
Title 435 – State Board of Medical Licensure and Supervision
Chapter 11– COVID-19 Pandemic Emergency Rules

435:11-1-1 Definitions

“Board” means the Oklahoma State Board of Medical Licensure and Supervision.

“Supervision” means the responsible oversight and control of the practice of any health professional herein provided and can be available should need arise by telephonic means or other remote communicative technology.

“Supervisee” means a licensed physician assistant and advanced practice registered nurses.

“Secretary” means the Secretary of the Oklahoma State Board of Medical Licensure and Supervision.

435:11-1-2 Scope and Duration of Emergency Rules

These emergency rules shall remain in full force and effect until the Governor’s Executive Order 2020-13 or a succeeding Executive Order related to the COVID-19 Pandemic expires. To the extent these emergency rules conflict with existing permanent rules under Title 435 of the Oklahoma Administrative Code, the emergency rules shall control, unless otherwise provided, until they expire.

435:11-1-3 Relaxation of Supervision Requirements

- (a) A medical doctor or surgeon licensed by the Board may provide supervision to any number of the following mid-level health professionals:
 - (1) Physician Assistants, or
 - (2) Advanced Practice Registered Nurses (“APRNs”).
- (b) Within forty-eight (48) hours of assuming supervision of a new supervisee, any physician or surgeon licensed by Board shall send a report developed by the Board which contains the following information for each new supervisee:
 - (1) Name of the supervisee,
 - (2) License number of the supervisee,
 - (3) Credential of the supervisee (PA or APRN), and
 - (4) The date supervision became effective.

435:11-1-4 Temporary Reinstatement of Retired, Inactive, or Lapsed Licensees

- (a) The Secretary may issue a temporary license to any medical doctor or surgeon whose Oklahoma medical license has lapsed, inactive, or any medical doctor or surgeon that has retired or been granted Physician Emeritus status under OAC 435:10-7-6 and who submits an application developed by the Board containing the following information:
 - (1) Applicant’s name,
 - (2) License number,
 - (3) Temporary Practice Address,
 - (4) Type of practice or specialty, and
 - (5) Submits a statement attesting to the following:
 - (A) The medical doctor or surgeon previously had an active Oklahoma license prior to January 1, 2017, and

- (B) The medical doctor or surgeon has not been subject to any disciplinary action by the Board.
- (b) The Secretary may issue a temporary license to any physician assistant whose Oklahoma physician assistant license has lapsed or become inactive and who submits an application developed by the Board containing the following information:
 - (1) Applicant's name,
 - (2) License number,
 - (3) Temporary Practice Address
 - (4) Type of practice or specialty, and
 - (5) Submits a statement attesting to the following:
 - (A) The physician assistant previously had an active Oklahoma license prior to January 1, 2017, and
 - (B) The physician assistant has not been subject to any disciplinary action by the Board,
 - (6) The name and license number of the medical doctor or surgeon who will provide supervision to the physician assistant while the temporary license is active.
- (c) The Secretary may issue a temporary license to any respiratory care practitioner or respiratory therapist whose Oklahoma respiratory care therapy or practitioner license has lapsed or become inactive and who submits an application developed by the Board containing the following information:
 - (1) Applicant's name,
 - (2) License number,
 - (3) Temporary Practice Address, and
 - (4) Submits a statement attesting to the following:
 - (A) The respiratory therapist or respiratory care practitioner previously had an active Oklahoma license prior to January 1, 2019, and
 - (B) The respiratory therapist or respiratory care practitioner has not been subject to any disciplinary action by the Board.
- (d) Any license issued under subsections (a), (b), or (c) of this section shall be ratified at the next regular meeting of the Board.

435:11-1-5 Temporary Licensure for Recent Graduates

- (a) The Board may issue a license to any graduate of a medical school approved by the Board consistent with 59 O.S. § § 493.1 and 493.2 who submits an application developed by the Board containing the following information:
 - (1) Applicant's Name
 - (2) Temporary Practice Address
 - (3) Submit evidence of satisfactory completion of medical school, and
 - (4) Foreign applicants shall provide a certified copy of the Educational Commission for Foreign Medical Graduates Certificate to the Board
 - (5) Submit a statement from a medical doctor or surgeon licensed by this State who attests the following:

- (A) The Graduate is necessary in the interests of the public health, safety, and welfare to combat the COVID-19 Pandemic, and
- (B) The supervising physician will assume supervision over the graduate practicing under the temporary license by telephonic means or remote communicative technology.

435:11-1-6 Application and Licensure Fees

- (a) The Board waives all application and licensure fees for applicants seeking temporary licensure under the Emergency Management Compact and who holds a license in good standing from another U.S. state or territory.
- (b) The Board waives all application and licensure fees for applicants seeking temporary licensure under OAC 435:11-1-4 and 435:11-1-5.

435:11-1-7 Disciplinary Actions

- (a) The Board suspends all deadlines and procedures in disciplinary actions through May 15, 2020, and it authorizes the Secretary to extend the suspension of deadlines and procedures for not more than an additional thirty (30) days without subsequent action of the Board if:
 - (1) The Governor issues an Executive Order, new or amended, extending the closure of non-essential businesses in this State to or after May 15, 2020, or
 - (2) The Chief Justice of the Supreme Court and Presiding Judge of the Court of Criminal Appeals issue a third order suspending deadlines and procedures in all state courts to any date after May 15, 2020.
- (b) Except for emergency suspensions under 59 O.S.2011, § 503.1, the Board will refrain from initiating complaints and citations, excluding complaints alleging either of the following:
 - (1) Any violations of federal or state law involving the unlawful prescription of a controlled dangerous substance under Schedule II, or
 - (2) Sexual misconduct.

435:11-1-8 Oklahoma Tax Commission Compliance

The Board will renew or reinstate any license issued by the Board despite the licensee being non-compliant with the Oklahoma Tax Commission.

435:11-1-10 Telemedicine and Telehealth

- (a) To the extent not already allowed by applicable law, licensed medical doctors, surgeons, and physician assistants may utilize telemedicine or telehealth to provide care for new or existing patients.
- (b) Subsection (a) shall not be construed to allow licensed medical doctors, surgeons, or physician assistants to prescribe opiates and other controlled dangerous substances without a preexisting physician-patient relationship as required by 59 O.S.Supp.2017, § 478.1.
- (c) Subsection (b) shall not be construed to waive the scheduled drug prescription requirements for Physician Assistants under OAC 435:15-5-10.
- (d) To the extent not already allowed by applicable law or relevant practice act, licensed athletic trainers, dieticians, musical therapists, occupational therapists, physical therapists, pedorthists, orthotists, prosthetists, respiratory care practitioners or respiratory therapists, and therapeutic recreational specialists may utilize telemedicine or telehealth to provide follow-up care to current patients or clients.

(e) Nothing under subsections (a) or (d) of this section shall be construed to expand a licensee's scope of practice. At all times, licensees shall provide care that is consistent with the licensee's education, knowledge, and expertise.

435:11-1-11 Effective Date

These emergency rules of the State Board of Medical Licensure and Supervision shall become effective immediately upon approval of the Governor.