

CHAPTER 1. ADMINISTRATION AND ORGANIZATION

435:1-1-2. Description of organization

(a) The Board is created by the Oklahoma Legislature, 59 O.S. Section 481. The Board has the authority and duty to regulate and administer the practice of allopathic medicine in this state and related practice placed under the authority of the Board by the Oklahoma Legislature.

(b) The Board consists of ~~nine (9)~~ eleven (11) members who are qualified and appointed in accordance with the provisions of 59 O.S. Section 482. The ~~two (2)~~ four (4) lay members of the Board, appointed in accordance with 59 O.S. § 481, shall participate in all matters before the Board.

(c) The powers and duties of the Board are set forth in the Act, the Physical Therapy Practice Act, 59 S. Sections 887.1 through 887.17, the Registered Electrologist Act, 59 O.S. Sections 536.1 through 536.14, the Occupational Therapy Practice Act, 59 O.S. Sections 888.1 through 888.16, the Registered Dietitian Act, 59 O.S. Sections 1721 through 1740, the Athletic Trainers Act, 59 O.S. Sections 525 through 535, and the Physician Assistant Act, 59 O.S. Sections 519 through 524, the Respiratory Care Practice Act, 59 O.S. Sections 2026 through 2045, the Oklahoma Licensed Pedorthists Act, 59 O.S. Sections 2301 through 2308, and the Orthotics and Prosthetics Practice Act, 59 O.S. Sections 3001 through 3008 as amended., the Anesthesiologist Assistant Act, 59 O.S. Sections 3201 through 4003, the Therapeutic Recreation Practice Act, 59 O.S. Sections 540.2 through 540.12, the Radiologist Assistant Licensure Act, 59 O.S. Sections 540 through 541.9, the Music Therapy Practice Act, 59 O.S. Sections 889 through 889.12, the Laser Hair Removal Act H.B. 2998.

435:1-1-3. Method of operations

(a) The central office of the Oklahoma State Board of Medical Licensure and Supervision is located in Oklahoma City, Oklahoma. The central office will be open during regular business hours as determined by the Board, each day except Saturday and Sunday and any legal holiday established by statute or proclamation of the Governor.

(b) The Board may open branch offices with location and hours of operation to be determined by the Board.

(c) Every communication in writing to the Board shall be addressed to the Board at the Board's central or branch office(s) unless the Board directs otherwise.

(d) The Board shall hold meetings in accordance with the Oklahoma Open Meetings Act. Special meetings may be called by the President and Secretary of the Board. ~~Five (5)~~ Six (6) members of the Board constitute a quorum and may transact any business or hold any hearing by simple majority vote of a quorum.

(e) All rules and other written statements of policy or interpretations formulated, adopted or used by the Board in the discharge of its functions and all final orders, decisions, and opinions will be made available for public inspection during regular office hours at the Board's central office or branch office(s) when electronically feasible.

(f) All records of the Board which are public records pursuant to the Oklahoma Open Records Act shall be available for public review and copying during regular business hours at the Board's central office or branch office(s) when electronically feasible. ~~Copies shall be available only upon appropriate arrangements for payment of applicable fees.~~ Records of the Board which are subject to a permissive or mandatory privilege of confidentiality shall not be released to the public; provided that the Secretary of the Board or the Executive Director of the Board may, upon request, allow records subject to a permissive privilege of confidentiality to be open for public review and copying. It is the policy of the Board to maintain as confidential all patient records held by the Board in any file, pursuant to 12 O.S. § 2503, to every extent possible under law. It is the position and determination of the Board that investigative files of the Board are privileged and confidential under the Open Records Act, and 59 O.S. 509.1.

(g) In the event the Board convenes a meeting by teleconference, the Board shall provide adequate space for any person to listen and view the meeting via appropriate audio and video equipment.

