

STATE OF OKLAHOMA

TITLE 510. STATE BOARD OF OSTEOPATHIC EXAMINERS

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CHAPTER 1. ADMINISTRATIVE OPERATIONS

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[Authority: 59 O.S., §§ 620 through 645]

[Source: Codified 12-27-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

510:1-1-1. Purpose

510:1-1-2. Board origin [REVOKED]

510:1-1-3. Composition of Board

510:1-1-4. Powers and duties of Board [REVOKED]

510:1-1-5. Definitions

510:1-1-1. Purpose

The rules of this chapter establish the framework by which the Board carries out its statutory duties, including the licensure and discipline of osteopathic physicians.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-1-2. Board origin [REVOKED]

[Source: Revoked at 13 Ok Reg 2219, eff 6-27-96]

510:1-1-3. Composition of Board

The Board shall consist of eight (8) members who are qualified and appointed in accordance with the provisions of 59 O.S. Section 624 and 625.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-1-4. Powers and duties of Board [REVOKED]

[Source: Revoked at 13 Ok Reg 2219, eff 6-27-96]

510:1-1-5. Definitions

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

"Act" means the Osteopathic Medicine Act, Title 59 O.S., Section 620 et seq.

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

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

SUBCHAPTER 3. GENERAL COURSE AND METHOD OF OPERATIONS**Section**

- 510:1-3-1. Office location
- 510:1-3-2. Office hours
- 510:1-3-3. Communications with the Board
- 510:1-3-4. Board meetings
- 510:1-3-5. Public access to records
- 510:1-3-6. Certification of records
- 510:1-3-7. Board compensation
- 510:1-3-8. Investigations

510:1-3-1. Office location

The office of the Board is located at 4848 North Lincoln Boulevard, Suite 100, in Oklahoma City, Oklahoma, 73105-3321. The phone number is (405) 528-8625.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-3-2. Office hours

The office of the Board will be open from 8:00 a.m. until 4:30 p.m. each week day. The office will be closed on weekends and holidays established by statute or proclamation of the Governor.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-3-3. Communication with the Board

Written communication may be addressed to the Board at the office of the Board. Facsimile communications may be sent to the office of the Board except that applications for licensure and related documents may not be faxed. Telephonic communication may be made during regular office hours.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-3-4. Board meetings

The Board holds regular quarterly meetings on the third Thursday of March, June and September and the second Thursday of December of each year except that such regularly scheduled meetings may be cancelled or changed at the Board's discretion. The Board may hold other meetings of a special or emergency nature in its discretion. Meetings will be conducted at the Board office or other designated locations as necessary or desirable. A majority of the members of the Board constitute a quorum and may transact any business of the Board by a simple majority vote of the quorum present.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-3-5. Public access to records

The following documents shall be available for public inspection and copying at the Board's principal office during regular office hours: all records of receipt and expenditure of funds, rules adopted by the Board, declaratory rulings issued by the Board, minutes of Board meetings, applications for licensure and renewal, the official record of individual proceedings and other records required to be maintained by Oklahoma law and to be made public by the Oklahoma Open Records Act. The records to be made public do not include documents that are confidential or subject to an evidentiary privilege (including patient records and attorney/client communications) or are protected from disclosure under the work product doctrine, the Board's litigation files, the Board's investigatory files and reports and communications to the Board about current and prospective licensees. Copies of the documents available to the public will be provided upon the Board's receipt of a written request and payment of required fees, including \$.25 for each page copied and, where appropriate under the Open Records Act, \$20.00 per hour for searching for documents. [59 O.S., Section 627, 51 O.S., Section 24A.1 et seq.]

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-3-6. Certification of records

True and correct copies of records of the Board may be certified by the Board's secretary or executive director. The fee for certification of records shall be \$1.00 per document and must be paid upon the delivery of the certified record. [51 O.S., Section 24A.5]

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-3-7. Board compensation

Members of the Board may be compensated at a per diem rate 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.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-3-8. Investigations

The Board may investigate any matter within its statutory authority. Licensees and applicants for licensure shall provide information requested by the Board and shall allow the Board to inspect their records and facilities. The Board may compel oral testimony, written responses to interrogatories, production of documents and inspection of property through subpoenas issued by the Board president or secretary or search warrants issued by the district court. [59 O.S., Section 626(D) and 637(C)].

