

TO: Reproductive Health Access Project
FROM: If/When/How
DATE: February 2, 2017
RE: Physician Licensing Laws – Oklahoma

Disclaimer: This memorandum includes general information about legal issues and developments in the law. Such materials are for informational purposes only, and are not intended, and must not be taken, as legal advice on any particular set of facts or circumstances.

I. Practice of Medicine

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (hereinafter, “the Act”) governs the practice of medicine in Oklahoma. 59 O.S. §§ 480-518. The State Board of Medical Licensure and Supervision (hereinafter “the Board”) is responsible for implementing the Act. 59 O.S. § 481. The Act applies to allopathic and surgical practices—e.g., treatment practiced by recipients of the degree of Doctor of Medicine—but does not govern any other healing practices—e.g., homeopathy. 59 O.S. § 480.

Under § 492(C) of the Act, the definition of the practice of medicine and surgery includes, but is not limited to:

1. Advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine and surgery in this state;
2. Any offer or attempt to prescribe, order, give, or administer any drug or medicine and surgery for the use of any other person, except as otherwise authorized by law;
3. (a) Any offer or attempt, except as otherwise authorized by law, to prevent, diagnose, correct, or treat in any manner or by any means, methods, devices, or instrumentalities except for manual manipulation any disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of any person, including the management of pregnancy and parturition, except as otherwise authorized by law...
4. Any offer or attempt to perform any surgical operation upon any person, except as otherwise authorized by law; and
5. The use of the title Doctor of Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D. or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless, where appropriate, such a

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designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this state.

59 O.S. § 482(C)(1-5).

Section 492(D) of the Act delineates actions that do not constitute the practice of medicine and, therefore, are not governed by the Act. These include:

1. A student while engaged in training in a medical school approved by the Board or while engaged in graduate medical training under the supervision of the medical staff of a hospital or other health care facility approved by the state medical board for such training, except that a student engaged in graduate medical training shall hold a license issued by the Board for such training.
2. Any person who provides medical treatment in cases of emergency where no fee or other consideration is contemplated, charged or received;
3. A commissioned medical officer of the armed forces of the United States or medical officer of the United States Public Health Service or the Department of Veterans Affairs of the United States in the discharge of official duties and/or within federally controlled facilities; and provided that such person shall be fully licensed to practice medicine and surgery in one or more jurisdictions of the United States; provided further that such person who holds a medical license in this state shall be subject to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act;
4. Any person licensed under any other act when properly practicing in the healing art for which that person is duly licensed;
5. The practice of those who endeavor to prevent or cure disease or suffering by spiritual means or prayer;
6. Any person administering a domestic or family remedy to a member of such person's own family;
7. Any person licensed to practice medicine and surgery in another state or territory of the United States who renders emergency medical treatment or briefly provides critical medical service at the specific lawful direction of a medical institution or federal agency that assumes full responsibility for that treatment or service and is approved by the Board;
8. Any person who is licensed to practice medicine and surgery in another state or territory of the United States whose sole purpose and activity is limited to brief actual consultation with a specific physician who is licensed to practice medicine and surgery by the Board, other than a person with a special or restricted license; or
9. The practice of any other person as licensed by appropriate agencies of this state, provided that such duties are consistent with the accepted standards

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of the person's profession and the person does not represent himself or herself as a Doctor of Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D., or any combination thereof.

59 O.S. § 482(D)(1-9).

The statute reiterates that nothing in the Act "shall prohibit services rendered by any person not licensed by the Board and practicing any nonallopathic healing practice." 59 O.S. § 492 (F). The standard of care required of those engaging in the practice of the healing arts are to be measured by national standards. 76 O.S. §20.1.

Any person practicing medicine and surgery in Oklahoma without having the legal possession of a current license is guilty of a felony. Upon conviction, the licensee may be fined and/or imprisoned. 59 O.S. § 491.

