

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 1373, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Daniels

Daniels-NP-FS-Req#2238
4/23/2019 3:14 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1373

By: Taylor and Kiger of the
House

6 and

7 Daniels and Bergstrom of
8 the Senate

9 FLOOR SUBSTITUTE

10 An Act relating to professions and occupations;
11 defining terms; authorizing certain request to
12 evaluate criminal history record for certain
13 occupation; stating contents of certain requests;
14 allowing additional information in requests;
15 requiring certain entities list criminal records that
16 disqualify applicant from licensure or certification;
17 requiring written notification of certain
18 determination within certain time; stating content of
19 certain notification; authorizing promulgation of
20 form; authorizing certain fee; setting maximum amount
21 of fee; amending 59 O.S. 2011, Section 15.8, which
22 relates to the Oklahoma Accountancy Act; modifying
23 qualifications of applicants; amending 59 O.S. 2011,
24 Sections 46.14, as last amended by Section 1, Chapter
183, O.S.L. 2015, 46.24, as amended by Section 14,
Chapter 234, O.S.L. 2014, 46.31, as amended by
Section 20, Chapter 234, O.S.L. 2014 (59 O.S. Supp.
2018, Sections 46.14, 46.24 and 46.31), which relate
to the State Architectural and Registered Interior
Designers Act; modifying issuance of license;
amending 59 O.S. 2011, Section 144, as last amended
by Section 1, Chapter 87, O.S.L. 2017 and 148 (59
O.S. Supp. 2018, Section 144), which relate to the
Podiatric Medicine Practice Act; modifying
qualifications for applicants; defining terms;
modifying penalties for violations; amending 59 O.S.
2011, Section 161.7, as last amended by Section 3,
Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section

1 161.7), which relates to the Oklahoma Chiropractic
2 Practice Act; modifying disclosure requirements for
3 applicants; defining terms; amending 59 O.S. 2011,
4 Section 199.11, as last amended by Section 2, Chapter
5 183, O.S.L. 2015 (59 O.S. Supp. 2018, Section
6 199.11), which relates to the Oklahoma Cosmetology
7 and Barbering Act; modifying licensing requirements;
8 amending 59 O.S. 2011, Sections 328.24, as last
9 amended by Section 6, Chapter 151, O.S.L. 2018,
10 328.25, as last amended by Section 7, Chapter 151,
11 O.S.L. 2018 and 328.29a, as last amended by Section
12 3, Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2018,
13 Sections 328.24, 328.25 and 328.29a), which relate to
14 the State Dental Act; modifying application
15 requirements for licensure; modifying revocation or
16 suspension of certain permits; amending 59 O.S. 2011,
17 Section 353.9, as amended by Section 6, Chapter 230,
18 O.S.L. 2015 (59 O.S. Supp. 2018, Section 353.9),
19 which relates to the Oklahoma Pharmacy Act; modifying
20 requirements for application; defining terms;
21 amending 59 O.S. 2011, Sections 396.3, as last
22 amended by Section 2, Chapter 204, O.S.L. 2017, 396.8
23 and 396.12c, as amended by Section 4, Chapter 97,
24 O.S.L. 2013 (59 O.S. Supp. 2018, Sections 396.3 and
396.12c), which relate to the Funeral Services
Licensing Act; modifying qualifications for
licensure; modifying issuance and renewal of license;
amending Sections 9 and 10, Chapter 259, O.S.L. 2017,
and 59 O.S. 2011, Section 475.18, as last amended by
Section 16, Chapter 259, O.S.L. 2017 (59 O.S. Supp.
2018, Sections 475.12a, 475.12b and 475.18), which
relate to engineering and land surveying; modifying
qualifications for applications, certification and
licensure; amending 59 O.S. 2011, Section 492.1,
which relates to the Oklahoma Allopathic Medical and
Surgical Licensure and Supervision Act; modifying
licensure requirements; amending 59 O.S. 2011,
Section 519.4, which relates to the Physician
Assistant Act; modifying licensure requirements;
amending 59 O.S. 2011, Section 532, as amended by
Section 4, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
2018, Section 532), which relates to the Oklahoma
Athletic Trainers Act; clarifying language; amending
59 O.S. 2011, Section 536.7, as amended by Section 1,
Chapter 280, O.S.L. 2013 (59 O.S. Supp. 2018, Section
536.7), which relates to the Registered Electrologist
Act; modifying licensure requirements; amending 59

1 O.S. 2011, Section 540.6, which relates to the
2 Registered Electrologist Act; modifying eligibility
3 for licensure; amending 59 O.S. 2011, Sections 567.5,
4 567.6, as amended by Section 1, Chapter 160, O.S.L.
5 2014, 567.6a and 567.8, as last amended by Section 1,
6 Chapter 72, O.S.L. 2018 (59 O.S. Supp. 2018, Sections
7 567.6 and 567.8), which relate to the Oklahoma
8 Nursing Practice Act; modifying licensure
9 requirements; amending 59 O.S. 2011, Section 584, as
10 amended by Section 1, Chapter 81, O.S.L. 2018 (59
11 O.S. Supp. 2018, Section 584), which relates to
12 optometry; modifying application requirements;
13 amending 59 O.S. 2011, Sections 634 and 637, which
14 relate to the Oklahoma Osteopathic Medicine Act;
15 modifying issuance of reciprocal license; modifying
16 issuance and renewal of license; amending 59 O.S.
17 2011, Sections 858-301.1, 858-302, as amended by
18 Section 1, Chapter 173, O.S.L. 2013, and 858-303, as
19 last amended by Section 2, Chapter 248, O.S.L. 2017,
20 and Section 3, Chapter 248, O.S.L. 2017 (59 O.S.
21 Supp. 2018, Sections 858-302, 858-303 and 858-303A),
22 which relate to the Oklahoma Real Estate License
23 Code; modifying eligibility for certain licenses;
24 amending 59 O.S. 2011, Section 858-629, which relates
to the Home Inspection Licensing Act; modifying
application requirements; amending 59 O.S. 2011,
Sections 887.6 and 887.13, as last amended by Section
6, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018,
Section 887.13), which relates to the Physical
Therapy Practice Act; modifying qualifications for
licensure; modifying issuance and renewal of
licenses; amending 59 O.S. 2011, Section 888.6, which
relates to the Occupational Therapy Practice Act;
modifying application for license requirements;
amending Sections 6 and 12, Chapter 202, O.S.L. 2016
(59 O.S. Supp. 2018, Sections 889.5 and 889.11),
which relate to the Music Therapy Practice Act;
modifying licensure requirements; modifying issuance
and renewal of license; amending 59 O.S. 2011,
Section 1212, as amended by Section 11, Chapter 118,
O.S.L. 2013 (59 O.S. Supp. 2018, Section 1212), which
relates to foresters; modifying registration
requirements; amending 59 O.S. 2011, Sections 1261.1,
as last amended by Section 2, Chapter 310, O.S.L.
2018, 1261.4 and 1266.1, as amended by Section 2,
Chapter 40, O.S.L. 2015 (59 O.S. Supp. 2018, Sections
1261.1 and 1266.1), which relate to the Social

1 Worker's Licensing Act; modifying licensure
2 requirements; defining terms; modifying reciprocity
3 qualifications; modifying issuance and renewal of
4 license; amending 59 O.S. 2011, Sections 1305, as
5 last amended by Section 1, Chapter 161, O.S.L. 2017
6 and 1310, as last amended by Section 5, Chapter 203,
7 O.S.L. 2016 (59 O.S. Supp. 2018, Sections 1305 and
8 1310), which relate to bail bondsman; modifying
9 application for license requirements; defining terms;
10 modifying issuance and renewal of license; defining
11 terms; amending Sections 10, Chapter 407, O.S.L.
12 2013, as amended by Section 5, Chapter 373, O.S.L.
13 2014 and 12, Chapter 407, O.S.L. 2013, as amended by
14 Section 2, Chapter 138, O.S.L. 2016 (59 O.S. Supp.
15 2018, Sections 1350.9 and 1350.11), which relate to
16 the Bail Enforcement and Licensing Act; modifying
17 licensure requirements; modifying issuance and
18 renewal of license; amending 59 O.S. 2011, Section
19 1362, as amended by Section 4, Chapter 169, O.S.L.
20 2016 (59 O.S. Supp. 2018, Section 1362), which
21 relates to the Psychologists Licensing Act; modifying
22 qualifications of applicants for examination;
23 amending 59 O.S. 2011, Sections 1458 and 1468, which
24 relate to the Polygraph Examiners Act; modifying
qualifications for registration; defining terms;
modifying suspension or revocation of license;
defining terms; amending 59 O.S. 2011, Section 1503A,
as amended by Section 9, Chapter 183, O.S.L. 2015 (59
O.S. Supp. 2018, Section 1503A), which relates to the
Oklahoma Pawnshop Act; modifying eligibility for
license; amending 59 O.S. 2011, Sections 1605, as
amended by Section 3, Chapter 230, O.S.L. 2018, and
1619, as last amended by Section 7, Chapter 230,
O.S.L. 2018 (59 O.S. Supp. 2018, Sections 1605 and
1619), which relate to the Speech-Language Pathology
and Audiology Licensing Act; modifying qualifications
for licensure; clarifying language; amending 59 O.S.
2011, Section 1738, as amended by Section 2, Chapter
368, O.S.L. 2016 (59 O.S. Supp. 2018, Section 1738),
which relates to the Licensed Dietitian Act;
modifying suspension or revocation of license;
defining terms; amending 59 O.S. 2011, Sections
1750.5, as last amended by Section 11, Chapter 373,
O.S.L. 2014 and 1750.7 (59 O.S. Supp. 2018, Section
1750.5), which relate to the Oklahoma Security Guard
and Private Investigator Act; modifying licensure
requirements; defining terms; modifying suspensions

1 or revocation of license; defining terms; amending 59
2 O.S. 2011, Section 1800.7, as last amended by Section
3 3, Chapter 22, O.S.L. 2013 (59 O.S. Supp. 2018,
4 Section 1800.7), which relate to the Alarm, Locksmith
5 and Fire Sprinkler Industry Act; modifying
6 qualifications of applicants; defining terms;
7 amending 59 O.S. 2011, Section 1820.11, as amended by
8 Section 8, Chapter 111, O.S.L. 2013 (59 O.S. Supp.
9 2018, Section 1820.11), which relates to the Fire
10 Extinguisher Licensing Act; modifying qualifications
11 for licensure; defining terms; amending 59 O.S. 2011,
12 Section 1876, as last amended by Section 1, Chapter
13 367, O.S.L. 2014 (59 O.S. Supp. 2018, Section 1876),
14 which relates to the Licensed Alcohol and Drug
15 Counselors Act; modifying qualifications for
16 certification or licensure; amending 59 O.S. 2011,
17 Sections 1906, as last amended by Section 3, Chapter
18 310, O.S.L. 2018 and 1912, as last amended by Section
19 11, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018,
20 Sections 1906 and 1912), which relate to the Licensed
21 Professional Counselors Act; modifying qualifications
22 for licensure; modifying revocation and suspension of
23 license; amending 59 O.S. 2011, Sections 1925.6, as
24 amended by Section 20, Chapter 229, O.S.L. 2013 and
1925.15, as last amended by Section 12, Chapter 183,
O.S.L. 2015 (59 O.S. Supp. 2018, Sections 1925.6 and
1925.15), which relate to the Marital and Family
Therapist Licensure Act; modifying qualifications for
licensure; modifying denial and suspension of
license; amending 59 O.S. 2011, Sections 1935, as
last amended by Section 3, Chapter 367, O.S.L. 2014
and 1941, as last amended by Section 13, Chapter 183,
O.S.L. 2015 (59 O.S. Supp. 2018, Sections 1935 and
1941), which relate to the Licensed Behavioral
Practitioner Act; modifying qualifications for
licensure; modifying denial and suspension of
license; amending 59 O.S. 2011, Section 2059, as
amended by Section 1, Chapter 19, O.S.L. 2017 (59
O.S. Supp. 2018, Section 2059), which relates to the
Oklahoma Licensed Perfusionists Act; modifying
qualifications for licensure; amending 59 O.S. 2011,
Sections 2095.7, as amended by Section 5, Chapter 98,
O.S.L. 2013 and 2095.11, and Section 6, Chapter 98,
O.S.L. 2013 (59 O.S. Supp. 2018, Sections 2095.7 and
2095.11.1), which relate to the Oklahoma Secure and
Fair Enforcement for Mortgage Licensing Act;
modifying qualifications for certain licenses;

1 defining terms; amending 59 O.S. 2011, Section 3113,
2 which relates to the Deferred Deposit Lending Act;
3 modifying qualifications for licensure; amending
4 Section 5, Chapter 292, O.S.L. 2016 (59 O.S. Supp.
5 2018, Section 4200.5), which relates to the Massage
6 Therapy Practice Act; modifying qualifications for
7 licensure; defining terms; providing for
8 codification; and providing an effective date.<EndFT>

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

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 4000.1 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. As used in this section:

14 1. "Substantially relate" means the nature of the criminal
15 conduct for which the person was convicted has a direct bearing on
16 the fitness or ability to perform one or more of the duties or
17 responsibilities necessarily related to the occupation; and

18 2. "Pose a reasonable threat" means the nature of the criminal
19 conduct for which the person was convicted involved an act or threat
20 of harm against another and has a bearing on the fitness or ability
21 to serve the public or work with others in the occupation.

22 B. A person with a criminal history record may request an
23 initial determination of whether his or her criminal history record
24 would potentially disqualify him or her from obtaining the desired
license or certification in the occupation from a state licensing or
certification authority at any time, including before obtaining any

1 required education or training for such occupation. The request
2 shall be in writing and shall include either a copy of the person's
3 criminal history record with explanation of each conviction
4 mentioned in the criminal history record or a statement describing
5 each criminal conviction including the date of each conviction, the
6 court of jurisdiction and the sentence imposed. The person may
7 include a statement with his or her request describing additional
8 information for consideration by the licensing authority including,
9 but not limited to, information about his or her current
10 circumstances, the length of time since conviction and what has
11 changed since the conviction, evidence of rehabilitation,
12 testimonials or personal reference statements and his or her
13 employment aspirations.

14 C. Each state entity charged with oversight of an occupational
15 license or certification shall list with specificity any criminal
16 offense that is a disqualifying offense for such occupation. Any
17 disqualifying offense shall substantially relate to the duties and
18 responsibilities of the occupation and pose a reasonable threat to
19 public safety as defined in subsection A of this section.
20 Disqualifying offenses shall be provided to applicants and others
21 upon request.

22 D. Upon receipt of a written request for consideration of a
23 criminal history record for an occupation as provided in subsection
24 B of this section, the licensing authority shall evaluate the

1 request and make an initial determination based upon the information
2 provided in such request whether the stated conviction is a
3 disqualifying offense for the occupation. A notice of initial
4 determination shall be issued to the petitioner within sixty (60)
5 days from the date such request was received by the licensing
6 authority, except however, a licensing authority regulating fifty
7 thousand (50,000) or more members in its occupation shall be allowed
8 ninety (90) days to make its initial determination and issue notice
9 to the requestor.

10 E. The notice of initial determination shall be in writing and
11 mailed to the requestor at the address provided in his or her
12 request, and shall contain the following statements:

13 1. Whether the person appears eligible for licensure or
14 certification in the occupation at the current time based upon the
15 information submitted by the requestor;

16 2. Whether there is a disqualifying offense prohibiting the
17 person's engagement in the occupation at any time and a statement
18 identifying such offense in the criminal history record or
19 information submitted for consideration;

20 3. Any actions the person may take to remedy what appears to be
21 a temporary disqualification, if any;

22 4. The earliest date the person may submit another request for
23 consideration, if any; and
24

1 5. A statement that the notice of initial determination is only
2 an initial determination for eligibility for licensure or
3 certification in the occupation based upon the information provided
4 by the requestor.

5 F. A state entity charged with oversight of an occupational
6 license or certification may promulgate forms for requests for
7 initial determinations for the occupation as authorized in
8 subsection B of this section. Each state licensing authority may
9 charge a fee not to exceed Ninety-five Dollars (\$95.00) for each
10 initial determination of eligibility it makes for the occupation
11 based upon the information provided by the requestor.

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 15.8, is
13 amended to read as follows:

14 Section 15.8 A. A qualification applicant to qualify as a
15 candidate for examination shall file an application for
16 qualification in a format approved by the Oklahoma Accountancy
17 Board. The fee for the qualification application shall be
18 determined by the Board and shall not exceed Three Hundred Dollars
19 (\$300.00). Every qualification applicant to qualify as a candidate
20 for the certificate of certified public accountant or license of
21 public accountant ~~must be of good moral character,~~ shall submit to a
22 national criminal history record search, must be a resident of this
23 state immediately prior to making application and, except as
24 otherwise provided in this section, shall meet the education and

1 experience requirements provided in this section. The costs
2 associated with the national criminal history records search shall
3 be paid by the applicant.

4 B. On or after July 1, 1999, every qualification applicant to
5 qualify as a candidate for examination for the license of public
6 accountant shall have graduated from an accredited four-year college
7 or university with a major in accounting or with a nonaccounting
8 major supplemented by what the Oklahoma Accountancy Board determines
9 to be the equivalent of an accounting major of any four-year college
10 or university in this state or any other four-year college or
11 university recognized by the Board. Such major in accounting or
12 nonaccounting major shall include satisfactory completion of forty-
13 eight (48) semester hours, or the equivalent thereof, in accounting
14 and related subjects. At least thirty (30) semester hours, or the
15 equivalent thereof, of said forty-eight (48) semester hours, shall
16 be in accounting courses, at least one of which shall be in
17 auditing. The remainder of said forty-eight (48) semester hours, or
18 the equivalent thereof, shall be in said related subjects, which
19 shall be in any or all of the subjects of economics, statistics,
20 business law, finance, business management, marketing, business
21 communication, financial information systems or computer science or
22 the equivalent of such subjects as determined by the Board.

23 C. On or after July 1, 2003, every qualification applicant to
24 qualify as a candidate for examination for the certificate of

1 certified public accountant shall have at least one hundred fifty
2 (150) semester hours, or the equivalent thereof, of college
3 education including a baccalaureate or higher degree conferred by a
4 college or university acceptable to the Board from an accredited
5 four-year college or university in this state or any other
6 accredited four-year college or university recognized by the Board.
7 A minimum of seventy-six (76) semester hours must be earned at the
8 upper-division level of college or above or the equivalent thereof
9 as determined by the Board; this education requirement shall have
10 been completed prior to submitting an application to the Board; the
11 total educational program of the applicant for examination shall
12 include an accounting concentration or its equivalent as determined
13 acceptable by the Board which shall include not less than thirty
14 (30) semester hours, or the equivalent thereof, in accounting
15 courses above principles of accounting or introductory accounting,
16 with at least one course in auditing or assurance; the remaining
17 accounting courses shall be selected from financial accounting,
18 accounting theory, cost/managerial accounting, federal income tax,
19 governmental, not-for-profit accounting, accounting information
20 systems, accounting history and other accounting electives; at least
21 nine (9) semester hours shall be from any or all of the subjects of
22 economics, statistics, business law, finance, business management,
23 marketing, business communication, risk management, insurance,
24 management information systems, or computer science at the upper-

1 division level of college or above or the equivalent of such
2 subjects as determined by the Board; all the remaining semester
3 hours, if any, shall be elective but shall be at the upper-division
4 level of college or above.