435:1-1-6. Rulemaking procedures

(a) **Submission of data.** Prior to the adoption, amendment, or repeal of any rule, the Board shall afford any interested person a reasonable opportunity to submit data, views, or arguments, orally or in writing, to the Board concerning the proposed action on the rule. Should the proposed action on a rule affect one's substantive rights, the opportunity for an oral hearing will be granted if requested in writing by an individual or by an association. If no substantive rights are involved, the opportunity for oral arguments or views is in the discretion of the Board. The Board shall decide whether any substantive rights are involved.

(b) **Petition on rules.** Any interested person may petition the Board requesting the promulgation, amendment, or repeal of a rule. The petition shall be filed with the Secretary of the Board and shall set forth in writing, clearly and concisely, all matters pertaining to the requested action and reasons for the request. The request should also state whether there is someone known to the petitioner who is concerned with the subject and should be notified of the hearing.

(c) **Hearing of petition.** The Board, at the next regularly scheduled session after the completion of notice or at a special meeting specified in the notice, will hear the petition and notify the petitioner of the ruling within twenty (20) days after the decision. The Board may, at its discretion, postpone the discussion and ruling of the petition until the next regularly scheduled meeting or at a special meeting and all parties shall be notified of the postponement.

(d) **APA notice requirements.** In any rulemaking action, whether initiated by the Board or by petition, the Board shall comply

with the current notice requirements in the Administrative Procedures Act [75 O.S., Section 301 et seq.].

(e) **Notice of rulemaking proceedings.** The notice shall be ~~mailed~~ provided to all interested persons who have made a request of the Board for advance notice of the rulemaking proceedings, according to statute or who were specified in the petition for the rules, and shall be published in the Oklahoma Gazette or its successor publication. Twenty (20) days time shall be calculated from the date of the mailing of notice or the publication, whichever is later.

(f) **Place for hearings.** Unless otherwise specified by the Board as stated in the notice, all hearings shall be conducted in the offices of the Board.

(g) **Appearance at rulemaking hearings.** Any person who is interested in or affected by a proposed action may appear at a rulemaking such hearing. An appearance may be made individually, by an attorney, or by an authorized agent.

(h) **Emergency rules.** Emergency rules may be adopted by the Board without the prescribed notice and hearing in accordance with the provisions of the Administrative Procedures Act in regard to emergency rules.

435:1-1-7. Fees

(a) **Fee schedule.** The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions as set for in Title 59 O.S., Section 495c and 511 of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act provided, the Board shall not set the fees at an amount in excess of the amounts listed in this subsection.

(1) **Licensure/registration.** The following fees shall be assessed for licensure and registration:

(A) Medical Doctor - Full license

(i) Application processing fee - \$500.00

~~(ii) Reprocessing fee - \$125.00~~

~~(ii)~~ ~~(iii)~~ Temporary license - \$250.00

(B) Medical Doctor - Special license

(i) Special training application processing fee - \$250.00 (This fee may be applied toward the application processing fee in (a)(1)(A)(i) of this section when the special license was issued for first year post graduate training purposes.)

~~(ii) Special training reprocessing fee - \$150.00~~

(C) Physician Assistants

(i) Initial application for licensure - \$150.00

(ii) Application to practice fee - \$50.00

(iii) Disciplinary hearing fee - actual cost of proceedings (including probation and other fees) as determined by the Board.

