

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 135

By: Yen

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Sleep Diagnostic
8 Testing Regulation Act; amending 63 O.S. 2011,
9 Section 7200.3, which relates to definitions;
10 deleting certain exclusion; amending 63 O.S. 2011,
11 Section 7200.4, which relates to facility standards;
12 deleting references to certain organizations;
13 removing certain provisions relating to
14 certification; clarifying language; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 7200.3, is
18 amended to read as follows:

19 Section 7200.3. As used in the Oklahoma Sleep Diagnostic
20 Testing Regulation Act:

21 1. "Advanced practice nurse" means a person licensed to
22 practice as an advanced practice nurse by the Oklahoma Board of
23 Nursing pursuant to the Oklahoma Nursing Practice Act;

24 2. "Interpreting physician" means a physician who provides
professional interpretation of data generated by sleep diagnostic
tests. An interpreting physician shall be board-certified in sleep

1 medicine by the American Board of Sleep Medicine (ABSM) or the
2 American Board of Medical Specialties or must have completed a one-
3 year sleep medicine fellowship accredited by the Accreditation
4 Council for Graduate Medical Education (ACGME) or received a
5 Certification of Special Qualifications (CSQ) or a Certification of
6 Added Qualifications (CAQ) in Sleep Medicine issued by the American
7 Osteopathic Association;

8 3. "Physician" means a person licensed to practice:

9 a. allopathic medicine and surgery by the State Board of
10 Medical Licensure and Supervision pursuant to the
11 Oklahoma Allopathic Medical and Surgical Licensure and
12 Supervision Act, or

13 b. osteopathic medicine by the State Board of Osteopathic
14 Examiners pursuant to the Oklahoma Osteopathic
15 Medicine Act;

16 4. "Physician assistant" means a person licensed to practice as
17 a physician assistant by the State Board of Medical Licensure and
18 Supervision pursuant to the Physician Assistant Act;

19 5. "Sleep diagnostic test" means any technological recording
20 procedure used for the diagnosis of sleep-related breathing
21 disorders or other disorders of sleep;

22 6. "Sleep diagnostic testing facility" means a building or
23 place situated in a fixed location or a mobile entity that is used
24 to conduct sleep diagnostic tests and includes sleep disorder

1 centers and laboratories for sleep-related breathing disorders, ~~but~~
2 ~~does not include a hospital that conducts sleep diagnostic tests for~~
3 ~~its patients, including sleep diagnostic tests performed under~~
4 ~~arrangements made by a hospital for its patients whereby the~~
5 ~~hospital exercises professional responsibility over the arranged~~
6 ~~services; and~~

7 7. "Supervising physician" means a physician responsible for
8 the supervision of the sleep diagnostic testing performed,
9 including, but not limited to, the quality of the testing performed,
10 the proper operation and calibration of the equipment used to
11 perform sleep diagnostic tests and the actions of nonphysician
12 personnel engaged in the performance of the sleep diagnostic
13 testing. A supervising physician shall be board-certified in sleep
14 medicine by the American Board of Sleep Medicine (ABSM) or the
15 American Board of Medical Specialties or shall have completed a one-
16 year sleep medicine fellowship accredited by the Accreditation
17 Council for Graduate Medical Education (ACGME), or received a
18 Certification of Special Qualifications (CSQ) or a Certification of
19 Added Qualifications (CAQ) in Sleep Medicine issued by the American
20 Osteopathic Association.

21 SECTION 2. AMENDATORY 63 O.S. 2011, Section 7200.4, is
22 amended to read as follows:

23 Section 7200.4. A. Sleep diagnostic tests shall be ordered by
24 a physician, physician assistant or advance practice nurse.

1 B. Sleep diagnostic tests shall be furnished:

2 1. By a sleep diagnostic testing facility;

3 2. By, or under arrangements made by, a hospital for its
4 patients whereby the hospital exercises professional responsibility
5 over the arranged services; or

6 3. In the patient's home.

7 C. Sleep diagnostic testing facilities shall meet the following
8 standards:

9 1. Sleep diagnostic testing facilities shall be supervised by a
10 supervising physician as defined by ~~this act~~ the Oklahoma Sleep
11 Diagnostic Testing Regulation Act;

12 2. On and after January 1, 2010, sleep diagnostic testing
13 facilities shall be fully or provisionally certified or accredited
14 by ~~the American Academy of Sleep Medicine (AASM), the Joint~~
15 ~~Commission or the Accreditation Commission for Healthcare (ACHC),~~
16 ~~except that the full or provisional certification or accreditation~~
17 ~~by AASM, the Joint Commission, or ACHC shall not be required until~~
18 ~~June 30, 2010, for any sleep diagnostic testing facility that has~~
19 ~~submitted a complete application for certification or accreditation~~
20 ~~to AASM, the Joint Commission and/or ACHC on or before December 31,~~
21 2009 a national organization issuing certifications or
22 accreditations for sleep diagnostic testing facilities;

1 3. An interpreting physician shall interpret the data generated
2 by all sleep diagnostic tests conducted at a sleep diagnostic
3 testing facility; and

4 4. Nonphysician personnel conducting sleep diagnostic tests
5 shall perform their duties under the direction and supervision of
6 the supervising physician.

7 D. Sleep diagnostic tests performed in the patient's home shall
8 be conducted under the supervision of a supervising physician and
9 interpreted by an interpreting physician.

10 SECTION 3. This act shall become effective November 1, 2017.

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