
**Title 435 – State Board of Medical Licensure and Supervision
Chapter 11– COVID-19 Temporary Critical Need Licensure Flexibility
Emergency Rules**

435:11-1-13 Definitions

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

“Mid-level practitioner” means: (1) a physician’s assistant; or (2) an advance practiced registered nurse with prescribing authority.

435:11-1-14 Scope and Duration of Emergency Rules

As a result of the COVID -19 emergency, these emergency rules shall remain in full force and effect through September 14, 2022 unless superseded by another rule. 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.

435:11-1-15 Physician’s Initial Application and Licensure Fees

- (a) The Board Secretary or Executive Director is authorized to issue a temporary critical need license to any physician or surgeon seeking temporary critical need licensure and who holds a license in good standing in another U.S. state or territory.
- (b) The Board waives all application and licensure fees, excluding the background check fee, for applicants seeking temporary critical need licensure and who hold a license in good standing in another U.S. state or territory.
- (c) The physician must submit an application on a form developed by the Board containing, at a minimum, the following information:
 - (1) Applicant’s full legal name;
 - (2) Date of birth;
 - (3) Email address;
 - (4) Residential address;
 - (5) Temporary practice address;
 - (6) Type of practice or specialty;
 - (7) State where the physician is currently licensed and license number; and
 - (8) An attestation to abide by all Oklahoma statutes and rules.
- (d) A physician applying for temporary critical need licensure under this section shall not have been subject to disciplinary action by any state licensure board for conduct unrelated to the payment of licensure and shall pass a background check. The applicant is responsible for any and all background check fees.
- (e) Nothing under this section shall be construed to allow physicians or surgeons who are issued a temporary critical need license to initiate a prescription for controlled dangerous drugs, including opioids, without obtaining the proper permits from: (1) the Oklahoma Bureau of Narcotics and Dangerous Drugs; and (2) the Drug Enforcement Administration.
- (f) Nothing under this section shall be construed to allow physicians or surgeons who are issued a temporary critical need license to recommend medical marijuana.
- (g) Any license issued under this section shall be ratified at the next regular meeting of the Board.

435:11-1-16 Physician Assistant's Initial Application and Licensure Fees

- (a) The Board Secretary or Executive Director is authorized to issue a temporary critical need license to any physician assistant seeking temporary critical need licensure and who holds a license in good standing in another U.S. state or territory.
- (b) The Board waives all application and licensure fees, excluding the background check fee, for applicants seeking temporary critical need licensure and who hold a license in good standing in another U.S. state or territory.
- (c) The physician assistant must submit an application on a form developed by the Board containing, at a minimum, the following information:
 - (1) Applicant's full legal name;
 - (2) Date of birth;
 - (3) Email address;
 - (4) Residential address;
 - (5) Temporary practice address;
 - (6) Type of practice or specialty;
 - (7) State where the physician assistant is currently licensed and license number;
 - (8) The name and license number of the delegating physician and a copy of current practice agreement; and
 - (9) An attestation to abide by all Oklahoma statutes and rules.
- (h) A physician assistant applying for temporary critical need licensure under this section shall not have been subject to disciplinary action by any state licensure board for conduct unrelated to the payment of licensure and shall pass a background check. The applicant is responsible for any and all background check fees.
- (d) Nothing under this section shall be construed to allow physician assistants who are issued a temporary critical need license to initiate a prescription for controlled dangerous drugs, including opioids, without obtaining the proper permits from: (1) the Oklahoma Bureau of Narcotics and Dangerous Drugs; and (2) the Drug Enforcement Administration.
- (e) Any license issued under this section shall be ratified at the next regular meeting of the Board.

435:11-1-17 Respiratory Care Practitioners's Initial Application and Licensure Fees

- (a) The Board Secretary or Executive Director is authorized to issue a temporary critical need license to any respiratory care practitioner seeking temporary critical need licensure and who holds a license in good standing in another U.S. state or territory.
- (b) The Board waives all application and licensure fees for applicants, excluding the background check fee, seeking temporary critical need licensure and who hold a license in good standing in another U.S. state or territory.
- (c) The respiratory care practitioner must submit an application on a form developed by the Board containing, at a minimum, the following information:
 - (1) Applicant's full legal name;
 - (2) Date of birth;
 - (3) Email address;
 - (4) Residential address;
 - (5) Temporary practice address;
 - (6) Type of practice or specialty;
 - (7) State where the respiratory care practitioner is currently licensed and license number;

and

- (8) An attestation to abide by all Oklahoma statutes and rules.
- (i) A respiratory care practitioner applying for temporary critical need licensure under this section shall not have been subject to disciplinary action by any state licensure board for conduct unrelated to the payment of licensure and shall pass a background check. The applicant is responsible for any and all background check fees.
- (d) Any license issued under this section shall be ratified at the next regular meeting of the Board.

