

**TITLE 510. STATE BOARD OF OSTEOPATHIC EXAMINERS
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Course and Method of Operation

510:1-3-7 [AMENDED]

510:1-3-9 [NEW]

SUMMARY:

The proposed amended rule for Chapter 1 lowers the cost of providing Board compensation. The proposed new rule for Chapter 1 promotes greater efficiency by allowing the Board to designate duties.

AUTHORITY:

Oklahoma Osteopathic Medicine Act; 59 O. S. § 620 et seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m. on March 17, 2016, at the following address: Deborah J. Bruce, Oklahoma Osteopathic Board, 4848 N. Lincoln, Suite 100, Oklahoma City, OK 73105 or at dbruce@osboe.ok.gov

PUBLIC HEARING:

A public hearing will be held at 4:30 p.m. on Thursday, March 17, 2016, before the Oklahoma Osteopathic Board at 4848 N. Lincoln, Oklahoma City, OK. Anyone who wishes to speak must signed in at the door by 3:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Osteopathic Board, 4848 N. Lincoln, Suite 100, and Oklahoma City, OK 73105. The proposed rules are also available on the OSBOE website at www.osboe.ok.gov

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Osteopathic Board at the above address beginning March 1, 2016.

CONTACT PERSON:

Deborah J. Bruce, Executive Director, (405) 528-8625, dbruce@osboe.ok.gov

SUBCHAPTER 3. GENERAL COURSE AND METHOD OF OPERATIONS

510:1-3-7. Board compensation

Members of the Board may be compensated at a the daily per diem rate for state employees of fifty dollars (\$50.00) per day in addition to the reimbursement for expenses as provided for in the Oklahoma Travel and Reimbursement Act, 74 O.S., Section 500.1 et seq.

510:1-3-9. Officer duties designated

Whenever these rules prescribe a specific duty be performed by a specified Officer, the Board may, in its discretion, designate any other Officer, Board Member or Staff Member to perform such duty

**TITLE 510. STATE BOARD OF OSTEOPATHIC EXAMINERS
CHAPTER 5. PROFESSIONAL STANDARDS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Dispensing Dangerous Drugs

510:5-3-3 [AMENDED]

510:5-3-4 [AMENDED]

510:5-3-5 [AMENDED]

Subchapter 9. Prescribing for Intractable Chronic Pain [AMENDED]

510:5-9-1 [AMENDED]

SUMMARY:

The proposed amended rules for Chapter 5 toughen the requirements for administering, dispensing and prescribing controlled substances and define chronic pain.

AUTHORITY:

Oklahoma Osteopathic Medicine Act; 59 O. S. § 620 et seq.

COMMENT PERIOD:

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SUBCHAPTER 3. DISPENSING DANGEROUS DRUGS

510:5-3-3. Restriction on dispensing dangerous drugs; packaging and labeling

(a) Only a licensed Osteopathic Physician and Surgeon may dispense dangerous drugs to patients and

only for the expressed purpose of serving the best interests and promoting the patient welfare.

(b) The dangerous drugs shall be dispensed in an appropriate container to which a label has been affixed.

This label shall include the name and office address of the licensed osteopathic physician, date dispensed,

name of patient, directions for administration, the prescription number, the trade or generic name of the

substance, the quantity and strength, of the drug therein contained. This requirement shall not apply to

compound medicines.

(c) A dispenser of a Schedule II, III, IV, or V controlled dangerous substance shall transmit to a central repository designated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for each dispensation, that information required by 63 O.S. Section 2-309(C) if applicable.

510:5-3-4. Record keeping

A licensed osteopathic physician shall keep a suitable book, file, or record of each and every dangerous drug compounded or dispensed by him/her. This book, file, or record shall be kept for a period

of not less than five (5) years. This book, file, or record shall be maintained separately from all other

records of the registrant and must be open for inspection and copying by the Board. A record of all purchases of scheduled controlled substances shall also be open for inspection and copying by the Board.

510:5-3-5. Annual Registration

a) A licensed osteopathic physician desiring to dispense dangerous drugs shall register annually with the Board as a dispenser. Forms for registration shall be provided by the Board.

Registration shall be done on or before the first day of July annually. Each such application shall be accompanied by the appropriate fee.

b) Only an individual holding a valid license in good standing issued by the Oklahoma State Board of

Osteopathic Examiners may register as a dispenser.

(c) If dispensing in multiple locations, the physician shall have a separate permit for each location. All such location addresses shall be provided to the Board.