(D) Physical Therapist

(i) Application processing fee - \$100.00

~~(ii) Reprocessing fee - \$50.00~~

~~(ii)~~ ~~(iii)~~ License - \$50.00

~~(iii)~~ ~~(iv)~~ Temporary permit - \$25.00

(E) Physical Therapist Assistant

(i) Application processing fee - \$100.00

(ii) Reprocessing fee - \$30.00

(iii) License - \$35.00

(iv) Temporary permit - \$25.00

(F) Athletic Trainer

(i) Application processing fee - \$120.00

(ii) Reprocessing fee - \$35.00

(iii) License - \$25.00

(G) Apprentice athletic trainer

(i) Application processing fee - \$25.00

~~(ii) Transfer processing fee - \$20.00~~

~~(ii)~~ ~~(iii)~~ License - \$5.00

(H) Licensed Dietitian

(i) Application processing fee - \$60.00

~~(ii) Reprocessing fee - \$30.00~~

~~(ii)~~ ~~(iii)~~ License - \$60.00

(I) Provisional licensed dietitian

(i) Application processing fee - \$15.00

~~(ii) Reprocessing fee - \$30.00~~

~~(ii)~~ ~~(iii)~~ License - \$15.00

(J) Occupational therapist

(i) Application processing fee - \$70.00

~~(ii) Reprocessing fee - \$30.00~~

~~(ii)~~ ~~(iii)~~ License - \$50.00

- (K) Occupational therapy assistant
 - (i) Application processing fee - \$70.00
 - ~~(ii) Reprocessing fee - \$30.00~~
 - ~~(ii) (iii)-License - \$50.00~~
- (L) Registered electrologists
 - (i) Application processing fee - \$30.00
 - (ii) License - \$30.00
 - ~~(iii) Examination fee - \$75.00~~
- (M) Respiratory Care - Full license
 - (i) Application processing fee - \$100.00
 - ~~(ii) Reprocessing fee - \$30.00~~
- (N) Respiratory Care - Provisional license
 - (i) Application processing fee - \$100.00
 - ~~(ii) Reprocessing fee - \$30.00~~
- (O) Licensed Pedorthists application processing fee - \$180.00
- (P) Licensed Orthotist/Prosthetist application processing fee - \$300.00
- (Q) Registered Orthotist/Prosthetist Assistant application processing fee - \$100.00
- (R) Registered Orthotist/Prosthetist Technician application processing fee - \$60.00
- (S) Radiologist Assistant application processing fee - \$100.00
- (T) Anesthesiology Assistant application processing fee - \$150.00
- (U) Therapeutic Recreation Specialist application processing fee - \$125.00
- (V) Licensed Professional Music Therapist initial license application fee - \$50.00
- (2) Renewal/reregistration of license/registration.** The following fees shall be assessed for renewal/reregistration:
 - (A) Medical License - Full
 - (i) Application for annual reregistration fee - \$200.00
 - (ii) Reactivation processing fee - \$350.00
 - (iii) Reinstatement of license - \$500.00
 - (B) Medical License - Special
 - (i) Application for annual reregistration fee for special training - \$150.00
 - (ii) Application for annual reregistration fee for special limited - \$175.00
 - (iii) Reactivation processing fee for special training - \$200.00
 - (iv) Reactivation processing fee for special limited - \$250.00
 - (v) Reinstatement processing fee for special training - \$250.00
 - (C) Physical Therapist
 - (i) Annual renewal fee - \$50.00
 - (ii) Renewal processing fee - \$40.00
 - (iii) Late fee (After January 31) - \$20.00
 - (D) Physical Therapist Assistant
 - (i) Annual renewal fee - \$35.00
 - (ii) Renewal processing fee - \$25.00
 - (iii) Late fee (After January 31) - \$15.00
 - (E) Physician Assistants
 - (i) Annual renewal fee - \$125.00
 - (ii) Late renewal fee - \$225.00
 - (F) Athletic Trainer
 - (i) Application processing fee - \$45.00
 - (ii) Annual renewal fee - 10.00
 - (iii) Late fee (After August 30) - \$60.00
 - (G) Apprentice athletic trainer
 - (i) Application processing fee - \$10.00
 - (ii) Annual renewal fee - 5.00
 - (iii) Late fee (After August 30) - \$10.00
 - (H) Licensed Dietitian/provisional licensed dietitian
 - (i) Annual renewal fee - \$100.00
 - (ii) Penalty (after October 31) - \$50.00
 - (iii) Penalty (after January 31) - \$100.00
 - (I) Occupational therapist/occupational therapy assistant
 - (i) Application processing fee - \$80.00
 - (ii) Annual renewal fee - 20.00
 - (iii) Late renewal (after October 31) - \$20.00
 - (J) Registered electrologists
 - (i) Application processing fee - \$25.00

