

An Act

ENROLLED HOUSE
BILL NO. 3319

By: Miller of the House

and

Haste of the Senate

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

SUBJECT: Health care provider licensing

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

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 Section 567.1 et seq. of Title 59 of the Oklahoma Statutes,
- e. a respiratory care practitioner licensed under Section 2026 et seq. of Title 59 of the Oklahoma Statutes, or
- f. a perfusionist licensed under Section 2051 et seq. of Title 59 of the Oklahoma Statutes.

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

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

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

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

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

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

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

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

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

1. Full name;

2. Date of birth;

3. Email address;

4. Residential address;

5. Temporary medical practice address;

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

7. Practice status in any state or territory where the applicant has been licensed or credentialed or currently holds a

license or credential to practice the type of health care services for which the applicant is seeking temporary critical need licensure under this section; and

8. Social Security number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Temporary License, ~~or a;~~
2. Resident Training License, ~~or a;~~
3. Telemedicine License ~~or a;~~
4. Military Spouse License; or

5. Temporary critical need license under Section 1 of this act.

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

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

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

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

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

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

Passed the House of Representatives the 10th day of May, 2022.

Presiding Officer of the House
of Representatives

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

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: _____