

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions 435:10-

1-1. Purpose [AMENDED]

435:10-1-4. Definitions [AMENDED]

Subchapter 4. Application and Examination Procedures for Licensure as Physician and Surgeon

435:10-4-2. Board jurisdiction [AMENDED]

435:10-4-4. Application procedure [AMENDED]

435:10-4-5. Additional requirements for foreign medical school graduate applicants [AMENDED]

435:10-4-6. Medical licensure examination [AMENDED]

435:10-4-7. Licensure by endorsement [AMENDED]

435:10-4-8. Endorsement of certified applicants [REVOKED]

435:10-4-9. Board review of applications [AMENDED]

435:10-4-11. Written agreement [AMENDED]

Subchapter 5. Approval of Hospitals and Programs for Post-Graduate Training

435:10-5-1. Determination of hospitals and programs approved for post-graduate training [AMENDED]

435:10-5-2. Suspension from hospitals and programs approved [AMENDED]

Subchapter 7. Regulation of Physician and Surgeon Practice 435:10-7-1.

Physicians dispensing dangerous drugs [AMENDED] 435:10-7-2. Use of

Board certification [AMENDED]

435:10-7-4. Unprofessional conduct [AMENDED]

435:10-7-6. Retired physicians and surgeons [AMENDED]

435:10-7-7. Relocation of residence or practice [AMENDED]

435:10-7-9. Disposal of human tissue [AMENDED]

435:10-7-10. Annual reregistration [AMENDED]

435:10-7-11. Use of controlled substances for the management of chronic pain [AMENDED]

435:10-7-12. Establishing a physician/patient relationship; exceptions [AMENDED]

435:10-7-13. Telemedicine [AMENDED]

Subchapter 11. Temporary and Special Licensure

435:10-11-1. Purpose [AMENDED]

435:10-11-2. Procedure for temporary licensure [AMENDED]

435:10-11-3. Procedure for special licensure [AMENDED]

435:10-11-3.1. Special license for post-graduate training [AMENDED]

435:10-11-6. Change of supervisory medical doctor [REVOKED]

Subchapter 13. Supervision of Physician Assistants and Advanced Practice Registered Nurses with Prescriptive Authority [AMENDED]

435:10-13-2. Eligibility to supervise physician assistants and advanced practice registered nurses with prescriptive authority [AMENDED]

Subchapter 15. Continuing Medical Education

435:10-15-1. Continuing medical education [AMENDED]

Subchapter 19. Special Volunteer Medical License

435:10-19-3. Annual renewal [AMENDED]

SUMMARY:

The proposed rules add definitions to rules pursuant to SB 674 signed May 5, 2021, for remote patient monitoring and telemedicine. The proposed rules also clean up references to the Board jurisdiction for licensing and the application procedure which are obsolete. Licensure for graduates of foreign medical schools is modernized to remove the use of translators being provided by the Board. Other obsolete references to requiring foreign medical school graduates to score ten (10) percentage points higher on a medical exam and submit a tape recording of the applicant communicating in English. Medical licensure examination proposed rules are removing outdated references to submissions of examinations by the Board which are no longer administered. The proposed rules removed the ten (10) year limitation on passage of all steps of the licensure exam for foreign medical school graduates. The references to USMLE Step 2 Clinical Knowledge and Step 2 Clinical Skills tests are updated to reflect Step 2 Clinical Skills is no longer offered by USMLE. The proposed rules revoke the endorsement of certified applicants which is not statutory. The amendments also authorize any Board member to request additional information from an applicant. The proposed rules also clarify that a special training license shall be required to practice in a hospital or program. The amendments also update statutory reference to physicians dispensing dangerous drugs and remove references to registration with the Board that are not present in statute. The proposed rules also add clarification for allopathic physicians seeking to use Board Certification by adding the American Board of Physicians Specialties, outlining the approval process, citing to the existing fee for the request and requiring an appearance before the Board. The amendments add to the authority of the Board to revoke or discipline a licensee for “unprofessional conduct” for engaging in physician conduct with a patient which is sexual in nature or any verbal behavior which is seductive or sexually demeaning to a patient. The amendments further add to the authority of the Board to revoke or discipline a licensee for “unprofessional conduct” for failing to supervise, delegate or oversee appropriately as required

by the Boards laws and rules. The amendments remove an unnecessary reference in the rules for retired physicians and surgeons. The proposed rules further add to the requirements for relocations of the practice address to include a valid electronic email address. The amendments remove an obsolete reference to the proration of annual registration of fees and the Board not hearing extension requests. The proposed rulemaking updates the rules for physicians' usage of controlled dangerous substances for the management of chronic pain to reflect statutes updated in HB 3567 effective May 15, 2024. The amendments add language to the exceptions for establishing a physician patient relationship for the purpose of providing expedited partner therapy pursuant to statute changes SB 1491 signed May 28, 2024. The proposed rules update language for the usage of Telemedicine pursuant to law changes in SB 674 signed May 5, 2021 and updating the technology guidelines to comport with current federal law regarding privacy of patient records. The amendments clarify the discretion of the Board Secretary to extent a temporary license for allopathic physicians until a future Board meeting. The proposed rulemaking clarifies the procedure for an allopathic physician to obtain a special license from the Board. The amendments modernize the requirements for special training license for post graduate training. The proposed rules revoke the change in supervisory medical doctors for allopathic physicians that are granted a special license. The amendments address the eligibility of delegating physicians to physician assistants and advance practice registered nurses to more closely align with statute, clarify references to other state laws, rules and policies. References to the delegating physician requirements proper in this section on physicians and another proposed rulemaking has been removed in the section for physician assistants to remove any confusion as to which section controls. The amendments also clean up the continuing medical education compliant organizations and timeframe for compliance.

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.

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