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

SUBCHAPTER 5. INDIVIDUAL PROCEEDINGS**Section**

- 510:1-5-1. Initiation of individual proceedings, complaint, and citation
- 510:1-5-1.1. Definitions
- 510:1-5-2. Citation [REVOKED]
- 510:1-5-3. Service
- 510:1-5-4. Hearing date, continuance or extension of time
- 510:1-5-5. Written answer, extension of time
- 510:1-5-6. Prehearing procedures
- 510:1-5-6.1. Hearing Procedures
- 510:1-5-7. Respondent's failure to appear

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- 510:1-5-8. Subpoena of witnesses, evidence, or records for hearing
510:1-5-9. Hearing Records
510:1-5-10. Final orders
510-1-5-10.1. Terms and conditions of probation
510:1-5-11. Petition for rehearing
510:1-5-12. Assessment of costs

510:1-5-1. Initiation of individual proceedings, complaint, and citation

An individual proceeding may be initiated, upon information indicating the possible violation of the Act, through the filing of a formal complaint by the Board setting out the matters enumerated in 75 O.S., section 309, and containing a statement setting forth the allegations and naming the licensee against whom the complaint is made. The Secretary shall issue a citation notifying the respondent of the formal complaint and the date and place of the hearing.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-1.1. Definitions

The following words and terms, as used in this subchapter shall have the following meaning, unless the context clearly indicates otherwise.

"Individual proceeding" means consideration of issuing a formal sanction penalizing a licensee of the Board. It does not mean consideration of the issuance or reinstatement of a license.

"Respondent" means the licensed osteopathic physician whose licensure is the subject of the individual proceeding.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

510-1-5-2. Citation [REVOKED]

[Source: Revoked at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-3. Service

(a) The formal complaint and citation and all subpoenas shall be served personally in the manner authorized by state law for service of summons in a judicial proceeding or by certified mail, return receipt requested, delivery restricted to the addressee. If personal service or service by certified mail cannot be completed, service of the formal complaint and citation may be made by first class mail to the respondent at the last address furnished to the Board by the respondent or by publication in a newspaper or newspapers for the time, or posting at the places, the Secretary of the Board determines will be most likely to provide notice to the respondent.

(b) Personal service may be made by any person appointed by the Secretary of the Board or any person authorized by State law to serve process in judicial proceedings.

(c) Service of all other papers shall be made by first-class mail to the address at which service of the initial complaint and citation was made or in the manner by which such service was made if not by mail or personal service or such other address designated by the respondent; to the Board at its office, the office of its general counsel and the prosecuting attorney; and to the address designated by any other party to the proceeding.

(d) Service by mail shall be complete upon the date the notice is placed in the U.S. Mail with sufficient postage prepaid. Service by publication shall be complete on the date of the first publication. Service by posting shall be complete on the date the notice is posted. Personal service shall be complete upon delivery.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-4. Hearing date, continuance, or extension of time

(a) The hearing, shall not be less than twenty (20) days after service of the complaint and citation, provided, however, that the Board may suspend a license without notice if the Board determines, upon the vote of three-fourths (3/4) of the quorum present at the meeting, that an emergency exists and the Board schedules a hearing within thirty (30) days of the date the suspension takes effect.

(b) Written motions for any continuance or extension of time shall state the additional time desired and the reason for the request. The Secretary of the Board may rule on these motions prior to the scheduled hearing. If the request is denied, the party may renew the request and make a proper showing at the hearing.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-5 Written answer, extension of time

The respondent shall file a written answer under oath with the Board within twenty (20) days after the service of a citation. If said answer is not filed, the respondent shall be considered in default and appropriate sanctions may be imposed, if the evidence is deemed sufficient by the Board. The Secretary of the Board may extend the time within which an answer must be filed; however, in no case shall the time be extended beyond the hearing date.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-6. Prehearing procedures

(a) **Discovery.** The Board and the respondent may use discovery techniques available to parties in civil proceedings in Oklahoma courts. See Title 12 O.S., Sections 3201 Et Seq. Subpoenas to compel testimony, production of documents and inspection of property may be issued by the president or secretary of the Board.

(b) **Scheduling orders.** The Board's general counsel may establish a schedule for the parties' completion of discovery, submission of motions, identification of witnesses and exhibits and other matters.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-6.1. Hearing procedures

(a) **Order of proceeding; rules of evidence.** Hearings shall be conducted in an orderly manner by the President of the Board. The order of proceeding will follow that which applies in civil proceedings of law. However, the rules of evidence shall be those specified by the Oklahoma Administrative Procedures Act.

