

20 1. The health care provider provides health care services
21 within his or her scope of practice:

22 a. only during the period covered by one of the
23 following:

24 (1) a state of emergency declared by the Governor, or

1 (2) a national emergency declared by the President of
2 the United States pursuant to Section 1621 of
3 Title 50 of the United States Code, and

4 b. that are directly related to the particular emergency
5 as described in subparagraph a of this paragraph;

6 2. The health care provider holds a valid, unexpired license or
7 credential granted by another state or territory; and

8 3. The health care provider is not currently under
9 investigation and no restrictions or limitations are currently
10 placed on the health care provider's license or credential by the
11 licensing or credentialing state or territory or any other
12 jurisdiction.

13 C. To apply for a temporary critical need license, the health
14 care provider must submit an application through a form developed by
15 the appropriate licensing board, which at minimum must contain an
16 attestation by the applicant to abide by all state and federal
17 statutes and regulatory rules and the applicant's:

18 1. Full name;

19 2. Date of birth;

20 3. Email address;

21 4. Residential address;

22 5. Temporary medical practice address;

23 6. Area of practice or specialty or level of licensure or
24 credentialing;

1 7. Practice status in any state or territory where the
2 applicant has been licensed or credentialed or currently holds a
3 license or credential to practice the type of health care services
4 for which the applicant is seeking temporary critical need licensure
5 under this section; and

6 8. Social Security number.

7 D. Any temporary critical need license granted under this
8 section to a health care provider shall expire ninety (90) days
9 after the expiration of the state or national emergency declaration.

10 E. Nothing in this section shall be construed to allow
11 allopathic or osteopathic physicians or surgeons, physician
12 assistants, or Advanced Practice Registered Nurses with prescriptive
13 authority who are issued a temporary critical need license to
14 initiate a prescription for controlled dangerous substances
15 including but not limited to opioids without:

16 1. Obtaining the proper registration from the Oklahoma State
17 Bureau of Narcotics and Dangerous Drugs Control under Section 2-301
18 et seq. of Title 63 of the Oklahoma Statutes and the proper
19 registration from the United States Drug Enforcement Administration;

20 2. Complying with all requirements pertaining to the access of
21 prescription monitoring information from the central repository as
22 provided by the Anti-Drug Diversion Act, Section 2-309A et seq. of
23 Title 63 of the Oklahoma Statutes; and

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1 3. Complying with all other laws pertaining to the prescription
2 of controlled dangerous substances.

3 F. Nothing in this section shall be construed to allow
4 allopathic or osteopathic physicians or surgeons who are issued a
5 temporary critical need license to recommend medical marijuana.

6 G. Any temporary critical need license issued under this
7 section shall be ratified by the appropriate licensing board at the
8 next regular meeting of the board.

9 H. Each appropriate licensing board may charge a fee for the
10 issuance of a temporary critical need license under this section.

11 I. Each appropriate licensing board may promulgate rules to
12 implement the provisions of this section.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 493.5a of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 The State Board of Medical Licensure and Supervision may issue
17 temporary critical need licenses for allopathic physicians under
18 Section 1 of this act.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 519.7a of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 The State Board of Medical Licensure and Supervision may issue
23 temporary critical need licenses for physician assistants under
24 Section 1 of this act.

1 SECTION 4. AMENDATORY 59 O.S. 2021, Section 567.15, is
2 amended to read as follows:

3 Section 567.15 A. The Oklahoma Board of Nursing may issue
4 temporary licenses to nurses from other states upon proper
5 application stating the purpose of ~~said~~ such licenses; provided, no
6 temporary license may be issued for more than ninety (90) days.
7 Temporary ~~license~~ licenses may be renewed at the discretion of the
8 Board but shall not extend over a period longer than one (1) year.

9 B. The Board may issue temporary critical need licenses for
10 registered nurses, licensed practical nurses, and Advanced Practice
11 Registered Nurses under Section 1 of this act.

12 SECTION 5. AMENDATORY 59 O.S. 2021, Section 633, is
13 amended to read as follows:

14 Section 633. Each applicant who has met all requirements for
15 licensure shall be issued a license to practice as an osteopathic
16 physician and surgeon. Upon application, the State Board of
17 Osteopathic Examiners may also issue special licenses, including a:

- 18 1. Temporary License, ~~a;~~
- 19 2. Resident Training License, ~~a;~~
- 20 3. Telemedicine License ~~or a;~~
- 21 4. Military Spouse License; or
- 22 5. Temporary critical need license under Section 1 of this act.

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1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2034.1 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 The State Board of Medical Licensure and Supervision may issue
5 temporary critical need licenses for respiratory care practitioners
6 under Section 1 of this act.

7 SECTION 7. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2062.1 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 The State Board of Examiners of Perfusionists may issue
11 temporary critical need licenses for perfusionists under Section 1
12 of this act.