- (ii) Annual renewal fee - \$25.00
- (K) Respiratory Care - Full license
 - (i) Biennially renewal fee - \$100.00
 - (ii) Reinstatement - renewal fee plus \$120.00
- (L) Respiratory Care - Provisional license - six month renewal fee - \$100.00
- (M) Licensed Pedorthist
 - (i) Annual renewal fee - \$60.00
 - (ii) Late fee (up to 30 days late) -\$30.00
 - (iii) Late fee (30 days to 1 year late) -\$60.00
 - (iv) Reinstatement fee - \$180.00
- (N) Licensed Orthotist/Prosthetist
 - (i) Biennial renewal fee -\$150.00
 - (ii) Late fee (up to 30 days late) -\$60.00
 - (iii) Late fee (30 days to 1 year late) -\$120.00
 - (iv) Reinstatement fee -\$300.00
- (O) Registered Orthotist/Prosthetist Assistant
 - (i) Biennial renewal fee -\$100.00
 - (ii) Late fee (up to 30 days late) - \$60.00
 - (iii) Late fee (30 days to 1 year late) - \$120.00
 - (iv) Reinstatement fee - \$100.00
- (P) Registered Orthotist/Prosthetist Technician
 - (i) Biennial renewal fee - \$60.00
 - (ii) Late fee (up to 30 days late) - \$60.00
 - (iii) Late fee (30 days to 1 year late) - \$120.00
 - (iv) Reinstatement fee - \$60.00
- (Q) Radiologist Assistants
 - (i) Biennial renewal fee - \$200.00
 - (ii) Late renewal fee - \$300.00
- (R) Anesthesiology Assistants
 - (i) Biennial renewal fee - \$150.00
 - (ii) Late renewal fee - \$250.00
- (S) Therapeutic Recreation Specialist
 - (i) Biennial renewal fee - \$100.00
 - (ii) Late renewal fee - \$125.00
- (T) Licensed Professional Music Therapists
 - (i) Biennial renewal fee - \$50.00

(3) **Duplication or modification of license/registration.** The following fees shall be assessed for duplication or modification of a license/registration:

- (A) Medical License (Full) - \$60.00
- (B) Physician Assistant - \$30.00
- (C) Physical Therapist - \$60.00
- (D) Physical Therapy Assistant - \$30.00
- (E) Athletic Trainer - \$30.00
- ~~(F) Apprentice Athletic Trainer - \$20.00~~
- ~~(F)~~ ~~(G)~~ Licensed Dietitian - \$30.00
- ~~(G)~~ ~~(H)~~ Provisional Licensed Dietitian - \$30.00
- ~~(H)~~ ~~(I)~~ Occupational Therapist - \$30.00
- ~~(I)~~ ~~(J)~~ Occupational Therapy Assistant - \$30.00
- ~~(J)~~ ~~(K)~~ Special license - \$30.00
- ~~(K)~~ ~~(L)~~ Respiratory Care - \$30.00
- ~~(L)~~ ~~(M)~~ Licensed Pedorthist - \$30.00
- ~~(M)~~ ~~(N)~~ Licensed Orthotist/Prosthetist - \$30.00
- ~~(N)~~ ~~(O)~~ Registered Orthotist/Prosthetist Assistant - \$30.00
- ~~(O)~~ ~~(P)~~ Registered Orthotist/Prosthetist Technician - \$30.00
- ~~(P)~~ ~~(Q)~~ Radiologist Assistant - \$60.00
- ~~(Q)~~ ~~(R)~~ Anesthesiologist Assistant - \$60.00
- ~~(R)~~ ~~(S)~~ Therapeutic Recreation Specialist - \$30.00

(4) **Miscellaneous fees.** The following miscellaneous fees shall be assessed by the Board:

- ~~(A) Certification of scores - \$50.00~~
- ~~(A)~~ ~~(B)~~ Written verification of license/registration - \$25.00
- ~~(C) Credentialing service - \$125.00 per licensee~~
- ~~(B)~~ ~~(D)~~ Web based services