(b) **Rulings of the President.** The President of the Board shall rule upon the admissibility of evidence and objections thereto, and shall rule upon other motions or objections as they arise during the course of the hearing. The rulings of the President, in all questions, shall be the rulings of the Board unless reversed by a majority vote of the Board upon a party's appeal from such rulings of the President.

(c) **Burden of proof.** The Board's decisions will be based on clear and convincing evidence presented at the hearing.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-7. Respondent's failure to appear

Any respondent who fails to appear at a scheduled hearing as directed by the provisions of 510:1-5-2, after first having received proper notice, shall be determined to have waived his/her right to present a defense to the allegations in the complaint and appropriate sanctions may be imposed by the Board if it appears, after having reviewed the evidence, that action is warranted.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-8. Subpoena of witnesses, evidence or records for hearing

Subpoenas for the attendance of witnesses and for the production of evidence or records of any kind shall be issued by the president or secretary of the Board. Subpoenas shall be served and a return made in any manner prescribed by civil law.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-9. Hearing records

(a) An electronic record will be made of all hearings conducted by the Board. A transcript of the proceedings shall not be made except upon the written application and payment of a deposit sufficient to pay for having the record transcribed, according to the provisions of Title 75 O.S., Section 309.

(b) The record of the hearing and the file containing the pleadings will be maintained in the Board's office. Tape recordings of the proceedings shall be maintained for one year unless the proceedings are the subject of a judicial appeal. In that case they will be preserved until the final disposition of the appeal.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-10. Final orders

All final orders in individual proceedings shall be in writing. The final order shall include Findings of Fact and Conclusions of Law, separately stated. A copy of the final order will be mailed to each party and to his/her attorney of record.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-10.1. Terms and conditions of probation

The Board may impose such terms and conditions for probation, as an alternative to or in addition to other disciplinary measures, as it deems appropriate.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-11. Petition for rehearing

A petition for rehearing is not required before an appeal may be perfected in accordance with Title 75 O.S., Section 317. A petition for rehearing, reopening or reconsideration of a final order may be filed with the Board within ten (10) days from the entry of the final order. It must be signed by the party or his/her attorney or representative and must set forth the statutory grounds upon which it is based.

However, a petition for rehearing based upon fraud by any party or procurement of the final order by perjured testimony or fictitious evidence may be filed at any time.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-5-12. Assessment of costs

Costs may be assessed against a respondent in accordance with 59 O.S., Section 637.1. The amount may be determined at the hearing on the complaint and citation or at a separate hearing conducted after the Board issues its final order.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

SUBCHAPTER 7. RULEMAKING PROCEDURES**Section**

- 510:1-7-1. Opportunity for public input on proposed rules
- 510:1-7-2. Petition for rulemaking
- 510:1-7-2.1. Board consideration
- 510:1-7-3. Notice and hearing requirements
- 510:1-7-4. Emergency rules

510:1-7-1. Opportunity for public input on proposed rules

For at least 20 days before it adopts, amends, or repeals any rule, the Board shall accept data, views, arguments or other comments, presented orally or in writing, on the proposed rule, amendment or repeal. The Board will conduct a public hearing on a proposed rule if requested, in writing, by at least twenty-five persons, a political subdivision, an association having at least twentyfive members or a constitutionally or statutorily created state board, bureau, commission, department, authority, public trust in which the state is a beneficiary or an interstate commission.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-7-2. Petition for rulemaking

Any interested person may petition the Board requesting the promulgation, amendment, or repeal of a rule. The petition shall be filed with the Board and shall set forth, clearly and concisely, all matters pertaining to the requested action and reasons for it. The request should also state whether there is someone known to the petitioner (by name and address) who is concerned with the subject and who should be notified of the request.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-7-2.1. Board Consideration

The Board may refer a petition for rule-making to an appropriate advisory committee or Board subcommittee for review prior to the Board's action. The Board, the advisory committee or the subcommittee may require the petitioner and other interested persons to present written and oral information on the request. The advisory committee or subcommittee review and recommendation shall not constitute Board action.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-7-3. Notice and hearing requirements

- (a) In any rule-making action, whether initiated by the Board or by petition, the Board shall comply with the current notice requirements in the Administrative Procedures Act [75 O.S., Section 301 et seq.].
- (b) Notice of the Board's consideration of proposed rulemaking action shall be mailed to all interested persons who have made a request of the Board for advance notice of the rulemaking proceedings, or who were specified in the petition and shall be published in the Oklahoma Register.
- (c) Unless otherwise specified in the notice, all hearings will be conducted in the Office of the Board.
- (d) Appearance may be made individually, or by an authorized agent.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-7-4. Emergency rules