II. Requirements for a Professional License

Every person practicing medicine in Oklahoma "must be in legal possession of the unrevoked license or certificate issued pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act." 59 O.S. § 491. Those who violate this will be found guilty of a felony, which is punishable a fine and/or jail time. Each day that a person violates any provision constitutes a separate criminal offense. *Id.*

In Oklahoma there are four types of licenses that allow physicians to practice medicine in the state: (1) general medical licenses, (2) temporary licenses, (3) first year post-graduate training licenses, and (4) Special Volunteer License to Treat Indigent and Needy Persons.

Under Oklahoma Law, "[n]o person shall be licensed to practice medicine and surgery in this state except upon a finding by the Board that such person has fully complied with all applicable licensure requirements of this act, is of good moral character, and has produced satisfactory evidence to the Board of the ability of the applicant to practice medicine and surgery with reasonable skill and safety." 59 O.S. § 492.1.

A. General Medical License

In general, a medical license is necessary to practice medicine and surgery in Oklahoma. Every person who appends to his or her name the letters "M.D.", "Physician" or any other title, letters or designation which represent that such person is a physician, or who shall for a fee or any form of compensation diagnose and/ or treat disease, injury or deformity of persons in this state by any allopathic

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legend drugs, surgery, manual, or mechanical treatment unless otherwise authorized by law must possess a medical license.

There are a number of requirements to obtain a medical license, which are delineated in § 493.1 of the Oklahoma Code.

To obtain a medical license, the applicant must possess a valid degree of Doctor of Medicine from a medical college or school that has previously been approved by the Board. Additionally, a person must also have satisfactorily completed twelve months of progressive postgraduate medical in an approved institution. The applicant must also have passed medical licensing examination(s) satisfactory to the Board. 59 O.S. § 493.1.

To obtain a medical license an applicant must be able to demonstrate a familiarity with all appropriate statutes, rules, and regulations of Oklahoma and the federal government relating to the practice of medicine and surgery. 59 O.S. § 493.1.

The applicant “shall be physically, mentally, professionally, and morally capable of practicing medicine and surgery in a manner reasonably acceptable to the Board and in accordance with federal law and shall be required to submit to a physical, mental, or professional competency examination or a drug dependency evaluation if deemed necessary by the Board.” 59 O.S. § 493.1.

The applicant cannot have committed or been found guilty by a competent authority, United States or foreign, of any conduct that would constitute grounds for disciplinary action under this act or rules of the Board, though the Board may modify this restriction for cause. 59 O.S. § 493.1.

There are additional requirements for foreign applicants relating to their degree, their training, and credentials. Foreign applicants must be eligible to work in the United States. A foreign applicant must also have “a command of the English language that is satisfactory to [the Board].” International applicants must also have a degree based on satisfactory completion of educational programs from a school with education and training substantially equivalent to that offered by the University of Oklahoma College of Medicine. They may also be required to achieve 24 months of postgraduate practice. 59 O.S. § 493.2.

To obtain a medical license, the applicant must fill out the online application form and provide the necessary documentation. The Board may also request an

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interview. Generally, once the application is complete, Board action can be expected within thirty days.

All fees must be paid online as part of the online application process. The fee for a medical license is \$500. The reprocessing fee is \$125. The temporary license fee is \$250. The fee for a first year post-graduate training license is \$250. 59 O.S. § 435:1-1-7.

Each person licensed by the Board shall reregister with the Board on the anniversary of each individual licensee. Okla. Admin. Code § 435:10-7-10. Each year licensees must apply for renewal and pay the appropriate fee on or before the first day of the month of initial licensure.

The online application must be completed to the best of the applicant's knowledge. Applicants will be asked to include information such as: full name; social security number; a list of places applicant has resided, attended school, been employed, and practiced medicine; a detailed chronological life history from age of eighteen; and, any other information requested by the Board. 59 O.S. § 493.1.

