

**OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
AGENCY RULE REPORT**

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
CHAPTER 3. INDIVIDUAL PROCEEDINGS**

**DATE OF PUBLICATION OF NOTICE OF RULEMAKING INTENT IN OKLAHOMA REGISTER:**

October 1, 2024

**NAME AND ADDRESS OF AGENCY:**

Oklahoma Board of Medical Licensure and Supervision  
101 NE 51<sup>st</sup> Street, Oklahoma City, Oklahoma 73105

**TITLE AND NUMBER OF RULE(S):**

Subchapter 3. Investigations and Hearings  
435:3-3-1. Investigations [AMENDED]  
435:3-3-2. Confidentiality during investigations [AMENDED]  
435:3-3-3. Confidentiality during hearings [AMENDED]  
435:3-3-8. Response to a complaint [AMENDED]  
435:3-3-13. Trial examiner [AMENDED]  
435:3-3-16. Subpoenas [AMENDED]  
435:3-3-18. Hearing records [AMENDED]  
435:3-3-19. Maintenance of hearing records [AMENDED]

**AUTHORITY:**

Title 59 O.S. § 519, et. seq.; Oklahoma State Board of Medical Licensure and Supervision

**CITATION TO THE STATUTORY AUTHORITY FOR RULE(S):**

Title 59 O.S. § 519, et. seq.; Oklahoma State Board of Medical Licensure and Supervision

**CITATION TO STATE LAW REQUIRING THE RULE:**

Title 59 O.S. § 519, et. seq.; Oklahoma State Board of Medical Licensure and Supervision

**BRIEF SUMMARY OF THE CONTENT OF THE ADOPTED RULE(S):**

The proposed rules clarify additional state boards that may be sent referrals by the Board. The proposed rules add language about investigation records being privileged in addition to confidential as passed in SB 597 and signed April 30, 2024. Confidentiality during hearings is modified to add the word “privileged” to confidential pursuant to SB 597. Service of subpoenas is clarified. The Board providing records of hearings is modernized to reflect audio records and transcription of audio.

**STATEMENT EXPLAINING THE NEED FOR ADOPTED RULE(S):**

The Oklahoma Board of Medical Licensure and Supervision believes the proposed rule revisions are necessary to best protect the public while bringing the rules into harmony with current law.

**DATE AND LOCATION OF THE MEETING, IF HELD, AT WHICH RULE(S) WERE ADOPTED:**

November 21, 2024, at 9:00 a.m. at the Oklahoma State Board of Medical Licensure and Supervision, 101 NE 51<sup>st</sup> Street, Oklahoma City, Oklahoma.

**PUBLIC COMMENT, RULE CHANGES BASED ON COMMENTS AND PERSONS APPEARING TO SUPPORT OR OPPOSE THE PROPOSED RULES:**

The public comment period ran from October 1, 2024 through November 1, 2024, and the public hearing was held on November 5, 2024 at 2:00 p.m. at the Oklahoma State Board of Medical

Licensure and Supervision, 101 NE 51<sup>st</sup> Street, Oklahoma City, Oklahoma. No written or oral public comments were received.

**LIST OF PERSONS/ORGANIZATIONS WHO APPEARED OR REGISTERED FOR OR AGAINST THE ADOPTED RULE OR WHO HAVE COMMENTED IN WRITING BEFORE OR AFTER THE HEARING:**

No written or oral public comments were received.

**RULE IMPACT STATEMENT:**

See attached.

**MEMBERS OF THE OKLAHOMA BOARD OF MEDICAL LICENSURE AND SUPERVISION FOR ADOPTION AND INDIVIDUAL VOTES:**

Mr. Trevor Nutt, President:	Aye
Ross Vanhooser, MD, Vice-President:	Aye
Mr. Clay Bullard:	Aye
Susan Chambers, MD:	Aye
Louis Cox, MD:	Aye
Mr. Jeremy Hall:	Aye
Tim Holder, MD:	Aye
Steven Katsis, MD:	Aye
Ms. Bridget Keast:	Aye
Jessica Keller, MD:	Aye
Don Wilber, MD:	Aye

**PROPOSED EFFECTIVE DATE OF THE RULE(S):** Ten (10) days after publication in *The Oklahoma Register*.

**OTHER INFORMATION REQUESTED BY THE GOVERNOR:**

N/A

**OTHER INFORMATION REQUESTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT PRO TEMPORE, OR EITHER RULE REVIEW COMMITTEE:**

N/A

**RULE IMPACT STATEMENT  
PROPOSED PERMANENT RULES**

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
CHAPTER 3. INDIVIDUAL PROCEEDINGS**

**PROPOSED RULES:**

- 435:3-3-1. Investigations [AMENDED]
- 435:3-3-2. Confidentiality during investigations [AMENDED]
- 435:3-3-3. Confidentiality during hearings [AMENDED]
- 435:3-3-8. Response to a complaint [AMENDED]
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- 435:3-3-19. Maintenance of hearing records [AMENDED]

**PURPOSE OF PROPOSED RULES:**

The proposed rules clarify additional state boards that may be sent referrals by the Board. The proposed rules add language about investigation records being privileged in addition to confidential as passed in SB 597 and signed April 30, 2024. Confidentiality during hearings is modified to add the word “privileged” to confidential pursuant to SB 597. Service of subpoenas is clarified. The Board providing records of hearings is modernized to reflect audio records and transcription of audio.

**CLASSES AFFECTED:**

The classes of persons most likely to be affected by the proposed amendments are the Board, the Board’s staff, 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*