- (i) On-line monthly database subscription fee - \$60.00 (Three hundred (300) query returns included)
- (ii) 301 to 350 queries per month - \$0.60 per return
- (iii) 351 to 400 queries per month - \$0.30 per return
- (iv) 401 and above queries per month - \$0.15 per return
- (v) Other reports from the OMB database, Database, or statistical reports, mailing labels on floppy disks, CDs or by electronic mail - \$120.00/hour, minimum of one (1) hour. Fee is for one set of labels per order. Multiple labels may be printed for \$50.00 each additional set.

~~(E) Duplicate renewal/registration card - \$15.00~~

~~(C) (F) Certification of public records (per page) - \$1.00~~

~~(D) (G) Duplication of public records (per page) - \$0.25~~

~~(H) Unofficial transcript of public Board/Committee meetings (per page) - \$2.00~~

~~(E) (I) Issuance of subpoena - \$6.00~~

~~(F) (J) Payment reprocessing fee - \$30.00~~

~~(G) (K) Rate for Investigations for other agencies or bodies - at cost with deposit of \$120.00 required to initiate investigation~~

~~(H) (L) Pre-medical or Medical Education Qualifications Review - at cost with deposit of \$120.00 required to initiate action~~

~~(I) (M) Monitoring fees for Agreements: Actual costs of any testing or monitoring provided for in the Agreement.~~

~~(J) (N) Disciplinary action fees:~~

~~(i) Probation fees - \$150.00 per month.~~

~~(ii) Investigation/Prosecution fees - actual cost incurred.~~

~~(K) (O) Filing of motions:~~

~~(i) Rehearing or reconsideration of any disciplinary case - \$120.00~~

~~(ii) Rehearing or reconsideration of any licensing case - \$120.00~~

~~(iii) Terminate or modify probation/agreement - \$120.00~~

~~(i) (iv) Request for Specialty Board Certification under 435:10-7-2 - \$120.00~~

~~(ii) (v) Priority issuance of subpoena or duces tecum subpoena within seven (7) days of hearing - \$15.00~~

~~(vi) Request for exception as allowed by law/rules - \$120.00~~

~~(P) Reproduction of Board meeting video recording (per recording) - \$20.00~~

~~(Q) Reproduction of Board meeting audio recording (per recording) - \$20.00~~

~~(L) (R) Administrative fine for practicing after revocation of license pursuant to 59 O.S. 491B - \$6,000/day~~

~~(M) (S) Letter of Incorporation - \$5.00~~

~~(T) Annual continuing education course application fee - \$40.00 per course~~

~~(N) (U) Board publications fee - at printing cost~~

~~(V) Website advertisements limited to sub-pages on www.okmedicalboard.org and~~

~~www.awomansrighttoknowok.org websites. Vendor to sign a contract and agree to terms and conditions as set forth by the Board. Fee for six months advertising per page equals \$500.~~

(b) Submission of fees.

(1) All fees assessed by the Board as set out in the fee schedule in (a) of this section shall be received prior to processing an application for licensure or certification.

(2) All fees are non-refundable for licensing and application.

435:1-1-8. Reporting information to Board

The following entities are required to report within 30 days after action is taken, to the ~~Oklahoma State Board of Medical Licensure and Supervision~~ in the manner prescribed as follows:

(1) Each entity (including an insurance company) which makes payments in satisfaction of judgment in a medical malpractice action or claim shall report the name of the physician, the amount of the payment, the name(s) of any hospital(s) with which the physician is associated or affiliated, a description of the acts or omissions and injuries or illness upon which the action or claim was based and any other information deemed necessary and requested by the Board.

(2) Each health care entity that takes a professional review action that adversely affects the clinical privileges of a physician for longer than 30 days, shall report to the Board name, description, other information.

(3) Each health care entity that accepts the surrender of clinical privileges by a physician while said physician is under investigation by the entity relating to possible incompetence or improper professional conduct, shall report to the Board name, description, other information.