SUBCHAPTER 9. PRESCRIBING FOR INTRACTABLE CHRONIC PAIN

510:5-9-1. Purpose

The purpose of this subchapter is to provide guidelines and requirements for osteopathic physicians who prescribe for chronic, intractable pain. Chronic pain is defined as a state in which pain persists beyond the usual course of an acute disease or healing of an injury.

**TITLE 510. STATE BOARD OF OSTEOPATHIC EXAMINERS
CHAPTER 10. LICENSURE OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure requirements

510: 10-3-1 [AMENDED]

510: 10-3-3 [AMENDED]

510: 10-3-4 [AMENDED]

510: 10-3-8 [AMENDED]

510: 10-3-10 [NEW]

Subchapter 4. Osteopathic supervision of ~~advanced nurse~~ mid-level practitioners
[AMENDED]

510: 10-4-1 [AMENDED]

510: 10-4-2 [AMENDED]

510: 10-4-3 [AMENDED]

Subchapter 7. Fee Schedule

510: 10-7-1 [AMENDED]

SUMMARY:

The proposed Rules for Chapter 10 amend licensure requirements, add a change of address requirement, amend the rules of supervision to include all mid-level medical practitioners and amend the fee schedule to include fees for the new types of licenses outlined in the Osteopathic Medicine Act, 59 O.S. § 633.

AUTHORITY:

Oklahoma Osteopathic Medicine Act; 59 O. S. § 620 et seq.

COMMENT PERIOD:

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RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Osteopathic Board at the above address beginning March 1, 2016.

CONTACT PERSON:

Deborah J. Bruce, Executive Director, (405) 528-8625, dbruce@osboe.ok.gov

SUBCHAPTER 3. LICENSURE REQUIREMENTS

510:10-3-1. General licensure requirements

(a) **Licensure by Board required.** It is the general requirement in the State of Oklahoma that practitioners of osteopathic medicine and surgery be licensed by the State Board of Osteopathic Examiners.

(b) **Temporary license.** The Osteopathic Medicine Act does not authorize the Board to issue a temporary license for ~~any purpose.~~ certain classes of Resident physicians.

(c) **Postgraduate training.** One year of postgraduate training is a requirement for full licensure. This

experience must be in the form of a rotating internship or its equivalent, in an accredited internship or

residency program acceptable to the Board. To be deemed equivalent to a rotating internship and, acceptable to the Board, a program must provide the following:

(1) The program must provide the following core experience:

- (A) One (1) month - General Practice
- (B) Two (2) months - General Internal Medicine
- (C) One (1) month - General Surgery
- (D) One (1) month - Obstetrics/Gynecology
- (E) One (1) month - Pediatrics

(2) This core experience must be supplemented by three (3) months of Selectives and three (3)

months of Electives, accounting for a total of twelve (12) months. A Selective may be defined as any core category or Emergency Medicine. An Elective may be any category of experience chosen by the intern or resident.

(3) If an applicant has completed an ACGME accredited residency training program, and become

~~specialty board eligible or attained specialty board certification,~~ the Board may shall consider this standing as equivalent training.

(d) **Application.** All candidates for examination or licensure must make application on a form furnished

by the Board. No application will be approved until fully complete, in every respect, including photograph and fingerprints, with non-refundable fee paid. In addition to the application form, each

candidate must also provide the following materials:

~~(1) Two letters of reference from Doctors of Osteopathic Medicine who know the applicant personally.~~

~~These may be worded in any appropriate manner, but they should specifically state a recommendation for~~

~~licensure in the State of Oklahoma. Each letter must be notarized.~~

(2) (1) Photocopies of all of the items in (A) through (D) of this paragraph must be notarized as true copies of the originals.

Osteopathy (A) the diploma conferring the Doctor of Osteopathic Medicine or Doctor of degree;

applicable; (B) the postgraduate training certificate for both internship and residency, as applicable;

(C) certificate of specialty board certification, as applicable;
(D) the license being used as a basis for reciprocity (which must be by examination), if applicable, or the Certificate of Diplomacy of the National Board of Osteopathic Medical

Examiners, and/or USMLE if that is the basis of the application.

(3) (2) Letters of good standing which state no disciplinary actions were taken against the candidate from:

(A) all hospitals where the candidate has practiced;

(B) all osteopathic associations of which the candidate is a member;

(C) the Dean of the osteopathic college from which the candidate graduated;

(D) the Director of Medical Education from each place where the candidate is or has been an intern or resident.

(4) (3) Verification of standing from each state where the candidate has held a license, whether that license is current or inactive and whether or not the candidate has been the subject of any disciplinary action in that state.

