

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 613

By: Daniels, Bullard, Jett,
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6
7 COMMITTEE SUBSTITUTE

8 An Act relating to health care; defining terms;
9 prohibiting gender transition procedures for
10 children; providing for administrative, criminal, and
11 civil enforcement; authorizing certain civil actions
12 and relief; amending 59 O.S. 2021, Sections 509,
567.8, and 637, which relate to health care provider
licensure; adding violations and penalties; updating
statutory language; providing for codification; and
providing an effective date.

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2607.1 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 A. As used in this section:

19 1. "Child" means any person under eighteen (18) years of age;

20 2. a. "Gender transition procedures" means any medical or
21 surgical treatment including but not limited to
22 physician's services, inpatient and outpatient
23 hospital services, or prescribed drugs related to
24 gender transition that seeks to:

- 1 (1) alter or remove physical or anatomical
- 2 characteristics or features that are typical for
- 3 the individual's biological sex, or
- 4 (2) instill or create physiological or anatomical
- 5 characteristics that resemble a sex different
- 6 from the individual's biological sex, including
- 7 but not limited to medical services that provide
- 8 puberty-blocking drugs, cross-sex hormones, or
- 9 other mechanisms to promote the development of
- 10 feminizing or masculinizing features in the
- 11 opposite biological sex, or genital or nongenital
- 12 gender reassignment surgery performed for the
- 13 purpose of assisting an individual with a gender
- 14 transition.

15 b. Gender transition procedures do not include:

- 16 (1) behavioral health care services or mental health
- 17 counseling,
- 18 (2) medications to treat depression and anxiety,
- 19 (3) medications prescribed, dispensed, or
- 20 administered specifically for the purpose of
- 21 treating precocious puberty or delayed puberty in
- 22 that patient,
- 23 (4) services provided to individuals born with
- 24 ambiguous genitalia, incomplete genitalia, or

1 both male and female anatomy, or biochemically
2 verifiable disorder of sex development (DSD),
3 including but not limited to:

- 4 (a) 46,XX DSD,
- 5 (b) 46,XY DSD,
- 6 (c) sex chromosomes DSDs,
- 7 (d) XX or XY sex reversal, and
- 8 (e) ovotesticular disorder, or

9 (5) the treatment of any infection, injury, disease,
10 or disorder that has been caused by or
11 exacerbated by the performance of gender
12 transition procedures, whether or not the gender
13 transition procedure was performed in accordance
14 with state and federal law; and

15 3. "Health care provider" means a physician, physician
16 assistant, Advanced Practice Registered Nurse, or any other person
17 who is licensed, certified, or otherwise authorized by the laws of
18 this state to administer health care in the ordinary course of the
19 practice of his or her profession.

20 B. A health care provider shall not provide gender transition
21 procedures to any child.

22 C. A health care provider found in violation of subsection B of
23 this section shall, upon an adverse ruling by the provider's
24 licensing board, be guilty of unprofessional conduct. Upon such

1 adverse ruling, the licensing board shall immediately revoke the
2 license or certificate of the health care provider. Disciplinary
3 proceedings against the health care provider may be commenced at any
4 time after the commission of such offense.

5 D. A health care provider who violates subsection B of this
6 section shall, upon conviction, be guilty of a felony punishable by
7 a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or
8 by imprisonment in the custody of the Department of Corrections for
9 a term not to exceed ten (10) years, or by both such fine and
10 imprisonment. Prosecution for a criminal violation of subsection B
11 of this section shall be commenced not later than the date on which
12 the child attains the age of forty-five (45) years.

13 E. 1. The parent, legal guardian, or next friend of a child to
14 whom a health care provider has provided one or more gender
15 transition procedures in violation of subsection B of this section
16 may bring a civil action against the health care provider. The
17 parent, legal guardian, or next friend shall bring a claim for the
18 violation no later than the date on which the child attains the age
19 of majority.

20 2. A child to whom a health care provider has provided one or
21 more gender transition procedures may bring an action throughout his
22 or her minority through a parent, legal guardian, or next friend,
23 and may bring an action in his or her own name upon reaching
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1 majority at any time until the date on which the child attains the
2 age of forty-five (45) years.

