

1 **SENATE FLOOR VERSION**

February 28, 2022

2 **AS AMENDED**

3 SENATE BILL NO. 497

By: Rosino of the Senate

4 and

5 Kannady of the House

6  
7  
8 **[ healing arts - certain titles in advertisements and**  
9 **professional identifications - display of license and**  
10 **certain identification - practice of medicine -**  
11 **medical specialty titles - codification - effective**  
12 **date ]**

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 6006 of Title 59, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. As used in this section:

18 1. "Advertisement" means a communication, whether printed,  
19 electronic or oral, that names a health care provider and the  
20 practice, profession or institution in which the provider is  
21 employed, volunteers or otherwise provides health care services.  
22 Advertisement includes business cards, letterhead, patient  
23 brochures, e-mail, Internet, audio and video communications and any  
24 other communication; and

1           2. "Deceptive or misleading terms or false representations"  
2 includes, but is not limited to, use of titles, terms or other words  
3 that misstate, falsely describe, falsely hold out or falsely detail  
4 the health care provider's professional skills, training, expertise,  
5 education, board certification or licensure.

6           B. Health care providers shall use the following license titles  
7 in advertisements and in professional identifications:

8           1. A medical doctor or doctor of osteopathy shall use any of  
9 the following titles:

10           a. "physician", "doctor of medicine", "medical doctor",  
11           "M.D.", or "doctor of osteopathic medicine", "doctor  
12           of osteopathy", "osteopathic physician" or "D.O.", or

13           b. a specialist designation, if certified by the American  
14           Board of Medical Specialties or an American  
15           Osteopathic Association certifying board or if board-  
16           eligible including "surgeon", "dermatologist",  
17           "anesthesiologist", or a similar title;

18           2. A Registered Nurse shall only use the titles "Registered  
19 Nurse" or "R.N.";

20           3. A Licensed Practical Nurse shall only use the titles  
21 "Licensed Practical Nurse" or "L.P.N.";

22           4. An Advanced Practice Registered Nurse shall only use the  
23 titles "Advanced Practice Registered Nurse" or "APRN", and one of  
24 the following role titles:

- a. for a Certified Registered Nurse Anesthetist,  
"Certified Registered Nurse Anesthetist" or "CRNA",
- b. for a Clinical Nurse Specialist, "Clinical Nurse  
Specialist" or "CNS",
- c. for a Certified Nurse Practitioner, "Certified Nurse  
Practitioner" or "CNP", or
- d. for a Certified Nurse-Midwife, "Certified Nurse-  
Midwife" or "CNM";

5. A physician assistant shall only use the titles "physician assistant" or "P.A."; and

6. Any other health care practitioner shall use the appropriate title as indicated by the applicable statute.

C. An advertisement by a health care provider shall disclose only the applicable license, as provided in this section and by the applicable statute, under which the health care provider is authorized to provide services. The advertisement:

1. Shall not include deceptive or misleading terms or false representations; and

2. Shall include the health care provider's name and the type of license the provider holds, as provided in this section and by the applicable statute, for the provider's profession.

D. 1. A health care provider shall display a copy of the provider's license in a prominent place in an office area visible to current and prospective patients. If the health care provider sees

1 patients in a setting outside of a licensed health care facility,  
2 the copy must be of sufficient size to be visible and apparent to  
3 patients, except that a copy no smaller than the original license is  
4 deemed to be sufficient.

5 2. A health care provider seeing patients on a face-to-face  
6 basis shall wear a name badge or some other form of identification  
7 that clearly discloses:

- 8 a. the health care provider's name,
- 9 b. the type of license, registration or certification the  
10 health care provider holds, as provided in this  
11 section and by the applicable statute, for the health  
12 care provider's profession, and
- 13 c. the health care provider's medical staff position, if  
14 applicable.

15 E. Except as provided in Section 725.2 of Title 59 of the  
16 Oklahoma Statutes, a person shall not use, imply the use of, or  
17 publicly display a title in connection with a person's name  
18 including "physician", "doctor" or "surgeon" or any similar title or  
19 description of services, or any other words, letters or  
20 abbreviations or any combination thereof with the intent to  
21 represent, or that imply, that the person practices medicine.  
22 Unless authorized to practice medicine by the State Board of Medical  
23 Licensure and Supervision or the State Board of Osteopathic  
24 Examiners, a person shall not use, imply the use of, or publicly

