

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

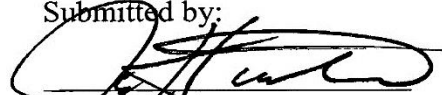
No. 1

COMMITTEE AMENDMENT

(Date)

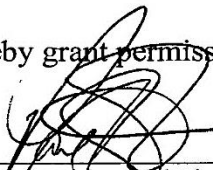
I move to amend House Bill No. 3319, by substituting the attached floor substitute (Request #3835) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Haste


I hereby grant permission for the floor substitute to be adopted.



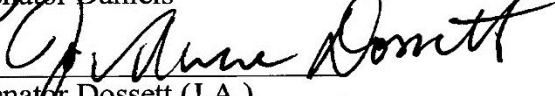
Senator Rosino, Chair (required)



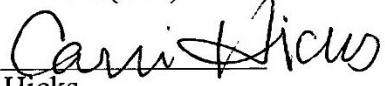
Senator Haste




Senator Daniels



Senator Dossett (J.A.)




Senator Hicks



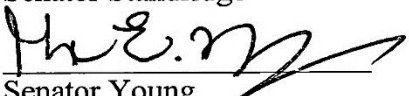
Senator Pugh



Senator Simpson



Senator Standridge



Senator Young

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Health and Human Services committee majority requires five (5) members' signatures.

Haste-DC-FS-HB3319
4/19/2022 4:21 PM

(Floor Amendments Only) Date and Time Filed: 4-20-22 2:26 pm KM

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 3319

By: Miller of the House

and

Haste of the Senate

6
7
8
9 FLOOR SUBSTITUTE

10 [health care provider licensing - temporary critical
11 need licensing conditions - requirements for
12 application - fee for temporary critical need license
- rules - codification - effective date -
emergency]

13
14
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 6011 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. As used in this section:

20 1. "Appropriate licensing board" means:

21 a. for an allopathic physician, physician assistant, or
22 respiratory care practitioner, the State Board of
23 Medical Licensure and Supervision,
24

- 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

1 f. a perfusionist licensed under Section 2051 et seq. of
2 Title 59 of the Oklahoma Statutes.

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

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

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

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

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

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

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

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

23 C. To apply for a temporary critical need license, the health
24 care provider must submit an application through a form developed by

1 the appropriate licensing board, which at minimum must contain an
2 attestation by the applicant to abide by all state and federal
3 statutes and regulatory rules and the applicant's:

4 1. Full name;

5 2. Date of birth;

6 3. Email address;

7 4. Residential address;

8 5. Temporary medical practice address;

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

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

16 8. Social Security number.

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

20 E. Nothing in this section shall be construed to allow
21 allopathic or osteopathic physicians or surgeons, physician
22 assistants, or Advanced Practice Registered Nurses with prescriptive
23 authority who are issued a temporary critical need license to
24

1 initiate a prescription for controlled dangerous substances
2 including but not limited to opioids without:

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

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

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

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

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

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

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

23

24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 493.5a 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 allopathic physicians under
6 Section 1 of this act.

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

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

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

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

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

24

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

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

- 7 1. Temporary License, ~~a;~~
- 8 2. Resident Training License, ~~a;~~
- 9 3. Telemedicine License ~~or a;~~
- 10 4. Military Spouse License; or
- 11 5. Temporary critical need license under Section 1 of this act.

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

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

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

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

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

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

5

6 58-2-3835 DC 4/20/2022 3:07:59 PM

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24