

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1829

By: Rosino

AS INTRODUCED

An Act relating to the practice of medicine; amending 59 O.S. 2021, Section 492, which relates to the practice of allopathic medicine; updating statutory reference; providing exception from certain definition; amending 59 O.S. 2021, Section 622, which relates to the practice of osteopathic medicine; providing certain exception; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 492, is amended to read as follows:

Section 492. A. Every person shall be regarded as practicing allopathic medicine within the meaning and provisions of ~~this act~~ the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, who shall append to his or her name the letters "M.D.", "Physician", or any other title, letters, or designation which represent that such person is a physician, or who shall for a fee or any form of compensation diagnose and/or treat disease, injury, or deformity of persons in this state by any allopathic

1 legend drugs, surgery, manual, or mechanical treatment unless  
2 otherwise authorized by law.

3 B. A hospital or related institution as such terms are defined  
4 in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the  
5 principal purpose or function of providing hospital or medical care,  
6 including but not limited to any corporation, association, trust, or  
7 other organization organized and operated for such purpose, may  
8 employ one or more persons who are duly licensed to practice  
9 medicine in this state without being regarded as itself practicing  
10 medicine within the meaning and provisions of this section. The  
11 employment by the hospital or related institution of any person who  
12 is duly licensed to practice medicine in this state shall not, in  
13 and of itself, be considered as an act of unprofessional conduct by  
14 the person so employed. Nothing provided herein shall eliminate,  
15 limit, or restrict the liability for any act or failure to act of  
16 any hospital, any hospital's employees, or persons duly licensed to  
17 practice medicine.

18 C. The definition of the practice of medicine and surgery shall  
19 include, but is not limited to:

20 1. Advertising, holding out to the public, or representing in  
21 any manner that one is authorized to practice medicine and surgery  
22 in this state;

1           2. Any offer or attempt to prescribe, order, give, or  
2 administer any drug or medicine and surgery for the use of any other  
3 person, except as otherwise authorized by law;

4           3.    a.    any offer or attempt, except as otherwise authorized  
5                    by law, to prevent, diagnose, correct, or treat in any  
6                    manner or by any means, methods, devices, or  
7                    instrumentalities except for manual manipulation any  
8                    disease, illness, pain, wound, fracture, infirmity,  
9                    defect, or abnormal physical or mental condition of  
10                   any person, including the management of pregnancy and  
11                   parturition, except as otherwise authorized by law,

12           b.    except as provided in subsection D of this section,  
13                   performance by a person within or outside of this  
14                   state, through an ongoing regular arrangement, of  
15                   diagnostic or treatment services, including but not  
16                   limited to, stroke prevention and treatment, through  
17                   electronic communications for any patient whose  
18                   condition is being diagnosed or treated within this  
19                   state by a physician duly licensed and practicing in  
20                   this state. A person who performs any of the  
21                   functions covered by this subparagraph submits himself  
22                   or herself to the jurisdiction of the courts of this  
23                   state for the purposes of any cause of action  
24                   resulting from the functions performed, and

1 c. nothing in the Oklahoma Allopathic Medical and  
2 Surgical Licensure and Supervision Act shall be  
3 construed to affect or give jurisdiction to the State  
4 Board of Medical Licensure and Supervision over any  
5 person other than medical doctors or persons holding  
6 themselves out as medical doctors;

7 4. Any offer or attempt to perform any surgical operation upon  
8 any person, except as otherwise authorized by law; and

9 5. The use of the title Doctor of Medicine, Physician, Surgeon,  
10 Physician and Surgeon, Dr., M.D., or any combination thereof in the  
11 conduct of any occupation or profession pertaining to the  
12 prevention, diagnosis, or treatment of human disease or condition  
13 unless, where appropriate, such a designation additionally contains  
14 the description of another branch of the healing arts for which one  
15 holds a valid license in this state.