As a part of their application, applicants may also be asked to provide certain documentation, including: a signed and notarized photograph of the applicant, taken with the previous twelve months; a list of all jurisdictions in which the applicant is licensed or authorized or has applied for licensure or authorization to practice medicine and surgery; a list of all jurisdictions in which the applicant has been denied licensure or authorization to practice medicine and surgery or has voluntarily surrendered a license or an authorization to practice medicine and surgery; a list of all sanctions, judgments, awards, settlements or convictions against the applicant in any jurisdiction, which would constitute grounds for disciplinary action under this act or the Board's rules; a detailed educational history; a detailed chronological life history from age eighteen years to present. 59 O.S. § 493.1.

In making its decisions, the Board considers each application individually. Even if the applicant meets the listed criteria, he or she is not guaranteed issuance of a license. The Board will consider all components of the application, including examination scores, educational background, post-graduate training, achievement in specialties, and personal history of moral and ethical conduct. STATE OF OKLAHOMA BOARD OF MEDICAL LICENSURE & SUPERVISION, HANDBOOK, 18 (November 2014).

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The Board may deny a license for the following reasons: the applicant uses false or fraudulent information; the applicant's license has been suspended or revoked but not reinstated in another states; the applicant has been refused a license in another state for a reason other than failing the exam; and, multiple examination failures. However, under Oklahoma law, the Board "shall not deny a license to a person otherwise qualified to practice allopathic medicine within the meaning of this act solely because the person's practice or a therapy is experimental or non-traditional. 59 O.S. § 492.1.

B. Temporary License

In special circumstances the Board may issue a temporary licensure to an applicant "who has met all requirements for a full and unrestricted medical license. Temporary licenses are limited to those awaiting a vote of the board for unrestricted licensure to practice medicine in Oklahoma, and are limited to only the period prior to the next meeting where the board will vote on the applicant's application for an unrestricted license. Okla. Admin. Code § 435:10-11-2. The temporary license will automatically terminate on the date of the next Board meeting at which the applicant may be considered for full licensure." STATE OF OKLAHOMA BOARD OF MEDICAL LICENSURE & SUPERVISION, HANDBOOK, 20 (November 2014).

The Board may issue a temporary medical license to applicants to be used during the intervals between Board meetings. A temporary license shall be granted only when the secretary is satisfied as to the qualifications of the applicant to be licensed under the Act but where such qualifications have not been verified to the Board. 59 O.S. § 493.3.

The temporary license is only to be granted to an applicant who is demonstrably qualified for a full and unrestricted medical license, as per the rules of the Act, and will automatically terminate on the date of the next Board meeting, at which time the applicant may be considered for a full and unrestricted medical license. 59 O.S. § 493.3.

The Board may issue a license by endorsement to an applicant who: "has complied with all current medical licensure requirements except those for examination; and, has passed a medical licensure examination in English." 59 O.S. § 493.3.

C. First Year Post-Graduate Training License

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Individuals who are entering postgraduate training in Oklahoma who do not yet meet the requirements for full licensure may obtain a first year post-graduate training license. Residents may then apply for a full and unrestricted medical license upon meeting all requirements. STATE OF OKLAHOMA BOARD OF MEDICAL LICENSURE & SUPERVISION, HANDBOOK, 20 (November 2014). Special Licenses for training are limited to a single year, renewable annually, and the holder of the special license may not practice outside the scope of the special license. Okla. Admin. Code § 435:10-11-3(b-c).

Oklahoma law requires completion of twelve months' progressive postgraduate medical training approved by the Board before one can become a fully licensed physician. International medical students may be required to complete up to twenty-four months of Board-approved progressive postgraduate medical training. To be eligible a training license, the applicant shall have completed all the other requirements for full and unrestricted medical licensure except graduate education and/or licensing examination or other requirements relative to the basis for the special license or special training license. 59 O.S. § 493.4.

D. Special Volunteer License to Treat Indigent and Needy Persons

Under Oklahoma law there is also a special volunteer license for eligible volunteers from medically related fields, including physicians. The special license is for physicians who are retired from active practice or are actively licensed and are practicing in another state and wish to donate their expertise for the care and treatment of indigent and needy persons in Oklahoma. 59 O.S. § 493.5(1). To obtain a volunteer license, the physician must have completed medical school and either previously held an unrestricted license to practice in Oklahoma or holds a license another state in the United States. To qualify, the physician must have never been the subject of any professional disciplinary action in any jurisdiction. 59 O.S. § 493.5(B)(2).