5 D. The costs associated with the national criminal history
6 record check shall be paid by the applicant.

7 SECTION 3. AMENDATORY 59 O.S. 2011, Section 46.14, as
8 last amended by Section 1, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
9 2018, Section 46.14), is amended to read as follows:

10 Section 46.14 A. The Board of Governors of the Licensed
11 Architects, Landscape Architects and Registered Interior Designers
12 of Oklahoma shall have power to suspend, to revoke or refuse to
13 renew a license, registration, certificate of authority or
14 certificate of title issued by it, pursuant to the provisions of the
15 State Architectural and Registered Interior Designers Act, when the
16 holder thereof:

17 1. Has been convicted of a felony crime that substantially
18 relates to the practice of architecture, landscape architecture or
19 interior design ~~or~~ and poses a reasonable threat to public safety;

20 2. Has been guilty of fraud or misrepresentation;

21 3. Has been guilty of gross incompetence or recklessness in the
22 practice of architecture relating to the construction of buildings
23 or structures, or of dishonest practices;

24

- 1 4. Has been guilty of gross incompetence or recklessness in the
2 practice of landscape architecture, or of dishonest practices;
- 3 5. Presents the license, registration or certification of
4 another as his or her own;
- 5 6. Gives false or forged evidence to the Board;
- 6 7. Conceals information relative to any inquiry, investigation
7 or violation of this act or rules promulgated under this act; or
- 8 8. Has been found to be guilty of a violation of a provision of
9 the State Architectural and Registered Interior Designers Act, or
10 the rules of the Board; provided, that a person or entity complained
11 of shall be afforded the opportunity for a formal hearing carried
12 out as described under the current Administrative Procedures Act or
13 settled by the Board with a consent order or final order approved by
14 the Board.

15 The Board shall keep a record of the evidence in, and a record
16 of each proceeding for the suspension, revocation of or refusal to
17 renew a license or certificate of authority and shall make findings
18 of fact and render a decision therein. If, after a hearing, the
19 charges shall have been found to have been sustained by the vote of
20 a majority of the members of the Board it shall immediately enter
21 its order of suspension, revocation, penalties, probation,
22 educational course work and objectives or refusal to renew, as the
23 case may be.

24 B. As used in this section:

1 1. "Substantially relates" means the nature of criminal conduct
2 for which the person was convicted has a direct bearing on the
3 fitness or ability to perform one or more of the duties or
4 responsibilities necessarily related to the occupation; and

5 2. "Poses a reasonable threat" means the nature of criminal
6 conduct for which the person was convicted involved an act or threat
7 of harm against another and has a bearing on the fitness or ability
8 to serve the public or work with others in the occupation.

9 SECTION 4. AMENDATORY 59 O.S. 2011, Section 46.24, as
10 amended by Section 14, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2018,
11 Section 46.24), is amended to read as follows:

12 Section 46.24 A. Except as otherwise provided in the State
13 Architectural and Registered Interior Designers Act, no license
14 shall be issued to any person to practice architecture in this state
15 unless the person:

16 1. Is twenty-one (21) years of age or over ~~and is of good moral~~
17 ~~character;~~

18 2. Is the holder of an accredited professional degree in
19 architecture and shall have had such practical training as this act
20 and the Board, by rule, shall deem appropriate. In lieu of the
21 requirement of an accredited professional degree, the Board may
22 license an applicant who demonstrates in accordance with such
23 standards and requirements as determined by this act and/or the
24 Board's rules that the person has such other educational experience

1 as the Board deems equivalent to an accredited professional degree
2 in architecture or in any case the Board decides the interest of the
3 public will be served and the person is determined to be qualified
4 and competent by equivalent standards for architects and in
5 compliance with this act and rules or in compliance with the Post-
6 Military Service Occupation, Education and Credentialing Act;

7 3. Has paid to the Board a fee as prescribed by the rules of
8 the Board plus the actual cost of the examination given by the
9 Board; and

10 4. Has passed the examinations prescribed by the Board for the
11 issuance of a license.

12 B. Upon meeting the requirements of subsection A of this
13 section and payment of an initial fee as may be prescribed by the
14 rules of the Board, the Board shall issue to the applicant a license
15 which shall authorize the applicant to engage in the practice of
16 architecture in this state. The Board has the authority to issue
17 temporary licenses while qualifying the applicant in compliance with
18 the Post-Military Service Occupation, Education and Credentialing
19 Act or with any declared state of emergency.

20 C. The examination for a license to practice architecture in
21 this state shall be held not less than once each year, shall cover
22 such subjects as may be prescribed by the Board and shall be graded
23 on such basis as the Board shall prescribe by rule. The Board may
24 adopt the examinations, requirements for admission to the

1 examinations and the grading procedures of the National Council of
2 Architectural Registration Boards or its successor. Notice of the
3 time and place for the holding of examinations shall be given in the
4 manner and form prescribed by the Board and may be administered
5 electronically.

6 D. The license certificate shall be in a form prescribed by the
7 Board. The certificate shall be signed by the chair and by the
8 secretary-treasurer of the Board and shall bear the impress of the
9 seal of the Board. All papers received by the Board relating to an
10 application for a license, to an examination and to the issuance of
11 a license shall be electronically retained by the Board and
12 originals destroyed. If it was incomplete, it shall only be
13 retained for one (1) year from the date of submission and then
14 destroyed.

15 E. The following Board records and papers are of a confidential
16 nature and are not public records: Examination material for
17 examinations before and after they are given, file records of
18 examination problem solutions, letters of inquiry and reference
19 concerning applicants, Board inquiry forms concerning applicants,
20 and investigation files.

21 SECTION 5. AMENDATORY 59 O.S. 2011, Section 46.31, as
22 amended by Section 20, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2018,
23 Section 46.31), is amended to read as follows:

24

1 Section 46.31 A. Except as otherwise provided in the State
2 Architectural and Registered Interior Designers Act, no license
3 shall be issued to any person to practice landscape architecture in
4 this state unless the person:

5 1. Is twenty-one (21) years of age or older ~~and is of good~~
6 ~~moral character;~~

7 2. Holds a degree from an accredited landscape architecture
8 program and has such practical training as this act and the Board's
9 rules deem appropriate;

10 3. Has passed the examinations prescribed by the Board
11 including the Oklahoma Plant Materials Exam; and

12 4. Has paid all applicable fees.

13 B. If the Board determines the interest of the public will be
14 served and the person is deemed by the Board to be qualified and
15 competent by equivalent standards as the Board sets by rule or in
16 compliance with the Post-Military Service Occupation, Education and
17 Credentialing Act, the application shall be approved by the Board
18 after the person has fulfilled all requirements of this act and
19 rules of the Board.

20 C. Examinations may be administered by an electronic method and
21 shall be held not less than once each year. Notices of the time and
22 place for the holding of examinations shall be given in the manner
23 and form as prescribed by the Board. All landscape architects are
24 required to take and pass the Oklahoma Plant Materials Exam.

1 D. The Board shall establish rules for examination of landscape
2 architects and may elect to follow the recommendations of the
3 Council of Landscape Architects Registration Board (CLARB) or its
4 successor. The examinations shall be designed to determine the
5 qualifications of the applicant to practice landscape architecture.
6 The examination shall cover such technical, professional and
7 practical subjects as relate to the practice of the profession of
8 landscape architecture. The examination shall also cover the basic
9 arts and sciences and knowledge of material which is necessary to
10 the proper understanding, application and qualification for practice
11 of the profession of landscape architecture. The minimum passing
12 grade in all subjects of the examination shall be as established by
13 the Board. An applicant receiving a passing grade on a subject
14 included in the examination will be given credit, subject to CLARB's
15 provisions and subject to the rules of the Board. Applicants for
16 readmittance to the examination shall pay the application fee.

17 Upon passage of the examination, completion of the Board's
18 requirements as prescribed by this act and rules, and the payment of
19 all applicable fees prescribed by the rules of the Board, the Board
20 shall issue to the applicant a license which shall authorize the
21 person to engage in the practice of landscape architecture in this
22 state.

23 E. Pursuant to such rules as it may have adopted, the Board
24 shall have the power to issue licenses without requiring an

1 examination to persons who have been licensed to practice landscape
2 architecture in states other than the State of Oklahoma, in a
3 territory of the United States, in the District of Columbia, or in a
4 country other than the United States provided that the state,
5 territory, district or country has a similar reciprocal provision to
6 authorize the issuance of licenses to persons who have been licensed
7 in this state. If a person who has been licensed in a state other
8 than the State of Oklahoma, in a territory of the United States, in
9 the District of Columbia, or in a country other than the United
10 States complies with this act and rules of the Board, the secretary-
11 treasurer, in the exercise of his or her discretion, or upon the
12 order of the Board and upon the receipt of all applicable fees
13 prescribed by the Board, shall issue to the person a license to
14 practice landscape architecture in this state.

15 F. The Board has the authority to issue temporary licenses
16 while qualifying the applicant in compliance with Section 4100 et
17 seq. of this title or with any declared state of emergency.

18 G. The following shall govern design competitions in the state:

19 1. Nothing in this act shall prohibit a person or firm from
20 participating in a landscape architectural design competition
21 involving only programming, planning, schematic design or design
22 development information provided to a sponsor; and

23 2. The competition winner, prior to seeking the commission for
24 services on the proposed project, shall apply for licensing in this

1 state within ten (10) days of notification of winning the
2 competition and complete the process within thirty (30) days.

3 SECTION 6. AMENDATORY 59 O.S. 2011, Section 144, as last
4 amended by Section 1, Chapter 87, O.S.L. 2017 (59 O.S. Supp. 2018,
5 Section 144), is amended to read as follows:

6 Section 144. A. The fee for examination for a license to
7 practice podiatric medicine in this state shall be One Hundred
8 Dollars (\$100.00). The Board of Podiatric Medical Examiners may
9 increase this fee by not more than an additional Two Hundred Dollars
10 (\$200.00). The examination for such license shall be given by the
11 Board. The Board may give the examination at any special meeting,
12 but shall not be required to do so. The Board may utilize the
13 National Board of Podiatric Examiners' National Board Examination
14 Part III as the written portion of the state licensing exam.

15 B. To be entitled to take the examination, a person shall:

16 1. File a written application on a form prescribed by the
17 Board;

18 2. Pay to the secretary-treasurer of the Board in advance the
19 fee for examination;

20 3. Satisfy the Board that the person is loyal to the United
21 States of America;

22 4. Be more than twenty-one (21) years of age;

23 5. ~~Be of good moral character;~~

24

1 ~~6.~~ Not have been ~~finally~~ convicted of any ~~crime involving moral~~
2 ~~turpitude or of any felony~~ crime that substantially relates to the
3 practice of podiatric medicine and poses a reasonable threat to
4 public safety;

5 ~~7.~~ 6. Be free from contagious or infectious disease;

6 ~~8.~~ 7. Be a graduate of an accredited college of podiatric
7 medicine; and

8 ~~9.~~ 8. Have complied with applicable Board rules.

9 C. An applicant satisfying the requirements of subsection B of
10 this section shall receive a license to practice podiatric medicine
11 in this state, to be issued by the Board, if the applicant:

12 1. Takes the examination administered or approved by the Board
13 and receives a passing score of at least seventy-five percent (75%)
14 on both the written and oral portions. An applicant receiving less
15 than a score of seventy-five percent (75%) on either the written or
16 oral portion of the examination shall be deemed to have failed the
17 entire examination;

18 2. Satisfactorily completes a podiatric surgical residency,
19 approved by the Council of Podiatric Medical Education of the
20 American Podiatric Medical Association, of not less than three (3)
21 years; provided, the provisions of this paragraph shall only apply
22 to applicants after March 1, 2018; ~~and~~

1 3. Satisfies the Board that the applicant has not violated any
2 of the provisions of the Podiatric Medicine Practice Act or any of
3 the rules of the Board; and

4 4. Satisfies the Board, in the case of any criminal conviction,
5 that the crime does not substantially relate to the practice of
6 podiatric medicine nor pose a reasonable threat to public safety, or
7 constitute an act of moral turpitude that would affect the practice
8 of podiatric medicine or public safety. For purposes of this
9 paragraph:

10 a. "substantially relate" means the nature of criminal
11 conduct for which the person was convicted has a
12 direct bearing on the fitness or ability to perform
13 one or more of the duties or responsibilities
14 necessarily related to the occupation, and

15 b. "pose a reasonable threat" means the nature of
16 criminal conduct for which the person was convicted
17 involved an act or threat of harm against another and
18 has a bearing on the fitness or ability to serve the
19 public or work with others in the occupation.

20 D. The examination administered or approved by the Board shall
21 include both a written and an oral portion, shall be administered in
22 the English language, and shall cover areas in anatomy, pathology,
23 podiatric medicine and surgery, dermatology, pharmacology,
24 biomechanics, anesthesia, radiology, Oklahoma law relating to

1 podiatric medicine, and such other subjects as the Board from time
2 to time determines necessary and appropriate. The Board may
3 authorize examination papers to be graded by one or more of its own
4 members or by any one or more licensed podiatric physicians selected
5 by the Board. Each license issued by the Board shall be signed by
6 each member of the Board, bear the seal of the Board, and designate
7 the licensee as a licensed podiatric physician.

8 E. The Board may issue a temporary license if the applicant:

- 9 1. Has met the requirements of subsection B of this section;
- 10 2. Takes the examination administered or approved by the Board
11 and receives a passing score of at least seventy-five percent (75%)
12 on both the written and oral portions. An applicant receiving less
13 than a score of seventy-five percent (75%) on either the written or
14 oral portion of the examination shall be deemed to have failed the
15 entire examination;
- 16 3. Is within ninety (90) days of completing or has completed a
17 podiatric surgical residency, approved by the Council of Podiatric
18 Medical Education of the American Podiatric Medical Association, of
19 not less than three (3) years; provided, the provisions of this
20 paragraph shall only apply to applicants after March 1, 2018; and
- 21 4. Satisfies the Board that the applicant has not violated any
22 of the provisions of the Podiatric Medicine Practice Act or any of
23 the rules of the Board.

24

1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 148, is
2 amended to read as follows:

3 Section 148. A. The following acts or occurrences by a
4 podiatric physician shall constitute grounds for which the penalties
5 specified in Section 147 of this title may be imposed by order of
6 the Board of Podiatric Medical Examiners:

7 1. Willfully making a false and material statement to the
8 Board, either before or after the issuance of a license;

9 2. Pleading guilty or nolo contendere to, or being convicted
10 of, a felony, ~~a misdemeanor involving moral turpitude, or a~~
11 ~~violation of federal or state controlled dangerous substances laws~~
12 crime that substantially relates to the practice of podiatric
13 medicine and poses a reasonable threat to public safety;

14 3. Using alcohol, any drug, or any other substance which
15 impairs the licensee to a degree that the licensee is unable to
16 practice podiatric medicine with safety and benefit to the public;

17 4. Being mentally or physically incapacitated to a degree that
18 the licensee is unable to practice podiatric medicine with safety
19 and benefit to the public;

20 5. Making any advertisement, statement, or representation which
21 is untrue or improbable and calculated by the licensee to deceive,
22 defraud or mislead the public or patients;

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1 6. Practicing fraud by omission or commission in the
2 examination given by the Board, or in obtaining a license, or in
3 obtaining renewal or reinstatement of a license;

4 7. Failing to pay or cause to be paid promptly when due any fee
5 required by the Podiatric Medicine Practice Act or the rules of the
6 Board;

7 8. Practicing podiatric medicine in an unsafe or unsanitary
8 manner or place;

9 9. Performing, or attempting to perform, any surgery for which
10 the licensee has not had reasonable training;

11 10. Gross and willful neglect of duty as a member or officer of
12 the Board;

13 11. Dividing with any person, firm, corporation, or other legal
14 entity any fee or other compensation for services as a podiatric
15 physician, except with:

16 a. another podiatric physician,

17 b. an applicant for a license who is observing or
18 assisting the licensee as an intern, preceptee or
19 resident, as authorized by the rules of the Board, or

20 c. a practitioner of another branch of the healing arts
21 who is duly licensed under the laws of this state or
22 another state, district or territory of the United
23 States,

24

1 who has actually provided services, directly or indirectly, to the
2 patient from or for whom the fee or other compensation is received,
3 or at the time of the services is an active associate of the
4 licensee in the lawful practice of podiatric medicine in this state;
5 and

6 12. Violating or attempting to violate the provisions of the
7 Podiatric Medicine Practice Act, the Code of Ethics, or the rules of
8 the Board.

9 B. Commitment of a licensee to an institution for the mentally
10 ill shall constitute prima facie evidence that the licensee is
11 mentally incapacitated to a degree that the licensee is unable to
12 practice podiatric medicine with safety and benefit to the public.

13 C. As used in this section:

14 1. "Substantially relates" means the nature of criminal conduct
15 for which the person was convicted has a direct bearing on the
16 fitness or ability to perform one or more of the duties or
17 responsibilities necessarily related to the occupation; and

18 2. "Poses a reasonable threat" means the nature of criminal
19 conduct for which the person was convicted involved an act or threat
20 of harm against another and has a bearing on the fitness or ability
21 to serve the public or work with others in the occupation.

22 SECTION 8. AMENDATORY 59 O.S. 2011, Section 161.7, as
23 last amended by Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
24 2018, Section 161.7), is amended to read as follows:

1 Section 161.7 A. 1. Applications for an original license by
2 examination to practice chiropractic in this state shall be made to
3 the Board of Chiropractic Examiners in writing on a form and in a
4 manner prescribed by the Board. The application shall be supported
5 by the affidavits of two persons who hold a valid license to
6 practice chiropractic in this state or in another state, country,
7 territory or province, and who are not related to or under financial
8 obligations to the applicant, ~~showing the applicant to be a person~~
9 ~~of good moral character.~~

10 2. The application shall be accompanied by a fee of One Hundred
11 Seventy-five Dollars (\$175.00), which shall not be refundable under
12 any circumstances.

13 3. If the application is disapproved by the Board, the
14 applicant shall be so notified by the secretary-treasurer of the
15 Board, with the reason for such disapproval fully stated in writing.

16 4. If the application is approved, the applicant, upon payment
17 of an examination fee of One Hundred Seventy-five Dollars (\$175.00),
18 may take an examination administered by the Board for the purpose of
19 securing an original license. The Board may accept a passing score
20 on an examination administered by the National Board of Chiropractic
21 Examiners taken by the applicant, or may require the applicant to
22 take an examination administered by the Board or both.

23
24

1 B. Applicants for an original license to practice chiropractic
2 in this state shall submit to the Board of Chiropractic Examiners
3 documentary evidence of completion of:

4 1. A course of resident study of not less than four (4) years
5 of nine (9) months each in an accredited chiropractic college. A
6 senior student at an accredited chiropractic college may make
7 application for an original license by examination prior to
8 graduation, but such a license shall not be issued until documentary
9 evidence of the graduation of the student from the college has been
10 submitted to the Board;

11 2. Parts I, II, III, IV and physiotherapy as administered by
12 the National Board of Chiropractic Examiners with a passing score;
13 and

14 3. Passing a jurisprudence examination approved by the Board
15 with a score of seventy-five percent (75%) or better.

16 C. Each applicant shall be a graduate of an accredited
17 chiropractic college. For those graduating from a chiropractic
18 program outside the United States, the applicants must have
19 completed an educational program leading to a degree in chiropractic
20 from an institution authorized to operate by the government having
21 jurisdiction in which it is domiciled.

22 D. All credentials, diplomas, and other required documentation
23 in a foreign language submitted to the Board by such applicants
24 shall be accompanied by notarized English translations.

1 E. International applicants shall provide satisfactory evidence
2 of meeting the requirements for permanent residence or temporary
3 nonimmigrant status as set forth by the United States Citizenship
4 and Immigration Services.

5 F. Effective January 1, 2006, out-of-state licensed applicants
6 shall submit to the Board documentary evidence that the applicant
7 has malpractice insurance. New applicants shall submit to the Board
8 documentary evidence that the applicant has malpractice insurance
9 within six (6) months of obtaining their Oklahoma license.