435:11-1-18 Temporary Reinstatement of Retired and Inactive Physician Licensees

- (a) The Board Secretary or Executive Director is authorized to issue a temporary critical need license to any physician or surgeon whose Oklahoma license, within the last three (3) years, has been retired and become inactive.
- (b) The Board waives all application and licensure fees, excluding the background check fee, for applicants seeking temporary critical need licensure and who hold a license in good standing in another U.S. state or territory.
- (c) The physician must submit an application on a form developed by the Board containing, at a minimum, the following information:
 - (1) Applicant's full legal name;
 - (2) Date of birth;
 - (3) Oklahoma MD license number;
 - (4) Email address;
 - (5) Residential address;
 - (6) Temporary practice address;
 - (7) Type of practice or specialty; and
 - (8) An attestation to abide by all Oklahoma statutes and rules.
- (j) A physician applying for temporary critical need licensure under this section shall not have been subject to disciplinary action by any state licensure board for conduct unrelated to the payment of licensure fees and shall pass a background check. The applicant is responsible for any and all background check fees.
- (d) The Board shall not authorize a temporary critical need license to any physician or surgeon whose Oklahoma license has been or is suspended or revoked, or was surrendered in lieu of prosecution.
- (e) Nothing under this section shall be construed to allow physicians or surgeons who are issued a temporary critical need license to initiate a prescription for controlled dangerous drugs, including opioids, without obtaining the proper permit from: (1) the Oklahoma Bureau of Narcotics and Dangerous Drugs; and (2) the Drug Enforcement Administration.
- (f) Nothing under this section shall be construed to allow physicians or surgeons who are issued a temporary critical need license to recommend medical marijuana.
- (g) Any license issued under this section shall be ratified at the next regular meeting of the Board.

435:11-1-19 Temporary Reinstatement of Inactive Physician Assistant Licensees

- (a) The Board Secretary or Executive Director is authorized to issue a temporary critical need license to any physician assistant whose Oklahoma license, within the last three (3) years, has become inactive.
- (b) The Board waives all application and licensure fees, excluding the background check fee, for applicants seeking temporary critical need licensure and who hold a license in good standing

- in another U.S. state or territory.
- (c) The physician assistant must submit an application on a form developed by the Board containing, at a minimum, the following information:
 - (1) Applicant's full legal name;
 - (2) Date of birth;
 - (3) Oklahoma PA license number;
 - (4) Email address;
 - (5) Residential address;
 - (6) Temporary practice address;
 - (7) Type of practice or specialty;
 - (8) The name and license number of the delegating physician and a copy of current practice agreement; and
 - (9) An attestation to abide by all Oklahoma statutes and rules.
 - (k) A physician assistant applying for temporary critical need licensure under this section shall not have been subject to disciplinary action by any state licensure board for conduct unrelated to the payment of licensure fees and shall pass a background check. The applicant is responsible for any and all background check fees.
 - (d) The Board shall not authorize a temporary critical need license to any physician assistant whose Oklahoma license has been or is suspended or revoked, or was surrendered in lieu of prosecution.
 - (e) Nothing under this section shall be construed to allow physician assistants who are issued a temporary critical need license to initiate a prescription for controlled dangerous drugs, including opioids, without obtaining the proper permit from: (1) the Oklahoma Bureau of Narcotics and Dangerous Drugs; and (2) the Drug Enforcement Administration.
 - (f) Any temporary critical need license issued under this section shall be ratified at the next regular meeting of the Board.

435:11-1-20 Temporary Reinstatement of Inactive Respiratory Care Licensees

- (a) The Board Secretary or Executive Director is authorized to issue a temporary critical need license to any respiratory care practitioner whose Oklahoma license, within the last three (3) years, has become inactive.
- (b) The Board waives all application and licensure fees, excluding the background check fee, for applicants seeking temporary critical need licensure and who hold a license in good standing in another U.S. state or territory.
- (c) The respiratory care practitioner must submit an application on a form developed by the Board containing, at a minimum, the following information:
 - (1) Applicant's full legal name;
 - (2) Date of birth;
 - (3) Oklahoma RC license number;
 - (4) Email address;
 - (5) Residential address;
 - (6) Temporary practice address;
 - (7) Type of practice or specialty; and
 - (8) An attestation to abide by all Oklahoma statutes and rules.
- (l) A respiratory care practitioner applying for temporary critical need licensure under this section shall not have been subject to disciplinary action by any state licensure board for conduct unrelated to the payment of licensure fees and pass a background check. The applicant is

responsible for any and all background check fees.

- (d) The Board shall not authorize a temporary critical need license to any respiratory care practitioner whose Oklahoma license has been or is suspended or revoked, or was surrendered in lieu of prosecution.
- (e) Any license issued under this section shall be ratified at the next regular meeting of the Board.

435:11-1-21 Telemedicine and Telehealth for Temporary Critical Need Licenses

Nothing in this chapter shall be construed to allow the use of telemedicine or telehealth to provide care for new or existing patients other than to the extent allowed by applicable law.

435:11-1-22 Duration of Temporary Critical Need License

Except otherwise provided, any temporary critical need license issued pursuant to these emergency rules shall expire at the end of 180 days from the date of issuance unless renewed, but in no event may a temporary critical need license be effective later than September 14, 2022.

435:11-1-23 Effective Date

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