

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General provisions

435:10-1-4. Definitions [AMENDED]

Subchapter 4. Application and examination procedures for licensure as physician and surgeon

435:10-4-6. Medical licensure examination [AMENDED]

SUMMARY:

The proposed amendments to OAC 435:10-1-4. Definitions would clarify that a face-to-face meeting between the physician and patient is not required under certain circumstances. Circumstances would include physicians covering another physician's practice when issuing a refill if they have access to the complete medical record, hospice medical directors ordering medication as requested by licensed hospice employees with verification as being appropriate by the hospice record, providers treating a laboratory-verified, sexually-transmitted disease or persons who have been in contact with an infectious bacterial disease, and physicians practicing via telemedicine under certain criteria.

The proposed amendment to OAC 435:10-4-6. Medical licensure examination would update the passing score language to reflect current reporting standards by the United States Medical Licensing Examination (USMLE) program. Effective April 1, 2013, scores will no longer be reported to the Board from the USMLE in a 2-digit score scale format. Only the 3-digit score scale will be used and reported.

AUTHORITY:

TITLE 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from April 15, 2013 to May 15, 2013. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on May 16, 2013, at 9:00 a.m. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than May 14, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement is available at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

RULE IMPACT STATEMENT
PROPOSED RULE:
OAC 435:10-4-6. Medical licensure examination

PURPOSE OF PROPOSED RULE:

The proposed amendment to **OAC 435:10-4-6. Medical licensure examination** would update the passing score language to reflect current reporting standards by the United States Medical Licensing Examination (USMLE) program. Effective April 1, 2013, scores will no longer be reported to the Oklahoma Board of Medical Licensure & Supervision from the USMLE program in a 2-digit score scale format. Only the 3-digit score scale will be used and reported.

CLASSES AFFECTED:

The classes of persons who most likely will be affected by the proposed rules are applicants for a medical license who have taken the USMLE licensure exams. There will be no additional costs in implementing these amendments. No cost impacts have been received by this agency from any private or public entities.

PERSONS BENEFITTED:

The classes of persons who will benefit from the proposed rules are applicants for a medical license who have taken the USMLE licensure exams. This amendment will allow seamless transfer of scores between the national body that administers the exam and the Oklahoma Board of Medical Licensure & Supervision.

PROBABLE ECONOMIC IMPACT:

1. On affected classes: There will be little or no economic impact due to the proposed changes in these rules. There are no fees associated with this rule change.
2. On political subdivision: There will be little or no impact due to the proposed changes in these rules.
3. Fees: The proposed rule changes do not address fees.

PROBABLE COST TO THE AGENCY:

Administrative only. No additional personnel or budget expenses are anticipated.

WILL THE RULE IMPACT POLITICAL SUBDIVISIONS:

No economic impact or, 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 304 (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 safety or environment that will result for these proposed rule changes. Their implementation will result in better public health for the citizens of Oklahoma by facilitating the licensure of new medical doctors.

Prepared April 15, 2013

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

435:10-4-6. Medical licensure examination

- (a) Upon submission and approval of a completed application for licensure by examination, and the payment of all fees, an applicant may sit for an examination approved by the Board. The Board has adopted the USMLE as its licensure examination. The passing score for the licensure examination is set at seventy-five percent (75%) or the 3-digit minimum passing score scale as set by the USMLE program.
- (b) In order to sit for the licensure examination, the applicant shall provide the Board with all information required by 59 O.S. § 494.1 on a form created or approved by the Board.
- (c) Submission of an application shall not guarantee an applicant the ability to sit for the licensure examination. No person shall sit for licensure examination until approved to do so by the Board.
- (d) The Board recognizes as acceptable for licensure the USMLE, NBME, FLEX and LMCC examinations. However, the Board will not accept test scores or combined FLEX scores from multiple sittings of the FLEX. In addition, the Board will accept the following combinations of those examinations:
- (1) NBME part I or USMLE step 1, **plus** NBME part II or USMLE step 2, **plus** NBME part III or USMLE step 3;
 - (2) FLEX component 1 plus USMLE step 3; or
 - (3) NBME part I or USMLE step 1, **plus** NBME part II or USMLE step 2, **plus** FLEX component 2.
- (e) The factoring of scores or combination of scores taken from separate examinations is acceptable only as set forth in (d)(1) through (d)(3) of this Section.
- (f) All steps of the licensure examination must be passed within ten (10) years unless otherwise prohibited by applicable law.
- (g) The following applies to all applicants regarding examination failures unless otherwise prohibited by applicable law:
- (1) Any applicant who fails any part of a licensing examination three times will not be eligible for a license. A score of incomplete shall be considered a failing score. The USMLE Step2-Clinical Knowledge and Step2-Clinical Skills shall be considered as separate steps.
 - (2) If a combination of NBME, FLEX and/or USMLE is utilized, any applicant who has failed more than six (6) examinations will not be eligible for a license.
 - (3) If an applicant has achieved certification by an American Board of Medical Specialties (ABMS) Board, an exception to 435:10-4-6 (g)(1) and (2) may be granted by a vote of the Board.
- (h) As with the initial application, the Board may make additional inquiry of the applicant to provide additional information as necessary.