(5) (4) A curriculum vitae which accounts for all of the candidate's time and activity, chronologically, from the time of high medical school graduation to the present.

(6) (5) A report from the National Practitioner Data Bank, which the candidate must request and which must be received by the Board directly.

(e) **Interview.** The Board may require a personal interview.

(f) **Beginning of practice.** Applicants for licensure, either by examination, reciprocity or endorsement, must not begin practice until they are in possession of their license.

510:10-3-3. Licensure by examination

(a) **Examination Requirements.** To be consistent with the expressed public policy of the State of Oklahoma affecting the licensure of osteopathic physicians and surgeons under the provisions of the Osteopathic Medicine Act candidates for licensure must be examined by a vehicle which tests the individual's basic osteopathic knowledge and skill embracing the same philosophy as that in which the candidate was educated. ~~Neither the Flex (Federation Licensing Examination) nor the USMLE (United~~

~~States Medical Licensure Examination) examines a candidate in Osteopathic Principles.~~

~~Therefore,~~

~~neither of these examinations, alone, can be a basis for licensure.~~

(b) **Postgraduate training.** An applicant ~~may~~ must take either the State or National examination before

completing the required year of postgraduate training, provided that no license will be issued until

evidence of the satisfactory completion of that year is filed with the Board.

(c) **State and National examinations; failure of examination.**

Any person seeking licensure as an osteopathic physician and surgeon by taking the State or National examination must meet all other requirements.

~~(1) State examination. The State Board of Osteopathic Examiners will use the standardized test furnished by the National Board of Osteopathic Medical Examiners for state board administration. It will be administered, upon the request of a candidate(s), on the schedule of availability published each year by the National Board of Osteopathic Medical Examiners. A candidate shall pass the examination by achieving a Minimum Total Passing Score or above, as calculated by the National Board of Osteopathic Medical Examiners. If a candidate fails the examination, no license can be granted until the examination is passed. The candidate may, based upon the availability of the examination, take the test no more than three (3) times.~~

~~(2) (d) National examination. Candidates may be licensed upon the successful completion of the examination sequence of the National Board of Osteopathic Medical Examiners or the National Board of Medical Examiners. The candidate must submit proof of having achieved a Minimum Total Passing Score or above on tests administered through the National Board of Osteopathic Medical Examiners or the National Board of Medical Examiners.~~

510:10-3-4. Licensure by endorsement

(a) **Reciprocity.** An applicant for licensure by reciprocity, who has been successfully examined by the licensing board of any other state, territory of the United States or the District of Columbia, using an examination sufficient to test the applicant in osteopathic medicine and surgery, and having received scores not less than those required by the Oklahoma State Board of Osteopathic Examiners, and who is licensed in that state, territory of the United States or district of Columbia, and, in addition, presents the required documentation that the applicant has fulfilled all scholastic and other requirements of the Board, may, at the discretion of the Board, be licensed without further examination. Such applicants may be required to appear before the Board.

(b) **Endorsement of the National Board of Osteopathic Examiners.** An applicant who has successfully completed all three parts of the examination sequence of the National Board of Osteopathic

Medical Examiners and, who presents the required documentation of having met all of the scholastic and other requirements of the Board, may, at the discretion of the Board, be licensed without further examination.

(c) **Board discretion.** The Board may refuse to grant a license by reciprocity or endorsement to any applicant who has failed any examination administered by or accepted by the Oklahoma Board of Osteopathic Examiners.

(d) **Reciprocity fee.** The fee for reciprocal licensure is \$400.00.

510:10-3-8. Annual registration

(a) **Continuing education required.** Annual license renewal requires proof of having attended and

received credit for sixteen (16) American Osteopathic Association category 1 hours of Continuing

Medical Education (CME) credit. One (1) hour every other year of the required sixteen (16) hours shall

be devoted to the subject of the proper prescribing, dispensing, and administering of Controlled Dangerous Substances (CDS) as defined in Title 21, Code of Federal Regulations, Part 1308 or Title 63 of the Oklahoma Statutes.

(1) This one (1) hour program of CME shall be obtained at a seminar approved by the State Board of Osteopathic Examiners.

(2) Certification of attendance shall be provided by the organization sponsoring the program via signin.

(3) Those osteopathic physicians who are licensed in Oklahoma, but not practicing in this state, or

physicians who do not possess the State Bureau of Narcotics and Drug Enforcement Administration authority to handle CDS are exempt from this requirement.