10 G. An applicant for an original license shall:

11 1. ~~Be a person of good moral character;~~

12 ~~2.~~ Inform the Board as to whether the person has previously
13 been licensed in Oklahoma and whether the license was revoked or
14 surrendered;

15 ~~3.~~ 2. Inform the Board as to whether the applicant has ever
16 been licensed in another jurisdiction and whether any disciplinary
17 action was taken against the applicant;

18 ~~4.~~ 3. Provide full disclosure to the Board of any criminal
19 proceeding taken against the applicant including, but not limited
20 to:

21 ~~a.~~ pleading guilty, ~~pleading~~ or nolo contendere to,
22 receiving a deferred sentence for, or being convicted
23 of a felony crime that substantially relates to the

24

1 practice of chiropractic and poses a reasonable threat
2 to public safety,

3 ~~b. pleading guilty, pleading nolo contendere, receiving a~~
4 ~~deferred sentence or being convicted of a misdemeanor~~
5 ~~involving moral turpitude, or~~

6 ~~e. pleading guilty, pleading nolo contendere, receiving a~~
7 ~~deferred sentence or being convicted of a violation of~~
8 ~~federal or state controlled dangerous substance laws;~~
9 and

10 ~~5.~~ 4. If requested, appear before the Board for a personal
11 interview.

12 H. No later than one (1) year after receiving a license to
13 practice in Oklahoma, chiropractic physicians shall complete an
14 orientation course of training approved by the Board. The
15 orientation course hours shall count as continuing education credits
16 for the year in which they were earned. An association may provide
17 the orientation course of training.

18 I. The Board may issue an original license to those applicants
19 who have passed the required examination with a score acceptable to
20 the Board and who meet all other requirements set forth by the
21 Board. No license fee shall be charged by the Board for the balance
22 of the calendar year in which such a license is issued.

23 J. In addition to an applicant's failure to meet any other
24 requirements imposed by this section or other applicable law, the

1 Board may deny a license or impose probationary conditions if an
2 applicant has:

3 1. Pledaded guilty, ~~pledaded~~ or nolo contendere to, received a
4 deferred sentence for, or been convicted of a felony crime that
5 substantially relates to the practice of chiropractic and poses a
6 reasonable threat to public safety;

7 2. ~~Pledaded guilty, pledaded nolo contendere, received a deferred~~
8 ~~sentence or been convicted of a misdemeanor involving moral~~
9 ~~turpitude;~~

10 3. ~~Pledaded guilty, pledaded nolo contendere, received a deferred~~
11 ~~sentence or been convicted of a violation of federal or state~~
12 ~~controlled dangerous substance laws;~~

13 4. ~~Been the subject of disciplinary action by the Board; or~~

14 5. 3. Been the subject of disciplinary action in another
15 jurisdiction.

16 K. As used in this section:

17 1. "Substantially relates" means the nature of criminal conduct
18 for which the person was convicted has a direct bearing on the
19 fitness or ability to perform one or more of the duties or
20 responsibilities necessarily related to the occupation; and

21 2. "Poses a reasonable threat" means the nature of criminal
22 conduct for which the person was convicted involved an act or threat
23 of harm against another and has a bearing on the fitness or ability
24 to serve the public or work with others in the occupation.

1 SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.11, as
2 last amended by Section 2, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
3 2018, Section 199.11), is amended to read as follows:

4 Section 199.11 A. The State Board of Cosmetology and Barbering
5 is hereby authorized to deny, revoke, suspend, or refuse to renew
6 any license, certificate, or registration that it is authorized to
7 issue under the Oklahoma Cosmetology and Barbering Act for any of
8 the following causes:

9 1. Conviction of a felony crime that substantially relates to
10 the practice of cosmetology ~~or~~ and poses a reasonable threat to
11 public safety;

12 2. Gross malpractice or gross incompetence;

13 3. Fraud practiced in obtaining a license or registration;

14 4. A license or certificate holder's continuing to practice
15 while afflicted with an infectious, contagious, or communicable
16 disease;

17 5. Habitual drunkenness or addiction to use of habit forming
18 drugs;

19 6. Advertising by means of statements known to be false or
20 deceptive;

21 7. Continued or flagrant violation of any rules of the Board,
22 or continued practice by a Board licensee in a cosmetology or barber
23 establishment wherein violations of the rules of the Board are being
24 committed within the knowledge of the licensee;

1 8. Failure to display license or certificate as required by the
2 Oklahoma Cosmetology and Barbering Act;

3 9. Continued practice of cosmetology or barbering after
4 expiration of a license therefor;

5 10. Employment by a salon or barber establishment owner or
6 manager of any person to perform any of the practices of cosmetology
7 or barbering who is not duly licensed to perform the services;

8 11. Practicing cosmetology or barbering in an ~~immoral or~~
9 unprofessional manner;

10 12. Unsanitary operating practices or unsanitary conditions of
11 a school or establishment; or

12 13. Unsanitary operating practices of a licensee.

13 B. As used in this section:

14 1. "Substantially relates" means the nature of criminal conduct
15 for which the person was convicted has a direct bearing on the
16 fitness or ability to perform one or more of the duties or
17 responsibilities necessarily related to the occupation; and

18 2. "Poses a reasonable threat" means the nature of criminal
19 conduct for which the person was convicted involved an act or threat
20 of harm against another and has a bearing on the fitness or ability
21 to serve the public or work with others in the occupation.

22 SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.24, as
23 last amended by Section 6, Chapter 151, O.S.L. 2018 (59 O.S. Supp.
24 2018, Section 328.24), is amended to read as follows:

1 Section 328.24 A. No person shall practice as a dental
2 assistant or oral maxillofacial surgery assistant for more than one
3 (1) day in a calendar year without having applied for a permit as a
4 dental assistant or oral maxillofacial surgery assistant from the
5 Board of Dentistry within thirty (30) days of beginning employment.
6 During this time period, the dental assistant shall work under the
7 direct visual supervision of a dentist at all times.

8 B. The application shall be made to the Board in writing and
9 shall be accompanied by the fee established by the Board, together
10 with satisfactory proof that the applicant:

- 11 ~~1. Is of good moral character; and~~
- 12 ~~2. Passes~~ passes a background check with criteria established
13 by the Board.

14 C. Beginning January 1, 2019, every dental assistant receiving
15 a permit shall complete a class on infection control as approved by
16 the Board within one (1) year from the date of receipt of the
17 permit. Any person holding a valid dental assistant permit prior to
18 January 1, 2019, shall complete an infection-control class as
19 approved by the Board before December 31, 2019. Failure to complete
20 the class shall be grounds for discipline pursuant to Section
21 328.29a of this title.

22 D. There shall be five types of expanded duty permits available
23 for dental assistants upon completion of a program approved by the
24

1 Commission on Dental Accreditation (CODA) or a course that has been
2 approved by the Board:

- 3 1. Radiation safety;
- 4 2. Coronal polishing and topical fluoride;
- 5 3. Sealants;
- 6 4. Assisting in the administration of nitrous oxide; or
- 7 5. Assisting a dentist who holds a parenteral or pediatric
8 anesthesia permit; provided, only the dentist may administer
9 anesthesia and assess the patient's level of sedation.

10 E. The training requirements for all five expanded duty permits
11 shall be set forth by the Board. A program that is not CODA-
12 certified must meet the standards set forth and be approved by the
13 Board.

14 F. An applicant for a dental assistant permit who has graduated
15 from a dental assisting program accredited by CODA and has passed
16 the jurisprudence test shall receive all five expanded duty permits
17 provided for in subsection D of this section if the course materials
18 approved by the Board are covered in the program.

19 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.25, as
20 last amended by Section 7, Chapter 151, O.S.L. 2018 (59 O.S. Supp.
21 2018, Section 328.25), is amended to read as follows:

22 Section 328.25 A. No person shall practice as an oral
23 maxillofacial surgery assistant without having obtained a permit as
24 an oral maxillofacial surgery assistant from the Board of Dentistry.

1 B. Any person seeking to obtain an oral maxillofacial surgery
2 assistant permit must have a supervising oral maxillofacial surgeon
3 with a current Oklahoma license and complete the requirements set
4 forth by the Board.

5 C. The application shall be made to the Board in writing and
6 shall be accompanied by the fee established by the Board, together
7 with the satisfactory proof that the applicant:

8 1. ~~Is of good moral character;~~

9 ~~2.~~ Passes a background check with criteria established by the
10 Board; and

11 ~~3.~~ 2. Has completed all of the training requirements for the
12 oral maxillofacial surgery assistant permit as established by the
13 Board.

14 D. An oral maxillofacial surgery assistant permit shall be
15 considered a temporary training permit until all of the training
16 requirements, as established by the Board for each oral
17 maxillofacial surgery assistant, have been completed and approved by
18 the Board.

19 E. A temporary training permit for each oral maxillofacial
20 surgery assistant shall not be extended beyond two (2) years.

21 F. All oral maxillofacial surgery assistants are required to be
22 under direct supervision or direct visual supervision at all times
23 by a licensed oral maxillofacial surgeon.

24

1 G. If an oral maxillofacial surgery assistant is not currently
2 employed by an oral maxillofacial surgeon, the oral maxillofacial
3 surgery assistant permit shall automatically revert to a dental
4 assistant permit as set forth in Section 328.24 of this title and
5 may be eligible for an expanded function assisting a dentist who
6 holds a parenteral or pediatric anesthesia permit; provided, only
7 the dentist may administer anesthesia and assess the patient's level
8 of sedation. The oral maxillofacial surgery assistant permit may be
9 reinstated upon employment under a licensed oral maxillofacial
10 surgeon.

11 H. Any oral maxillofacial surgeon shall notify the Board within
12 thirty (30) days of an oral maxillofacial surgery assistant no
13 longer under his or her supervision.

14 I. An applicant for an oral maxillofacial surgery assistant
15 permit shall provide satisfactory proof of:

16 1. Successful completion of the Dental Anesthesia Assistant
17 National Certification Examination (DAANCE) provided by the American
18 Association of Oral Maxillofacial Surgeons (AAOMS) or another
19 program or examination as approved by the Board;

20 2. A valid BLS certification;

21 3. Employment and completion of a minimum of six (6) months of
22 training under the direct supervision of a licensed oral
23 maxillofacial surgeon prior to starting DAANCE or another program or
24 examination as approved by the Board;

1 4. A standardized course approved by the Board including a
2 minimum of four (4) hours of didactic training that must include
3 anatomy, intravenous access or phlebotomy, technique, risks and
4 complications, and hands-on experience starting and maintaining
5 intravenous lines on a human or simulator/manikin, and pharmacology;

6 5. Completion of an infection-control course as approved by the
7 Board.

8 J. An oral maxillofacial surgery assistant who has completed
9 all the requirements shall receive a permit to practice as an oral
10 maxillofacial surgery assistant within a dental office, surgery
11 center, dental ambulatory surgery center or hospital.

12 K. Oral maxillofacial surgery assistants shall be required to
13 complete twelve (12) hours of continuing education every three (3)
14 years in classes approved by AAOMS that are certified by the
15 American Dental Association CERP program or another program approved
16 by the Board. The continuing education requirement shall include at
17 least one (1) hour on infection control.

18 L. The anesthesia committee provided pursuant to Section 328.17
19 of this title may make a recommendation to the Board for an oral
20 maxillofacial surgery assistant holding a temporary training permit
21 to substitute training received from another state university,
22 dental school or technical training institute or training acquired
23 in a surgery center or hospital while working under the authority of
24 a licensed physician, to qualify as a partial substitute for the

1 requirements to attain an oral maxillofacial surgery assistant
2 permit.

3 M. An oral maxillofacial surgery assistant may only accept
4 delegation from an oral and maxillofacial surgeon:

5 1. Under direct supervision:

6 a. initiate and discontinue an intravenous line for a
7 patient being prepared to receive intravenous
8 medications, sedation or general anesthesia, or

9 b. draw up and prepare medications;

10 2. Under direct visual supervision:

11 a. follow instructions of the oral surgeon while acting
12 as an accessory hand on behalf of the oral surgeon
13 that is administering the medication and actively
14 treating the patient. For the purposes of this
15 section, "administer" means to have the sole
16 responsibility for anesthesia care, including
17 determining medicines to be used and the dosage,
18 timing, route of delivery and administration of
19 medication and the assessment of the level of
20 anesthesia and monitoring the physiological results of
21 such care; provided, only an oral surgeon or dentist
22 possessing a current general anesthesia permit may
23 administer or assess the level of sedation or general
24 anesthesia and monitor the results of such care,

- 1 b. follow instructions of the oral surgeon to adjust the
2 rate of intravenous fluids to maintain or keep the
3 line patent or open and adjust an electronic device to
4 provide medications such as an infusion pump, and
5 c. assist the oral surgeon by reading, recording vital
6 signs of a patient receiving deep sedation or general
7 anesthesia; provided, only an oral surgeon may assess
8 the level of sedation; and

9 3. Only an oral surgeon shall be responsible to diagnose,
10 treat, monitor, determine and administer the selection of the drug,
11 dosage, and timing of all anesthetic medications and care of the
12 patient through the perioperative period shall rest solely with the
13 supervising oral and maxillofacial surgeon.

14 4. Nothing in this act shall be construed as to allow an oral
15 surgery assistant or dental assistant to administer anesthesia care
16 to a patient.

17 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.29a, as
18 last amended by Section 3, Chapter 113, O.S.L. 2016 (59 O.S. Supp.
19 2018, Section 328.29a), is amended to read as follows:

20 Section 328.29a A. The following acts or occurrences by a
21 dental assistant or oral maxillofacial surgery assistant shall
22 constitute grounds for which the penalties specified in Section
23 328.44a of this title may be imposed by the Board of Dentistry or be
24

1 the basis for denying a new applicant any license or permit issued
2 by the Board:

3 1. Any of the causes now existing in the laws of the State of
4 Oklahoma;

5 2. A violation of the provisions of the State Dental Act; or

6 3. A violation of the rules of the Board promulgated pursuant
7 to the State Dental Act.

8 B. The Board shall also have the power to act upon a petition
9 by a dental assistant or oral maxillofacial surgery assistant for
10 reinstatement to good standing. The Board shall keep a record of
11 the evidence and proceedings in all matters involving the revocation
12 or suspension of a permit, censure or probation of a dental
13 assistant or oral maxillofacial surgery assistant. The Board shall
14 make findings of fact and a decision thereon. The Board shall
15 immediately forward a certified copy of the decision to the dental
16 assistant or oral maxillofacial surgery assistant involved by
17 registered mail to the last-known official address as recorded by
18 the Board.

19 C. The decision shall be final unless the dental assistant or
20 oral maxillofacial surgery assistant appeals the decision as
21 provided by the State Dental Act.

22 D. The Board shall have power to revoke or suspend the permit,
23 censure, or place on probation a dental assistant or oral
24

1 maxillofacial surgery assistant for a violation of one or more of
2 the following:

3 1. Pleading guilty or nolo contendere to, or being convicted
4 of, a felony, ~~a misdemeanor involving moral turpitude~~ crime that
5 substantially relates to the occupation of a dental assistant or
6 oral maxillofacial surgery assistant and poses a reasonable threat
7 to public safety, or a violation of federal or state controlled
8 dangerous substances laws;

9 2. Presenting to the Board a false application or documentation
10 for a permit;

11 3. Being, by reason of persistent inebriety or addiction to
12 drugs, incompetent to continue to function as a dental assistant or
13 oral maxillofacial surgery assistant;

14 4. Functioning outside the direct or direct visual supervision
15 of a dentist;

16 5. Performing any function prohibited by Chapter 15 of the
17 Oklahoma Administrative Code or any violation that would be a
18 violation for a dentist or hygienist under Section 328.32 or 328.33
19 of this title, or any other duty not assignable to a dental
20 assistant; or

21 6. Failure to secure an annual registration as specified in
22 Section 328.41 of this title.

23 E. The Board's review panel, as set forth in Section 328.43a of
24 this title, upon concurrence with the president of the Board, may

1 determine that an emergency exists to temporarily suspend the permit
2 of a dental assistant or oral maxillofacial surgery assistant if the
3 panel finds that public health, safety or welfare imperatively
4 requires emergency action. The panel may conduct a hearing pursuant
5 to Section 314 of Title 75 of the Oklahoma Statutes for the
6 temporary suspension.

7 F. As used in this section:

8 1. "Substantially relates" means the nature of criminal conduct
9 for which the person was convicted has a direct bearing on the
10 fitness or ability to perform one or more of the duties or
11 responsibilities necessarily related to the occupation; and

12 2. "Poses a reasonable threat" means the nature of criminal
13 conduct for which the person was convicted involved an act or threat
14 of harm against another and has a bearing on the fitness or ability
15 to serve the public or work with others in the occupation.

16 SECTION 13. AMENDATORY 59 O.S. 2011, Section 353.9, as
17 amended by Section 6, Chapter 230, O.S.L. 2015 (59 O.S. Supp. 2018,
18 Section 353.9), is amended to read as follows:

19 Section 353.9 A. All other qualified persons may become
20 licensed as a Doctor of Pharmacy upon passing an examination
21 approved by the State Board of Pharmacy. Before any applicant is
22 allowed to sit for such examinations, such applicant shall submit to
23 the Board sufficient proof that the applicant:

24 1. ~~Is of good moral character;~~

1 ~~2.~~ Is a graduate of an accredited School or College of Pharmacy
2 approved by the Board, or is a foreign pharmacy school graduate who
3 has received an FPGEC equivalency certification by the National
4 Association of Boards of Pharmacy; and

5 ~~3.~~ 2. Has attained experience in the practice of pharmacy,
6 obtained in a place and in a manner prescribed and approved by the
7 Board.

8 B. Interns, preceptors and training areas shall make
9 application for a license, and shall pay a fee set by the Board, not
10 to exceed One Hundred Dollars (\$100.00).

11 C. All Doctor of Pharmacy applicants shall make application in
12 the form and manner prescribed by the Board, and deposit with the
13 Executive Director of the Board a fee set by the Board not to exceed
14 Two Hundred Fifty Dollars (\$250.00) plus the purchase price of the
15 examination. Upon passing an examination and meeting such other
16 requirements specified by the Board pursuant to the Oklahoma
17 Pharmacy Act, the applicant shall be granted a license setting forth
18 the qualifications to practice pharmacy. Any applicant failing an
19 examination shall not sit for an additional examination until such
20 applicant has made a new application and paid the fee provided
21 herein.

22 D. The Board shall have the power to issue reciprocal
23 certificates of licensure to applicants licensed in other states
24

1 having like requirements. Such applicants shall be charged a fee
2 not to exceed Two Hundred Fifty Dollars (\$250.00).

3 E. The Board shall have the power to issue original
4 certificates of licensure to applicants for the score transfer
5 process administered by the National Association of Boards of
6 Pharmacy; provided, such applicants shall provide sufficient proof
7 of compliance with the requirements of paragraphs 1 through 3 of
8 subsection A of this section. Such applicants shall be charged a
9 fee not to exceed Two Hundred Fifty Dollars (\$250.00).

10 SECTION 14. AMENDATORY 59 O.S. 2011, Section 396.3, as
11 last amended by Section 2, Chapter 204, O.S.L. 2017 (59 O.S. Supp.
12 2018, Section 396.3), is amended to read as follows:

13 Section 396.3 A. The Oklahoma Funeral Board shall determine
14 the qualifications necessary to enable any person to practice as a
15 funeral director or embalmer, and prescribe the requirements for a
16 funeral establishment or commercial embalming establishment. The
17 Board shall examine all applicants for licenses to practice as a
18 funeral director or embalmer. The Board shall issue the proper
19 licenses to applicants who successfully pass such examination and
20 qualify pursuant to any additional requirements the Board may
21 prescribe.