16 D. The practice of medicine and surgery, as defined in this  
17 section, shall not include:

18 1. A student while engaged in training in a medical school  
19 approved by the Board or while engaged in graduate medical training  
20 under the supervision of the medical staff of a hospital or other  
21 health care facility approved by the state medical board for such  
22 training, except that a student engaged in graduate medical training  
23 shall hold a license issued by the Board for such training;

1           2. Any person who provides medical treatment in cases of  
2 emergency where no fee or other consideration is contemplated,  
3 charged, or received;

4           3. A commissioned medical officer of the armed forces of the  
5 United States or medical officer of the United States Public Health  
6 Service or the Department of Veterans Affairs of the United States  
7 in the discharge of official duties and/or within federally  
8 controlled facilities; and provided that such person shall be fully  
9 licensed to practice medicine and surgery in one or more  
10 jurisdictions of the United States; provided further, that such  
11 person who holds a medical license in this state shall be subject to  
12 the provisions of the Oklahoma Allopathic Medical and Surgical  
13 Licensure and Supervision Act;

14           4. Any person licensed under any other act when properly  
15 practicing in the healing art for which that person is duly  
16 licensed;

17           5. The practice of those who endeavor to prevent or cure  
18 disease or suffering by spiritual means or prayer;

19           6. Any person administering a domestic or family remedy to a  
20 member of such person's own family;

21           7. Any person licensed to practice medicine and surgery in  
22 another state or territory of the United States who renders  
23 emergency medical treatment or briefly provides critical medical  
24 service at the specific lawful direction of a medical institution or

1 federal agency that assumes full responsibility for that treatment  
2 or service and is approved by the Board;

3 8. Any person who is licensed to practice medicine and surgery  
4 in another state or territory of the United States whose sole  
5 purpose and activity is limited to brief actual consultation with a  
6 specific physician who is licensed to practice medicine and surgery  
7 by the Board, other than a person with a special or restricted  
8 license; ~~or~~

9 9. Any person who is licensed to practice medicine and surgery  
10 in another state or territory of the United States whose sole  
11 purpose and activity is limited to interpreting medical imaging test  
12 results for patients physically located in this state by means of  
13 telemedicine as defined in Section 478 of this title; or

14 10. The practice of any other person as licensed by appropriate  
15 agencies of this state, provided that such duties are consistent  
16 with the accepted standards of the person's profession and the  
17 person does not represent himself or herself as a Doctor of  
18 Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D., or  
19 any combination thereof.

20 E. Nothing in the Oklahoma Allopathic Medical and Surgical  
21 Licensure and Supervision Act shall prohibit:

22 1. The service rendered by a physician's unlicensed trained  
23 assistant, if such service is rendered under the supervision and  
24 control of a licensed physician pursuant to Board rules, provided

1 such rules are not in conflict with the provisions of any other  
2 healing arts licensure act or rules promulgated pursuant to such  
3 act; or

4 2. The service of any other person duly licensed or certified  
5 by the state to practice the healing arts.

6 F. Nothing in the Oklahoma Allopathic Medical and Surgical  
7 Licensure and Supervision Act shall prohibit services rendered by  
8 any person not licensed by the Board and practicing any  
9 nonallopathic healing practice.

10 G. Nothing in the Oklahoma Allopathic Medical and Surgical  
11 Licensure and Supervision Act shall be construed as to require a  
12 physician to secure a Maintenance of Certification (MOC) as a  
13 condition of licensure, reimbursement, employment, or admitting  
14 privileges at a hospital in this state. For the purposes of this  
15 subsection, "Maintenance of Certification (MOC)" shall mean a  
16 continuing education program measuring core competencies in the  
17 practice of medicine and surgery and approved by a ~~nationally-~~  
18 ~~recognized~~ nationally recognized accrediting organization.

19 SECTION 2. AMENDATORY 59 O.S. 2021, Section 622, is  
20 amended to read as follows:

21 Section 622. A. 1. Except as otherwise provided by this  
22 section, it shall be unlawful for any person to practice as an  
23 osteopathic physician and surgeon in this state, without a license  
24 to do so, issued by the State Board of Osteopathic Examiners;

1 provided, that any license or certificate issued under the laws of  
2 this state, authorizing its holder to practice osteopathic medicine,  
3 shall remain in full force and effect. Persons who hold themselves  
4 out as osteopathic physicians in this state without a license issued  
5 by the State Board of Osteopathic Examiners submit themselves to the  
6 jurisdiction of the State Board of Osteopathic Examiners.

