Rule Impact Statement
Oklahoma State Board of Medical Licensure and Supervision

This Rule Impact Statement has been prepared pursuant to 75 O.S.2011, § 303(D)(2).

I. Purpose of Proposed Rules.

The Oklahoma State Board of Medical Licensure and Supervision ("OSBMLS" or "Medical Board") has filed requisite notice of the proposed rules and proposes the same in response to the passage of Senate Bill 876, 2019 O.S.L. 492, § 6. The proposed rules provide for an alternative process to disciplinary actions—administrative remedies. In addition to setting forth infractions or violations may be resolved by the issuance of an administrative remedy, the proposed rules also set forth a process and procedures for the issuance of such remedies in addition to requiring the confidentiality of patient information, rules governing access to such orders, and failure to adhere to the requirements in an administrative remedy order.

II. Impact of Proposed Rules on Classes of Persons.

OSBMLS will likely affect any medical doctor or surgeon licensed by the Medical Board who has committed a minor violation of the Board’s statutes and rules defining unprofessional conduct.

III. Beneficiaries of Proposed Rules.

The general public and patients of health professionals licensed by this Board will benefit from these proposed rules. Additionally, licensees will be able to quickly resolve potential violations by consenting to an administrative remedy order, thus obviating the need for a full investigation and the filing a complaint and citation.

IV. Probable Economic Impact Description of Proposed Rules and Effect on Affected Classes of Persons or Political Subdivisions.

OSBMLS anticipates that health professionals currently licensed by the Board will want to pay the administrative remedy monetary fine in lieu of probation, suspension, or revocation. This will likely lead to an increased number of licensees paying fines rather than being subject to formal disciplinary proceedings. Ultimately, it may well be cheaper for the licensee to use the administrative remedy process due to the underlying license not being subject to limitation or withdrawal.

V. State Agency Costs Description.

The Investigations Department at the Oklahoma State Board of Medical Licensure and Supervision will benefit from the reduced burden, and it will be better able to concentrate on investigating more serious offenses.
VI. Political Subdivision Economic Impact and Cooperation Determination.

At the time this Statement was prepared, OSBMLS does not foresee that the implementation and enforcement of these rules will cause economic impact on political subdivisions or require the cooperation from the same regarding implementation and enforcement.

VII. Oklahoma Small Business Regulatory Flexibility Act Determination.

At the time of this Statement was prepared, OSBMLS does not foresee that implementation of the proposed rules will have any adverse economic effect on small business.

VIII. Cost Management Explanation & Determination.

There are statutory measures under 59 O.S.Supp.2019, §503.2 and other provisions of Oklahoma law that the Oklahoma State Board of Medical Licensure and Supervision has taken to minimize compliance costs. In short, the Board cannot fine more than it is statutorily allowed to fine.

The Board also finds that there are no less costly or nonregulatory methods or less intrusive methods to achieve the purpose of the proposed rules. Since these rules are less costly and intrusive to the licensees of the Board and the Legislature has provided authority for the promulgation of these rules, this should be weighed against any presumption favoring “less intrusive methods.”

IX. Public Health, Safety, and Environmental Impact Determination.

OSBMLS finds that the proposed rules will increase public health and safety and are designed to ensure legal compliance of health professionals licensed by the Board while at the same time allowing them to resume their professional responsibilities without the disruption of a formal disciplinary proceedings, including investigation, issuances of formal complaint and citation, settlement negotiation, discovery, and hearing.

The proposed rules are not designed to reduce significant risks to public health, safety, and environment.

X. Public Health, Safety, and Environment Determination.

At the time this Statement was prepared, the Oklahoma State Board of Medical Licensure and Supervision determines that not implementing the proposed rules will detrimentally affect public health and safety.

XI. Date prepared: November 24, 2020