

Bill Number: OK52RSB 1311

Date: 03-30-2010

HOUSE COMMITTEE SUBSTITUTE

STATE OF OKLAHOMA

1 2nd Session of the 52nd Legislature (2010)

2 PROPOSED COMMITTEE

3 SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 1311 By: Rice, Coates and Crain of

6 the Senate

7 and

8 Cox of the House

9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;

11 amending Section 1, Chapter 74, O.S.L. 2009 (59 O.S.

12 Supp. 2009, Section 367.8), which relates to

13 emergency medication kits; clarifying language;

14 defining term; amending Section 1, Chapter 138,

15 O.S.L. 2003, as last amended by Section 1, Chapter

16 255, O.S.L. 2009 (59 O.S. Supp. 2009, Section 493.5),

17 which relates to special volunteer license; modifying

18 qualifications; modifying time period for issuance

19 and renewal of certain license; allowing electronic

20 verification of certain information; requiring

21 certain written acknowledgement; and declaring an

22 emergency.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY Section 1, Chapter 74, O.S.L.

1 2009 (59 O.S. Supp. 2009, Section 367.8), is amended to read as
2 follows:

3 Section 367.8 A. A long-term care pharmacy may maintain
4 controlled dangerous substances in an emergency [~~electronic~~]
5 medication kit used at a facility. The controlled dangerous
6 substances may be used only for the emergency medication needs of
7 a resident at the facility. A long-term care pharmacy may
8 maintain drugs in an emergency medication kit for any facility.

9 B. The State Board of Pharmacy shall promulgate rules
10 relating to emergency medication kits, including, but not limited
11 to:

12 1. The amount and type of controlled dangerous substances
13 that may be maintained in an emergency medication kit;

14 2. Procedures regarding the use of drugs from an emergency
15 medication kit;

16 3. Recordkeeping requirements; and

17 4. Security requirements.

18 C. As used in this section:

19 1. "Facility" means a facility as defined by the Nursing
20 Home Care Act or an assisted living center as defined by the
21 Continuum of Care and Assisted Living Act; and

22 2. "Long-term care pharmacy" means a licensed pharmacy
23 [~~which is not open to the general public and~~] which primarily
24 provides pharmacy services to [~~institutions~~] a facility.

25 SECTION 2. AMENDATORY Section 1, Chapter 138, O.S.L.
26 2003, as last amended by Section 1, Chapter 255, O.S.L. 2009 (59
27 O.S. Supp. 2009, Section 493.5), is amended to read as follows:

1 Section 493.5 A. 1. There is established a special
2 volunteer license for eligible volunteers from a medically related
3 field who are retired from active practice or actively licensed in
4 another state and practicing in that state and wish to donate
5 their expertise for the care and treatment of indigent and needy
6 persons of this state.

7 2. For purposes of this section:

8 a. "eligible volunteer" means a physician, physician
9 assistant, nurse, dentist, optometrist or pharmacist, and

10 b. "nurse" means an advanced practice nurse, advanced
11 registered nurse practitioner, registered nurse, or licensed
12 practical nurse.

13 3. The special volunteer license shall be:

14 a. issued by the State Board of Medical Licensure and
15 Supervision to eligible physicians and physician assistants, by
16 the Board of Osteopathic Examiners to eligible physicians, by the
17 Oklahoma Board of Nursing to eligible nurses, the Board of
18 Dentistry to eligible dentists, the Board of Examiners in
19 Optometry to eligible optometrists, and by the Board of Pharmacy
20 to eligible pharmacists,

21 b. issued without the payment of an application fee,
22 license fee or renewal fee,

23 c. issued or renewed without any continuing education
24 requirements in this state,

25 d. issued for [~~a fiscal year or part thereof~~] a period
26 of time to be determined by the applicable board, and

27 e. renewable [~~annually~~] upon approval of the applicable

1 Board.

2 B. An eligible volunteer shall meet the following
3 requirements before obtaining a special volunteer license:

4 1. Completion of a special volunteer license application,
5 including, as applicable, documentation of:

6 a. the medical school graduation of the physician,

7 b. the completion of a physician assistant program by a
8 physician assistant,

9 c. the completion of the basic professional curricula
10 of a school of nursing by the nurse,

11 d. the dental school graduation of the dentist,

12 e. the optometry school graduation of the optometrist,
13 or

14 f. the school or college of pharmacy graduation of a
15 pharmacist, and

16 g. the relevant practice history of the applicant;

17 2. Documentation or electronic verification that the
18 eligible volunteer has been previously issued a full and
19 unrestricted license to practice in Oklahoma or in another state
20 of the United States and written acknowledgment that he or she
21 has never been the subject of any professional disciplinary action
22 in any jurisdiction;

23 3. [~~Acknowledgement and documentation~~] Written
24 acknowledgement that the practice of the eligible volunteer under
25 the special volunteer license will be exclusively and totally
26 devoted to providing care to needy and indigent persons in
27 Oklahoma or to providing care under the Oklahoma Medical Reserve

1 Corps; and

2 4. [~~Acknowledgement and documentation~~] Written
3 acknowledgement that the eligible volunteer shall not receive or
4 have the expectation to receive any payment or compensation,
5 either direct or indirect, for any services rendered in this
6 state under the special volunteer license. The only exception to
7 the indirect compensation provision is for those out-of-state
8 physicians, physician assistants, nurses, dentists, optometrists
9 or pharmacists that participate in the free care given by means of
10 Telemedicine through the Shriners Hospitals for Children national
11 network.

12 SECTION 3. It being immediately necessary for the
13 preservation of the public peace, health and safety, an emergency
14 is hereby declared to exist, by reason whereof this act shall take
15 effect and be in full force from and after its passage and
16 approval.

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