3 3. The court in such action may award compensatory damages,
4 punitive damages, injunctive relief, or any other appropriate
5 relief. Additionally, the court shall award court costs and
6 reasonable attorney fees to a prevailing party who establishes a
7 violation of this section.

8 4. Notwithstanding any other provision of law, an action under
9 this subsection may be commenced, and relief may be granted, in a
10 judicial proceeding without regard to whether the person commencing
11 the action has sought or exhausted available administrative
12 remedies.

13 F. The Attorney General may bring an action to enforce
14 compliance with this section.

15 SECTION 2. AMENDATORY 59 O.S. 2021, Section 509, is
16 amended to read as follows:

17 Section 509. The words "unprofessional conduct" as used in
18 Sections 481 through 518.1 of this title are hereby declared to
19 include, but shall not be limited to, the following:

- 20 1. Procuring, aiding or abetting a criminal operation;
- 21 2. The obtaining of any fee or offering to accept any fee,
22 present or other form of remuneration whatsoever, on the assurance
23 or promise that a manifestly incurable disease can or will be cured;

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1 3. Willfully betraying a professional secret to the detriment
2 of the patient;

3 4. Habitual intemperance or the habitual use of habit-forming
4 drugs;

5 5. Conviction or confession of, or plea of guilty, nolo
6 contendere, no contest or Alford plea to a felony or any offense
7 involving moral turpitude;

8 6. All advertising of medical business in which statements are
9 made which are grossly untrue or improbable and calculated to
10 mislead the public;

11 7. Conviction or confession of, or plea of guilty, nolo
12 contendere, no contest or Alford plea to a crime involving violation
13 of:

14 a. the antinarcotic or prohibition laws and regulations
15 of the federal government,

16 b. the laws of this state,

17 c. State Commissioner of Health rules, or

18 d. a determination by a judge or jury;

19 8. Dishonorable or immoral conduct which is likely to deceive,
20 defraud, or harm the public;

21 9. The commission of any act which is a violation of the
22 criminal laws of any state when such act is connected with the
23 physician's practice of medicine. A complaint, indictment or
24 confession of a criminal violation shall not be necessary for the

1 enforcement of this provision. Proof of the commission of the act
2 while in the practice of medicine or under the guise of the practice
3 of medicine shall be unprofessional conduct;

4 10. Failure to keep complete and accurate records of purchase
5 and disposal of controlled drugs or of narcotic drugs;

6 11. The writing of false or fictitious prescriptions for any
7 drugs or narcotics declared by the laws of this state to be
8 controlled or narcotic drugs;

9 12. Prescribing or administering a drug or treatment without
10 sufficient examination and the establishment of a valid physician-
11 patient relationship and not prescribing in a safe, medically
12 accepted manner;

13 13. The violation, or attempted violation, direct or indirect,
14 of any of the provisions of the Oklahoma Allopathic Medical and
15 Surgical Licensure and Supervision Act, either as a principal,
16 accessory or accomplice;

17 14. Aiding or abetting, directly or indirectly, the practice of
18 medicine by any person not duly authorized under the laws of this
19 state;

20 15. The inability to practice medicine with reasonable skill
21 and safety to patients by reason of age, illness, drunkenness,
22 excessive use of drugs, narcotics, chemicals, or any other type of
23 material or as a result of any mental or physical condition. In
24 enforcing this section the State Board of Medical Licensure and

1 Supervision may, upon probable cause, request a physician to submit
2 to a mental or physical examination by physicians designated by it.
3 If the physician refuses to submit to the examination, the Board
4 shall issue an order requiring the physician to show cause why the
5 physician will not submit to the examination and shall schedule a
6 hearing on the order within thirty (30) days after notice is served
7 on the physician, exclusive of the day of service. The physician
8 shall be notified by either personal service or by certified mail
9 with return receipt requested. At the hearing, the physician and
10 the physician's attorney are entitled to present any testimony and
11 other evidence to show why the physician should not be required to
12 submit to the examination. After a complete hearing, the Board
13 shall issue an order either requiring the physician to submit to the
14 examination or withdrawing the request for examination. The medical
15 license of a physician ordered to submit for examination may be
16 suspended until the results of the examination are received and
17 reviewed by the Board;