13 SECTION 8. This act shall become effective July 1, 2022.

14 SECTION 9. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.”

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1 Passed the Senate the 27th day of April, 2022.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 3319

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6 An Act relating to health care provider licensing;
7 defining terms; creating emergency licensing
8 conditions; requiring physicians or nurses to submit
9 application; prescribing requirements for
10 application; providing for expiration of temporary
11 license; providing for construction of statutory
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13 or federal agencies; providing for construction with
14 respect to medical marijuana; providing for
15 ratification of licenses and prescribing time period
16 for action; authorizing imposition of certain fee for
17 temporary license; amending 59 O.S. 2021, Section
18 567.15, which relates to temporary licenses;
19 providing for issuance of temporary licenses based
20 upon certain statutory authorizations; providing for
21 codification; providing an effective date; and
22 declaring an emergency.

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

24 SECTION 10. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 479 of Title 59, unless there is
created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Board" means the Oklahoma Board of Nursing, the State Board
of Osteopathic Examiners, the Oklahoma Perfusionists Board, or the
State Board of Medical Licensure and Supervision;

1 2. "Health care employer" means a hospital, clinic, physician's
2 office, ambulatory surgery center, or any entity whose employed,
3 contracted, or affiliated staff provide health care services to
4 individuals in this state; and

5 3. "Health care provider" means an individual who holds a
6 valid, unexpired credential granted by another state or territory
7 that authorizes or qualifies the individual to perform acts that are
8 substantially the same as the acts that any of the following are
9 licensed or certified to perform:

10 a. a registered nurse or licensed practical nurse under
11 Section 567.1 et seq. of Title 59 of the Oklahoma
12 Statutes, or an Advanced Practice Registered Nurse
13 licensed under Section 567.5a et seq. of Title 59 of
14 the Oklahoma Statutes, and

15 b. an allopathic physician licensed under Section 480 et
16 seq. of Title 59 of the Oklahoma Statutes, osteopathic
17 physician licensed under Section 620 et seq. of Title
18 59 of the Oklahoma Statutes, physician assistant
19 licensed under Section 519.1 et seq. of Title 59 of
20 the Oklahoma Statutes, perfusionist licensed under
21 Section 2051 of Title 59 of the Oklahoma Statutes, or
22 respiratory care practitioner licensed under Section
23 2042 et seq. of Title 59 of the Oklahoma Statutes.

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1 B. The licensing staff of the Board may grant a health care
2 provider a temporary license under the following conditions:

3 1. If a health care provider provides health care services
4 within his or her scope of practice only during the period covered
5 by one of the following:

6 a. a state of emergency declared by the Governor, or

7 b. a national emergency declared by the President of the
8 United States pursuant to Section 1621 of Title 50 of
9 the United States Code;

10 2. The health care provider holds a valid, unexpired license
11 granted in another state; and

12 3. The health care provider is not currently under
13 investigation and no restrictions or limitations are currently
14 placed on the health care provider's license by the licensing state
15 or any other jurisdiction.

16 C. The physician or nurse must submit an application through a
17 form developed by the Board, which at minimum must contain the
18 following information:

19 1. The applicant's full name;

20 2. Applicant's date of birth;

21 3. Applicant's email address;

22 4. Applicant's residential address;

23 5. Applicant's temporary medical practice address;

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1 6. Applicant's area of practice or specialty or level of
2 licensure;

3 7. The applicant's practice status in all states where the
4 applicant has been licensed or holds a license to practice
5 allopathic or osteopathic medicine or nursing;

6 8. Social Security number; and

7 9. An attestation by the applicant to abide by all state and
8 federal statutes and regulatory rules.

9 D. Any temporary license granted under this act to a health
10 care provider shall expire ninety (90) days after the expiration of
11 the state or national emergency declaration.

12 E. Nothing in this act shall be construed to allow allopathic
13 or osteopathic physicians or surgeons, physician assistants, or
14 Advanced Practice Registered Nurses with prescriptive authority who
15 are issued a temporary license to initiate a prescription for
16 controlled drugs, including opioids, without obtaining the proper
17 permits from the following:

18 1. The Oklahoma Bureau of Narcotics and Dangerous Drugs
19 Control; and

20 2. The Drug Enforcement Administration.

21 F. Nothing in this act shall be construed to allow allopathic
22 or osteopathic physicians or surgeons who are issued a temporary
23 license to recommend medical marijuana.

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1 G. Any license issued under this act shall be ratified by the
2 Board at the next regular meeting of the Board.

3 H. The Board may charge a fee for the issuance of a temporary
4 emergency license under this act.

5 SECTION 11. AMENDATORY 59 O.S. 2021, Section 567.15, is
6 amended to read as follows:

7 Section 567.15 A. The Board may issue temporary licenses to
8 nurses from other states upon proper application stating the purpose
9 of said licenses; provided no temporary license may be issued for
10 more than ninety (90) days. Temporary license may be renewed at the
11 discretion of the Board but shall not extend over a period longer
12 than one (1) year.

13 B. The Board may issue temporary licenses pursuant to
14 subsection A of this section or pursuant to the requirements of
15 Section 1 of this act.

16 SECTION 12. This act shall become effective July 1, 2022.

17 SECTION 13. It being immediately necessary for the preservation
18 of the public peace, health or 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.

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1 Passed the House of Representatives the 8th day of March, 2022.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

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9 Presiding Officer of the Senate