22 B. 1. Except as provided in subsection C of this section, the
23 minimum requirements for a license to practice funeral directing or
24 embalming, or both, are as follows:

1 An applicant for a license to practice funeral directing or
2 embalming shall be at least twenty (20) years of age, a legal
3 resident of this state, and a citizen or permanent resident of the
4 United States, ~~and of good moral character~~. In addition, an
5 applicant shall have at least sixty (60) semester hours of study
6 earned, measured in quarter or clock hours, from a regionally
7 accredited college or university, shall be a graduate of a program
8 of mortuary science accredited by the American Board of Funeral
9 Service Education, and have served one (1) year as a registered
10 apprentice. The applicant may serve as a registered apprentice
11 prior to enrollment in an approved school of mortuary science, or
12 subsequent to graduation from the school, and pass the International
13 Conference of Funeral Service Examining Board National Board Science
14 Examination and/or Arts Examination with a seventy-five (75) or
15 higher score on each exam.

16 2. Curriculum of study for an embalmer and/or funeral director
17 is a program of mortuary science which shall be that prescribed by
18 the American Board of Funeral Service Education.

19 C. 1. If a person chooses not to meet the qualifications in
20 subsection B of this section for a funeral director, the person may
21 alternatively qualify for a license to practice funeral directing,
22 but not embalming, upon meeting the eligibility requirements of this
23 subsection as follows: An applicant for a license to practice
24 funeral directing shall be at least twenty (20) years of age, a

1 legal resident of this state, and a citizen or permanent resident of
2 the United States, ~~and of good moral character~~. An applicant is
3 required to complete a funeral director course of study approved by
4 the Oklahoma Funeral Board and that is administered by program of
5 mortuary science accredited by the American Board of Funeral Service
6 Education (ABFSE). The funeral director course of study shall
7 include at least thirty (30) semester hours or equivalent closely
8 following the ABFSE curriculum standard, limited to only: Business
9 Management, Cremation, Social Sciences/Humanities, Legal, Ethical,
10 Regulatory, plus essential elements of embalming, restorative art,
11 general concerns when dealing with human remains, a practicum
12 experience, and preparation for the required board exams. In
13 addition to the funeral director course of study the applicant is
14 required to complete at least sixty (60) additional semester hours
15 of study earned, measured in quarter or clock hours, from a
16 regionally accredited college or university and must complete a
17 twelve-month minimum term as a registered apprentice with employment
18 at a licensed establishment and must have assisted with ~~(25)~~ twenty-
19 five arrangement conferences and assisted with twenty-five ~~(25)~~
20 separate funeral or memorial services under the supervision of a
21 licensed funeral director in this state. The applicant may serve as
22 a registered apprentice prior to enrollment in an approved school of
23 mortuary science, concurrently while in mortuary school, or
24 subsequent to completion of the funeral director course of study.

1 2. Curriculum of study for a funeral director license shall be
2 in a program of mortuary science which shall be that prescribed by
3 the Oklahoma Funeral Board. An applicant must pay all fees as
4 provided in Section 396.4 of this title and pass an exam provided by
5 the International Conference of Funeral Service Examining Board with
6 a seventy-five (75) or higher as well as pass a law exam provided by
7 the Oklahoma Funeral Board, with a seventy-five (75) or higher. A
8 license to practice as a funeral director issued pursuant to this
9 subsection shall be restricted to funeral director, and the licensee
10 shall not be eligible to practice as the funeral director in charge
11 as defined in Section 396.2 of this title.

12 D. The Board shall issue the appropriate license to any
13 qualified applicant whose application has been approved by the
14 Board, and who has paid the fees required by Section 396.4 of this
15 title, has passed the required examinations with a seventy-five (75)
16 or higher score and has demonstrated to the Board proficiency as an
17 embalmer or funeral director.

18 E. The Board shall maintain for public inspection a list of all
19 accredited schools of embalming and mortuary science.

20 F. Each funeral director in charge as defined in Section 396.2
21 of this title shall have a current dual funeral director and
22 embalmer license. A funeral director in charge of a funeral service
23 establishment or crematory that does not have a current dual funeral
24 director and embalmer license on the effective date of this act

1 shall be considered to be grandfathered and may serve as funeral
2 director in charge of any funeral service establishment or crematory
3 in accordance with rules prescribed by the Board, but shall not
4 serve as funeral director in charge of a commercial embalming
5 establishment which shall require a current dual funeral director
6 and embalmer license.

7 SECTION 15. AMENDATORY 59 O.S. 2011, Section 396.8, is
8 amended to read as follows:

9 Section 396.8 A. The Oklahoma Funeral Board shall have the
10 power to issue reciprocal licenses to applicants licensed in other
11 states which have equal or like educational requirements as required
12 by this state or the Board.

13 B. A license as an embalmer or funeral director shall be issued
14 without examination to an out-of-state resident intending to become
15 a resident of this state, who submits to the Board satisfactory
16 evidence that said applicant has met all the requirements of the
17 Funeral Services Licensing Act and pays the fees required by Section
18 396.4 of this title.

19 C. The Board may issue an appropriate license without further
20 apprenticeship to a resident of a state which does not have the same
21 educational requirements necessary for reciprocity with this state,
22 if said applicant:

23 1. Has a current license to practice as an embalmer or funeral
24 director in the state of residence of the person;

1 2. Has been an active embalmer or funeral director practicing
2 in the state of residence of the person for at least five (5) years;

3 3. Has never been convicted of a felony crime that
4 substantially relates to the occupation of an embalmer or funeral
5 director and poses a reasonable threat to public safety, and has
6 never been convicted of a misdemeanor related to funeral service;

7 4. Has never had said license revoked or suspended;

8 5. Is not currently facing disciplinary action;

9 6. Intends to practice in this state;

10 7. Has filed such documents as are required by the Board;

11 8. Has paid the fees as required by Section 396.4 of this
12 title;

13 9. Is a citizen or permanent resident of the United States;

14 10. Is a graduate of an accredited program of mortuary science;

15 11. Has passed the National Board Examination or State Board
16 Examination; and

17 12. Has passed the Oklahoma State Law Examination.

18 D. As used in this section:

19 1. "Substantially relates" means the nature of criminal conduct
20 for which the person was convicted has a direct bearing on the
21 fitness or ability to perform one or more of the duties or
22 responsibilities necessarily related to the occupation; and

23 2. "Poses a reasonable threat" means the nature of criminal
24 conduct for which the person was convicted involved an act or threat

1 of harm against another and has a bearing on the fitness or ability
2 to serve the public or work with others in the occupation.

3 SECTION 16. AMENDATORY 59 O.S. 2011, Section 396.12c, as
4 amended by Section 4, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2018,
5 Section 396.12c), is amended to read as follows:

6 Section 396.12c A. After notice and hearing pursuant to
7 Article II of the Administrative Procedures Act, the Oklahoma
8 Funeral Board may refuse to issue or renew, or may revoke or
9 suspend, any license or registration for any one or combination of
10 the following:

11 1. Conviction of a felony ~~shown by a certified copy of the~~
12 ~~record of the court of conviction~~ crime that substantially relates
13 to the occupation of a funeral director and poses a reasonable
14 threat to public safety;

15 2. Conviction of a misdemeanor involving funeral services;

16 3. Gross malpractice or gross incompetency, which shall be
17 determined by the Board;

18 4. False or misleading advertising as a funeral director or
19 embalmer;

20 5. Violation of any of the provisions of the Funeral Services
21 Licensing Act or any violation of Sections 201 through 231 of Title
22 8 of the Oklahoma Statutes;

23 6. Fraud or misrepresentation in obtaining a license;

24

1 7. Using any casket or part thereof which has previously been
2 used as a receptacle for, or in connection with, the burial or other
3 disposition of dead human remains, unless the disclosure is made to
4 the purchaser;

5 8. Violation of any rules of the Board in administering the
6 purposes of the Funeral Services Licensing Act;

7 9. Use of intoxicating liquor sufficient to produce drunkenness
8 in public, or habitual addiction to the use of habit-forming drugs
9 or either;

10 10. Solicitation of business, either personally or by an agent,
11 from a dying individual or the relatives of a dead or individual
12 with a terminal condition, as defined by the Oklahoma ~~Rights of the~~
13 ~~Terminally Ill or Persistently Unconscious~~ Advance Directive Act,
14 other than through general advertising;

15 11. Refusing to properly release a dead human body to the
16 custody of the person entitled to custody;

17 12. Violating applicable state laws relating to the failure to
18 file a death certificate, cremation permit, or prearrangement or
19 prefinancing of a funeral;

20 13. Failing to obtain other necessary permits as required by
21 law in a timely manner;

22 14. Failing to comply with the Funeral Rules of the Federal
23 Trade Commission, 15 U.S.C., Section 57a(a);

24

1 15. Failing to comply with any applicable provisions of the
2 Funeral Services Licensing Act at the time of issuance or renewal;

3 16. Improper issuance or renewal of a license or registration;

4 17. Violating the provisions of subsection B of Section 396.12
5 of this title regarding advertisement of services at locations not
6 licensed by the Board;

7 18. The abuse of a corpse whereby a person knowingly and
8 willfully signs a certificate as having embalmed, cremated, or
9 prepared a dead human body for disposition when, in fact, the
10 services were not performed as indicated;

11 19. Simultaneous cremating of more than one human dead body
12 without express written approval of the authorizing agent;

13 20. Cremating human remains without the permit required by
14 Section 1-329.1 of Title 63 of the Oklahoma Statutes;

15 21. Intentional interference with an investigation by the Board
16 or failure to allow access to funeral records during an
17 investigation or to produce records for an investigation; or

18 22. Failure to properly discharge financial obligations as
19 established by rule of the Board.

20 B. As used in this section:

21 1. "Substantially relates" means the nature of criminal conduct
22 for which the person was convicted has a direct bearing on the
23 fitness or ability to perform one or more of the duties or
24 responsibilities necessarily related to the occupation; and

1 2. "Poses a reasonable threat" means the nature of criminal
2 conduct for which the person was convicted involved an act or threat
3 of harm against another and has a bearing on the fitness or ability
4 to serve the public or work with others in the occupation.

5 SECTION 17. AMENDATORY Section 9, Chapter 259, O.S.L.
6 2017 (59 O.S. Supp. 2018, Section 475.12a), is amended to read as
7 follows:

8 Section 475.12a A. Certification or Enrollment as an Engineer
9 Intern. The following shall be considered as minimum evidence that
10 the applicant is qualified for certification as an engineer intern:

11 1. Graduating from an engineering program of four (4) years or
12 more accredited by the Engineering Accreditation Commission of ABET
13 (EAC/ABET), or the equivalent, or a related science degree program
14 approved by the State Board of Licensure for Professional Engineers
15 and Land Surveyors, or an engineering master's degree program from
16 an institution that offers EAC/ABET-accredited programs;

17 2. Passing the National Council of Examiners for Engineering
18 and Surveying (NCEES) Fundamentals of Engineering (FE) examination;
19 and

20 3. Submitting three professional or character references.

21 B. Licensure as a Professional Engineer. To be eligible for
22 licensure as a professional engineer, an individual shall meet all
23 of the following requirements:

24 1. ~~Be of good character and reputation;~~

1 ~~2.~~ Satisfy the education and experience criteria set forth in
2 this section;

3 ~~3.~~ 2. Pass the applicable examinations set forth in this
4 section; and

5 ~~4.~~ 3. Submit five references acceptable to the Board, three of
6 which shall be professional engineers having personal knowledge of
7 the applicant's engineering experience.

8 C. Comity Licensure for a Professional Engineer. The following
9 shall be considered as minimum evidence satisfactory to the Board
10 that the applicant is qualified for licensure by comity as a
11 professional engineer:

12 1. An individual holding a certificate of licensure to engage
13 in the practice of engineering issued by a proper authority of any
14 state or jurisdiction, based on requirements that do not conflict
15 with the provisions of Section 475.1 et seq. of ~~Title 59 of the~~
16 ~~Oklahoma Statutes~~ this title and possessing credentials that are, in
17 the judgment of the Board, of a standard not lower than that
18 specified in the applicable licensure act in effect in Oklahoma at
19 the time such certificate was issued may, upon application, be
20 licensed without further examination except as required to examine
21 the applicant's knowledge of statutes, rules and other requirements
22 unique to this state. If the requirements that were met were of a
23 standard lower than that specified in the applicable licensure act
24 in effect in this state at the time such certificate was issued but,

1 in the judgement of the Board, the standard was a reasonable
2 standard at the time the original license was issued, the individual
3 may, upon application, be considered by the Board according to the
4 provisions in the Board rules; or

5 2. An individual holding an active Council Record with NCEES
6 whose qualifications as evidenced by the Council Record meet the
7 requirements of Section 475.1 et seq. of ~~Title 59 of the Oklahoma~~
8 ~~Statutes~~ this title may, upon application, be licensed without
9 further examination except as required to examine the applicant's
10 knowledge of statutes, rules and other requirements unique to
11 Oklahoma.

12 D. Initial Licensure as a Professional Engineer. An applicant
13 who presents evidence of meeting the applicable education,
14 examination and experience requirements pursuant to this subsection
15 shall be eligible for licensure as a professional engineer.

16 1. Education Requirements. An individual seeking licensure as
17 a professional engineer shall possess one or more of the following
18 education qualifications:

- 19 a. a bachelor's degree in engineering from an EAC/ABET-
20 accredited program, or the equivalent,
- 21 b. a bachelor's degree in a Board-approved related
22 science degree program,
- 23 c. a master's degree in engineering from an institution
24 that offers EAC/ABET-accredited programs,

1 d. a master's degree in engineering from an EAC/M-ABET-
2 accredited program, or

3 e. an earned doctoral degree in engineering acceptable to
4 the Board.

5 2. Non-U.S., non-EAC/ABET-accredited degrees which are not
6 approved by the Board may be considered following a degree
7 evaluation by an evaluation service approved by the Board. The
8 maximum equivalency granted for degrees found not to be
9 substantially equivalent to an EAC/ABET degree shall be that of a
10 related science degree. Deficiencies outlined in the degree
11 evaluation may be corrected with further education approved by the
12 Board which may allow the applicant's education to be advanced to an
13 equivalent status. Non-U.S., non-EAC/ABET-accredited degrees
14 approved by the Board may be considered without a degree evaluation.
15 The maximum equivalency granted for these Board-approved degrees
16 shall be that of an equivalent degree.

17 3. Examination Requirements. An individual seeking licensure
18 as a professional engineer shall take and pass the NCEES
19 Fundamentals of Engineering (FE) examination and the NCEES
20 Principles and Practice of Engineering (PE) examination as follows:

21 a. the FE examination may be taken at any time according
22 to NCEES examination policy and procedures, but is
23 recommended to be taken during the student's senior
24 year of college,

- 1 b. the PE examination may be taken by a graduate of an
2 approved degree program pursuant to this section, or
3 c. the Board may waive the FE examination requirement for
4 the issuance of a license if the applicant possesses,
5 at a minimum, fifteen (15) years of progressive
6 experience on engineering projects which indicate to
7 the Board the applicant may be competent to practice
8 engineering. The Board shall evaluate all elements of
9 the application, according to Board rules, to assess
10 waiver requests.

11 4. Experience Requirements. An individual seeking licensure as
12 a professional engineer shall present evidence of a specific record
13 of progressive engineering experience satisfying one of the
14 following. This experience should be progressive and of a grade and
15 character that indicate to the Board that the applicant may be
16 competent to practice engineering:

- 17 a. an individual with a bachelor's degree in engineering
18 pursuant to subparagraph a of paragraph 1 of this
19 subsection: four (4) years of experience after the
20 bachelor's degree is conferred,
21 b. an individual with a bachelor's degree in a Board-
22 approved related science degree program pursuant to
23 subparagraph b of paragraph 1 of this subsection: six
24

1 (6) years of experience after the bachelor's degree is
2 conferred,

3 c. an individual with a master's degree in engineering
4 pursuant to subparagraph c or d of paragraph 1 of this
5 subsection: three (3) years of experience after the
6 master's degree is conferred, or

7 d. an individual with an earned doctoral degree
8 acceptable to the Board: two (2) years of experience
9 after the doctoral degree is conferred.

10 5. Partial experience credit may be awarded for experience
11 earned prior to conferment of the qualifying degree, at the
12 discretion of the Board, as described in Board rules. In no case
13 shall the experience credit exceed one-half (1/2) of that required
14 for approved qualifying experience. The experience credit shall not
15 be claimed if the applicant is also claiming the experience time as
16 experience credit for a cooperative education program.

17 6. EAC/ABET-accredited engineering cooperative education
18 programs may be considered as experience credit earned prior to the
19 qualifying degree if the program meets the experience requirement
20 pursuant to this subsection. Otherwise, a maximum of six (6) months
21 experience may be claimed. Experience credit for a cooperative
22 education program shall not be claimed if the applicant also claims
23 the experience time as experience credit earned prior to the degree.

1 SECTION 18. AMENDATORY Section 10, Chapter 259, O.S.L.
2 2017 (59 O.S. Supp. 2018, Section 475.12b), is amended to read as
3 follows:

4 Section 475.12b A. Certification or Enrollment as a Land
5 Surveyor Intern. Passing of the NCEES Fundamentals of Surveying
6 (FS) examination and completion of one of the following shall be
7 considered as minimum evidence that the applicant is qualified for
8 certification or enrollment as a land surveyor intern:

9 1. Graduating from a surveying program of four (4) years or
10 more approved by the Board, providing proof of graduation and
11 submitting three character or professional references;

12 2. Graduating from a surveying program of two (2) years or more
13 approved by the Board, providing proof of graduation and submitting
14 three character or professional references;

15 3. Graduating from a program of two (2) years or more approved
16 by the Board which shall include the Board-approved core curriculum,
17 providing proof of graduation and submitting three character or
18 professional references; or

19 4. Completing sixty (60) college credit hours approved by the
20 Board which shall include the Board-approved core curriculum,
21 providing proof of successful completion of the required college
22 credit hours and submitting three character or professional
23 references.

24

1 B. Licensure as a Professional Land Surveyor. To be eligible
2 for licensure as a professional land surveyor, an individual shall
3 meet all of the following requirements:

4 ~~1. Be of good character and reputation;~~

5 ~~2.~~ Satisfy the education and experience criteria set forth in
6 this section;

7 ~~3.~~ 2. Pass the applicable examinations set forth in this
8 section; and

9 ~~4.~~ 3. Submit five references acceptable to the Board, three of
10 which shall be professional land surveyors having personal knowledge
11 of the applicant's surveying experience.

12 C. Comity Licensure for a Professional Land Surveyor. The
13 following shall be considered as minimum evidence satisfactory to
14 the Board that the applicant is qualified for licensure by comity as
15 a professional land surveyor:

16 An individual holding a certificate of licensure to engage in
17 the practice of land surveying issued by a proper authority of any
18 state or jurisdiction, based on requirements that do not conflict
19 with the provisions of Section 475.1 et seq. of ~~Title 59 of the~~
20 ~~Oklahoma Statutes~~ this title, and possessing credentials that are,
21 in the judgment of the Board, of a standard not lower than that
22 specified in the applicable licensure act in effect in this state at
23 the time such certificate was issued may, upon application, which
24 may include a Council Record with NCEES, be licensed upon passing an

1 examination or examinations of such duration as established by the
2 Board, which shall include questions on laws, procedures and
3 practices pertaining to land surveying in Oklahoma.

4 D. Initial Licensure as a Professional Land Surveyor. An
5 individual meeting the education requirements pursuant to subsection
6 A of this section for a land surveyor intern shall meet the
7 following land surveying experience requirements as described in
8 Board rules, which shall include combined office and field
9 experience satisfactory to the Board on projects of a grade and
10 character which indicate to the Board the applicant may be competent
11 to practice land surveying:

12 1. An individual meeting the experience requirements in
13 paragraph 1 of subsection A of this section: four (4) years of total
14 experience including two (2) years which shall follow the date of
15 the conferment of the degree; or

16 2. An individual meeting the experience requirements in
17 paragraphs 2, 3 and 4 of subsection A of this section: six (6) years
18 of total experience.