18 16. a. Prescribing, dispensing or administering of controlled
19 substances or narcotic drugs in excess of the amount
20 considered good medical practice,

21 b. Prescribing, dispensing or administering controlled
22 substances or narcotic drugs without medical need in
23 accordance with pertinent licensing board standards,
24 or

1 c. Prescribing, dispensing or administering opioid drugs
2 in excess of the maximum limits authorized in Section
3 2-309I of Title 63 of the Oklahoma Statutes;

4 17. Engaging in physical conduct with a patient which is sexual
5 in nature, or in any verbal behavior which is seductive or sexually
6 demeaning to a patient;

7 18. Failure to maintain an office record for each patient which
8 accurately reflects the evaluation, treatment, and medical necessity
9 of treatment of the patient;

10 19. Failure to provide necessary ongoing medical treatment when
11 a doctor-patient relationship has been established, which
12 relationship can be severed by either party providing a reasonable
13 period of time is granted;

14 20. Performance of an abortion as defined by Section 1-730 of
15 Title 63 of the Oklahoma Statutes, except for an abortion necessary
16 to prevent the death of the mother or to prevent substantial or
17 irreversible physical impairment of the mother that substantially
18 increases the risk of death. The performance of an abortion on the
19 basis of the mental or emotional health of the mother shall be a
20 violation of this paragraph, notwithstanding a claim or diagnosis
21 that the woman may engage in conduct which she intends to result in
22 her death. The Board shall impose a penalty as provided in Section
23 509.1 of this title on a licensee who violates this paragraph. The
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1 penalty shall include, but not be limited to, suspension of the
2 license for a period ~~of~~ not less than one (1) year; ~~or~~

3 21. Failure to provide a proper and safe medical facility
4 setting and qualified assistive personnel for a recognized medical
5 act, including but not limited to an initial in-person patient
6 examination, office surgery, diagnostic service or any other medical
7 procedure or treatment. Adequate medical records to support
8 diagnosis, procedure, treatment or prescribed medications must be
9 produced and maintained; or

10 22. Providing gender transition procedures as defined in
11 Section 1 of this act to a child. Violation of this paragraph shall
12 be grounds for the immediate revocation of a physician's license.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 519.12 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 Unprofessional conduct by a physician assistant shall include,
17 but not be limited to, providing gender transition procedures as
18 defined in Section 1 of this act to a child. Violation of this
19 section shall be grounds for the immediate revocation of a physician
20 assistant's license.

21 SECTION 4. AMENDATORY 59 O.S. 2021, Section 567.8, is
22 amended to read as follows:

23 Section 567.8. A. The Oklahoma Board of Nursing shall have the
24 power to take any or all of the following actions:

- 1 1. To deny, revoke or suspend any:
 - 2 a. licensure to practice as a Licensed Practical Nurse,
3 single-state or multistate,
 - 4 b. licensure to practice as a Registered Nurse, single-
5 state or multistate,
 - 6 c. multistate privilege to practice in Oklahoma,
 - 7 d. licensure to practice as an Advanced Practice
8 Registered Nurse,
 - 9 e. certification to practice as an Advanced Unlicensed
10 Assistant,
 - 11 f. authorization for prescriptive authority, or
 - 12 g. authority to order, select, obtain and administer
13 drugs;
- 14 2. To assess administrative penalties; and
- 15 3. To otherwise discipline applicants, licensees or Advanced
16 Unlicensed Assistants.