1 display a title in connection with a person's name including "doctor  
2 of medicine", "medical doctor", "M.D.", "osteopath", "doctor of  
3 osteopathic medicine", "doctor of osteopathy", "osteopathic  
4 physician", "D.O.", "anesthesiologist", "cardiologist",  
5 "dermatologist", "endocrinologist", "gastroenterologist", "general  
6 practitioner", "gynecologist", "hematologist", "internist",  
7 "laryngologist", "nephrologist", "neurologist", "obstetrician",  
8 "oncologist", "ophthalmologist", "orthopedic surgeon",  
9 "orthopedist", "otologist", "otolaryngologist",  
10 "otorhinolaryngologist", "pathologist", "pediatrician", "primary  
11 care physician", "proctologist", "psychiatrist", "radiologist",  
12 "rheumatologist", "rhinologist", "urologist" or any similar title or  
13 description of services, or any other words, letters or  
14 abbreviations or any combination thereof with the intent to  
15 represent, or that imply, that the person practices medicine.

16 SECTION 2. AMENDATORY 59 O.S. 2021, Section 492, is  
17 amended to read as follows:

18 Section 492. A. Every person shall be regarded as practicing  
19 allopathic medicine within the meaning and provisions of ~~this act~~  
20 the Oklahoma Allopathic Medical and Surgical Licensure and  
21 Supervision Act, who shall append to his or her name the letters  
22 "M.D.", "Physician", "Surgeon", "Doctor", "doctor of medicine",  
23 "medical doctor", "anesthesiologist", "cardiologist",  
24 "dermatologist", "endocrinologist", "gastroenterologist", "general

1 practitioner", "gynecologist", "hematologist", "internist",  
2 "laryngologist", "nephrologist", "neurologist", "obstetrician",  
3 "oncologist", "ophthalmologist", "orthopedic surgeon",  
4 "orthopedist", "otologist", "otolaryngologist",  
5 "otorhinolaryngologist", "pathologist", "pediatrician", "primary  
6 care physician", "proctologist", "psychiatrist", "radiologist",  
7 "rheumatologist", "rhinologist", "urologist" or any other title,  
8 letters, description of services or designation, either alone or in  
9 connection with other words, which represent that such person is a  
10 physician, or who shall for a fee or any form of compensation  
11 diagnose ~~and/or~~ or treat disease, injury or deformity of persons in  
12 this state by any allopathic legend drugs, surgery, manual, or  
13 mechanical treatment unless otherwise authorized by law.

14 B. A hospital or related institution as such terms are defined  
15 in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the  
16 principal purpose or function of providing hospital or medical care,  
17 including but not limited to any corporation, association, trust, or  
18 other organization organized and operated for such purpose, may  
19 employ one or more persons who are duly licensed to practice  
20 medicine in this state without being regarded as itself practicing  
21 medicine within the meaning and provisions of this section. The  
22 employment by the hospital or related institution of any person who  
23 is duly licensed to practice medicine in this state shall not, in  
24 and of itself, be considered as an act of unprofessional conduct by

1 the person so employed. Nothing provided herein shall eliminate,  
2 limit, or restrict the liability for any act or failure to act of  
3 any hospital, any hospital's employees, or persons duly licensed to  
4 practice medicine.

5 C. The definition of the practice of medicine and surgery shall  
6 include, but is not limited to:

7 1. Advertising, holding out to the public, or representing in  
8 any manner that one is authorized to practice medicine and surgery  
9 in this state;

10 2. Any offer or attempt to prescribe, order, give, or  
11 administer any drug or medicine and surgery for the use of any other  
12 person, except as otherwise authorized by law;

13 3. a. any offer or attempt, except as otherwise authorized  
14 by law, to prevent, diagnose, correct, or treat in any  
15 manner or by any means, methods, devices, or  
16 instrumentalities except for manual manipulation any  
17 disease, illness, pain, wound, fracture, infirmity,  
18 defect, or abnormal physical or mental condition of  
19 any person, including the management of pregnancy and  
20 parturition, except as otherwise authorized by law,

21 b. except as provided in subsection D of this section,  
22 performance by a person within or outside of this  
23 state, through an ongoing regular arrangement, of  
24 diagnostic or treatment services, including but not

1 limited to, stroke prevention and treatment, through  
2 electronic communications for any patient whose  
3 condition is being diagnosed or treated within this  
4 state by a physician duly licensed and practicing in  
5 this state. A person who performs any of the  
6 functions covered by this subparagraph submits himself  
7 or herself to the jurisdiction of the courts of this  
8 state for the purposes of any cause of action  
9 resulting from the functions performed, and

