

**RULE IMPACT STATEMENT
PROPOSED PERMANENT RULES**

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 10. PHYSICIANS AND SURGEONS**

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]

PURPOSE OF PROPOSED RULES:

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 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 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 Board’s 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 extend 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 proposed in this section on physicians and in 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.

CLASSES AFFECTED:

The classes of persons most likely to be affected by the proposed amendments are the Board, the Board's staff, applicants for licenses, and licensees of the Oklahoma State Board of Medical Licensure and Supervision.

PERSONS BENEFITTED:

The classes of persons most likely to benefit from the proposed amendments are the Board, the Board's staff, and licensees of the Oklahoma State Board of Medical Licensure and Supervision.

PROBABLE ECONOMIC IMPACT:

1. On affected classes: There will be little or no impact due to the proposed changes in these rules.

2. On political subdivision: There will be little or no impact due to the proposed changes in these rules.

3. Fees: There will be little or no impact due to the proposed changes in these rules.

PROBABLE COST TO THE AGENCY:

Minimal administrative only. No additional personnel or budget expenses are anticipated.

WILL THE RULES IMPACT POLITICAL SUBDIVISIONS:

No economic impact, or a need for cooperation from political subdivisions, is anticipated.

SMALL BUSINESS IMPACT:

There is no anticipated adverse impact on small business, with reference to Sections 303(A)(4) and 303(B)(6) of the APA.

ALTERNATIVE METHODS AND COSTS OF COMPLIANCE:

There are no apparent alternative methods for compliance. The Agency does not anticipate any additional costs of administration due to implementation of these rule changes.

PUBLIC HEALTH/ SAFETY CONCERNS:

There will be no adverse impact or concerns with public health, safety or environment that will result for these proposed rule changes.

Prepared September 30, 2024

Amended November 22, 2024