17 B. The Board shall impose a disciplinary action against the
18 person pursuant to the provisions of subsection A of this section
19 upon proof that the person:

- 20 1. Is guilty of deceit or material misrepresentation in
21 procuring or attempting to procure:
 - 22 a. a license to practice registered nursing, licensed
23 practical nursing, or a license to practice advanced
24 practice registered nursing with or without either

1 prescriptive authority recognition or authorization to
2 order, select, obtain and administer drugs, or

3 b. certification as an Advanced Unlicensed Assistant;

4 2. Is guilty of a felony, or any offense substantially related
5 to the qualifications, functions or duties of any licensee or
6 Advanced Unlicensed Assistant, or any offense an essential element
7 of which is fraud, dishonesty, or an act of violence, whether or not
8 sentence is imposed, or any conduct resulting in the revocation of a
9 deferred or suspended sentence or probation imposed pursuant to such
10 conviction. For the purposes of this paragraph, "substantially
11 related" means the nature of criminal conduct for which the person
12 was convicted has a direct bearing on the fitness or ability to
13 perform one or more of the duties or responsibilities necessarily
14 related to the occupation;

15 3. Fails to adequately care for patients or to conform to the
16 minimum standards of acceptable nursing or Advanced Unlicensed
17 Assistant practice that, in the opinion of the Board, unnecessarily
18 exposes a patient or other person to risk of harm;

19 4. Is intemperate in the use of alcohol or drugs, which use the
20 Board determines endangers or could endanger patients;

21 5. Exhibits through a pattern of practice or other behavior
22 actual or potential inability to practice nursing with sufficient
23 knowledge or reasonable skills and safety due to impairment caused
24 by illness, use of alcohol, drugs, chemicals or any other substance,

1 or as a result of any mental or physical condition, including
2 deterioration through the aging process or loss of motor skills,
3 mental illness, or disability that results in inability to practice
4 with reasonable judgment, skill or safety; provided, however, the
5 provisions of this paragraph shall not be utilized in a manner that
6 conflicts with the provisions of the Americans with Disabilities
7 Act;

8 6. Has been adjudicated as mentally incompetent, mentally ill,
9 chemically dependent or dangerous to the public or has been
10 committed by a court of competent jurisdiction, within or without
11 this state;

12 7. Is guilty of unprofessional conduct as defined in the rules
13 of the Board;

14 8. Is guilty of any act that jeopardizes a patient's life,
15 health or safety as defined in the rules of the Board;

16 9. Violated a rule promulgated by the Board, an order of the
17 Board, or a state or federal law relating to the practice of
18 registered, practical or advanced practice registered nursing or
19 advanced unlicensed assisting, or a state or federal narcotics or
20 controlled dangerous substance law including, but not limited to
21 prescribing, dispensing or administering opioid drugs in excess of
22 the maximum limits authorized in Section 2-309I of Title 63 of the
23 Oklahoma Statutes;

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1 10. Has had disciplinary actions taken against the individual's
2 registered or practical nursing license, advanced unlicensed
3 assistive certification, or any professional or occupational
4 license, registration or certification in this or any state,
5 territory or country;

6 11. Has defaulted or been terminated from the peer assistance
7 program for any reason;

8 12. Fails to maintain professional boundaries with patients, as
9 defined in the Board rules; ~~or~~

10 13. Engages in sexual misconduct, as defined in Board rules,
11 with a current or former patient or key party, inside or outside the
12 health care setting; or

13 14. Has provided gender transition procedures as defined in
14 Section 1 of this act to a child. Violation of this paragraph shall
15 be grounds for the immediate revocation of an Advanced Practice
16 Registered Nurse's license.

17 C. Any person who supplies the Board information in good faith
18 shall not be liable in any way for damages with respect to giving
19 such information.

20 D. The Board may cause to be investigated all reported
21 violations of the Oklahoma Nursing Practice Act. Information
22 obtained during an investigation into possible violations of the
23 Oklahoma Nursing Practice Act shall be kept confidential, but may be
24 introduced by the state in administrative proceedings before the

1 Board, whereupon the information admitted becomes a public record.
2 Public records maintained by the agency are administrative records,
3 not public civil or criminal records.

4 Confidential investigative records shall not be subject to
5 discovery or subpoena in any civil or criminal proceeding, except
6 that the Board may give such information to law enforcement and
7 other state agencies as necessary and appropriate in the discharge
8 of the duties of that agency and only under circumstances that
9 ensure against unauthorized access to the information.

10 E. The Board may authorize the Executive Director to issue a
11 confidential letter of concern to a licensee when evidence does not
12 warrant formal proceedings, but the Executive Director has noted
13 indications of possible errant conduct that could lead to serious
14 consequences and formal action.