19 Upon completion of the education and experience requirements,
20 passing the NCEES Fundamentals of Surveying (FS) examination, the
21 NCEES Principles and Practice of Surveying (PS) examination, and the
22 Oklahoma Law and Surveying (OLS) examination, the applicant shall be
23 licensed as a professional land surveyor, if otherwise qualified.

24

1 SECTION 19. AMENDATORY 59 O.S. 2011, Section 475.18, as
2 last amended by Section 16, Chapter 259, O.S.L. 2017 (59 O.S. Supp.
3 2018, Section 475.18), is amended to read as follows:

4 Section 475.18 A. As provided in subsections A and B of
5 Section 475.8 of this title, the Board shall have the power to deny,
6 place on probation, suspend, revoke or refuse to issue a certificate
7 or license, or fine, reprimand, issue orders, levy administrative
8 fines or seek other penalties, if a person or entity is found guilty
9 of:

10 1. Any fraud or deceit in obtaining or attempting to obtain or
11 renew a certificate of licensure, or a certificate of authorization
12 or in taking the examinations administered by the Board or its
13 authorized representatives;

14 2. Any fraud, misrepresentation, gross negligence, gross
15 incompetence, misconduct or dishonest practice, in the practice of
16 engineering or land surveying;

17 3. Conviction of or entry of a plea of guilty or nolo
18 contendere to a felony crime that substantially relates to the
19 practice of engineering or land surveying ~~or~~ and poses a reasonable
20 threat to public safety; or conviction of or entry of a plea of
21 guilty or nolo contendere to a misdemeanor, an essential element of
22 which is dishonesty or is a violation of the practice of engineering
23 or land surveying;

24

1 4. Failure to comply with any of the provisions of Section
2 475.1 et seq. of this title or any of the rules or regulations
3 pertaining thereto;

4 5. Disciplinary action, including voluntary surrender of a
5 professional engineer's or professional land surveyor's license in
6 order to avoid disciplinary action by another state, territory, the
7 District of Columbia, a foreign country, the United States
8 government, or any other governmental agency, if at least one of the
9 grounds for discipline is the same or substantially equivalent to
10 those contained in this section;

11 6. Failure, within thirty (30) days, to provide information
12 requested by the Board or its designated staff as a result of a
13 formal or informal complaint to the Board which would indicate a
14 violation of Section 475.1 et seq. of this title;

15 7. Knowingly making false statements or signing false
16 statements, certificates or affidavits;

17 8. Aiding or assisting another person or entity in violating
18 any provision of Section 475.1 et seq. of this title or the rules or
19 regulations pertaining thereto;

20 9. Violation of any terms imposed by the Board, or using a seal
21 or practicing professional engineering or professional land
22 surveying while the professional engineer's license or professional
23 land surveyor's license is suspended, revoked, nonrenewed, retired
24 or inactive;

1 10. Signing, affixing the professional engineer's or
2 professional land surveyor's seal, or permitting the professional
3 engineer's or professional land surveyor's seal or signature to be
4 affixed to any specifications, reports, drawings, plans, design
5 information, construction documents, calculations, other documents,
6 or revisions thereof, which have not been prepared by, or under the
7 direct control and personal supervision of the professional engineer
8 or professional land surveyor in responsible charge;

9 11. Engaging in dishonorable, unethical or unprofessional
10 conduct of a character likely to deceive, defraud, harm or endanger
11 the public;

12 12. Providing false testimony or information to the Board;

13 13. Habitual intoxication or addiction to the use of alcohol or
14 to the illegal use of a controlled dangerous substance;

15 14. Performing engineering or surveying services outside any of
16 the licensee's areas of competence or areas of competence designated
17 in the official Board records;

18 15. Violating the Oklahoma Minimum Standards for the Practice
19 of Land Surveying; and

20 16. Failing to obtain the required professional development
21 hours, as approved by the Board, Board staff or Continuing Education
22 Committee as required by an audit.

23 B. The Board shall prepare and adopt Rules of Professional
24 Conduct for Professional Engineers and Professional Land Surveyors

1 as provided for in Section 475.8 of this title, which shall be made
2 available in writing to every licensee and applicant for licensure
3 under Section 475.1 et seq. of this title. The Board may revise and
4 amend these Rules of Professional Conduct for Professional Engineers
5 and Professional Land Surveyors and shall notify each licensee, in
6 writing, of such revisions or amendments.

7 C. Principals of a firm who do not obtain a certificate or
8 authorization for the firm as required by Section 475.1 et seq. of
9 this title may be subject to disciplinary action.

10 D. As used in this section:

11 1. "Substantially relates" means the nature of criminal conduct
12 for which the person was convicted has a direct bearing on the
13 fitness or ability to perform one or more of the duties or
14 responsibilities necessarily related to the occupation; and

15 2. "Poses a reasonable threat" means the nature of criminal
16 conduct for which the person was convicted involved an act or threat
17 of harm against another or has a bearing on the fitness or ability
18 to serve the public or work with others in the occupation.

19 SECTION 20. AMENDATORY 59 O.S. 2011, Section 492.1, is
20 amended to read as follows:

21 Section 492.1 A. The State Board of Medical Licensure and
22 Supervision shall create such application forms as are necessary for
23 the licensure of applicants to practice medicine and surgery in this
24 state.

1 B. No person shall be licensed to practice medicine and surgery
2 in this state except upon a finding by the Board that such person
3 has fully complied with all applicable licensure requirements of
4 this act, ~~is of good moral character,~~ and has produced satisfactory
5 evidence to the Board of the ability of the applicant to practice
6 medicine and surgery with reasonable skill and safety.

7 C. Except as specifically may be waived by the Board, the Board
8 shall not engage in any application process with any agent or
9 representative of the applicant.

10 SECTION 21. AMENDATORY 59 O.S. 2011, Section 519.4, is
11 amended to read as follows:

12 Section 519.4 To be eligible for licensure as a physician
13 assistant pursuant to the provisions of Section 519.1 et seq. of
14 this title an applicant shall:

15 1. ~~Be of good moral character;~~

16 ~~2.~~ Have graduated from an accredited physician assistant
17 program recognized by the State Board of Medical Licensure and
18 Supervision; and

19 ~~3.~~ 2. Successfully pass an examination for physician assistants
20 recognized by the Board.

21 SECTION 22. AMENDATORY 59 O.S. 2011, Section 532, as
22 amended by Section 4, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018,
23 Section 532), is amended to read as follows:

24

1 Section 532. A. The State Board of Medical Licensure and
2 Supervision may refuse to issue a license to an applicant or may
3 suspend or revoke the license of any athletic trainer or apprentice
4 if he or she has:

5 1. Been convicted of a felony crime that substantially relates
6 to the occupation of athletic trainers ~~or~~ and poses a reasonable
7 threat to the public safety ~~or a misdemeanor involving moral~~
8 ~~turpitude;~~

9 2. Secured the license by fraud or deceit; or

10 3. Violated or conspired to violate the provisions of ~~this act~~
11 the Oklahoma Athletic Trainers Act or rules and regulations issued
12 pursuant to this act.

13 B. Procedures for denial, suspension or revocation of a license
14 shall be governed by the Administrative Procedures Act.

15 C. As used in this section:

16 1. "Substantially relates" means the nature of criminal conduct
17 for which the person was convicted has a direct bearing on the
18 fitness or ability to perform one or more of the duties or
19 responsibilities necessarily related to the occupation; and

20 2. "Poses a reasonable threat" means the nature of criminal
21 conduct for which the person was convicted involved an act or threat
22 of harm against another and has a bearing on the fitness or ability
23 to serve the public or work with others in the occupation.

24

1 SECTION 23. AMENDATORY 59 O.S. 2011, Section 536.7, as
2 amended by Section 1, Chapter 280, O.S.L. 2013 (59 O.S. Supp. 2018,
3 Section 536.7), is amended to read as follows:

4 Section 536.7 A. ~~On and after July 1, 1985, a~~ A licensed
5 electrologist shall consist of all persons who are currently
6 licensed by the State Board of Electrology, and all persons over
7 twenty-one (21) years of age ~~who are of good moral character, and~~
8 who have satisfactorily passed all examinations before the State
9 Board of Medical Licensure and Supervision, ~~as herein created. On~~
10 ~~and after July 1, 1985, all~~ All applicants for licensure as
11 electrologists shall be required to furnish to the Board the
12 following evidence:

- 13 1. Have successfully completed a curriculum of study
14 established by the Board; and
- 15 2. Have completed an internship or preplanned professional
16 experience program approved by the Board.

17 B. To qualify for a license, an applicant shall pass an
18 examination prepared by the Board. The examination, as authorized
19 by the Registered Electrologist Act, shall be in the English
20 language. The examination shall include the subjects required in
21 subsection A of this section as well as dermatology, hygiene,
22 sterilization, electricity and electrolysis (theory and practice).

23 C. If based on rules and criteria established by the Board, the
24 examinee successfully passes the examination, the examinee shall be

1 entitled to receive from the Board a license to practice
2 electrolysis for the remainder of that calendar year. Each license
3 shall be signed by the chairperson of the Committee or designee and
4 the secretary-treasurer of the Board and shall bear the seal of the
5 Board.

6 D. The Board may issue a license to an applicant from another
7 state who has met the requirements established by the Registered
8 Electrologist Act. The applicant to be licensed in this state shall
9 provide proof of licensure in good standing in another state at the
10 time of making application for licensure in this state.

11 E. The Board may establish continuing education requirements to
12 facilitate the maintenance of current practice skills of all persons
13 licensed pursuant to the Registered Electrologist Act.

14 F. The Board shall meet at least three times per calendar year
15 for the purpose of examining applicants for licensure and training,
16 and transacting other business as may be necessary. The meetings
17 shall be held at the office of the Board.

18 G. Every person licensed pursuant to the Registered
19 Electrologist Act who desires to continue the practice of
20 electrolysis shall annually, on or before the 31st day of December
21 of each year, make application for renewal of the license and shall
22 pay fees established by the Board.

23 H. If any person fails to renew his or her license within
24 thirty (30) days from the date same becomes due, the license of such

1 person shall become inactive and, in order to have such license
2 reinstated, it shall be necessary for such person to apply to the
3 Board as provided in the Registered Electrologist Act and to meet
4 the requirements established by the Board for reinstatement.

5 SECTION 24. AMENDATORY 59 O.S. 2011, Section 540.6, is
6 amended to read as follows:

7 Section 540.6 A. To be eligible for licensure as a therapeutic
8 recreation specialist pursuant to the provisions of the Therapeutic
9 Recreation Practice ~~act~~ Act, an applicant shall:

- 10 1. Be at least eighteen (18) years of age;
- 11 2. ~~Be of good moral character;~~
- 12 ~~3.~~ Have successfully completed an academic program with a
13 baccalaureate degree or higher from an accredited college or
14 university with a major in therapeutic recreation or a major in
15 recreation or leisure with an option and/or emphasis in therapeutic
16 recreation;
- 17 ~~4.~~ 3. Have successfully completed a period of field experience
18 under the supervision of a Certified Therapeutic Recreation
19 Specialist (CTRS) or a licensed therapeutic specialist approved by
20 the educational institution where the applicant has met his or her
21 academic requirements; and
- 22 ~~5. — Successfully~~ 4. Have successfully completed the proctored
23 examination approved by the State Board of Medical Licensure and
24 Supervision.

1 B. The State Board of Medical Licensure and Supervision may,
2 upon notice and opportunity for a hearing, deny an application for
3 reinstatement of a license or reinstate the license with conditions.
4 Conditions imposed may include a requirement for continuing
5 education, practice under the supervision of a licensed therapeutic
6 recreation specialist, or any other conditions deemed appropriate by
7 the Board.

8 C. Notwithstanding subsection A of this section, the Board may
9 grant initial licenses to therapeutic recreation specialists who are
10 certified by the National Council for Therapeutic Recreation
11 Certification (NCTRC) prior to July 1, 2009, and who hold an active
12 CTRS credential.

13 SECTION 25. AMENDATORY 59 O.S. 2011, Section 567.5, is
14 amended to read as follows:

15 Section 567.5 A. All applicants for a license to practice as a
16 Registered Nurse shall be subject to Section 567.8 of this title.

17 B. An applicant for a license to practice as a Registered Nurse
18 shall submit to the Oklahoma Board of Nursing certified written
19 evidence that the applicant:

20 1. Has completed the basic professional curricula of a school
21 of nursing approved by a state board of nursing, and holds or is
22 entitled to hold a diploma or degree therefrom;

23 2. Has never been convicted ~~in this state, the United States or~~
24 ~~another state or territory of any a felony, unless five (5) years~~

1 ~~have elapsed since the date of the criminal conviction or the~~
2 ~~termination of any probation or other requirements imposed on the~~
3 ~~applicant by the sentencing court, whichever shall last occur, or a~~
4 ~~presidential or gubernatorial pardon for the criminal offense has~~
5 ~~been received, provided that the provisions of this paragraph shall~~
6 ~~not be effective until November 1, 2003~~ crime that substantially
7 relates to the occupation of nursing and poses a reasonable threat
8 to public safety;

9 3. Has submitted a criminal history records search that
10 complies with Section 567.18 of this title;

11 4. Is a minimum of eighteen (18) years of age; and

12 5. Has met such other qualifications as the Board may prescribe
13 in its rules.

14 C. An applicant for a license shall be required to pass a
15 written examination in such subjects as the Board may determine.
16 Upon an applicant successfully passing such an examination, the
17 Board may issue to the applicant a license to practice as a
18 Registered Nurse. An applicant who fails such examination shall be
19 subject to reexamination according to the rules of the Board. The
20 passing criteria shall be established by the Board in its rules.

21 D. The Board may issue a license to practice nursing as a
22 registered nurse without examination to an applicant who has been
23 duly licensed as a Registered Nurse under the laws of another state,
24 territory, the District of Columbia or a foreign country, if such

1 applicant meets the qualifications required for licensing as a
2 Registered Nurse in this state.

3 E. Any person who holds a license to practice as a registered
4 nurse in this state shall have the right to use both the title
5 "Registered Nurse" and the abbreviation "R.N." No other person
6 shall assume such title or use such abbreviation, or any other
7 words, letters, signs or figures to indicate that the person using
8 the same is a registered nurse. Any individual doing so shall be
9 guilty of a misdemeanor, which shall be punishable, upon conviction,
10 by imprisonment in the county jail for not more than one (1) year or
11 by a fine of not less than One Hundred Dollars (\$100.00) nor more
12 than One Thousand Dollars (\$1,000.00), or by both such imprisonment
13 and fine for each offense.

14 F. As used in this section:

15 1. "Substantially relates" means the nature of criminal conduct
16 for which the person was convicted has a direct bearing on the
17 fitness or ability to perform one or more of the duties or
18 responsibilities necessarily related to the occupation; and

19 2. "Poses a reasonable threat" means the nature of criminal
20 conduct for which the person was convicted involved an act or threat
21 of harm against another and has a bearing on the fitness or ability
22 to serve the public or work with others in the occupation.

23
24

1 SECTION 26. AMENDATORY 59 O.S. 2011, Section 567.6, as
2 amended by Section 1, Chapter 160, O.S.L. 2014 (59 O.S. Supp. 2018,
3 Section 567.6), is amended to read as follows:

4 Section 567.6 A. All applicants for a license to practice as a
5 Licensed Practical Nurse shall be subject to Section 567.8 of this
6 title.

7 B. An applicant for a license to practice as a Licensed
8 Practical Nurse shall submit to the Oklahoma Board of Nursing
9 certified evidence that the applicant:

10 1. Has successfully completed the prescribed curricula in a
11 state-approved program of practical nursing and holds or is entitled
12 to hold a diploma or certificate therefrom, or equivalent courses in
13 a state-approved program of nursing;

14 2. Has never been convicted ~~in this state, the United States or~~
15 ~~another state or territory of any a felony, unless five (5) years~~
16 ~~have elapsed since the date of the criminal conviction or the~~
17 ~~termination of any probation or other requirements imposed on the~~
18 ~~applicant by the sentencing court, whichever shall last occur, or a~~
19 ~~presidential or gubernatorial pardon for the criminal offense has~~
20 ~~been received, provided that the provisions of this paragraph shall~~
21 ~~not be effective until November 1, 2003~~ crime that substantially
22 relates to the occupation of nursing and poses a reasonable threat
23 to public safety;
24

1 3. Has submitted a criminal history records search that
2 complies with Section 567.18 of this title;

3 4. Is a minimum of eighteen (18) years of age; and

4 5. Has met such other reasonable preliminary qualification
5 requirements as the Board may prescribe.

6 C. The applicant for a license to practice as a Licensed
7 Practical Nurse shall be required to pass a written examination in
8 such subjects as the Board may require. Upon the applicant
9 successfully passing such examination the Board may issue to the
10 applicant a license to practice as a Licensed Practical Nurse. An
11 applicant who fails such examination shall be subject to
12 reexamination according to the rules of the Board. The passing
13 criteria shall be established by the Board in its rules.

14 D. The Board may issue a license to practice as a Licensed
15 Practical Nurse without examination to any applicant who has been
16 duly licensed or registered as a Licensed Practical Nurse, or is
17 entitled to perform similar services under a different title,
18 according to the laws of another state, territory, the District of
19 Columbia or a foreign country if such applicant meets the
20 requirements for Licensed Practical Nurses in the State of Oklahoma.

21 E. Any person holding a license to practice as a licensed
22 attendant issued by the Board, which is valid on July 1, 1953, shall
23 be deemed to be a Licensed Practical Nurse under the provisions of
24 this act.

1 F. Any person who holds a license to practice as a Licensed
2 Practical Nurse in this state shall have the right to use both the
3 title "Licensed Practical Nurse" and the abbreviation "L.P.N." No
4 other person shall assume such title or use such abbreviation or any
5 other words, letters, signs, or figures to indicate that the person
6 using the same is a Licensed Practical Nurse.

7 Any individual doing so shall be guilty of a misdemeanor, which
8 shall be punishable, upon conviction, by imprisonment in the county
9 jail for not more than one (1) year or by a fine of not less than
10 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars
11 (\$1,000.00), or by both such imprisonment and fine for each offense.

12 G. As used in this section:

13 1. "Substantially relates" means the nature of criminal conduct
14 for which the person was convicted has a direct bearing on the
15 fitness or ability to perform one or more of the duties or
16 responsibilities necessarily related to the occupation; and

17 2. "Poses a reasonable threat" means the nature of criminal
18 conduct for which the person was convicted involved an act or threat
19 of harm against another and has a bearing on the fitness or ability
20 to serve the public or work with others in the occupation.

21 SECTION 27. AMENDATORY 59 O.S. 2011, Section 567.6a, is
22 amended to read as follows:

23

24

1 Section 567.6a A. All applicants for a certificate to practice
2 as an Advanced Unlicensed Assistant shall be subject to Section
3 567.8 of ~~Title 59 of the Oklahoma Statutes~~ this title.

4 B. An applicant for a certificate to practice as an Advanced
5 Unlicensed Assistant shall submit to the Oklahoma Board of Nursing
6 certified evidence that the applicant:

7 1. Has successfully completed the prescribed curricula in a
8 state-approved education program for Advanced Unlicensed Assistants
9 and holds or is entitled to hold a diploma or certificate therefrom,
10 or equivalent courses in a formal program of instruction;

11 2. ~~Has never been convicted in this state, the United States or~~
12 ~~another state or territory of any a felony, unless five (5) years~~
13 ~~have elapsed since the date of the criminal conviction or the~~
14 ~~termination of any probation or other requirements imposed on the~~
15 ~~applicant by the sentencing court, whichever shall last occur, or a~~
16 ~~presidential or gubernatorial pardon for the criminal offense has~~
17 ~~been received~~ crime that substantially relates to the occupation of
18 nursing and poses a reasonable threat to public safety;

19 3. Has submitted a criminal history records search that is
20 compliant with Section 567.18 of ~~Title 59 of the Oklahoma Statutes~~
21 this title;

22 4. Is a minimum of eighteen (18) years of age; and

23 5. Has met such other reasonable preliminary qualification
24 requirements as the Board may prescribe.