(b) **Fee required.** Those licensed osteopathic physicians who reside or practice in the State of Oklahoma

must pay an annual renewal fee. ~~of two hundred dollars (\$200.00)~~. Those licensed osteopathic physicians

who reside and practice outside the state must pay an annual renewal fee. ~~of one hundred thirty dollars~~

~~(\$130.00)~~. Said fees are set forth in the herein contained fee schedule and may contain a convenience fee. A late penalty may also be charged for those who are not renewed by the first day of July of each year.

510:10-3-10. Change of address

All osteopathic physicians licensed in this state shall notify the Board within fourteen (14) days of any change in either their practice address, home address, and/or electronic mail address. The Board shall also be notified of changes in practice and personal cell phone numbers.

SUBCHAPTER 4. OSTEOPATHIC SUPERVISION OF ~~ADVANCED NURSE~~ MID-LEVEL PRACTITIONERS

510:10-4-1. Purpose

The purpose of this Subchapter is to set forth the requirements for osteopathic physicians to supervise ~~the advanced practice nurse~~ any mid-level medical practitioner with prescriptive authority. ~~pursuant to 59 O.S., Section 567.1 et seq.~~

510:10-4-2. Definitions

The following words and terms used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"**Board**" means the State Board of Osteopathic Examiners.

"Mid-level practitioners" include physician assistants and advanced practice nurses.

"**Proper physician supervision**" means the supervising physician should regularly and routinely review the prescriptive practices and patterns of the advanced practice nurse with prescriptive authority. Proper physician supervision of the advanced practice nurse with prescriptive authority is essential.

"Supervision" implies that there is appropriate referral and consultation between the ~~advanced practice nurse~~ mid-level practitioner and the supervising physician.

510:10-4-3 Responsibility of supervising osteopathic physician

To be eligible to serve as a supervising physician for the advanced practice nurse with prescriptive authority, an osteopathic physician shall meet the following criteria:

(1) Have possession of a full and unrestricted Oklahoma license to practice osteopathic medicine; with Drug Enforcement Agency (DEA) and Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBNDD) permits. ~~for any drug on the formulary as defined in the Oklahoma Nursing Practice Act.~~

~~(2) The supervising physician shall be in full time practice with a minimum of 20 hours per week of direct patient contact.~~

(3) ~~(2)~~ The supervising physician shall be trained and fully qualified in the field of the ~~advanced practice nurse's~~ mid-level practitioners specialty.

(4) ~~(3)~~ No physician shall supervise more than ~~two (2)~~ four (4) full time equivalent ~~advanced practice nurses~~ mid-level practitioners regarding their prescriptive authority at any one time. For purposes of this section each "full time equivalent" ~~advanced practice nurse~~ mid-level practitioner position equals forty (40) hours per week collectively worked by the part-time ~~advanced practice nurses~~ mid-level practitioner being supervised by the physician.

(5) ~~(4)~~ Notwithstanding the provisions for the supervision of ~~two (2)~~ four (4) full time equivalent ~~advanced practice nurses~~ mid-level practitioners above, no physician shall supervise more than a total of four (4) ~~advanced practice nurses~~ mid-level practitioners.

~~(6)~~ (5) The Board may make an exception to any limit set herein upon request by the physician.

SUBCHAPTER 7. FEE SCHEDULE

510:10-7-1. Fees for licensure

The following fees shall apply for licensure as an osteopathic physician and surgeon:

(1) ~~Fee for Exam~~ License Application Fee \$575.00

- (2) Renewal Fee for license (Physician/Surgeon)
 - (A) In-State Renewal \$225.00
 - (B) Out-of-State Renewal \$150.00
 - (C) Residents and Fully Retired Physicians \$200.00
- (3) Certificate of Grades (Form Letter) \$ 50.00
- (4) Duplicate License (Physician/Surgeon) \$ 50.00
- (5) Late Re-registration Fee \$150.00
- (6) Copies of Records (per page) \$.25 plus \$10.00 research fee
- (7) Verification of Licensure \$ 30.00
- (8) Supplemental Report & Research \$ 20.00 hr
- (9) Registration to Dispense Dangerous Drugs \$ 50.00
- (10) Licensure Data Base
 - (A) Fee for list \$ 50.00
 - (B) Fee for disk \$ 50.00
- (11) Fee for Certification of Files \$ 5.00
- (12) Returned Check Fee \$ 25.00
- (13) ~~Hand Grading Examination \$ 75.00~~ Letter of Good Standing for incorporations \$5.00
- (14) ~~License Application Fee~~ Specialty Licenses
 - (A) Temporary Resident License \$100
 - (B) Resident Training License \$120
 - (C) Telemedicine License \$500
 - (D) Spouse of Active Duty Military \$250

Note: Licensure fees may include a convenience fee.