10 c. nothing in the Oklahoma Allopathic Medical and  
11 Surgical Licensure and Supervision Act shall be  
12 construed to affect or give jurisdiction to the Board  
13 over any person other than medical doctors or persons  
14 holding themselves out as medical doctors;

15 4. Any offer or attempt to perform any surgical operation upon  
16 any person, except as otherwise authorized by law; and

17 5. The use of the title Doctor, Doctor of Medicine, Physician,  
18 Surgeon, Physician and Surgeon, Dr., M.D. or any of the medical  
19 specialty titles listed in subsection A of this section, or any  
20 combination thereof, in the conduct of any occupation or profession  
21 pertaining to the prevention, diagnosis, or treatment of human  
22 disease or condition unless, where appropriate, such a designation  
23 additionally contains the description of another branch of the  
24



1 healing arts for which one holds a valid license in this state or as  
2 otherwise provided by law.

3 D. The practice of medicine and surgery, as defined in this  
4 section, shall not include:

5 1. A student while engaged in training in a medical school  
6 approved by the Board or while engaged in graduate medical training  
7 under the supervision of the medical staff of a hospital or other  
8 health care facility approved by the state medical board for such  
9 training, except that a student engaged in graduate medical training  
10 shall hold a license issued by the Board for such training;

11 2. Any person who provides medical treatment in cases of  
12 emergency where no fee or other consideration is contemplated,  
13 charged or received;

14 3. A commissioned medical officer of the armed forces of the  
15 United States or medical officer of the United States Public Health  
16 Service or the Department of Veterans Affairs of the United States  
17 in the discharge of official duties ~~and/or~~ or within federally  
18 controlled facilities; and provided that such person shall be fully  
19 licensed to practice medicine and surgery in one or more  
20 jurisdictions of the United States; provided further that such  
21 person who holds a medical license in this state shall be subject to  
22 the provisions of the Oklahoma Allopathic Medical and Surgical  
23 Licensure and Supervision Act;

24

1           4. Any person licensed under any other act when properly  
2 practicing in the healing art for which that person is duly  
3 licensed;

4           5. The practice of those who endeavor to prevent or cure  
5 disease or suffering by spiritual means or prayer;

6           6. Any person administering a domestic or family remedy to a  
7 member of such person's own family;

8           7. Any person licensed to practice medicine and surgery in  
9 another state or territory of the United States who renders  
10 emergency medical treatment or briefly provides critical medical  
11 service at the specific lawful direction of a medical institution or  
12 federal agency that assumes full responsibility for that treatment  
13 or service and is approved by the Board;

14           8. Any person who is licensed to practice medicine and surgery  
15 in another state or territory of the United States whose sole  
16 purpose and activity is limited to brief actual consultation with a  
17 specific physician who is licensed to practice medicine and surgery  
18 by the Board, other than a person with a special or restricted  
19 license; or

20           9. The practice of any other person as licensed by appropriate  
21 agencies of this state, provided that such duties are consistent  
22 with the accepted standards of the person's profession and the  
23 person does not represent himself or herself as a Doctor, Doctor of  
24 Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D. or

1 any of the medical specialties listed in subsection A of this  
2 section, or any combination thereof, except as otherwise provided by  
3 law.

4 E. Nothing in the Oklahoma Allopathic Medical and Surgical  
5 Licensure and Supervision Act shall prohibit:

6 1. The service rendered by a physician's unlicensed trained  
7 assistant, if such service is rendered under the supervision and  
8 control of a licensed physician pursuant to Board rules, provided  
9 such rules are not in conflict with the provisions of any other  
10 healing arts licensure act or rules promulgated pursuant to such  
11 act; or

12 2. The service of any other person duly licensed or certified  
13 by the state to practice the healing arts.

14 F. Nothing in the Oklahoma Allopathic Medical and Surgical  
15 Licensure and Supervision Act shall prohibit services rendered by  
16 any person not licensed by the Board and practicing any  
17 nonallopathic healing practice.

18 G. Nothing in the Oklahoma Allopathic Medical and Surgical  
19 Licensure and Supervision Act shall be construed as to require a  
20 physician to secure a Maintenance of Certification (MOC) as a  
21 condition of licensure, reimbursement, employment or admitting  
22 privileges at a hospital in this state. For the purposes of this  
23 subsection, "Maintenance of Certification (MOC)" shall mean a  
24 continuing education program measuring core competencies in the

1 practice of medicine and surgery and approved by a nationally-  
2 recognized accrediting organization.