1 C. The applicant for a certificate to practice as an Advanced
2 Unlicensed Assistant shall be required to pass an examination in
3 such subjects as the Board may require. Upon the applicant
4 successfully passing such examination, the Board may issue to the
5 applicant a certificate to practice as an Advanced Unlicensed
6 Assistant. An applicant who fails such examination shall be subject
7 to reexamination according to the rules of the Board. The passing
8 criteria shall be established by Board rules.

9 D. Any person who holds a certificate to practice as an
10 Advanced Unlicensed Assistant in this state shall have the right to
11 use both the title "Advanced Unlicensed Assistant" and the
12 abbreviation "A.U.A.". No other person shall assume such title or
13 use such abbreviation or any other words, letters, signs, or figures
14 to indicate that the person using the same is an Advanced Unlicensed
15 Assistant. Any individual doing so shall be guilty of a
16 misdemeanor, which shall be punishable, upon conviction, by
17 imprisonment in the county jail for not more than one (1) year or by
18 a fine of not less than One Hundred Dollars (\$100.00) nor more than
19 One Thousand Dollars (\$1,000.00), or by both such imprisonment and
20 fine for each offense.

21 E. As used in this section:

22 1. "Substantially relates" means the nature of criminal conduct
23 for which the person was convicted has a direct bearing on the
24

1 fitness or ability to perform one or more of the duties or
2 responsibilities necessarily related to the occupation; and

3 2. "Poses a reasonable threat" means the nature of criminal
4 conduct for which the person was convicted involved an act or threat
5 of harm against another and has a bearing on the fitness or ability
6 to serve the public or work with others in the occupation.

7 SECTION 28. AMENDATORY 59 O.S. 2011, Section 567.8, as
8 last amended by Section 1, Chapter 72, O.S.L. 2018 (59 O.S. Supp.
9 2018, Section 567.8), is amended to read as follows:

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

- 12 1. To deny, revoke or suspend any:
- 13 a. licensure to practice as a Licensed Practical Nurse,
14 single-state or multistate,
 - 15 b. licensure to practice as a Registered Nurse, single-
16 state or multistate,
 - 17 c. multistate privilege to practice in Oklahoma,
 - 18 d. licensure to practice as an Advanced Practice
19 Registered Nurse,
 - 20 e. certification to practice as an Advanced Unlicensed
21 Assistant,
 - 22 f. authorization for prescriptive authority, or
23 g. authority to order, select, obtain and administer
24 drugs;

1 2. To assess administrative penalties; and

2 3. To otherwise discipline applicants, licensees or Advanced
3 Unlicensed Assistants.

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

7 1. Is guilty of deceit or material misrepresentation in
8 procuring or attempting to procure:

9 a. a license to practice registered nursing, licensed
10 practical nursing, and/or a license to practice
11 advanced practice registered nursing with or without
12 either prescriptive authority recognition or
13 authorization to order, select, obtain and administer
14 drugs, or

15 b. certification as an Advanced Unlicensed Assistant;

16 2. Is guilty of a felony, or any offense ~~reasonably~~
17 substantially related to the qualifications, functions or duties of
18 any licensee or Advanced Unlicensed Assistant, or any offense an
19 essential element of which is fraud, dishonesty, or an act of
20 violence, ~~or for any offense involving moral turpitude,~~ whether or
21 not sentence is imposed, or any conduct resulting in the revocation
22 of a deferred or suspended sentence or probation imposed pursuant to
23 such conviction. For the purposes of this paragraph, "substantially
24 related" means the nature of criminal conduct for which the person

1 was convicted has a direct bearing on the fitness or ability to
2 perform one or more of the duties or responsibilities necessarily
3 related to the occupation;

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

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

10 5. Exhibits through a pattern of practice or other behavior
11 actual or potential inability to practice nursing with sufficient
12 knowledge or reasonable skills and safety due to impairment caused
13 by illness, use of alcohol, drugs, chemicals or any other substance,
14 or as a result of any mental or physical condition, including
15 deterioration through the aging process or loss of motor skills,
16 mental illness, or disability that results in inability to practice
17 with reasonable judgment, skill or safety; provided, however, the
18 provisions of this paragraph shall not be utilized in a manner that
19 conflicts with the provisions of the Americans with Disabilities
20 Act;

21 6. Has been adjudicated as mentally incompetent, mentally ill,
22 chemically dependent or dangerous to the public or has been
23 committed by a court of competent jurisdiction, within or without
24 this state;

1 7. Is guilty of unprofessional conduct as defined in the rules
2 of the Board;

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

5 9. Violated a rule promulgated by the Board, an order of the
6 Board, or a state or federal law relating to the practice of
7 registered, practical or advanced practice registered nursing or
8 advanced unlicensed assisting, or a state or federal narcotics or
9 controlled dangerous substance law;

10 10. Has had disciplinary actions taken against the individual's
11 registered or practical nursing license, advanced unlicensed
12 assistive certification, or any professional or occupational
13 license, registration or certification in this or any state,
14 territory or country;

15 11. Has defaulted and/or been terminated from the peer
16 assistance program for any reason;

17 12. Fails to maintain professional boundaries with patients, as
18 defined in the Board rules; and/or

19 13. Engages in sexual misconduct, as defined in Board rules,
20 with a current or former patient or key party, inside or outside the
21 health care setting.

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

1 D. The Board may cause to be investigated all reported
2 violations of the Oklahoma Nursing Practice Act.

3 E. The Board may authorize the Executive Director to issue a
4 confidential letter of concern to a licensee when evidence does not
5 warrant formal proceedings, but the Executive Director has noted
6 indications of possible errant conduct that could lead to serious
7 consequences and formal action.

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

10 G. At a hearing the accused shall have the right to appear
11 either personally or by counsel, or both, to produce witnesses and
12 evidence on behalf of the accused, to cross-examine witnesses and to
13 have subpoenas issued by the designated Board staff. If the accused
14 is found guilty of the charges the Board may refuse to issue a
15 renewal of license to the applicant, revoke or suspend a license, or
16 otherwise discipline a licensee.

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

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

24

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

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

18 K. The Board shall retain jurisdiction over any person issued a
19 license, certificate or temporary license pursuant to this act,
20 regardless of whether the license, certificate or temporary license
21 has expired, lapsed or been relinquished during or after the alleged
22 occurrence or conduct prescribed by this act.

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

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

12 N. The Executive Director shall immediately suspend the license
13 of any person upon proof that the person has been sentenced to a
14 period of continuous incarceration serving a penal sentence for
15 commission of a misdemeanor or felony. The suspension shall remain
16 in effect until the Board acts upon the licensee's written
17 application for reinstatement of the license.

18 O. When a majority of the officers of the Board, which
19 constitutes the President, Vice President and Secretary/Treasurer,
20 find that preservation of the public health, safety or welfare
21 requires immediate action, summary suspension of licensure or
22 certification may be ordered before the filing of a sworn complaint
23 or at any other time before the outcome of an individual proceeding.
24 The summary suspension of licensure or certification may be ordered

1 without compliance with the requirements of the Oklahoma Open
2 Meeting Act. Within seven (7) days after the summary suspension,
3 the licensee shall be notified by letter that summary suspension has
4 occurred. The summary suspension letter shall include notice of the
5 date of the proposed hearing to be held in accordance with Oklahoma
6 Administrative Code 485:10-11-2 and the Administrative Procedures
7 Act, within ninety (90) days of the date of the summary suspension
8 letter, and shall be signed by one of the Board officers.

9 P. In any proceeding in which the Board is required to serve an
10 order on an individual, the Board may send such material to the
11 individual's address of record with the Board. If the order is
12 returned with a notation by the United States Postal Service
13 indicating that it is undeliverable for any reason, and the records
14 of the Board indicate that the Board has not received any change of
15 address since the order was sent, as required by the rules of the
16 Board, the order and any subsequent material relating to the same
17 matter sent to the most recent address on file with the Board shall
18 be deemed by the court as having been legally served for all
19 purposes.

20 SECTION 29. AMENDATORY 59 O.S. 2011, Section 584, as
21 amended by Section 1, Chapter 81, O.S.L. 2018 (59 O.S. Supp. 2018,
22 Section 584), is amended to read as follows:

23 Section 584. A. Every person desiring to commence the practice
24 of optometry ~~after the passage of this act~~ except as hereinafter

1 provided, upon presentation of satisfactory evidence, verified by
2 oath, that he is more than twenty-one (21) years of age ~~and of good~~
3 ~~moral character~~ and has met the undergraduate requirements and is a
4 graduate of an accredited school of optometry, conferring the degree
5 of Doctor of Optometry or its equivalent, shall, upon application,
6 be examined by the Board of Examiners to determine his or her
7 qualifications, and such examination shall be based upon the
8 subjects taught in the standard schools and colleges of optometry,
9 such as general and ocular pharmacology, anatomy of the eyes, use of
10 the ophthalmoscope, retinoscope and the use of trial lenses, general
11 anatomy, physiology, physics, chemistry, biology, bacteriology,
12 ocular pathology, ocular neurology, ocular myology, psychology,
13 physiological optics, optometrical mechanics, clinical optometry,
14 visual field charting and orthoptics, the general laws of optics and
15 refraction, as is essential to the practice of optometry. Every
16 candidate successfully passing such examination shall be registered
17 by the Board as possessing the qualifications as required by Section
18 581 et seq. of this title and shall receive from the Board a
19 certificate thereof. Every optometrist desiring to use dangerous
20 drugs and controlled dangerous substances as specified in Section
21 581 of this title shall have satisfactorily completed courses in
22 general and ocular pharmacology at an institution accredited by the
23 Council on Post-Secondary Accreditation or the United States
24 Department of Education. The Board of Examiners in Optometry shall

1 approve such courses and shall certify those qualified by such
2 training to use dangerous drugs and controlled dangerous substances
3 as specified in Section 581 of this title. The use of any such
4 pharmaceuticals by an optometrist or the obtaining of same by an
5 optometrist shall be unlawful unless said optometrist is in
6 possession of a current certificate as provided in this section.
7 Such optometrist shall furnish evidence to any pharmacist or other
8 supplier from whom such pharmaceuticals are sought as to his holding
9 a current certificate. The Board may, in its discretion, issue said
10 certificates to practice, to persons otherwise qualified under this
11 act, who have established by legal proof their knowledge of
12 optometry, as shown by previous examination in any state of the
13 Union; provided, the examination in said state was, at the time
14 taken, of an equal standard with that of this state; provided,
15 further, that citizens of this state are by the statutes of said
16 state, admitted to practice on like conditions.

17 B. Every person desiring to commence the practice of optometry
18 shall be required to submit to a national criminal history record
19 check, as defined in Section 150.9 of Title 74 of the Oklahoma
20 Statutes. The costs associated with the national criminal history
21 record check shall be paid by such person.

22 SECTION 30. AMENDATORY 59 O.S. 2011, Section 634, is
23 amended to read as follows:

24

1 Section 634. The State Board of Osteopathic Examiners may issue
2 a license without examination to a practitioner who is currently
3 licensed in any country, state, territory or province, upon the
4 following conditions:

5 ~~1. That the applicant is of good moral character;~~

6 ~~2.~~ That the requirements of registration in the country, state,
7 territory or province in which the applicant is licensed are deemed
8 by the State Board to have been equivalent to the requirements of
9 registration in force in this state at the date of such license;

10 ~~3.~~ 2. That the applicant has no disciplinary matters pending
11 against him in any country, state, territory or province; and

12 ~~4.~~ 3. That the license being reciprocated must have been
13 obtained by an examination in that country, state, territory or
14 province deemed by the Board to be equivalent to that used by the
15 Board, or obtained by examination of the National Board of
16 Osteopathic Medical Examiners.

17 SECTION 31. AMENDATORY 59 O.S. 2011, Section 637, is
18 amended to read as follows:

19 Section 637. A. The State Board of Osteopathic Examiners may
20 refuse to admit a person to an examination or may refuse to issue or
21 reinstate or may suspend or revoke any license issued or reinstated
22 by the Board upon proof that the applicant or holder of such a
23 license:
24

1 1. Has obtained a license, license renewal or authorization to
2 sit for an examination, as the case may be, through fraud,
3 deception, misrepresentation or bribery; or has been granted a
4 license, license renewal or authorization to sit for an examination
5 based upon a material mistake of fact;

6 2. Has engaged in the use or employment of dishonesty, fraud,
7 misrepresentation, false promise, false pretense, unethical conduct
8 or unprofessional conduct, as may be determined by the Board, in the
9 performance of the functions or duties of an osteopathic physician,
10 including but not limited to the following:

- 11 a. obtaining or attempting to obtain any fee, charge,
12 tuition or other compensation by fraud, deception or
13 misrepresentation; willfully and continually
14 overcharging or overtreating patients; or charging for
15 visits to the physician's office which did not occur
16 or for services which were not rendered,
- 17 b. using intimidation, coercion or deception to obtain or
18 retain a patient or discourage the use of a second
19 opinion or consultation,
- 20 c. willfully performing inappropriate or unnecessary
21 treatment, diagnostic tests or osteopathic medical or
22 surgical services,
- 23 d. delegating professional responsibilities to a person
24 who is not qualified by training, skill, competency,

1 age, experience or licensure to perform them, noting
2 that delegation may only occur within an appropriate
3 doctor/patient relationship, wherein a proper patient
4 record is maintained including, but not limited to, at
5 the minimum, a current history and physical,

6 e. misrepresenting that any disease, ailment, or
7 infirmity can be cured by a method, procedure,
8 treatment, medicine or device,

9 f. acting in a manner which results in final disciplinary
10 action by any professional society or association or
11 hospital or medical staff of such hospital in this or
12 any other state, whether agreed to voluntarily or not,
13 if the action was in any way related to professional
14 conduct, professional competence, malpractice or any
15 other violation of the Oklahoma Osteopathic Medicine
16 Act,

17 g. signing a blank prescription form; or dispensing,
18 prescribing, administering or otherwise distributing
19 any drug, controlled substance or other treatment
20 without sufficient examination or the establishment of
21 a physician/patient relationship, or for other than
22 medically accepted therapeutic or experimental or
23 investigational purpose duly authorized by a state or
24 federal agency, or not in good faith to relieve pain

1 and suffering, or not to treat an ailment, physical
2 infirmity or disease, or violating any state or
3 federal law on controlled dangerous substances,

4 h. engaging in any sexual activity within a
5 physician/patient relationship,

6 i. terminating the care of a patient without adequate
7 notice or without making other arrangements for the
8 continued care of the patient,

9 j. failing to furnish a copy of a patient's medical
10 records upon a proper request from the patient or
11 legal agent of the patient or another physician; or
12 failing to comply with any other law relating to
13 medical records,

14 k. failing to comply with any subpoena issued by the
15 Board,

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

18 m. failing to keep complete and accurate records of
19 purchase and disposal of controlled drugs or narcotic
20 drugs;

21 3. Has engaged in gross negligence, gross malpractice or gross
22 incompetence;

23 4. Has engaged in repeated acts of negligence, malpractice or
24 incompetence;

1 5. Has been finally adjudicated and found guilty, or entered a
2 plea of guilty or nolo contendere in a criminal prosecution, for any
3 offense reasonably related to the qualifications, functions or
4 duties of an osteopathic physician, ~~or for any offense involving~~
5 ~~moral turpitude~~, whether or not sentence is imposed, and regardless
6 of the pendency of an appeal;

7 6. Has had the authority to engage in the activities regulated
8 by the Board revoked, suspended, restricted, modified or limited, or
9 has been reprimanded, warned or censured, probated or otherwise
10 disciplined by any other state or federal agency whether or not
11 voluntarily agreed to by the physician including, but not limited
12 to, the denial of licensure, surrender of the license, permit or
13 authority, allowing the license, permit or authority to expire or
14 lapse, or discontinuing or limiting the practice of osteopathic
15 medicine pending disposition of a complaint or completion of an
16 investigation;

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

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

22 9. Has been guilty of advertising by means of knowingly false
23 or deceptive statements;

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

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

5 12. Has been guilty of habitual drunkenness, or habitual
6 addiction to the use of morphine, cocaine or other habit-forming
7 drugs;

8 13. Has been guilty of personal offensive behavior, which would
9 include, but not be limited to obscenity, lewdness, and molestation
10 ~~and other acts of moral turpitude~~; and

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

14 B. The State Board of Osteopathic Examiners shall neither
15 refuse to renew, nor suspend, nor revoke any license, however, for
16 any of these causes, unless the person accused has been given at
17 least twenty (20) days' notice in writing of the charge against him
18 or her and a public hearing by the State Board provided, three-
19 fourths (3/4) of a quorum present at a meeting may vote to suspend a
20 license in an emergency situation if the licensee affected is
21 provided a public hearing within thirty (30) days of the emergency
22 suspension.

23 C. The State Board of Osteopathic Examiners shall have the
24 power to order or subpoena the attendance of witnesses, the

1 inspection of records and premises and the production of relevant
2 books and papers for the investigation of matters that may come
3 before them. The presiding officer of said Board shall have the
4 authority to compel the giving of testimony as is conferred on
5 courts of justice.

6 D. Any osteopathic physician in the State of Oklahoma whose
7 license to practice osteopathic medicine is revoked or suspended
8 under the previous paragraphs of this section shall have the right
9 to seek judicial review of a ruling of the Board pursuant to the
10 Administrative Procedures Act.

11 E. The Board may enact rules and regulations pursuant to the
12 Administrative Procedures Act setting out additional acts of
13 unprofessional conduct; which acts shall be grounds for refusal to
14 issue or reinstate, or for action to condition, suspend or revoke a
15 license.

16 SECTION 32. AMENDATORY 59 O.S. 2011, Section 858-301.1,
17 is amended to read as follows:

18 Section 858-301.1 A. Any applicant convicted of any crimes
19 defined in Section 13.1 of Title 21 of the Oklahoma Statutes shall
20 not be eligible to obtain a real estate license within twenty (20)
21 years of the completion of any criminal sentence, including parole
22 and probation.

23 B. Any applicant convicted of a felony ~~involving forgery,~~
24 ~~embezzlement, obtaining money under false pretense, extortion,~~

1 ~~conspiracy to defraud, fraud, or any other similar offense or~~
2 ~~offenses~~ crime that substantially relates to the occupation of a
3 real estate agent and poses a reasonable threat to public safety
4 shall not be eligible to obtain a real estate license within ten
5 (10) years of the completion of any criminal sentence, including
6 parole and probation.

7 C. ~~Any applicant convicted of any other felony shall not be~~
8 ~~allowed to obtain a real estate license within five (5) years of the~~
9 ~~completion of any criminal sentence, including parole and probation.~~

10 ~~D.~~ For the purposes of this section, the term "applicant" shall
11 mean any person making an application for original licensure as a
12 provisional sales associate, sales associate, broker associate, or
13 broker, and shall not apply to any licensee seeking renewal of a
14 current license.

15 ~~E.~~ D. Any applicant with a felony conviction shall not
16 automatically receive a license after the timelines set forth in
17 this section, but may be licensed in accordance with the licensing
18 provisions set forth in the Oklahoma Real Estate License Code and
19 Rules.

20 E. As used in this section:

21 1. "Substantially relates" means the nature of criminal conduct
22 for which the person was convicted has a direct bearing on the
23 fitness or ability to perform one or more of the duties or
24 responsibilities necessarily related to the occupation; and

1 2. "Poses a reasonable threat" means the nature of criminal
2 conduct for which the person was convicted involved an act or threat
3 of harm against another and has a bearing on the fitness or ability
4 to serve the public or work with others in the occupation.

