

NOTICE OF RULEMAKING INTENT

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 3. INDIVIDUAL PROCEEDINGS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Investigations and Hearings
- 435:3-3-1. Investigations [AMENDED]
- 435:3-3-2. Confidentiality during investigations [AMENDED]
- 435:3-3-3. Confidentiality during hearings [AMENDED]
- 435:3-3-8. Response to a complaint [AMENDED]
- 435:3-3-13. Trial examiner [AMENDED]
- 435:3-3-16. Subpoenas [AMENDED]
- 435:3-3-18. Hearing records [AMENDED]
- 435:3-3-19. Maintenance of hearing records [AMENDED]

SUMMARY:

The proposed rules clarify additional state boards that may be sent referrals by the Board. The proposed rules add language about investigation records being privileged in addition to confidential as passed in SB 597 and signed April 30, 2024. Confidentiality during hearings is modified to add the word “privileged” to confidential pursuant to SB 597. Service of subpoenas is clarified. The Board providing records of hearings is modernized to reflect audio records and transcription of audio.

AUTHORITY:

Title 59 O.S. § 519, et. seq.; Oklahoma State Board of Medical Licensure and Supervision

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 5:00 p.m. on November 1, 2024, via email at bsmith@okmedicalboard.org or at the following address by 4:30 p.m. on November 1, 2024: Oklahoma State Board of Medical Licensure and Supervision, Attn: Barbara Smith, 101 NE 51st Street, Oklahoma City, Oklahoma, 73105. No written comments will be accepted after the conclusion of the written comment period.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on November 5, 2024, at the Oklahoma State Board of Medical Licensure and Supervision, 101 NE 51st Street, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in by 2:10 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Board of Medical Licensure and Supervision, 101 NE 51st Street, Oklahoma City, Oklahoma. The proposed rules are also available on the Medical Board website at <https://www.okmedicalboard.org>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Medical Licensure and Supervision, 101 NE 51st Street, Oklahoma City, Oklahoma no later than October 15, 2024. The Rule Impact Statement will also be available on the Oklahoma Medical Board's website at <https://www.okmedicalboard.org>.

CONTACT PERSON:

Barbara Smith, Executive Secretary/Rules Liaison, (405) 962-1400 or bsmith@okmedicalboard.org.

PUBLIC COMMENT RESOURCE:

bsmith@okmedicalboard.org

AGENCY LIAISON:

Barbara Smith, Executive Secretary/Rules Liaison