3 SECTION 3. AMENDATORY 59 O.S. 2021, Section 725.2, is  
4 amended to read as follows:

5 Section 725.2. A. The following nine classes of persons may  
6 use the word "Doctor", or an abbreviation thereof, and shall have  
7 the right to use, whether or not in conjunction with the word  
8 "Doctor", or any abbreviation thereof, the following designations:

9 1. The letters "D.P.M." or the words podiatrist, doctor of  
10 podiatry, podiatric surgeon, or doctor of podiatric medicine by a  
11 person licensed to practice podiatry under the Podiatric Medicine  
12 Practice Act;

13 2. The letters "D.C." or the words chiropractor or doctor of  
14 chiropractic by a person licensed to practice chiropractic under the  
15 Oklahoma Chiropractic Practice Act;

16 3. The letters "D.D.S." or "D.M.D.", as appropriate, or the  
17 words dentist, doctor of dental surgery, or doctor of dental  
18 medicine, as appropriate, by a person licensed to practice dentistry  
19 under the State Dental Act;

20 4. The letters "M.D." or the words surgeon, medical doctor, or  
21 doctor of medicine, or medical specialty titles, by a person  
22 licensed to practice medicine and surgery under the Oklahoma  
23 Allopathic Medical and Surgical Licensure and Supervision Act;

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1           5. The letters "O.D." or the words optometrist or doctor of  
2 optometry by a person licensed to practice optometry under Sections  
3 581 through 606 of this title;

4           6. The letters "D.O." or the words surgeon, osteopathic  
5 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic  
6 medicine by a person licensed to practice osteopathy under the  
7 Oklahoma Osteopathic Medicine Act;

8           7. The letters "Ph.D.", "Ed.D.", or "Psy.D." or the words  
9 psychologist, therapist, or counselor by a person licensed as a  
10 health service psychologist pursuant to the Psychologists Licensing  
11 Act;

12           8. The letters "Ph.D.", "Ed.D.", or other letters representing  
13 a doctoral degree or the words language pathologist, speech  
14 pathologist, or speech and language pathologist by a person licensed  
15 as a speech and language pathologist pursuant to the Speech-Language  
16 Pathology and Audiology Licensing Act and who has earned a doctoral  
17 degree from a regionally accredited institution of higher learning  
18 in the field of speech and language pathology; and

19           9. The letters "Ph.D.", "Ed.D.", or other letters representing  
20 a doctoral degree or the word audiologist by a person licensed as an  
21 audiologist pursuant to the Speech-Language Pathology and Audiology  
22 Licensing Act and who has earned a doctoral degree from a regionally  
23 accredited institution of higher learning in the field of audiology.

24

1 B. Unless otherwise specifically provided in a particular  
2 section or chapter of the Oklahoma Statutes, the word "doctor" or  
3 "doctors" shall mean and include each of the nine classes of persons  
4 listed in subsection A and the word "physician" or "physicians", as  
5 provided in subsection C of this section. Any other person using  
6 the term doctor, or any abbreviation thereof, shall designate the  
7 authority under which the title is used or the college or honorary  
8 degree that gives rise to use of the title.

9 C. Unless otherwise specifically provided in a particular  
10 section or chapter of the Oklahoma Statutes, the word "physician" or  
11 "physicians" shall mean and include each of the classes of persons  
12 listed in paragraphs 1 through 6 of subsection A and the word  
13 "doctor" or "doctors" as provided in subsection B of this section.  
14 The term "physician" shall not include any person specified in  
15 paragraphs 7 through 9 of subsection A of this section unless such  
16 person is otherwise authorized to use such designation pursuant to  
17 this section.

18 D. For purposes of this section, "provider" means and includes:

19 1. Each of the nine classes of persons listed in subsection A  
20 of this section and referred to in subsections B and C of this  
21 section; and

22 2. Any other person using the term doctor or any abbreviation  
23 thereof.

24

1 E. Persons in each of the nine classes listed in subsection A,  
2 and referred to in subsections B and C, of this section shall  
3 identify through written notice, which may include the wearing of a  
4 name tag, the type of license under which the doctor is practicing,  
5 utilizing the designations provided in subsections A, B and C of  
6 this section. Each applicable licensing board is authorized by rule  
7 to determine how its license holders may comply with this disclosure  
8 requirement.

