

## CHAPTER 7. ADMINISTRATIVE REMEDIES

### 435:7-1-1. Administrative remedy, notice of intention to impose administrative remedy, and service of notice

(a) Pursuant to 59 S.Supp.2019, §503.2, the State Board of Medical Licensure and Supervision ("Board"), or the Board Secretary ("Board Secretary") acting for the Board, may issue a Notice against a licensee for statutory or regulatory prescribed unprofessional conduct.

(b) All administrative remedies as defined in 59 O.S. 503.2 are applicable to any and all professional licenses under the legislative jurisdiction of the board.

(c) For the purposes of this section, "unprofessional conduct" includes but is not limited to:

- (1) Practicing without timely renewing a license;
- (2) Failure to provide required or accurate information on an initial licensure application;
- (3) Failure to provide required or accurate information on a renewal application;
- (4) Failure to timely obtain required continuing education hours;
- (5) Failure to notify Board of current practice location and mailing address;
- (6) Failure to cooperate with a lawful investigation conducted by the Board; or
- (7) Failure to register with the prescription monitoring program (PMP) in compliance with state

(d) Before an administrative remedy is imposed, the licensee shall be provided with a Notice of Intention to Impose Administrative Remedy ("Notice"). The Notice shall include:

- (1) Sufficient information regarding the allegations to allow the licensee to prepare a response;
- (2) The proposed administrative remedy;
- (3) Statement of the time, place, and nature of hearing consistent with Article II of the Administrative Procedures Act;
- (4) Deadlines for a written response and the consequences of failing to meet such deadlines;
- (5) The licensee's right to submit a written response right to appear at the hearing;
- (6) The consequences of the imposition of an administrative remedy, including the fact that the remedy will constitute a public record but that it will not be considered a limitation and restriction on the license and not reportable to the National Practitioner Databank;
- (7) A description of the procedural process for consideration of a written response and request for a personal appearance; and
- (8) The name and contact information for a Board staff member who can provide further information.

(e) A copy of the Notice shall be mailed to the licensee by certified mail, return receipt requested and delivery restricted to the addressee, to the address on file with the Board, or by personal service. A licensee may consent in writing to service via electronic mail message.

### 435:7-1-5. Allowed Non disciplinary administrative remedies

(a) The Notice and/or the Board's Final Administrative Order may assess a monetary fine of up to \$1,500.00 per violation of unprofessional conduct, which are non disciplinary. ~~but~~ In no event shall a fine exceed any amount otherwise set forth in statute or rules; and/or

(b) The Board may impose continuing education requirements that must be pre- approved by the Board Secretary or the Board. The Notice will specify the amount of continuing education credit hours required and the time in which the licensee ~~has to~~ shall complete the credit hours.

### 435:7-1-6. Confidentiality of patient information in notice and/or final administrative remedy order

(a) To the extent required by law, any patient information must be redacted from all of the following: any Notice and/or Final Administrative Order or any document filed in a contest of such a Notice of Final Administrative Order.

- (1) Notice;
- (2) Final Administrative Order; or
- (3) Any document filed in a contest of such a Notice of Final Administrative Order.

(b) To the extent that a patient must be identified, the initials of the patient's first and last names shall be used.

(c) Under no circumstance may the Board, the Board Secretary, Board staff, the licensee, or any person representing the licensee disclose any information confidential and privileged by law in any Notice and/or Final Administrative Order or any document filed in a contest of such Notice and/or Final Administrative Order.

(d) "Document," includes but is not limited to, originals or copies, whether tangible or electronically stored, of any letters, notes, pleadings, exhibits, photographs, videos, sound recordings, or demonstrative exhibits.