(4) Each health care entity that accepts the surrender of clinical privileges by a physician in exchange for not conducting an investigation of possible incompetence or improper professional conduct, shall report to the Board name, description, other information.

(5) Any professional society or association which takes professional review action which adversely affects the membership of the physician shall report to the Board name, description, other information. [Reference: PL 99-660,

Sec. 401, Title IV 42 U.S.C. 11,101 et seq., part B - Reporting of Information]

435:1-1-9. Declaratory rulings

- (a) Any individual or group may petition the Board for a declaratory ruling as to the applicability of any statute, rule or order of the Board. Any other individual or group may file a response thereto.
- (b) All petitions filed for a declaratory ruling by the Board shall set out fully the views of the petitioner giving any reasons and citations of legal authority he/she has in support of such views.
- (c) The Board may request the petitioner, or any respondent, to present witnesses on any facts involved in the petition, or legal memorandum with citations of authority on any legal issues involved in his petition.
- (d) The Board may initially assign a petition for declaratory ruling to an appropriate advisory committee and/or board subcommittee for its review and for a recommendation. The advisory committee and/or board subcommittee may hold hearings, take testimony, or require any legal memorandums that the Board may require. The findings or recommendation of any advisory committee or board subcommittee is not binding on the Board en banc.
- (e) The Board shall give reasonable notice to the petitioner and any respondents in advance of making a final ruling and shall accompany any ruling with written findings of fact and conclusions of law.

435:1-1-10. Duties of the Secretary/Medical Advisor

- (a) ~~The Secretary/Medical Advisor of the Board is hereby hired~~ Board may appoint the Secretary pursuant to 59 O.S. Sec. 487 to perform duties to include, but not be limited to, the following:
- (1) Perform all duties and obligations specified in Oklahoma statutes and elsewhere in the Board rules.
 - (2) Function on behalf of the Board and represent the Board in all matters in the interim period between Board meetings.
 - (3) Make final review and sign all licenses and certificates.
- (b) The Secretary/Medical Advisor is not a voting member of the Board, but a representative of the Board and liaison for the Board in all matters of law, rules or directives of the Board.
- (c) Further duties of the Secretary/Medical Advisor shall include, but not be limited to, the provision of medical and other advice and assistance as is necessary in the review and investigation of complaints and actions before the Board, to assist staff in all licensure matters, to sign subpoenas and administer oaths, and to bring civil actions as set forth in (d) of this section.
- (d) Pursuant to the authority of 59 O.S. Supp. 1994, Sec. 491.1, the Board designates to the Secretary/Medical Advisor the authority to initiate injunctive actions to prevent the unlicensed or uncertified practice of any profession under the authority of the Board, to seek declaratory ruling to ascertain the proper scope of the Act and any other act which the board has the duty to enforce and administer, to bring civil actions for the recovery of debts owed to the Board by defendants in administrative actions, to enforce subpoenas issued by the Board or any Board member, and/or to seek District Court enforcement of Board orders.
- (e) The Secretary/Medical Advisor shall apprise the Board of any action initiated at the next Board meeting following filing of the action. The Board, in its discretion, may vote to instruct the Secretary/Medical Advisor to dismiss any action filed if possible under District Court rules and in the best interest of the agency.
- (f) At any time the Secretary/Medical Advisor, with the concurrence of the President of the Board, determines that an emergency exists for which the immediate suspension of a license is necessary, the Secretary/Medical Advisor may conduct a hearing pursuant to 75 O.S. Sec. 314 to suspend such license temporarily upon a showing of clear and convincing evidence of probable cause of unprofessional conduct. The Secretary/Medical Advisor shall comply with all notice requirements of the Administrative Procedures Act and immediately set the matter for full hearing before the Board in compliance with the Administrative Procedures Act and the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act.
- (g) The Secretary/Medical Advisor may designate the duties set forth in (c) and (e) of this section to the Executive Director during the absence of the Secretary/Medical Advisor.