The special volunteer license is issued by the State Board of Medical Licensure and Supervision or to by the Board of Osteopathic Examiners, depending on the eligibility of the physician. The Board will determine the period of time the license is valid and will approve any renewals. There is no application fee, license fee, or renewal fee for the volunteer license. The license can be issued or renewed without any continuing education requirements. 59 O.S. § 493.5(A)(3)(a-e).

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To obtain a special volunteer license, an eligible volunteer must complete the special volunteer license application, which includes documentation of the medical school graduation and relevant practice history of the applicant. 59 O.S. § 493.5(B)(1)(a, g). The applicant must also file documentation that he or she has been previously issued a full and unrestricted license to practice in Oklahoma or in another state of the United States and a written acknowledgment that he or she has never been the subject of any professional disciplinary action in any jurisdiction. 59 O.S. § 493.5(B)(2).

The volunteer must provide written acknowledgement that his or her practice under the special volunteer license will be exclusively and totally devoted to providing care to needy and indigent persons in Oklahoma or to providing care under the Oklahoma Medical Reserve Corps. 59 O.S. § 493.5(B)(3). Also, the volunteer must provide written acknowledgement that he or she shall not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any services rendered in this state under the special volunteer license. There is one exception to the indirect compensation provision for out-of-state physicians that participate in the free care given by means of Telemedicine through the Shriners Hospitals for Children national network. 59 O.S. § 493.5(B)(4).

III. Medical Students

A. Licenses for Medical Students and/or Residents in Medical Training Programs

As detailed above, in Oklahoma there are three types of licenses that allow physicians to practice medicine in the state, including first year post-graduate training licenses. This license applies to students and residents.

i. Residents in their first year of training

Individuals who are entering postgraduate training in Oklahoma can obtain a first year post-graduate training license. To obtain a special license for post-graduate training, the applicant must have passed Step 1 and Step 2-Clinical Knowledge and Step 2-Clinical Skills of the United States Medical Licensing Examination (USMLE). 59 O.S. §435:10-11-3.1(b).

During post-graduate training, the resident is expected to complete at least twelve months of “progressive post-graduate medical training in a

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program,” which has been previously approved by an approved governing body. “The Board construes progressive training to be that which steadily increases the student’s duties and responsibilities during the training and which prepares the student for increasingly difficult medical challenges.” To be eligible for a full medical license following the one-year of training, the residency must have been completed in the same medical specialty. 59 O.S. § 435:10-4-4(e).

In special circumstances, residents beyond the first year of post-graduate training may extend a special license for continuance of training, which is renewable annually. 59 O.S. § 435:10-4-2. The Board approves these requests on an individual basis.

ii. Current medical school students

Broadly speaking, a medical license is necessary to practice medicine and surgery in Oklahoma. However, the practice of medicine and surgery does not include a student who is engaged in training in a medical school approved by the Board or who is engaged in graduate medical training under the supervision of the medical staff of a hospital or other health care facility approved by the state medical board for such training. 59 O.S. § 492(D)(1).

For example, students at Oklahoma medical schools may partake in on-campus clinical programs. At University of Oklahoma, School of Medicine, for example, students receive clinical training during their third and fourth years. At University of Oklahoma, “All clinical students are required to take core clerkships in Family Medicine, Internal Medicine, Neurology, Obstetrics and Gynecology, Pediatrics, Psychiatry, and Surgery. Senior students have a required ambulatory care experience, a Geriatrics clerkship, a preceptorship under the guidance of a physician in a small Oklahoma community, a subinternship rotation, and clinical electives chosen from a wide variety offered.” During their fourth year, students may also be able to complete an off-campus rotation, which has been authorized by the university. UNIVERSITY OF OKLAHOMA, MEDICAL SCHOOL CURRICULUM, PROGRAMS, AND RELATED RESOURCES, [https://www.oumedicine.com/college-of-medicine/information-about/undergraduate-medical-education-\(ume\)](https://www.oumedicine.com/college-of-medicine/information-about/undergraduate-medical-education-(ume)) (accessed October 7, 2016). Students do not need a medical license to participate in these

