

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3319

6 By: Miller

7 COMMITTEE SUBSTITUTE

8 An Act relating to health care provider licensing;
9 defining terms; creating emergency licensing
10 conditions; creating expiration date; amending 59
11 O.S. 2021, Section 567.15, which relates to temporary
12 licenses; clarifying exemption; providing for
13 codification; providing an effective date; and
14 declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 479 of Title 59, unless there is
18 created a duplication in numbering, reads as follows:

19 A. As used in this section:

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

23 2. "Health care employer" means a hospital, clinic, physician's
24 office, ambulatory surgery center, or any entity whose employed,

1 contracted, or affiliated staff provide health care services to
2 individuals in this state;

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

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

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

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

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

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

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

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

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

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

17 1. The applicant's full name;

18 2. Applicant's date of birth;

19 3. Applicant's email address;

20 4. Applicant's residential address;

21 5. Applicant's temporary medical practice address;

22 6. Applicant's area of practice or specialty or level of
23 licensure;

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

4 8. Social Security number; and

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

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

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

16 1. The Oklahoma Bureau of Narcotics and Dangerous Drugs
17 Control; and

18 2. The Drug Enforcement Administration.

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

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

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

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

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

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

14 SECTION 3. This act shall become effective July 1, 2022.

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

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