

1 **SENATE FLOOR VERSION**

2 April 11, 2022

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 3319

6 By: Miller of the House

7 and

8 Haste of the Senate

9 [**health care provider licensing - emergency**
10 **licensing conditions - requirements for application -**
11 **fee for temporary license - temporary licenses based**
12 **upon certain statutory authorizations - codification**
13 **- effective date -**

14 **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, the Oklahoma Perfusionists Board, or the
22 State 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,
contracted, or affiliated staff provide health care services to
individuals in this state; and

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

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

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

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

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

- a. a state of emergency declared by the Governor, or
- b. a national emergency declared by the President of the United States pursuant to Section 1621 of Title 50 of the United States Code;

2. The health care provider holds a valid, unexpired license granted in another state; 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 by the licensing state or any other jurisdiction.

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

1. The applicant's full name;
2. Applicant's date of birth;
3. Applicant's email address;
4. Applicant's residential address;
5. Applicant's temporary medical practice address;
6. Applicant's area of practice or specialty or level of

licensure;

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

8. Social Security number; and

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

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

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

12 1. The Oklahoma Bureau of Narcotics and Dangerous Drugs
13 Control; and

14 2. The Drug Enforcement Administration.

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

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

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

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

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

7 B. The Board may issue temporary licenses pursuant to
8 subsection A of this section or pursuant to the requirements of
9 Section 1 of this act.

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
16 April 11, 2022 - DO PASS AS AMENDED
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