Emergency rules may be adopted by the Board without the notice and hearing described in 510:1-7-3, if the Board follows the applicable provisions of the Administrative Procedures Act.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

SUBCHAPTER 9. FORMS**Section**

510:1-9-1. Forms approved by the Board

510:1-9-1. Forms approved by the Board

The Board shall use forms for application for licensure and application for renewal of licensure and annual registration as a dispenser of dangerous drugs that elicit information required for the Board's action on such applications as stated in Oklahoma law and the Board's rules.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

SUBCHAPTER 11. INTERPRETATION OF RULES**Section**

510:1-11-1. Adoption of rules; fair and impartial construction

510:1-11-2. Validity of rules; separate construction

510:1-11-1. Adoption of rules; fair and impartial construction

The rules contained in this Title are adopted for the purpose of simplifying procedures, minimizing expenses and facilitating the administration of the Osteopathic Medicine Act. To that end, this Title shall be given a fair and impartial construction.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-11-2. Validity of rules; separate construction

If any section, sentence, clause, or phrase contained in this Title shall be held, for any reason, to be inoperative or unconstitutional, void, or invalid, the validity of the remaining portion of this Title shall not be affected thereby, it being the intention of the Board in adopting this Title that no portion or provision herein shall become inoperative or fail by the reason of the unconstitutionality or invalidity of any portion or provision, and the Board does hereby declare it would have severally passed and adopted the provisions contained in this Title separately and apart one from another.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

SUBCHAPTER 13. DECLARATORY RULINGS**Section**

510:1-13-1. Persons who may seek a declaratory ruling

510:1-13-2. Contents of petition

510:1-13-3. Information to be furnished

510:1-13-4. Board consideration

510:1-13-5. Notice

510:1-13-6. Board action

510-1-13-1. Persons who may seek a declaratory ruling

Any person may file a written petition seeking a declaratory ruling by the Board with respect to the application of a statute, rule or order of the Board.

[Source: Amended at 13 Ok Reg 2219, eff 6-27-96]

510:1-13-2. Contents of petition

The petition for a declaratory ruling shall clearly identify the statute, rule or Board order, the facts to which the statute, rule or order is to be applied and the question to be addressed by the declaratory ruling. The petition shall identify (by name and address) all persons who may be directly affected by the ruling.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

510:1-13-3. Information to be furnished

The Board may require the petitioner to submit any information it deems pertinent to the inquiry or useful to it in addressing the issue, including oral and documentary evidence and citations of legal authority.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

510:1-13-4 Board consideration

The Board may assign a petition for declaratory ruling to an appropriate advisory committee or Board subcommittee for its review and a recommendation. The advisory committee or subcommittee may require submission of oral and written evidence and legal memoranda. The advisory committee or subcommittee review and recommendation shall not constitute final Board action.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

510:1-13-5. Notice

The Board will give advance notice of its consideration of the petition for declaratory ruling to the petitioner. The Board will give notice of its final action on the petition for declaratory ruling to the petitioner and all persons who request notice of the Board's action on the petition.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

510:1-13-6. Board action

Board rulings shall be made in writing with a statement of appropriate findings of fact and conclusions of law.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

CHAPTER 5. PROFESSIONAL STANDARDS

Subchapter	Section
1. General Provisions	510:5-1-1
3. Dispensing of Dangerous Drugs	510:5-3-1
5. Disposal of Human Tissue	510:5-5-1
7. Unprofessional Conduct Relating to Prescribing or Dispensing Dangerous Drugs	510:5-7-1
9. Prescribing for Intractable Pain	510:5-9-1
11. Medical Micropigmentation	510:5-11-1
13. Advertising Board Certification	510:5-13-1

[Authority: 59 O.S., §§ 620 through 645]

[Source: Codified 6-27-96]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

510-5-1-1. Purpose

510-5-1-1 Purpose

The purpose of this chapter is to describe various standards for the practice of osteopathic medicine by persons licensed by the Board.

[Source: Added at 13 Ok Reg 2219, eff 6-27-96]

SUBCHAPTER 3. DISPENSING DANGEROUS DRUGS

Section

510:5-3-1. Purpose

510:5-3-2. Definitions

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

510:5-3-4. Record keeping

510:5-3-5. Annual registration

510:5-3-6. Dispensing professional samples

510:5-3-7. Violations

510:5-3-8. Exemptions

510:5-3-1. Purpose

The purpose of this subchapter is to provide information regarding certain statute requirements for prescribing and dispensing dangerous drugs. (Title 59 O.S. 355 Et Seq.)