9 F. 1. Any advertisement for health care services naming a  
10 provider shall:

- 11 a. identify the type of license of the doctor utilizing  
12 the letters or words set forth in this section if the  
13 person is one of the classes of persons listed in  
14 subsection A of this section, and referred to in  
15 subsections B and C of this section, or
- 16 b. utilize appropriate, accepted, and easily understood  
17 words or letters, which clearly show and indicate the  
18 branch of the healing art in which the person is  
19 licensed to practice and is engaged in, if the person  
20 is not one of the nine classes of persons listed in  
21 subsection A of this section, or referred to in  
22 subsections B and C of this section.

23 2. The term "advertisement" includes any printed document  
24 including letterhead, video clip, or audio clip created by, for, or

1 at the direction of the provider or providers and advertised for the  
2 purpose of promoting the services of the doctor or provider.

3 G. 1. It shall be unlawful for any medical doctor, doctor of  
4 osteopathic medicine, doctor of dental surgery, doctor of dental  
5 medicine, doctor of optometry, doctor of podiatry, or doctor of  
6 chiropractic to make any deceptive or misleading statement, or  
7 engage in any deceptive or misleading act, that deceives or misleads  
8 the public or a prospective or current patient, regarding the  
9 training and the license under which the person is authorized to  
10 practice.

11 2. The term "deceptive or misleading statement or act"  
12 includes, but is not limited to:

- 13 a. such statement or act in any advertising medium,
- 14 b. making a false statement regarding the education,  
15 skills, training, or licensure of a person, or
- 16 c. in any other way describing the profession, skills,  
17 training, expertise, education, or licensure of a  
18 person in a fashion that causes the public, a  
19 potential patient, or current patient to believe that  
20 the person is a medical doctor, doctor of osteopathic  
21 medicine, doctor of dental surgery, doctor of dental  
22 medicine, doctor of optometry, doctor of podiatry, or  
23 doctor of chiropractic when that person does not hold  
24 such credentials.



1 H. Notwithstanding any other provision of this section, a  
2 person licensed in this state to perform speech pathology or  
3 audiology services is designated to be a practitioner of the healing  
4 art for purposes of making a referral for speech pathology or  
5 audiology services pursuant to the provisions of the Individuals  
6 with Disabilities Education Act, Amendment of 1997, Public Law 105-  
7 17, and Section 504 of the Rehabilitation Act of 1973.

8 SECTION 4. AMENDATORY 59 O.S. 2021, Section 731.2, is  
9 amended to read as follows:

10 Section 731.2. A. Proof that any class of persons identified  
11 in Section 725.2 of this title appends to their name the word  
12 "Doctor", the abbreviation "Dr.", any medical specialty title or any  
13 other word, abbreviation or designation, which word, abbreviation or  
14 designation, ~~indicate~~ indicates that such person is qualified for  
15 diagnosis or treatment, as herein defined, shall constitute prima  
16 facie evidence that such person is holding himself or herself out,  
17 within the meaning of ~~this act~~ Sections 731.1 through 731.6 of this  
18 title, as qualified to engage in diagnosis or treatment.

19 B. Nothing in this section shall be construed to prevent a  
20 person specified in paragraphs 7 through 9 of subsection A of  
21 Section 725.2 of this title from appending to such person's name the  
22 word "Doctor", so long as such person follows such name and  
23 designation with the letters signifying the recognized doctoral  
24

1 degrees specified in paragraphs 7 through 9 of subsection A of  
2 Section 725.2 of this title.

3 SECTION 5. AMENDATORY 59 O.S. 2021, Section 731.3, is  
4 amended to read as follows:

5 Section 731.3. Except as authorized by the provisions of  
6 Sections 492 and 731.5 of this title and ~~Section 5 of this act~~  
7 Section 1-116.2 of Title 70 of the Oklahoma Statutes, no person  
8 shall in any manner engage in, offer to engage in, or hold himself  
9 or herself out as qualified to engage in the diagnosis ~~and/or~~ or  
10 treatment of any human ill including by the use of medical titles or  
11 medical specialty titles, unless such person is the holder of a  
12 legal and unrevoked license or certificate issued under the laws of  
13 Oklahoma authorizing such person to practice the healing art covered  
14 by such license and is practicing thereunder in the manner and  
15 subject to the limitations provided by the laws of ~~the State of~~  
16 ~~Oklahoma~~ this state for the issuance of such license or certificate  
17 for the practice thereunder.

18 SECTION 6. This act shall become effective **November 1, 2022**.

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
20 February 28, 2022 - DO PASS AS AMENDED  
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23  
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