15 F. All individual proceedings before the Board shall be
16 conducted in accordance with the Administrative Procedures Act.

17 G. At a hearing the accused shall have the right to appear
18 either personally or by counsel, or both, to produce witnesses and
19 evidence on behalf of the accused, to cross-examine witnesses and to
20 have subpoenas issued by the designated Board staff. If the accused
21 is found guilty of the charges the Board may refuse to issue a
22 renewal of license to the applicant, revoke or suspend a license, or
23 otherwise discipline a licensee.

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1 H. A person whose license is revoked may not apply for
2 reinstatement during the time period set by the Board. The Board on
3 its own motion may at any time reconsider its action.

4 I. Any person whose license is revoked or who applies for
5 renewal of registration and who is rejected by the Board shall have
6 the right to appeal from such action pursuant to the Administrative
7 Procedures Act.

8 J. 1. Any person who has been determined by the Board to have
9 violated any provisions of the Oklahoma Nursing Practice Act or any
10 rule or order issued pursuant thereto shall be liable for an
11 administrative penalty not to exceed Five Hundred Dollars (\$500.00)
12 for each count for which any holder of a certificate or license has
13 been determined to be in violation of the Oklahoma Nursing Practice
14 Act or any rule promulgated or order issued pursuant thereto.

15 2. The amount of the penalty shall be assessed by the Board
16 pursuant to the provisions of this section, after notice and an
17 opportunity for hearing is given to the accused. In determining the
18 amount of the penalty, the Board shall include, but not be limited
19 to, consideration of the nature, circumstances, and gravity of the
20 violation and, with respect to the person found to have committed
21 the violation, the degree of culpability, the effect on ability of
22 the person to continue to practice, and any show of good faith in
23 attempting to achieve compliance with the provisions of the Oklahoma
24 Nursing Practice Act.

1 K. The Board shall retain jurisdiction over any person issued a
2 license, certificate or temporary license pursuant to the Oklahoma
3 Nursing Practice Act, regardless of whether the license, certificate
4 or temporary license has expired, lapsed or been relinquished during
5 or after the alleged occurrence or conduct prescribed by the
6 Oklahoma Nursing Practice Act.

7 L. In the event disciplinary action is imposed, any person so
8 disciplined shall be responsible for any and all costs associated
9 with satisfaction of the discipline imposed.

10 M. In the event disciplinary action is imposed in an
11 administrative proceeding, the Board shall have the authority to
12 recover the monies expended by the Board in pursuing any
13 disciplinary action, including but not limited to costs of
14 investigation, probation or monitoring fees, administrative costs,
15 witness fees, attorney fees and court costs. This authority shall
16 be in addition to the Board's authority to impose discipline as set
17 out in subsection A of this section.

18 N. The Executive Director shall immediately suspend the license
19 of any person upon proof that the person has been sentenced to a
20 period of continuous incarceration serving a penal sentence for
21 commission of a misdemeanor or felony. The suspension shall remain
22 in effect until the Board acts upon the licensee's written
23 application for reinstatement of the license.

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1 O. When a majority of the officers of the Board, which
2 constitutes the President, Vice President and Secretary/Treasurer,
3 find that preservation of the public health, safety or welfare
4 requires immediate action, summary suspension of licensure or
5 certification may be ordered before the filing of a sworn complaint
6 or at any other time before the outcome of an individual proceeding.
7 The summary suspension of licensure or certification may be ordered
8 without compliance with the requirements of the Oklahoma Open
9 Meeting Act. Within seven (7) days after the summary suspension,
10 the licensee shall be notified by letter that summary suspension has
11 occurred. The summary suspension letter shall include notice of the
12 date of the proposed hearing to be held in accordance with ~~Oklahoma~~
13 ~~Administrative Code~~ Section 485:10-11-2 of the Oklahoma
14 Administrative Code and the Administrative Procedures Act, within
15 ninety (90) days of the date of the summary suspension letter, and
16 shall be signed by one of the Board officers.