5 SECTION 33. AMENDATORY 59 O.S. 2011, Section 858-302, as
6 amended by Section 1, Chapter 173, O.S.L. 2013 (59 O.S. Supp. 2018,
7 Section 858-302), is amended to read as follows:

8 Section 858-302. A. Any person ~~of good moral character,~~
9 eighteen (18) years of age or older, ~~and~~ who shall submit to the
10 Commission evidence of successful completion of ninety (90) clock
11 hours or its equivalent as determined by the Commission of basic
12 real estate instruction in a course of study approved by the
13 Commission, may apply to the Commission to take an examination for
14 the purpose of securing a license as a provisional sales associate.
15 The education required in this subsection shall only be valid for a
16 period of three (3) years from the date the school certified
17 successful completion of the course; thereafter, the applicant shall
18 be required to successfully complete an additional ninety (90) clock
19 hours or its equivalent in basic real estate instruction.

20 B. Application shall be made upon forms prescribed by the
21 Commission and shall be accompanied by an examination fee as
22 provided for in this Code and all information and documents the
23 Commission may require.

1 C. The applicant shall appear in person before the Commission
2 for an examination which shall be in the form and inquire into the
3 subjects the Commission shall prescribe.

4 D. If it shall be determined that the applicant shall have
5 passed the examination, received final approval of the application,
6 and paid the appropriate license fee provided for in this Code along
7 with the Oklahoma Real Estate Education and Recovery Fund fee, the
8 Commission shall issue to the applicant a provisional sales
9 associate license.

10 E. Following the issuance of a provisional sales associate
11 license, the licensee shall then submit to the Commission, prior to
12 the expiration of the provisional license, evidence of successful
13 completion of forty-five (45) clock hours or its equivalent as
14 determined by the Commission of postlicense education real estate
15 instruction in a course(s) of study approved by the Commission. A
16 provisional sales associate who fails to submit evidence of
17 compliance with the postlicense education requirement pursuant to
18 this section, prior to the first expiration date of the provisional
19 sales associate license, shall not be entitled to renew such license
20 for another license term. However, the Commission shall promulgate
21 rules for those persons called into active military service for
22 purposes of satisfying the postlicense education requirement.

1 SECTION 34. AMENDATORY 59 O.S. 2011, Section 858-303, as
2 last amended by Section 2, Chapter 248, O.S.L. 2017 (59 O.S. Supp.
3 2018, Section 858-303), is amended to read as follows:

4 Section 858-303. A. Applicants for a broker license who hold a
5 sales associate license or are not currently licensed shall meet the
6 following requirements:

7 1. ~~Be persons of good moral character who have had~~ Have two (2)
8 years' licensure within the previous five (5) years or its
9 equivalent;

10 2. Submit to the Commission evidence of successful completion
11 of ninety (90) clock hours or its equivalent as determined by the
12 Commission of advanced real estate instruction in a course of study
13 approved by the Commission and completion of the Broker in Charge
14 course as defined in the Code. The education required in this
15 subsection shall only be valid for a period of three (3) years from
16 the date the school certified successful completion of the course;
17 thereafter, the applicant shall be required to successfully complete
18 an additional ninety (90) clock hours or its equivalent in advanced
19 real estate instruction;

20 3. Provide documentation verifying ten real estate transactions
21 within the past five (5) years or the equivalent as determined by
22 the Commission. For the purposes of this subsection, transaction
23 shall be defined in Section 858-351 of this title and shall be
24 demonstrated on forms developed by the Commission; and

1 4. Apply to the Commission to take an examination for the
2 purpose of securing a license as a broker.

3 B. Application shall be made upon forms prescribed by the
4 Commission and shall be accompanied by fees as provided for in this
5 Code and all information and documents the Commission may require.

6 C. If the applicant has passed the examination, received final
7 approval of the application, and paid the appropriate fees provided
8 for in this Code along with the Oklahoma Real Estate Education and
9 Recovery Fund fee, the Commission shall issue to the applicant a
10 broker license.

11 D. Applicants for a broker license who hold a broker associate
12 license shall meet the following requirements:

13 1. ~~Be persons of good moral character who have had~~ Have two (2)
14 years' licensure within the previous five (5) years, or its
15 equivalent;

16 2. Submit to the Commission evidence of successful completion
17 of the Broker in Charge course as defined in the Code; and

18 3. Provide documentation verifying ten real estate transactions
19 within the past five (5) years or the equivalent as determined by
20 the Commission. For the purposes of this subsection, transaction
21 shall be defined in Section 858-351 of this title and shall be
22 demonstrated on forms developed by the Commission.

1 E. Application shall be made upon forms prescribed by the
2 Commission and shall be accompanied by fees as provided for in this
3 Code and all information and documents the Commission may require.

4 F. If the applicant has received final approval of the
5 application, and paid the appropriate fee provided for in this Code
6 along with the Oklahoma Real Estate Education and Recovery Fund fee,
7 the Commission shall issue to the applicant a broker license.

8 SECTION 35. AMENDATORY Section 3, Chapter 248, O.S.L.
9 2017 (59 O.S. Supp. 2018, Section 858-303A), is amended to read as
10 follows:

11 Section 858-303A. A. Applicants for a broker associate license
12 shall meet the following requirements:

13 1. ~~Be persons of good moral character who hold~~ Hold a renewable
14 broker associate or sales associate license and ~~who~~ have ~~had~~ two (2)
15 years' licensure within the previous five (5) years as a sales
16 associate or provisional sales associate, or its equivalent;

17 2. Submit to the Commission evidence of successful completion
18 of ninety (90) clock hours, or its equivalent as determined by the
19 Commission, of advanced real estate instruction in a course of study
20 approved by the Commission. The education required in this
21 subsection shall only be valid for a period of three (3) years from
22 the date the school certified successful completion of the course;
23 thereafter, the applicant shall be required to successfully complete
24

1 an additional ninety (90) clock hours or its equivalent in advanced
2 real estate instruction; and

3 3. Apply to the Commission to take an examination for the
4 purpose of securing a license as a broker associate.

5 B. Application shall be made upon forms prescribed by the
6 Commission and shall be accompanied by fees as provided for in this
7 Code and all information and documents the Commission may require.

8 C. The applicant shall appear in person for an examination
9 which shall be prescribed by the Commission.

10 D. If the applicant has passed the examination, received final
11 approval of the application, and paid the appropriate fees provided
12 for in this Code along with the Oklahoma Real Estate Education and
13 Recovery Fund fee, the Commission shall issue to the applicant a
14 broker associate license.

15 SECTION 36. AMENDATORY 59 O.S. 2011, Section 858-629, is
16 amended to read as follows:

17 Section 858-629. A. Any individual ~~of good moral character~~
18 eighteen (18) years of age or older who has successfully completed
19 ninety (90) clock hours of home inspection training or its
20 equivalent as determined by the Committee of Home Inspector
21 Examiners may apply to take a home inspector examination.

22 Application shall be made on forms prescribed by the Construction
23 Industries Board, shall contain information as required by the
24 Construction Industries Board upon advisement of the Committee, and

1 shall be accompanied by evidence of successful completion of the
2 required training. Examinations may be held in vocational and
3 technical schools or in other locations as determined by rule.

4 B. If, from the application filed, answers to inquiries,
5 complaints, or information received, or investigation, it appears to
6 the Board that the applicant is not qualified, the Committee shall
7 deny approval of the application and shall give notice of that fact
8 to the applicant.

9 C. Upon approval of the application and the payment of the
10 applicant of an examination fee, the applicant shall be scheduled to
11 appear in person for an examination on the subjects prescribed by
12 the Committee.

13 D. If the Board determines that the applicant has successfully
14 passed the examination or an equivalent examination as determined by
15 the Committee, the Board shall, upon the payment of the license fee
16 and submission of other documents as required by the Home Inspection
17 Licensing Act or rules promulgated pursuant to the Home Inspection
18 Licensing Act, issue to the applicant a license which shall
19 authorize the applicant to perform home inspections.

20 SECTION 37. AMENDATORY 59 O.S. 2011, Section 887.6, is
21 amended to read as follows:

22 Section 887.6 A. Except as otherwise provided by law, to be
23 eligible for licensure as a physical therapist or physical therapist
24

1 assistant pursuant to the provisions of the Physical Therapy
2 Practice Act an applicant shall:

3 ~~1. Be of good moral character; and~~

4 ~~2. Pass~~ pass an examination based on standards promulgated by
5 the State Board of Medical Licensure and Supervision pursuant to the
6 Physical Therapy Practice Act which shall include a written
7 examination testing the knowledge of the applicant on:

8 ~~a. the~~

9 1. The basic and clinical sciences as they relate to physical
10 therapy theory and physical therapy procedures; ~~and~~

11 ~~b. such~~

12 2. Such other subjects as the Board may deem necessary to test
13 the applicant's fitness to practice physical therapy or as a
14 physical therapist assistant. Examinations shall be held within
15 this state at least once per year, at such time and place as the
16 Board shall determine.

17 B. 1. In addition to the requirements provided by subsection A
18 of this section, and except as provided in paragraph 2 of this
19 subsection or subsection D of this section, an applicant for a
20 license to practice as a physical therapist shall have graduated
21 from a school of physical therapy approved by a national accrediting
22 body which has been recognized by the Board.

23 2. An applicant for a license to practice as a physical
24 therapist who has been educated through a program or school of

1 physical therapy which is or has been sponsored by a branch of the
2 Armed Forces of the United States may be licensed as a physical
3 therapist if the Board determines that the education of the
4 applicant is substantially equivalent to, or exceeds, the
5 requirements of accredited educational programs.

6 C. 1. In addition to the requirements provided by subsection A
7 of this section, and except as provided in paragraph 2 of this
8 subsection, an applicant for a license to practice as a physical
9 therapist assistant shall have graduated from an approved program
10 for physical therapist assistants consisting of at least a two-year
11 program approved by a national accrediting body which has been
12 recognized by the Board. An approved course of study shall include
13 such elementary and intermediate courses in the anatomical,
14 biological, and physical sciences as may be determined by the Board.

15 2. An applicant for a license to practice as a physical
16 therapist assistant who has been educated through a program for
17 physical therapist assistants which is or has been sponsored by a
18 branch of the Armed Forces of the United States may be licensed as a
19 physical therapist assistant if the Board determines that the
20 education of the applicant is substantially equivalent to, or
21 exceeds, the requirements of accredited educational programs.

22 D. 1. Except as otherwise provided by paragraph 2 of this
23 subsection, an applicant for licensure as a physical therapist who
24

1 has been educated in physical therapy outside the United States
2 shall meet the following qualifications:

3 ~~a.~~ ~~be of good moral character,~~

4 ~~b.~~ have completed the application process,

5 ~~e.~~ b. provide satisfactory evidence that their education is
6 substantially equivalent to the requirements of
7 physical therapists educated in accredited educational
8 programs as determined by the Board. If the Board
9 determines that a foreign-educated applicant's
10 education is not substantially equivalent, it may
11 require completion of additional course work before
12 proceeding with the application process,

13 ~~d.~~ c. provide written proof that the school of physical
14 therapy education is recognized by its own ministry of
15 education,

16 ~~e.~~ d. provide written proof of authorization to practice as
17 a physical therapist without limitations in the
18 country where the professional education occurred,

19 ~~f.~~ e. provide proof of legal authorization to reside and
20 seek employment in the United States or its
21 territories,

22 ~~g.~~ f. have their educational credentials evaluated by a
23 Board-approved credential evaluation agency,
24

1 ~~h.~~ g. have passed the Board-approved English proficiency
2 examinations if their native language is not English,
3 ~~i.~~ h. have participated in an interim supervised clinical
4 practice period prior to licensure, which may be
5 waived at the discretion of the Board, if:

6 (1) the applicant for licensure is able to verify the
7 successful completion of one (1) year of clinical
8 practice in the United States or the District of
9 Columbia, or

10 (2) the applicant is able to document exceptional
11 expertise acceptable to the Board in the fields
12 of research, education, or clinical practice, and

13 ~~j.~~ i. have successfully passed the national examination
14 approved by the Board.

15 2. If the foreign-educated physical therapist applicant is a
16 graduate of a CAPTE-accredited physical therapy education program,
17 requirements in subparagraphs ~~e~~ b, ~~d~~ c, ~~g~~ f and ~~h~~ i of paragraph 1
18 of this subsection may be waived.

19 E. When a foreign-educated applicant satisfies the
20 qualifications for licensure set forth in subparagraphs a through ~~h~~
21 g of paragraph 1 of subsection D of this section, prior to licensure
22 the Board shall issue an interim permit to the applicant for the
23 purpose of participating in a supervised clinical practice period.
24 The time period of an interim permit shall not be less than ninety

1 (90) days nor more than six (6) months. An interim permit holder,
2 to the satisfaction of the Board, shall complete a period of
3 clinical practice under the continuous and immediate supervision of
4 a physical therapist who holds an unrestricted license issued
5 pursuant to the Physical Therapy Practice Act in a facility approved
6 by the Board.

7 SECTION 38. AMENDATORY 59 O.S. 2011, Section 887.13, as
8 last amended by Section 6, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
9 2018, Section 887.13), is amended to read as follows:

10 Section 887.13 A. The State Board of Medical Licensure and
11 Supervision may refuse to issue or renew, or may suspend or revoke a
12 license to any person, after notice and hearing in accordance with
13 rules and regulations promulgated pursuant to the Physical Therapy
14 Practice Act and the provisions of the Administrative Procedures Act
15 of the Oklahoma Statutes who has:

16 1. Practiced physical therapy for workers' compensation claims
17 other than under the referral of a physician, surgeon, dentist,
18 chiropractor or podiatrist duly licensed to practice medicine or
19 surgery, a physician assistant, or in the case of practice as a
20 physical therapist assistant, has practiced other than under the
21 direction of a licensed physical therapist;

22 2. Treated or attempted to treat ailments or other health
23 conditions of human beings other than by physical therapy as
24 authorized by the Physical Therapy Practice Act;

1 3. Failed to refer patients to other health care providers if
2 symptoms are known to be present for which physical therapy
3 treatment is inadvisable or if symptoms indicate conditions for
4 which treatment is outside the standards of practice as specified in
5 the rules and regulations promulgated by the Board pursuant to the
6 provisions of the Physical Therapy Practice Act;

7 4. Used drugs, narcotics, medication, or intoxicating liquors
8 to an extent which affects the professional competency of the
9 applicant or licensee;

10 5. Been convicted of a felony crime that substantially relates
11 to the occupation of physical therapy ~~or~~ and poses a reasonable
12 threat to public safety ~~or of a misdemeanor crime involving moral~~
13 ~~turpitude;~~

14 6. Obtained or attempted to obtain a license as a physical
15 therapist or physical therapist assistant by fraud or deception;

16 7. Been grossly negligent in the practice of physical therapy
17 or in acting as a physical therapist assistant;

18 8. Been adjudged mentally incompetent by a court of competent
19 jurisdiction and has not subsequently been lawfully declared sane;

20 9. Been guilty of conduct unbecoming a person licensed as a
21 physical therapist or physical therapist assistant or guilty of
22 conduct detrimental to the best interests of the public or the
23 profession;

1 10. Been guilty of any act in conflict with the ethics of the
2 profession of physical therapy; or

3 11. Had a license suspended or revoked in another state.

4 B. As used in this section:

5 1. "Substantially relates" means the nature of criminal conduct
6 for which the person was convicted has a direct bearing on the
7 fitness or ability to perform one or more of the duties or
8 responsibilities necessarily related to the occupation; and

9 2. "Poses a reasonable threat" means the nature of criminal
10 conduct for which the person was convicted involved an act or threat
11 of harm against another and has a bearing on the fitness or ability
12 to serve the public or work with others in the occupation.

13 SECTION 39. AMENDATORY 59 O.S. 2011, Section 888.6, is
14 amended to read as follows:

15 Section 888.6 An applicant applying for a license as an
16 occupational therapist or as an occupational therapy assistant shall
17 file written application on forms provided by the Board, as
18 recommended by the Committee, showing to the satisfaction of the
19 Board that he meets the following requirements:

20 1. Residence: Applicants need not be a resident of this state;

21 2. Character: ~~Applicants shall be of good moral character;~~

22 3. Education: Applicants shall present evidence satisfactory
23 to the Board of having successfully completed the academic
24 requirements of an educational program in occupational therapy

1 recognized by the Board, with concentration in biological or
2 physical science, psychology and sociology, and with education in
3 selected manual skills. For an occupational therapist the
4 educational program shall be accredited by the Committee on Allied
5 Health Education and Accreditation/American Medical Association in
6 collaboration with the American Occupational Therapy Association.
7 For an occupational therapy assistant, such a program shall be
8 approved by the American Occupational Therapy Association;

9 ~~4.~~ 3. Experience: Applicants shall submit to the Board
10 evidence of having successfully completed a period of supervised
11 field work experience at a recognized educational institution or a
12 training program approved by the educational institution where he
13 met the academic requirements. For an occupational therapist, a
14 minimum of six (6) months of supervised field work experience is
15 required. For an occupational therapy assistant, a minimum of two
16 (2) months of supervised field work experience is required;

17 ~~5.~~ 4. Examination: Applicants shall submit to the Board
18 evidence of having successfully completed an examination as provided
19 for in Section ~~7~~ 888.7 of this ~~act~~ title.

20 SECTION 40. AMENDATORY Section 6, Chapter 202, O.S.L.
21 2016 (59 O.S. Supp. 2018, Section 889.5), is amended to read as
22 follows:

23 Section 889.5 A. Except as otherwise provided by law, the
24 State Board of Medical Licensure and Supervision shall issue a

1 license to an applicant for a music therapy license when such
2 applicant has completed and submitted an application upon a form and
3 in such manner as the Board prescribes, accompanied by applicable
4 fees, and evidence satisfactory to the Board that the applicant:

5 1. Is at least eighteen (18) years of age;

6 2. ~~Is of good moral character;~~

7 ~~3.~~ Holds a bachelor's degree or higher in music therapy, or its
8 equivalent, from a program approved by the American Music Therapy
9 Association or any successor organization within an accredited
10 college or university;

11 ~~4.~~ 3. Successfully completed a minimum of one thousand two
12 hundred (1,200) hours of clinical training, with at least fifteen
13 percent (15%) or one hundred eighty (180) hours in preinternship
14 experiences, and at least seventy-five percent (75%) or nine hundred
15 (900) hours in internship experiences. Internship programs may be
16 approved by an academic institution, the American Music Therapy
17 Association, or both;

18 ~~5.~~ 4. Is in good standing based on a review of the applicant's
19 music therapy licensure history in other jurisdictions, including a
20 review of any alleged misconduct or neglect in the practice of music
21 therapy on the part of the applicant; and

22 ~~6.~~ 5. Passed the examination for board certification offered by
23 the Certification Board for Music Therapists or any successor
24 organization or provides proof of being transitioned into board

1 certification, and the applicant is currently a board-certified
2 music therapist.

3 B. The Board shall issue a music therapy license to an
4 applicant when such applicant has completed and submitted an
5 application upon a form and in such manner as the Board prescribes,
6 accompanied by applicable fees, and evidence satisfactory to the
7 Board that the applicant is licensed and in good standing as a music
8 therapist in another jurisdiction where the qualifications required
9 are equal to or greater than those required in this act at the date
10 of application.

11 C. The Board shall waive the examination requirement until
12 January 1, 2020, for an applicant who is designated as a registered
13 music therapist, certified music therapist or advanced certified
14 music therapist and in good standing with the National Music Therapy
15 Registry.

16 D. The State Board of Medical Licensure and Supervision may,
17 upon notice and opportunity for a hearing, deny an application for
18 reinstatement of a license or reinstate the license with conditions.
19 Conditions imposed may include a requirement for continuing
20 education, practice under the supervision of a licensed music
21 therapy specialist, or any other conditions deemed appropriate by
22 the Board.