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

510:5-3-2. Definitions

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

"Dangerous Drugs" means any drug intended for use by man which, because of its toxicity or other potentiality for harmful effects, or the method of its use, or the collateral measures necessary for its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drugs. This shall include all drugs upon which the manufacturer or distributor has, in compliance with federal law and regulations, placed the following: "Caution---Federal Law prohibits dispensing without prescription".

"Licensed practitioner" means an Osteopathic Physician and Surgeon licensed to practice and authorized to prescribe medication within the scope of his practice.

"Professional samples" means complimentary drugs packaged in accordance with federal and state statutes and regulations and provided to a licensed practitioner free of charge in such package by the licensed practitioner to his patients.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

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

(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.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

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.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

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.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

510:5-3-6. Dispensing professional samples

A licensed osteopathic physician who dispenses professional samples of dangerous drugs to his or her patients shall be exempt from the provisions of 510:5-3-5 if:

(1) *the licensed osteopathic physician furnishes the professional samples to the patient in the package provided by the manufacturer; and*

(2) *no charge is made to the patient; and*

(3) *an appropriate record is entered in the patient's chart.*

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

510:5-3-7. Violations

The violation of any provision of this subchapter shall constitute unprofessional conduct, for which an application for licensure or reinstatement may be denied and for which appropriate sanctions may be imposed on a licensee.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

510:5-3-8. Exemptions

This subchapter does not apply to drugs dispensed by the State Department of Health or the State Department of Mental Health and Substance Abuse Services. The requirements of Sections 5 and 6 of this subchapter do not apply to drugs dispensed by non-professional or other organizations described in 59 O.S. Section 355.1(E).

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

SUBCHAPTER 5. DISPOSAL OF HUMAN TISSUE**Section**

- 510:5-5-1. Purpose
- 510:5-5-2. Definitions
- 510:5-5-3. Method of disposal
- 510:5-5-4. Violations
- 510:5-5-5. Compliance

510:5-5-1. Purpose

The purpose of this subchapter is to provide guidance to osteopathic physicians for the disposal of human tissue and to provide notice of a penalty for any violation of this subchapter.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

510:5-5-2. Definitions

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

“**Conviction**” means a finding, by the Board, that a physician did violate any provision of this subchapter.

“**Human tissue**” means all parts of the human body recognizable as such without the use of specialized equipment.

“**Physician**” means a person licensed under the provisions of Title 59 O.S., Section 620 et seq. [Source: Added at 13 Ok Reg 2225, eff 6-27-96]

510:5-5-3. Method of disposal

(a) All human tissue, which is collected in the course of the diagnosis and/or treatment of any human condition by a doctor of osteopathic medicine, his employee or agent, must be handled in one of the following ways:

- (1) Sent for analysis and possible retention as a surgical specimen;
- (2) Sent for autopsy;
- (3) Sent for embalming and burial in accordance with accepted interment standards; or,
- (4) Sent for disposal by incineration in a pathological incinerator in the same manner as hazardous medical waste is handled under the applicable state statutes, rules and regulations.

(b) Noting in this Section shall preclude the doctor's right to use human tissue for the treatment of disease or injury. Likewise, the doctor shall have the right to assist in arranging appropriate donations through the process of the Anatomical Board, under the provisions of the Anatomical Gift Act or the preservation of human tissue for other legitimate educational purpose in any accredited educational endeavor.

(c) In no event shall any person knowingly dispose of any human tissue in a public or private dump, refuse or disposal site or place open to public view.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

510:5-5-4. Violations

Any osteopathic physician who violates or whose employees or agents violate this subchapter shall, upon conviction in a hearing before the Board, be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00).

