

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3319

By: Miller

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5
6 AS INTRODUCED

7 An Act relating to health care provider licensing;
8 defining terms; creating emergency licensing
9 conditions; creating expiration date; providing for
10 codification; providing an effective date; and
11 declaring an emergency.

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

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

16 A. As used in this section:

17 1. "Board" means the Oklahoma Board of Nursing, the State Board
18 of Osteopathic Examiners, or the State Board of Medical Licensure
19 and Supervision;

20 2. "Health care employer" means a hospital, clinic, physician's
21 office, ambulatory surgery center, or any entity whose employed,
22 contracted, or affiliated staff provide health care services to
23 individuals in this state;

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:

- 1 a. a state of emergency declared by the Governor, or
- 2 b. a national emergency declared by the President of the
- 3 United States pursuant to Section 1621 of Title 50 of
- 4 the United States Code, or
- 5 c. an emergency is declared by the State Board of
- 6 Osteopathic Examiners, State Board of Medical
- 7 Licensure and Supervision, or the Oklahoma Board of
- 8 Nursing;

9 2. The health care provider holds a valid, unexpired license
10 granted in another state; and

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

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

- 18 1. The applicant's full name;
- 19 2. Applicant's date of birth;
- 20 3. Applicant's email address;
- 21 4. Applicant's residential address;
- 22 5. Applicant's temporary medical practice address;
- 23 6. Applicant's area of practice or specialty or level of
- 24 licensure;

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

4 8. Social Security number; and

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

7 D. Any temporary license granted under this act to a health
8 care provider shall expire ninety (90) days after the expiration of
9 the state or national emergency declaration, or within thirty (30)
10 days of the termination of an emergency declared by either the State
11 Board of Osteopathic Examiners, the State Board of Medical Licensure
12 and Supervision, or the Oklahoma Board of Nursing.

13 E. Nothing in this act shall be construed to allow allopathic
14 or osteopathic physicians or surgeons, physician assistants, or
15 advanced practice registered nurses with prescriptive authority who
16 are issued a temporary license to initiate a prescription for
17 controlled drugs, including opioids, without obtaining the proper
18 permits from the following:

19 1. The Oklahoma Bureau of Narcotics and Dangerous Drugs
20 Control; and

21 2. The Drug Enforcement Administration.

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

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 The Board may issue temporary licenses to nurses
8 from other states upon proper application stating the purpose of
9 said licenses pursuant to the requirements of Section 479 of Title
10 59; provided no temporary license may be issued for more than ninety
11 (90) days. Temporary license may be renewed at the discretion of the
12 Board but shall not extend over a period longer than one (1) year.

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

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

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