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programs. However, at University of Oklahoma, all newly admitted students are required to verify that they have current certification in Basic Life Support (BLS), and then before beginning their year clinical rotations, all students are required to take Advance Cardiac Life Support (ACLS) training. THE UNIVERSITY OF OKLAHOMA, COLLEGE OF MEDICINE, "STUDENT HANDBOOK: 2016-2017," <http://hippocrates.ouhsc.edu/comweb/pdf/student%20handbook.pdf>.

IV. Training Sites

As detailed above, after the completion of medical school, physicians must complete at least twelve months of "progressive post-graduate medical training in a program." During this time, residents will have a restricted first year post-graduate training license and must complete the one year of training in order to be eligible for a full medical license. Okla. Admin. Code 435:10-4-4 (e).

The Board must approve all post-graduate training programs that are acceptable for postgraduate training in Oklahoma. There are a number of factors the Board considers when determining which sponsoring institutions and programs shall be approved for postgraduate training. The Board will consider the qualifications of physician educators serving in residencies in sponsoring institutions or other facilities for giving first year post-graduate training. In particular, all physician educators must be eligible for a full and unrestricted licensure in Oklahoma. The Board will also consider the sponsoring institution's accreditation by the Accreditation Council for Graduate Medical Education (ACGME), as evidence of acceptability for providing training. Okla. Admin. Code 435:10-5-1.

To be approved, each sponsoring institution must have an institutional official who is responsible for meeting reporting requirements. Specifically, institutions must report to the Board if any of the following conduct occurred at the sponsoring institution or program.

(A) Whether any disciplinary actions relating to unprofessional conduct... were taken against a resident physician in the post-graduate training program. (B) Whether a resident physician has failed to advance in the residency program for reasons of unprofessional conduct. (C) Whether a resident physician has been placed on restriction by the program director for reasons of unprofessional conduct. (D) Whether any resident physician has been dismissed or terminated from the training program and the reasons for such

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action. (E) Whether any resident physician has resigned from the training program while under investigation for program violations, misconduct, or unprofessional conduct. (F) Whether any resident physician has been referred by the program director to a substance abuse program, unless the resident physician enrolls in an impaired physician program approved by the Board.

Okla. Admin. Code 435:10-5-1.

Reports of violations must be submitted within thirty days of a final action on the part of the institution or program, and failure to report unprofessional conduct or the inability to practice safely may be grounds for disciplinary action against the supervising physician. Okla. Admin. Code 435:10-5-1.

Furthermore, if a training hospital or program appoints any person as a fellow, assistant resident, or resident physician or permits anyone to practice medicine in such hospital or program without a license or special license to practice medicine in Oklahoma, that hospital or program may be suspended from the Board's list of hospitals and programs approved for post-graduate training. Hospitals, medical schools, and other programs are, thus, responsible for ensuring that every physician has the proper licensure. Okla. Admin. Code 435:10-5-2.

The Board does not delineate special requirements for medical schools. However, it does list "medical schools" as one of the post-graduate training entities where every medical educator must have proper licensure. Okla. Admin. Code 435:10-5-2.

V. Denial and Revocation of Licenses

A. Denial of License

To obtain a license to practice medicine and surgery in Oklahoma, a person must have fully complied with all applicable licensure requirements of the Act, be of good moral character, and have produced satisfactory evidence to the Board of the ability of the applicant to practice medicine and surgery with reasonable skill and safety. 59 O.S. § 492.1(b)(4). Specifically, the applicant must be physically, mentally, professionally, and morally capable of practicing medicine and surgery in a manner reasonably acceptable to the Board and in accordance with federal law. If the Board deems necessary, the applicant will be required to submit to a physical, mental, or professional competency examination or a drug dependency evaluation. 59 O.S. §493.1(G).