17 P. In any proceeding in which the Board is required to serve an
18 order on an individual, the Board may send such material to the
19 individual's address of record with the Board. If the order is
20 returned with a notation by the United States Postal Service
21 indicating that it is undeliverable for any reason, and the records
22 of the Board indicate that the Board has not received any change of
23 address since the order was sent, as required by the rules of the
24 Board, the order and any subsequent material relating to the same

1 matter sent to the most recent address on file with the Board shall
2 be deemed by the court as having been legally served for all
3 purposes.

4 SECTION 5. AMENDATORY 59 O.S. 2021, Section 637, is
5 amended to read as follows:

6 Section 637. A. The State Board of Osteopathic Examiners may
7 refuse to admit a person to an examination or may refuse to issue or
8 reinstate or may suspend or revoke any license issued or reinstated
9 by the Board upon proof that the applicant or holder of such a
10 license:

11 1. Has obtained a license, license renewal or authorization to
12 sit for an examination, as the case may be, through fraud,
13 deception, misrepresentation or bribery; or has been granted a
14 license, license renewal or authorization to sit for an examination
15 based upon a material mistake of fact;

16 2. Has engaged in the use or employment of dishonesty, fraud,
17 misrepresentation, false promise, false pretense, unethical conduct
18 or unprofessional conduct, as may be determined by the Board, in the
19 performance of the functions or duties of an osteopathic physician,
20 including but not limited to the following:

21 a. obtaining or attempting to obtain any fee, charge,
22 tuition or other compensation by fraud, deception or
23 misrepresentation; willfully and continually
24 overcharging or overtreating patients; or charging for

1 visits to the physician's office which did not occur
2 or for services which were not rendered,

3 b. using intimidation, coercion or deception to obtain or
4 retain a patient or discourage the use of a second
5 opinion or consultation,

6 c. willfully performing inappropriate or unnecessary
7 treatment, diagnostic tests or osteopathic medical or
8 surgical services,

9 d. delegating professional responsibilities to a person
10 who is not qualified by training, skill, competency,
11 age, experience or licensure to perform them, noting
12 that delegation may only occur within an appropriate
13 doctor-patient relationship, wherein a proper patient
14 record is maintained including, but not limited to, at
15 the minimum, a current history and physical,

16 e. misrepresenting that any disease, ailment, or
17 infirmity can be cured by a method, procedure,
18 treatment, medicine or device,

19 f. acting in a manner which results in final disciplinary
20 action by any professional society or association or
21 hospital or medical staff of such hospital in this or
22 any other state, whether agreed to voluntarily or not,
23 if the action was in any way related to professional
24 conduct, professional competence, malpractice or any

1 other violation of the Oklahoma Osteopathic Medicine
2 Act,

3 g. signing a blank prescription form; or dispensing,
4 prescribing, administering or otherwise distributing
5 any drug, controlled substance or other treatment
6 without sufficient examination or the establishment of
7 a physician-patient relationship, or for other than
8 medically accepted therapeutic or experimental or
9 investigational purpose duly authorized by a state or
10 federal agency, or not in good faith to relieve pain
11 and suffering, or not to treat an ailment, physical
12 infirmity or disease, or violating any state or
13 federal law on controlled dangerous substances
14 including, but not limited to, prescribing, dispensing
15 or administering opioid drugs in excess of the maximum
16 limits authorized in Section 2-309I of Title 63 of the
17 Oklahoma Statutes,

18 h. engaging in any sexual activity within a physician-
19 patient relationship,

20 i. terminating the care of a patient without adequate
21 notice or without making other arrangements for the
22 continued care of the patient,

23 j. failing to furnish a copy of a patient's medical
24 records upon a proper request from the patient or

1 legal agent of the patient or another physician; or
2 failing to comply with any other law relating to
3 medical records,

4 k. failing to comply with any subpoena issued by the
5 Board,

6 l. violating a probation agreement or order with this
7 Board or any other agency, and

8 m. failing to keep complete and accurate records of
9 purchase and disposal of controlled drugs or narcotic
10 drugs;

11 3. Has engaged in gross negligence, gross malpractice or gross
12 incompetence;

13 4. Has engaged in repeated acts of negligence, malpractice or
14 incompetence;