7 2. Osteopathic physicians engaged in postgraduate training  
8 beyond the internship year, also known as PGY-1, shall be licensed.  
9 Osteopathic physicians engaged in the internship or PGY-1 year may  
10 be eligible for a resident training license.

11 3. Osteopathic physicians engaged in interventional pain  
12 management pursuant to the Oklahoma Interventional Pain Management  
13 and Treatment Act shall be licensed by the State Board of  
14 Osteopathic Examiners.

15 B. 1. A person within or outside of this state who performs  
16 through electronic communications diagnostic or treatment services  
17 within the scope of practice of an osteopathic physician and  
18 surgeon, including but not limited to, stroke prevention and  
19 treatment, for any patient whose condition is being diagnosed or  
20 treated within this state shall be licensed in this state, pursuant  
21 to the provisions of the Oklahoma Osteopathic Medicine Act.

22 However, in such cases, 7:

- 23 a. a nonresident osteopathic physician who, while located  
24 outside this state, consults on an irregular basis

1 with a physician who is located in this state is not  
2 required to be licensed in this state, and

3 b. a nonresident osteopathic physician whose sole purpose  
4 and activity while located outside this state is  
5 limited to interpreting medical imaging test results  
6 for patients physically located in this state by means  
7 of telemedicine, as defined in Section 478 of this  
8 title, is not required to be licensed in this state.

9 2. Any osteopathic physician licensed in this state who engages  
10 in the prescription of drugs, devices, or treatments via electronic  
11 means may do so only in the context of an appropriate  
12 physician/patient relationship wherein a proper patient record is  
13 maintained including, at the minimum, a current history and  
14 physical.

15 3. Any commissioned medical officer of the armed forces of the  
16 United States or medical officer of the United States Public Health  
17 Service or the ~~Veterans Administration of the United States~~  
18 Department of Veterans Affairs, in the discharge of official duties  
19 and/or within federally controlled facilities, who is fully licensed  
20 to practice osteopathic medicine and surgery in one or more  
21 jurisdictions of the United States shall not be required to be  
22 licensed in this state pursuant to the Oklahoma Osteopathic Medicine  
23 Act, unless the person already holds an osteopathic medical license  
24 in this state pursuant to the Oklahoma Osteopathic Medicine Act. In

1 such case, the medical officer shall be subject to the Oklahoma  
2 Osteopathic Medicine Act.

3 4. A person who performs any of the functions covered by this  
4 subsection submits themselves to the jurisdiction of the courts of  
5 this state for the purposes of any cause of action resulting from  
6 the functions performed.

7 C. A hospital or related institution, as such terms are defined  
8 in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the  
9 principal purpose or function of providing hospital or medical care,  
10 including but not limited to any corporation, association, trust, or  
11 other organization organized and operated for such purpose, may  
12 employ one or more persons who are duly licensed to practice  
13 osteopathic medicine in this state without being regarded as itself  
14 practicing osteopathic medicine within the meaning and provisions of  
15 this section. The employment by the hospital or related institution  
16 of any person who is duly licensed shall not, in and of itself, be  
17 considered as an act of unprofessional conduct by the person so  
18 employed. Nothing provided herein shall eliminate, limit, or  
19 restrict the liability for any act or failure to act of any  
20 hospital, any hospital's employees, or persons duly licensed to  
21 practice osteopathic medicine.

22 D. Nothing in the Oklahoma Osteopathic Medicine Act shall be  
23 construed as to require an osteopathic physician to secure an  
24 Osteopathic Continuous Certification (OCC) as a condition of  
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1 licensure, reimbursement, employment or admitting privileges at a  
2 hospital in this state. For the purposes of this subsection,  
3 "Osteopathic Continuous Certification (OCC)" shall mean a continuing  
4 education program measuring core competencies in the practice of  
5 medicine and surgery and approved by a ~~nationally-recognized~~  
6 nationally recognized accrediting organization.

7 SECTION 3. This act shall become effective November 1, 2024.

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