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

510:5-5-5. Compliance

A presumption of compliance occurs once the attending physician has executed one of the methods of handling described in 510:5-5-3 and his responsibility is deemed fulfilled. In no event shall the osteopathic physician be responsible for the acts or omissions of any other licensed professional, independent contractor or other indirect assistant incidental to the ultimate disposal of human tissue by any of the designated methods.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

SUBCHAPTER 7. UNPROFESSIONAL CONDUCT RELATING TO PRESCRIBING OR DISPENSING DANGEROUS DRUGS

Section

510:5-7-1. Unprofessional conduct relating to prescribing or dispensing dangerous drugs

510:5-7-1. Unprofessional conduct relating to prescribing or dispensing dangerous drugs

The Board has the right to refuse to issue, renew or reinstate a license and may revoke a license or impose other appropriate sanctions for unprofessional conduct. In addition to those acts of unprofessional conduct listed in Title 59 O.S., Section 637 the following acts shall be included without limiting, in any way the Board's ability to interpret other acts as unprofessional conduct:

- (1) Indiscriminate or excessive prescribing, dispensing or administering controlled dangerous drugs.
- (2) Issuing prescriptions for controlled dangerous drugs to minors in violation of Title 63 O.S.
- (3) Purchasing, prescribing, dispensing, or administering any controlled dangerous drug or other regulated substance in Schedule I through V, as those schedules are defined in Title 63 O.S. Chapter 2, Sections 2-101 et seq. for the physician's personal use unless it is prescribed, dispensed or administered by another physician who is licensed to do so.
- (4) The delegation of authority to another person for the signing of prescriptions, whether controlled dangerous substances or otherwise.
- (5) Any violation of any provisions of Title 63 O.S., Chapter 2, Sections 2-101 et seq or the Uniform Controlled Dangerous Substances Act.

[Source: Added at 13 Ok Reg 2225, eff 6-27-96]

SUBCHAPTER 9. PRESCRIBING FOR INTRACTABLE PAIN

Section

- 510:5-9-1. Purpose
- 510:5-9-2. Guidelines and requirements
- 510:5-9-3. Violations

[Source: Codified 6-25-99]

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.

510:5-9-2. Guidelines and requirements

This rule requires that diagnosis be documented, it requires that certain records be maintained, and it requires that the physician must discuss the risks and benefits with the patient or the patient's guardian.

(1) To treat a patient's intractable pain, as long as the benefit of the expected relief outweighs the risk, even if the use of the drug increases the risk of death, so long as it is not furnished for the purpose of causing, or the purpose of assisting in causing death, the physician may prescribe or administer Schedule II, III, IV or V controlled dangerous substances or other pain relieving drugs in higher than normal dosages when, in that physician's judgment, the higher dosages are necessary to produce the desired therapeutic effect.

(2) The determination of intractable pain must include a complete medical history and physical examination which includes an assessment of the patient's pain, physical and psychological function, substance abuse history, underlying or co-existing diseases or conditions and the presence of a recognized medical indication for the use of an analgesic.

(3) The treatment plan must state objectives by which treatment success can be evaluated, such as pain relief and or improved physical and psychological function, and must indicate what further diagnostic evaluations or other treatments are planned. The drug therapy must be tailored to the individual needs of each patient.

(4) The course of treatment and any new information about the etiology of the intractable pain must be reviewed periodically, at least annually, with consideration given to referral for a current second opinion. The continuation or modification of treatment will depend on the results of this review and the evaluation of the patient's progress toward the treatment objectives. If the patient has not improved, the physician must assess the appropriateness of continuing the current therapy and the trial of other modalities.

(5) The management of intractable pain in patients with a history of substance abuse requires extra care, monitoring, documentation and consultation with addiction medicine specialists, and may include the use of agreements between the physician and patient specifying rules for medication use and consequences for its misuse.

(6) The physician must discuss the risks and benefits of the use of controlled substances with the patient or the patient's guardian and obtain informed consent prior to proceeding if it substantially increases the risk of death.

(7) Accurate and complete records documenting these requirements must be kept.

(8) To prescribe controlled substances, the physician must be licensed in Oklahoma, have a valid controlled substances registration and comply with federal and state regulations for issuing controlled substances prescriptions.

(9) Expert clinical testimony may be used to prove a violation of this rule. As used herein, a "clinical expert" is a physician who, by reason of specialized education or substantial relevant experience in pain management, has knowledge regarding current standards, practices and guidelines.

(10) Nothing in this rule shall limit a physician's authority to prescribe or administer prescription drug products beyond the customary indications as noted in the manufacturer's package insert for use in

treating intractable pain, provided the drug is recognized for treatment of intractable pain in standard reference compendia or medical literature.

510:5-9-3. Violations

The violation of any provision of this subchapter shall constitute unprofessional conduct, for which an application for licensure or reinstatement may be denied and for which appropriate sanctions may be imposed.