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Moreover, an applicant shall not have committed or been found guilty by a competent authority, United States or foreign, of any conduct that would constitute grounds for disciplinary action under this act or rules of the Board, though the Board may modify this restriction for cause. 59 O.S. §493.1(H).

“Grounds for the denial of a license shall include: use of false or fraudulent information by an applicant; suspension or revocation of a license in another state unless the license has been reinstated in that state; refusal of licensure in another state other than for examination failure; and multiple examination failures.” 59 O.S. §493.1(L)(1-3).

B. Revocation of License

The Board may suspend, revoke, or order any other appropriate sanctions against the license of any physician or surgeon for unprofessional conduct. Before a suspension, revocation, or other penalty is imposed, the physician must be cited to appear for a hearing, which is issued after a sworn complaint has been filed with the Secretary of the Board charging the licensee with having been guilty of unprofessional conduct and setting forth the particular act or acts alleged to constitute unprofessional conduct. Before a complaint has been officially filed, if the Board believes that a violation may have occurred, it may launch an investigation. 59 O.S. § 503.

Though a physician is entitled to a hearing before the board, if an emergency exists, the Secretary of the Board, with the concurrence of the President, may impose an immediate suspension of a license, if it “is imperative for the public health, safety and welfare.” 59 O.S. § 503.1.

After considering all the testimony presented at the hearing, the Board will decide whether the physician is guilty. If the defendant is guilty, the Board may revoke the license of the defendant and the defendant’s rights to practice medicine and surgery in Oklahoma. The Board, however, could instead suspend a license, during which suspension the holder of such suspended license shall not be entitled to practice medicine and surgery thereunder. Furthermore, as a condition of suspension, the Board may require that the defendant attend and produce evidence of successful completion of a specific term of education, residency, or training in enumerated fields and/or institutions as ordered by the Board based on the facts of the case.

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“At the end of any term of suspension imposed by the Board, the applicant for reinstatement shall show to the Board successful completion of all conditions and requirements imposed by the Board and demonstrate eligibility for reinstatement.” 59 O.S. § 506(A). The Board may also require satisfactory evidence of professional competence and good moral character from applicants requesting reinstatement of any license or certificate issued by the Board. 59 O.S. § 495h. The physician will need to pay the appropriate reinstatement fees. 59 O.S. § 435:1-1-7.

VI. Malpractice Insurance

There is no requirement by the state or the medical board that physicians obtain malpractice insurance. However, in Oklahoma physicians usually carry limits of liability of \$1 million per incident and \$3 million aggregate limit.

VII. Abortion

A. Who can Perform or Induce an Abortion

Under Oklahoma law, any person who performs or induces an abortion must be a physician licensed to practice medicine in the State of Oklahoma. Violation of this law is a felony, which is punishable by imprisonment for not less than one year nor more than three years in the State Penitentiary. 63 O.S. § 1-731(A).

In 1997, the Oklahoma Supreme Court decided *Davis v. Fieker*, 1997 OK 156, 952 P.2d 505. In *Davis*, the Court affirmed “that a state has wide latitude in regulating abortion so long as the regulation’s purpose is not to prevent abortions and the regulation does not present a substantial obstacle in obtaining an abortion.” *Davis*, 1997 OK at ¶ 34.

B. Informed Consent

In Oklahoma, “[n]o abortion shall be performed in this state except with the voluntary and informed consent of the woman upon whom the abortion is to be performed.” 63 O.S. § 1-738.2. To have informed consent, at least 72 hours prior to the abortion, the woman must be told who will be performing the abortion, the medical risks associated with the particular abortion procedure to be employed, the probable gestational age of the unborn child at the time the abortion is to be performed, the medical risks associated with carrying her child to term, and that

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ultrasound imaging and heart tone monitoring that enable the pregnant woman to view her unborn child or listen to the heartbeat of the unborn child are available to the pregnant woman. 63 O.S. § 1-738.2. There is an exception to the seventy-two hour informed consent rule in the case of a medical emergency. 63 O.S. § 1-738.2.

