

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3319

By: Miller of the House

and

Haste of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

22 A. As used in this section:

23 1. "Board" means the Oklahoma Board of Nursing, the State Board
24 of Osteopathic Examiners, 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;

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 2. 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 3. This act shall become effective July 1, 2022.

17 SECTION 4. 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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22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
23 03/02/2022 - DO PASS, As Amended and Coauthored.

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