15 5. Has been finally adjudicated and found guilty, or entered a
16 plea of guilty or nolo contendere in a criminal prosecution, for any
17 offense reasonably related to the qualifications, functions or
18 duties of an osteopathic physician, whether or not sentence is
19 imposed, and regardless of the pendency of an appeal;

20 6. Has had the authority to engage in the activities regulated
21 by the Board revoked, suspended, restricted, modified or limited, or
22 has been reprimanded, warned or censured, probated or otherwise
23 disciplined by any other state or federal agency whether or not
24 voluntarily agreed to by the physician including, but not limited

1 to, the denial of licensure, surrender of the license, permit or
2 authority, allowing the license, permit or authority to expire or
3 lapse, or discontinuing or limiting the practice of osteopathic
4 medicine pending disposition of a complaint or completion of an
5 investigation;

6 7. Has violated or failed to comply with provisions of any act
7 or regulation administered by the Board;

8 8. Is incapable, for medical or psychiatric or any other good
9 cause, of discharging the functions of an osteopathic physician in a
10 manner consistent with the public's health, safety and welfare;

11 9. Has been guilty of advertising by means of knowingly false
12 or deceptive statements;

13 10. Has been guilty of advertising, practicing, or attempting
14 to practice under a name other than one's own;

15 11. Has violated or refused to comply with a lawful order of
16 the Board;

17 12. Has been guilty of habitual drunkenness, or habitual
18 addiction to the use of morphine, cocaine or other habit-forming
19 drugs;

20 13. Has been guilty of personal offensive behavior, which would
21 include, but not be limited to, obscenity, lewdness, and
22 molestation;

23 14. Has performed an abortion as defined by Section 1-730 of
24 Title 63 of the Oklahoma Statutes, except for an abortion necessary

1 to prevent the death of the mother or to prevent substantial or
2 irreversible physical impairment of the mother that substantially
3 increases the risk of death. The performance of an abortion on the
4 basis of the mental or emotional health of the mother shall be a
5 violation of this paragraph, notwithstanding a claim or diagnosis
6 that the woman may engage in conduct which she intends to result in
7 her death. The Board shall impose a penalty as provided in this
8 section and in Section 637.1 of this title on a licensee who
9 violates this paragraph. The penalty shall include, but not be
10 limited to, suspension of the license for a period ~~of~~ not less than
11 one (1) year; ~~or~~

12 15. Has been adjudicated to be insane, or incompetent, or
13 admitted to an institution for the treatment of psychiatric
14 disorders; or

15 16. Has provided gender transition procedures as defined in
16 Section 1 of this act to a child. Violation of this paragraph shall
17 be grounds for the immediate revocation of an osteopathic
18 physician's license.

19 B. The State Board of Osteopathic Examiners shall neither
20 refuse to renew, nor suspend, nor revoke any license, however, for
21 any of these causes, unless the person accused has been given at
22 least ~~twenty (20) days'~~ twenty-days notice in writing of the charge
23 against him or her and a public hearing by the Board; provided,
24 three-fourths (3/4) of a quorum present at a meeting may vote to

1 suspend a license in an emergency situation if the licensee affected
2 is provided a public hearing within thirty (30) days of the
3 emergency suspension.

4 C. The State Board of Osteopathic Examiners shall have the
5 power to order or subpoena the attendance of witnesses, the
6 inspection of records and premises and the production of relevant
7 books and papers for the investigation of matters that may come
8 before them. The presiding officer of the Board shall have the
9 authority to compel the giving of testimony as is conferred on
10 courts of justice.

11 D. Any osteopathic physician in ~~the State of Oklahoma~~ this
12 state whose license to practice osteopathic medicine is revoked or
13 suspended under this section shall have the right to seek judicial
14 review of a ruling of the Board pursuant to the Administrative
15 Procedures Act.

16 E. The Board may enact rules and regulations pursuant to the
17 Administrative Procedures Act setting out additional acts of
18 unprofessional conduct, which acts shall be grounds for refusal to
19 issue or reinstate, or for action to condition, suspend or revoke a
20 license.

21 SECTION 6. This act shall become effective November 1, 2023.

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23 59-1-1725 DC 2/9/2023 10:35:37 AM

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