The woman must also be informed of information that contains phone numbers and addresses for facilities that offer services for alternatives to abortion at no cost. 63 O.S. § 1-738.2. The woman must be informed that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care. 63 O.S. § 1-738.2. And also, the woman should be instructed that the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion. 63 O.S. § 1-738.2.

This information may be told on the phone but it must be relayed by a live person. 63 O.S. § 1-738.2.

C. Heartbeat

Prior to giving informed consent, if the pregnancy is at least eight weeks after fertilization, the abortion provider must tell the woman “that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and ask the woman if she would like to hear the heartbeat.” If the woman wants to hear the heartbeat, the physician must make the possible using a Doppler fetal heart rate monitor. 63 O.S. § 1-745.14.

D. Post- First Trimester

In Oklahoma all abortions performed after the end of the first trimester must be performed or induced in a general hospital. 63 O.S. § 1-731(B).

E. Minors

Under Oklahoma law, no abortion shall be performed on an unemancipated minor, unless she has the written consent of her parent. There is an exception for medical emergencies. 63 O.S. § 1-740.2.

If the girl chooses not to inform her parents, “any judge of a district court in the county in which the pregnant unemancipated minor resides shall, upon petition or motion, and after an appropriate hearing, authorize a physician to perform the

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abortion if the judge determines, by clear and convincing evidence, that the pregnant unemancipated minor is mature and capable of giving informed consent to the proposed abortion based upon her experience level, perspective, and judgment.” 63 O.S. § 1-740.3.

F. Overturned Laws

In 2012, the Oklahoma Supreme Court found 63 O.S. §§ 1-738.1A, 1-738.3d, 1-738.3e unconstitutional. *Nova Health Sys. v. Pruitt*, 2012 OK 103, ¶ 1, 292 P.3d 28, as corrected (Dec. 5, 2012). If allowed, the statutes would have required any abortion provider to perform an obstetric ultrasound on the pregnant woman, “using either a vaginal transducer or an abdominal transducer, whichever would display the embryo or fetus more clearly,” while providing an explanation of what the ultrasound was depicting and making sure the images were in the woman’s line of vision—though the woman could avert her eyes. The physician would also have had to record of the woman’s consent for at least seven years, or five years after a minor reaches the age of majority, whichever was greater. If the physician had failed to comply with this, the provider who violated the law would have engaged in unprofessional conduct for which his or her certificate or license to provide health care services in Oklahoma could have been suspended or revoked by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners.

In 2015, Senate Bill 642 was passed, attempting to limit abortion access in the state. The four sections of SB 642 contain the following provisions: Section 1 added powers to the Attorney General or the District Attorney to be able to enjoin certain conduct relating to requisite consents for minors seeking abortions; Section 2 added a new section of law, which authorized the Oklahoma Bureau of Investigations to create a new forensic protocol for statutory rape investigations. Section 3 added a new section of law creating a new licensing and inspection scheme for abortion facilities, directing the Oklahoma State Department of Health to develop requisite regulatory protocols. Finally, section 4 added a new broad-sweeping section, imposing felony penalties as well as civil penalties up to One Hundred Thousand Dollars for a violation of *any* existing regulation relating to abortion statutes contained in 63 O.S. 2011 1-737.7 to 1-737.16.

On October 4, 2016, the Oklahoma Supreme Court unanimously struck down S.B. 642 in *Burns v. Cline*, 2016 OK 99. The court found “that each of the four sections of SB 642, lack[ed] a common purpose and [was] not germane, relative and cognate.” The Court explained that the bill was too broad and sweeping. The

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court found that because the “provisions [were] so unrelated that those voting on this bill were faced with a constitutionally prohibited all-or-nothing choice to ensure the passage of favorable legislation. *Burns*, 2016 OK at ¶ 18.