

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 3319

By: Miller of the House

and

6 Haste of the Senate

7
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9 COMMITTEE SUBSTITUTE

10 An Act relating to health care provider licensing;
11 defining terms; providing for issuance of temporary
12 critical need license under certain conditions;
13 specifying application procedure and criteria;
14 providing for expiration of temporary critical need
15 license; providing certain construction; providing
16 for ratification of temporary critical need license;
17 authorizing imposition of fee for temporary license;
18 allowing promulgation of rules; conforming language;
19 amending 59 O.S. 2021, Section 633, which relates to
20 osteopathic physicians; conforming language;
21 providing for codification; providing an effective
22 date; and declaring an emergency.

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

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

A. As used in this section:

1. "Appropriate licensing board" means:

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

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

- a. an allopathic physician licensed under Section 480 et seq. of Title 59 of the Oklahoma Statutes,
- b. an osteopathic physician licensed under Section 620 et seq. of Title 59 of the Oklahoma Statutes,
- c. a physician assistant licensed under Section 519.1 et seq. of Title 59 of the Oklahoma Statutes,
- d. a registered nurse, licensed practical nurse, or Advanced Practice Registered Nurse licensed under

1 Section 567.1 et seq. of Title 59 of the Oklahoma
2 Statutes,

- 3 e. a respiratory care practitioner licensed under Section
4 2026 et seq. of Title 59 of the Oklahoma Statutes, or
- 5 f. a perfusionist licensed under Section 2051 et seq. of
6 Title 59 of the Oklahoma Statutes.

7 B. The licensing staff of the appropriate licensing board may
8 grant a health care provider a temporary critical need license under
9 the following conditions:

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

12 a. only during the period covered by one of the
13 following:

- 14 (1) a state of emergency declared by the Governor, or
- 15 (2) a national emergency declared by the President of
16 the United States pursuant to Section 1621 of
17 Title 50 of the United States Code, and

18 b. that are:

- 19 (1) directly related to the particular emergency as
20 described in subparagraph a of this paragraph, or
- 21 (2) provided to cover for another health care
22 provider who is currently providing health care
23 services directly related to the emergency, as
24 determined by the appropriate licensing board and

1 as documented by an attestation signed by the
2 healthcare provider and submitted to the
3 appropriate licensing board. For the purposes of
4 this division, "another health care provider"
5 includes a health care provider licensed under
6 this section or a health care provider who is
7 otherwise licensed by the appropriate licensing
8 board;

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

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

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

- 21 1. Full name;
- 22 2. Date of birth;
- 23 3. Email address;
- 24 4. Residential address;

1 5. Temporary medical practice address;

2 6. Area of practice or specialty or level of licensure or
3 credentialing;

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

9 8. Social Security number.

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

13 E. Nothing in this section shall be construed to allow
14 allopathic or osteopathic physicians or surgeons, physician
15 assistants, or Advanced Practice Registered Nurses with prescriptive
16 authority who are issued a temporary critical need license to
17 initiate a prescription for controlled dangerous substances
18 including, but not limited to, opioids without obtaining the proper
19 permits from the Oklahoma State Bureau of Narcotics and Dangerous
20 Drugs Control and the United States Drug Enforcement Administration.

21 F. Nothing in this section shall be construed to allow
22 allopathic or osteopathic physicians or surgeons who are issued a
23 temporary critical need license to recommend medical marijuana.
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1 G. Any temporary critical need license issued under this
2 section shall be ratified by the appropriate licensing board at the
3 next regular meeting of the board.

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

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

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

11 The State Board of Medical Licensure and Supervision may issue
12 temporary critical need licenses for allopathic physicians under
13 Section 1 of this act.

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

17 The State Board of Medical Licensure and Supervision may issue
18 temporary critical need licenses for physician assistants under
19 Section 1 of this act.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 567.15a of Title 59, unless
22 there is created a duplication in numbering, reads as follows:

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1 The Oklahoma Board of Nursing may issue temporary critical need
2 licenses for registered nurses, licensed practical nurses, and
3 Advanced Practice Registered Nurses under Section 1 of this act.

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

6 Section 633. Each applicant who has met all requirements for
7 licensure shall be issued a license to practice as an osteopathic
8 physician and surgeon. Upon application, the State Board of
9 Osteopathic Examiners may also issue special licenses, including a
10 Temporary License, a Resident Training License, a Telemedicine
11 License ~~or~~, a Military Spouse License, or a temporary critical need
12 license under Section 1 of this act.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2034.1 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 respiratory care practitioners
18 under Section 1 of this act.

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

22 The State Board of Examiners of Perfusionists may issue
23 temporary critical need licenses for perfusionists under Section 1
24 of this act.

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

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

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