SUBCHAPTER 11. MEDICAL MICROPIGMENTATION

Section

- 510:5-11-1. Purpose
- 510:5-11-2. Definitions
- 510:5-11-3. Duties and Responsibilities

[Source: Codified 9-13-02 ----- Pending final revocation]

SUBCHAPTER 13. ADVERTISING BOARD CERTIFICATION

Section

- 510:5-13-1. Requirements of Representation
- 510:5-13-2. Requirements of Certifying Organizations
- 510:5-13-3. Renewal
- 510:5-13-4. Prohibited Terms

510:5-13-1. Requirements of Representation

An osteopathic physician's authorization of or use of the term "board certified," or "diplomate," or any similar word or phrase in any advertising for his or her osteopathic medical practice shall constitute misleading or deceptive advertising unless the osteopathic physician discloses the complete name of the specialty board or certifying organization which conferred the certification and the specialty board or certifying organization, so named, meets requirements in paragraphs 1 and 2 of this section:

- (1) The certifying organization is a member of the Bureau of Osteopathic Specialists or the American Board of Medical Specialties, or the American Association of Physician Specialists.
- (2) The certifying organization requires that its applicants be certified by a separate certifying organization that is a member of the Bureau of Osteopathic Specialists or the American Board of Medical Specialties or American Association of Physician Specialists and the certifying organization meets the criteria set forth in Section B, below.

510:5-13-2. Requirements of Certifying Organizations

Each certifying organization that is not a member board of the Bureau of Osteopathic Specialists or the American Board of Medical Specialties or American Association of Physician specialists must meet each of the requirements set forth in paragraphs 1 through 5 of this section:

- (1) The certifying organization requires all physicians who are seeking certification to successfully pass a written or an oral examination or both, which test the applicant's knowledge and skills in that specialty or subspecialty area of osteopathic medicine. All or part of the examination may be delegated to a testing organization. All examinations require a psychometric evaluation for validation;

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- (2) The certifying organization has written proof of a determination by the U.S. Internal Revenue Service that the body is tax exempt under the Internal Revenue Code pursuant to Section 501(c);
 - (3) The certifying board has a permanent headquarters and staff;
 - (4) The certifying board has at least 100 duly licensed certificate holders from at least one-third of the States of the United States; and,
 - (5) The certifying organization requires all physicians who are seeking certification to have satisfactorily completed identifiable and substantial training in the specialty or subspecialty area of osteopathic medicine in which the physician is seeking certification, and the certifying organization utilizes appropriate peer review. This identifiable training shall be deemed acceptable unless determined by the Board to be adequate in scope, content and duration in that specialty or subspecialty area of osteopathic medicine in order to protect the public health and safety.

510:5-13-3. Renewal

A physician may not use the term “board certified” or “diplomate” or any similar word or phrases if the board certification has expired and has not been renewed at the time the advertising was published or broadcast.

510:5-13-4. Prohibited Terms

The terms “board eligible,” “board qualified,” or any similar words or phrases shall not be used in osteopathic physician advertising.

CHAPTER 10. LICENSURE OF OSTEOPATHIC PHYSICIANS AND SURGEONS

Subchapter	Section
1. General Provisions	510:10-1-1
3. Licensure Requirements	510:10-3-1
4. Osteopathic Supervision of Advanced Nurse Practitioners	510:10-4-1
5. Registration to Dispense Dangerous Drugs [REVOKED]	510:10-5-1
6. Disposal of Human Tissue [REVOKED]	510:10-6-1
7. Fee Schedule	510:10-7-1

[Authority: 59 O.S., §§ 620 through 645]

[Source: Codified 12-27-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

510:10-1-1. Purpose

510:10-1-1. Purpose

The purpose of this chapter is to describe the process of licensure for applicants, renewal for current license holders and annual registration requirements for dispensation of drugs.

[Source: Amended at 13 Ok Reg 2229, eff 6-27-96]

SUBCHAPTER 3. LICENSURE REQUIREMENTS

Section

510:10-3-1. General licensure requirements

510:10-3-2. Application for licensure

510:10-3-3. Licensure by examination

510:10-3-4. Licensure by endorsement

510:10-3-5. Other criteria

510:10-3-6. Display of license

510:10-3-7. Duplicate license

510:10-3-8. Annual registration

510:10-3-9. Degree Designation

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.

(c) Postgraduate training. One year of postgraduate training is a requirement for 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:

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- (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 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) Photocopies of all of the items in (A) through (D) of this paragraph must be notarized as true copies of the originals.
 - (A) the diploma conferring the Doctor of Osteopathic Medicine or Doctor of Osteopathy degree;
 - (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, if that is the basis of the application.
 - (3) 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) 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) A curriculum vitae which accounts for all of the candidates time and activity, chronologically, from the time of high school graduation to the present.
 - (6) 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.

[Source: Amended at 11 Ok Reg 3419, eff 6-27-94; Amended at 13 Ok Reg 2229, eff 6-27-96]

510:10-3-2. Application for licensure

(a) Photographs, fingerprints, and personal interview. Applicants for licensure as an osteopathic physician and surgeon must be identified by a recent personal photograph, as outlined in the application for endorsement or examination; fingerprints certified by a law enforcement officer should be included. The Board may require, at its own discretion, a personal interview.

(b) Osteopathic diploma. A photostatic copy or photographic reproduction of the applicant's diploma must accompany all applications for examination or endorsement. If the applicant's diploma has been lost, a sworn statement from the Dean or Registrar of the Osteopathic College issuing the diploma shall be furnished in lieu thereof. The original diploma or certificate should not be mailed or attached to such application.

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 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) National examination. Candidates may be licensed upon the successful completion of the examination sequence of the National Board of Osteopathic 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.

[Source: Amended at 11 Ok Reg 3419, eff 6-27-94]

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 the Oklahoma Board of Osteopathic Examiners.

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

[Source: Amended at 11 Ok Reg 3419, eff 6-27-94]

510:10-3-5. Other criteria

An application for licensure may be denied if the applicant has engaged in any of the conduct described at Title 59 O.S. Section 637 or any other conduct prescribed by statute or Board rule.

[Source: Amended at 13 Ok Reg 2229, eff 6-27-96]

510:10-3-6. Display of license

All persons licensed under the Osteopathic Medicine Act, who are practicing osteopathic medicine in the State of Oklahoma, shall prominently display their current annual certificate of licensure in the primary place of practice. Anyone regularly practicing at more than one location may receive a duplicate renewal certificate upon request.

[Source: Amended at 11 Ok Reg 3419, eff 6-27-94]

510:10-3-7. Duplicate license

Upon the presentation of an affidavit and satisfactory proof that a licensee's original license had been lost, stolen or destroyed, the Board may issue a duplicate license. Such duplicate license shall carry the notation that it is a duplicate to replace the original. A fee of fifty (\$50.00) dollars will be charged.

[Source: Amended at 11 Ok Reg 3419, eff 6-27-94]

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 sign-in.

(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). A late penalty may also be charged for those who are not renewed by the first day of July of each year.

(c) Failure to meet requirements. Upon the failure of a licensee to meet the requirements for license renewal, the licensee shall forfeit the right to practice osteopathic medicine in the State of Oklahoma as outlined in 59 O.S. Section 624.

(d) Dispensing registration. Licensees wishing to dispense shall register annually as required by OAC 510:5-3-5.

[Source: Amended at 11 Ok Reg 3419, eff 6-27-1994; Amended at 13 Ok Reg 2229, eff 6-27-1996; Amended at 17 Ok Reg 3176, eff 7-27-2000]

510:10-3-9. Degree Designation

In all communications regarding matters relating to the practice of osteopathic medicine, licensees shall clearly state their academic degree and license designation by the use of the term "D.O." or "Doctor

of Osteopathy" or "Doctor of Osteopathic Medicine". By way of example, this rule requires use of the stated designation on a licensee's stationery, business cards, advertisements, prescription blanks, signs and public listings and displays.

[Source: Amended at 13 Ok Reg 2229, eff 6-27-96]

SUBCHAPTER 4. OSTEOPATHIC SUPERVISION OF ADVANCED NURSE PRACTITIONERS

Section

- 510:10-4-1. Purpose
- 510:10-4-2. Definitions
- 510:10-4-3. Responsibility of the supervising osteopathic physician

[Source: Codified 6-25-98]

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 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.

“**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 and the supervising physician.

510:10-4-3. Responsibility of the 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) The supervising physician shall be trained and fully qualified in the field of the advanced practice nurse's specialty.

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

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

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

SUBCHAPTER 7. FEE SCHEDULE
Section

510:10-7-1. Fees for licensure

510:10-7-1. Fees for licensure

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

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

[Source: Amended at 13 Ok Reg 2229, eff 6-27-1996; Amended at 17 Ok Reg 3176, eff 7-27-2000; Amended at 17 Ok Reg 3176, eff 6-25-2006]