23

24

1 SECTION 41. AMENDATORY Section 12, Chapter 202, O.S.L.
2 2016 (59 O.S. Supp. 2018, Section 889.11), is amended to read as
3 follows:

4 Section 889.11 A. The State Board of Medical Licensure and
5 Supervision may refuse to issue or renew, or may suspend or revoke a
6 license to any person, after notice and hearing in accordance with
7 rules promulgated pursuant to the Music Therapy Practice Act and the
8 provisions of the Administrative Procedures Act who has:

9 1. Treated or attempted to treat ailments or other health
10 conditions of human beings other than by music therapy as authorized
11 by the Music Therapy Practice Act;

12 2. Failed to refer patients to other health care providers if
13 symptoms are known to be present for which music therapy treatment
14 is inadvisable or if symptoms indicate conditions for which
15 treatment is outside the scope of music therapy practice as
16 specified by the American Music Therapy Association and the
17 Certification Board for Music Therapists;

18 3. Used drugs, narcotics, medication or intoxicating liquors to
19 an extent which affects the professional competency of the applicant
20 or licensee;

21 4. Been convicted of a felony crime that substantially relates
22 to the occupation of music therapy ~~or~~ and poses a reasonable threat
23 to public safety ~~or of a misdemeanor crime involving moral~~
24 ~~turpitude;~~

1 5. Obtained or attempted to obtain a license as a music
2 therapist by fraud or deception;

3 6. Been grossly negligent in the practice of music therapy;

4 7. Been adjudged mentally incompetent by a court of competent
5 jurisdiction and has not subsequently been lawfully declared sane;

6 8. Been guilty of conduct unbecoming a person licensed as a
7 music therapist or guilty of conduct detrimental to the best
8 interests of the public or the profession;

9 9. Been guilty of any act in conflict with the ethics of the
10 profession of music therapy; or

11 10. Had a license suspended or revoked in another state.

12 B. As used in this section:

13 1. "Substantially relates" means the nature of criminal conduct
14 for which the person was convicted has a direct bearing on the
15 fitness or ability to perform one or more of the duties or
16 responsibilities necessarily related to the occupation; and

17 2. "Poses a reasonable threat" means the nature of criminal
18 conduct for which the person was convicted involved an act or threat
19 of harm against another and has a bearing on the fitness or ability
20 to serve the public or work with others in the occupation.

21 SECTION 42. AMENDATORY 59 O.S. 2011, Section 1212, as
22 amended by Section 11, Chapter 118, O.S.L. 2013 (59 O.S. Supp. 2018,
23 Section 1212), is amended to read as follows:

24

1 Section 1212. ~~(A)~~ No person shall qualify as a registered
2 forester unless the person graduated from a university or college
3 with a curriculum in forestry acceptable to the Oklahoma Department
4 of Agriculture, Food, and Forestry, including one three-credit
5 course in each of the following subjects: silviculture, forest
6 protection, forest management, forest economics, and forest
7 utilization, and who has a record of an additional two (2) years or
8 more of experience in forestry work of a character satisfactory to
9 the Department, and indication that the applicant is competent to
10 practice professional forestry.

11 ~~(B) No person shall be eligible for registration as a~~
12 ~~registered forester who is not of good character and reputation.~~

13 SECTION 43. AMENDATORY 59 O.S. 2011, Section 1261.1, as
14 last amended by Section 2, Chapter 310, O.S.L. 2018 (59 O.S. Supp.
15 2018, Section 1261.1), is amended to read as follows:

16 Section 1261.1 A. To obtain a license under the Social
17 Worker's Licensing Act, an applicant shall:

18 1. Submit a written application in a form prescribed by the
19 State Board of Licensed Social Workers;

20 2. Have attained the age of majority;

21 3. ~~Be of good moral character;~~

22 4. Have graduated and received a degree in social work from an
23 approved social work program;

24

1 ~~5.~~ 4. Have completed any necessary post graduate experience and
2 supervision in the practice of social work;

3 ~~6.~~ 5. Have passed the necessary examination and paid all fees
4 required by the Board; and

5 ~~7.~~ 6. Submit to a national criminal history record check, as
6 defined by Section 150.9 of Title 74 of the Oklahoma Statutes. The
7 costs associated with the national criminal history record check
8 shall be paid by the applicant and submitted to the Board at the
9 time of application. With the required fee, the applicant shall
10 provide to the Board two classifiable sets of fingerprints to be
11 provided to the Oklahoma State Bureau of Investigation.

12 B. If the results of the national criminal history record check
13 required by subsection A of this section reveal that the applicant
14 has been convicted of, or pled guilty or nolo contendere to, any
15 ~~felony, or to any misdemeanor involving moral turpitude~~ crime that
16 substantially relates to the occupation of a social worker and poses
17 a reasonable threat to public safety, the individual's application
18 for licensure may be disapproved and no further action shall be
19 taken on the application.

20 C. Upon certification by the Board, the Board shall authorize
21 the issuance of social work licenses to persons who qualify as
22 follows:

23 1. As a licensed social work associate (LSWA) who has a
24 baccalaureate degree in social work from an accredited institution

1 or an approved social work program or both and has passed the
2 examination provided for under these provisions or who has a
3 doctoral or master's degree in social work from an institution with
4 a program accredited by an approved social work program and has
5 passed the examination provided for under these provisions;

6 2. As a licensed master's social worker (LMSW) who has a
7 master's degree in social work from an accredited institution or an
8 approved social work program or both and has passed the examination
9 provided for under the Social Worker's Licensing Act;

10 3. As a licensed social worker (LSW) who has a master's degree
11 in social work from an accredited institution or an approved social
12 work program or both and has two (2) years of full-time postgraduate
13 experience in the practice of social work under professional
14 supervision of a person licensed under those provisions, and who has
15 passed the examination provided for under the provisions of the
16 Social Worker's Licensing Act;

17 4. As a licensed clinical social worker (LCSW) who has a
18 master's degree in social work from an accredited institution or an
19 approved social work program or both and has two (2) years of full-
20 time postgraduate experience in the practice of clinical social work
21 under professional supervision of a person licensed by the Social
22 Worker's Licensing Act, and who has passed the examination provided
23 for under the Social Worker's Licensing Act; and

24

1 5. As a licensed social worker with administration specialty
2 (LSW-ADM) who has a master's degree in social work from an
3 accredited institution or an approved social work program or both
4 and has two (2) years of full-time postgraduate experience in the
5 practice of administrative social work under professional
6 supervision of a person licensed by the Social Worker's Licensing
7 Act, and who has passed the examination provided for under the
8 Social Worker's Licensing Act.

9 D. Applicants who have been licensed as an LSWA, LMSW, LSW,
10 LCSW or LSW-ADM in good standing in another state for a minimum of
11 three (3) years continually since the time of initial full licensure
12 post-provisional term and comply with all other state requirements
13 shall be licensed by the Board.

14 E. No person may engage in the private practice of clinical
15 social work unless that person:

16 1. Is licensed under the Social Worker's Licensing Act as a
17 licensed clinical social worker (LCSW); and

18 2. Continues to meet continuing education requirements set by
19 the Board.

20 F. No person may engage in an independent social work practice
21 unless that person:

22 1. Is licensed under the Social Worker's Licensing Act as a
23 licensed clinical social worker (LCSW), licensed social worker with
24 administration specialty (LSW-ADM) or licensed social worker (LSW).

1 This specifically and intentionally excludes licensed social work
2 associates (LSWA) and licensed masters social workers (LMSW); and

3 2. Continues to meet continuing education requirements set by
4 the Board.

5 G. Any qualified person who files by February 1, 2012, a sworn
6 statement with the Board stating that the person has met the
7 definition of a qualified person under this section shall, upon
8 approval of the statement by the Board, be entitled to engage in the
9 independent practice of social work without having to meet the two-
10 year postgraduate supervision requirement specified in paragraphs 3,
11 4 and 5 of subsection C of this section.

12 H. Any person seeking to pursue postgraduate supervision for
13 the licensed social worker (LSW), licensed social worker with
14 administration specialty (LSW-ADM), or licensed clinical social
15 worker (LCSW) must hold licensure status of licensed social work
16 associate (LSWA) or licensed masters social worker (LMSW) prior to
17 board approval of postgraduate supervision for licensure as
18 specified in paragraphs 3, 4 and 5 of subsection C of this section.

19 I. As used in this section, "qualified person" means a person
20 who:

21 1. Currently holds an active social worker license from the
22 Board; and

23 2. Has held a social worker license from the Board continuously
24 during the ten-year period immediately prior to November 1, 2011.

1 J. As used in this section:

2 1. "Substantially relates" means the nature of criminal conduct
3 for which the person was convicted has a direct bearing on the
4 fitness or ability to perform one or more of the duties or
5 responsibilities necessarily related to the occupation; and

6 2. "Poses a reasonable threat" means the nature of criminal
7 conduct for which the person was convicted involved an act or threat
8 of harm against another and has a bearing on the fitness or ability
9 to serve the public or work with others in the occupation.

10 SECTION 44. AMENDATORY 59 O.S. 2011, Section 1261.4, is
11 amended to read as follows:

12 Section 1261.4 A. Any person who becomes a resident of this
13 state and who is or has been, immediately preceding the person's
14 residency in this state, licensed to practice social work by another
15 state which grants a like privilege of reciprocity and who meets the
16 educational and work experience qualifications for licensure in this
17 state may, upon payment of the necessary fee and submission of
18 documentation as required by the Board, be licensed under the
19 provisions of the Social Worker's Licensing Act.

20 B. In cases where reciprocity does not exist the Oklahoma State
21 Board of Licensed Social Workers may endorse the actions of another
22 state licensing board upon receipt of information by that board
23 documenting that the applicant has met the educational and
24 supervisory requirements of the Oklahoma State Board in another

1 state, and has passed the same examination or a more stringent
2 examination than that used by the Oklahoma State Board of Licensed
3 Social Workers.

4 C. 1. For a social worker currently licensed in another
5 jurisdiction to obtain a license as a social worker by reciprocity
6 in this state, an applicant shall:

- 7 a. submit a written application in the form prescribed by
8 the Board,
- 9 b. have attained the age of majority,
- 10 c. ~~be of good moral character,~~
- 11 ~~d.~~ have a social work degree at the designation for which
12 the applicant is seeking licensure,
- 13 ~~e.~~ d. possess, at the time of initial licensure as a social
14 worker, ~~any~~ the qualifications necessary, ~~as~~
15 ~~determined by the Board,~~ to have been eligible for
16 licensure ~~at that time~~ in this state,
- 17 ~~f.~~ e. present to the Board a passing score on the designated
18 licensure examination,
- 19 ~~g.~~ f. present to the Board proof that the transferring
20 social work license is current and in good standing,
- 21 ~~h.~~ g. present to the Board proof that any social work or any
22 other professional license or other credential granted
23 to the applicant by any other state has not been
24 suspended, revoked, or otherwise restricted for any

1 reason except nonrenewal or for the failure to obtain
2 the required continuing education credits in any
3 jurisdiction where the applicant is or has been
4 licensed, and

5 ~~i.~~ h. pay the fees specified by the Board.

6 2. Applicants for license transfer under this section shall
7 only be eligible for licensure at the equivalent designation
8 recognized in the currently licensed jurisdiction.

9 SECTION 45. AMENDATORY 59 O.S. 2011, Section 1266.1, as
10 amended by Section 2, Chapter 40, O.S.L. 2015 (59 O.S. Supp. 2018,
11 Section 1266.1), is amended to read as follows:

12 Section 1266.1 A. The State Board of Licensed Social Workers
13 may refuse to issue or renew the license of, or may suspend, revoke,
14 censure, reprimand, restrict or limit the license of, or fine, any
15 person pursuant to the Administrative Procedures Act or the
16 procedures set forth in the Social Worker's Licensing Act upon one
17 or more of the following grounds as determined by the Board:

18 1. Unprofessional conduct as determined by the Board;

19 2. Practicing outside the scope of practice authorized by the
20 Social Worker's Licensing Act;

21 3. Conduct which violates any of the provisions of the Social
22 Worker's Licensing Act or rules adopted pursuant to the Social
23 Worker's Licensing Act;

1 4. Incapacity or impairment that prevents a licensee from
2 engaging in the practice of social work with reasonable skill,
3 competence, and safety to the public;

4 5. Conviction of or a plea of guilty or nolo contendere to a
5 felony ~~in a court of competent jurisdiction of any state or federal~~
6 ~~court of the United States if the acts involved would have~~
7 ~~constituted a felony under the laws of this state~~ that substantially
8 relates to the occupation of a social worker and poses a reasonable
9 threat to public safety;

10 6. ~~Any act involving moral turpitude or gross immorality;~~

11 ~~7.~~ Violations of the laws of this state, or rules pertaining
12 thereto, or of laws, rules and regulations of any other state, or of
13 the federal government pertaining to any aspect of the practice of
14 social work;

15 ~~8.~~ 7. Misrepresentation of a material fact by an applicant or
16 licensee in securing or attempting to secure the issuance or renewal
17 of a license, or in statements regarding the applicant or licensee's
18 skills or the efficiency or value of any treatment provided or to be
19 provided, or using any false, fraudulent, or deceptive statement
20 connected with the practice or social work including, but not
21 limited to, false or misleading advertising;

22 ~~9.~~ 8. Fraud by a licensee in connection with the practice of
23 social work including engaging in improper or fraudulent billing
24

1 practices or violating Medicare and Medicaid laws or state medical
2 assistance laws;

3 ~~10.~~ 9. Engaging or aiding and abetting an individual to engage
4 in the practice of social work without a license, or falsely using
5 the title of social worker;

6 ~~11.~~ 10. Failing to comply with any stipulation or agreement
7 involving probation or settlement of any disciplinary matter with
8 the Board or with any order entered by the Board;

9 ~~12.~~ 11. Being found by the Board to be in violation of any of
10 the provisions of the Social Worker's Licensing Act or rules adopted
11 pursuant to the Social Worker's Licensing Act;

12 ~~13.~~ 12. Conduct which violates the security of any licensure
13 examination materials;

14 ~~14.~~ 13. Being the subject of the revocation, suspension,
15 surrender or other disciplinary sanction of a social worker or
16 related license or of other adverse action related to a social
17 worker or related license issued by this state, in another
18 jurisdiction or country including the failure to report such adverse
19 action to the Board; or

20 ~~15.~~ 14. Being adjudicated by a court of competent jurisdiction,
21 within or without this state, as incapacitated, mentally
22 incompetent, chemically dependent, mentally ill and dangerous to the
23 public, or a psychopathic personality.

24

1 B. 1. The Board may defer action with regard to an impaired
2 licensee who voluntarily signs an agreement, in a form satisfactory
3 to the Board, agreeing not to practice social work and to enter an
4 approved treatment and monitoring program in accordance with this
5 section; provided, however, that this section shall not apply to a
6 licensee who has been convicted of, pleads guilty to, or enters a
7 plea of nolo contendere to a felonious act prohibited by Oklahoma
8 law or a conviction relating to a controlled substance in a court of
9 law of the United States or any other jurisdiction or a conviction
10 related to sexual misconduct.

11 2. A licensee who is physically or mentally impaired due to
12 mental illness or addiction to drugs or alcohol may qualify as an
13 impaired social worker and have disciplinary action deferred and
14 ultimately waived subject to the following conditions:

- 15 a. the Board is satisfied that such action will not
16 endanger the public,
- 17 b. the licensee enters into an agreement with the Board
18 for a treatment and monitoring plan approved by the
19 Board,
- 20 c. the licensee progresses satisfactorily in such
21 treatment and monitoring program, and
- 22 d. the licensee complies with all terms of the agreement
23 and all other applicable terms of this section.

24

1 3. Failure to enter such agreement or to comply with the terms
2 and make satisfactory progress in the treatment and monitoring
3 program shall disqualify the licensee from the provisions of this
4 section and the Board may activate an immediate investigation and
5 disciplinary proceeding. Upon completion of the rehabilitation
6 program in accordance with the agreement signed by the Board, the
7 licensee may apply for permission to resume the practice of social
8 work upon such conditions as the Board determines necessary.

9 4. The Board may require a licensee to enter into an agreement,
10 pursuant to this subsection, which includes, but is not limited to,
11 the following provisions:

- 12 a. the licensee agrees that the license shall be
- 13 suspended or revoked indefinitely under this section,
- 14 b. the licensee agrees to enroll in a treatment and
- 15 monitoring program approved by the Board,
- 16 c. the licensee agrees that failure to satisfactorily
- 17 progress in such treatment and monitoring program
- 18 shall be reported to the Board by the treating
- 19 professional who shall be immune from any liability
- 20 for such reporting made in good faith, and
- 21 d. the licensee consents to the reports of the treating
- 22 physician or professional of the approved treatment
- 23 and monitoring program to the Board on the progress of
- 24

1 licensee at such intervals as the Board deems
2 necessary.

3 5. The ability of an impaired social worker to practice shall
4 only be restored and charges dismissed when the Board is satisfied
5 by the reports it has received from the approved treatment program
6 that the licensee can resume practice without danger to the public.

7 6. The impaired licensee shall consent, in accordance with
8 applicable law, to the release of any treatment information to the
9 Board from anyone within the approved treatment program.

10 7. The impaired licensee who has enrolled in an approved
11 treatment and monitoring program and entered into an agreement with
12 the Board in accordance with this subsection shall have his or her
13 license suspended or revoked but enforcement of this suspension or
14 revocation shall be stayed by the length of time the licensee
15 remains in the program and makes satisfactory progress, complies
16 with the terms of the agreement, and adheres to any limitations on
17 the practice imposed by the Board to protect the public. The
18 licensee may petition the Board for reinstatement pursuant to
19 subsection D of this section. Failure to enter into such agreement
20 or to comply with the terms and make satisfactory progress in the
21 treatment and monitoring program shall disqualify the licensee from
22 the provisions of this section and the Board shall activate an
23 immediate investigation and disciplinary proceedings.

1 C. Any social worker who has substantial evidence that a
2 licensee has an active addiction for which the licensee is not
3 receiving treatment under a program approved by the Board pursuant
4 to an agreement entered into under this section, is diverting a
5 controlled substance, or is mentally or physically incompetent to
6 carry out the duties of the license, shall make or cause to be made
7 a report to the Board. Any person who makes a report pursuant to
8 this section in good faith and without malice shall be immune from
9 any civil or criminal liability arising from such reports. Failure
10 to provide such a report within a reasonable time from receipt of
11 knowledge may be considered grounds for disciplinary action against
12 the licensee.

13 D. Any person whose license to practice social work in this
14 state has been suspended or restricted pursuant to the Social
15 Worker's Licensing Act, whether voluntarily or by action of the
16 Board, shall have the right to petition the Board for reinstatement
17 of such license. Such a petition shall be made in writing and in
18 the form prescribed by the Board. Upon investigation and hearing,
19 the Board may grant or deny such petition, or it may modify its
20 original finding to reflect any circumstances which have changed
21 sufficiently to warrant such modifications. The Board may also
22 require such person to pass an examination or examinations for
23 reentry into the practice of social work.

24

1 E. The Board may issue a cease and desist order to stop an
2 individual from engaging in an unauthorized practice or violating or
3 threatening to violate a statute, rule, or order which the Board has
4 issued or is empowered to enforce. The cease and desist order must
5 state the reason for its issuance and give notice of the
6 individual's right to request a hearing under the Administrative
7 Procedures Act. Nothing herein shall be construed as barring
8 criminal prosecutions for violations of the Social Worker's
9 Licensing Act.

10 F. All final decisions by the Board shall be subject to
11 judicial review pursuant to the Administrative Procedures Act.

12 G. Any individual whose license to practice social work is
13 revoked, suspended, or not renewed shall return such license to the
14 offices of the Board within ten (10) days after notice of such
15 action.

16 H. As used in this section:

17 1. "Substantially relates" means the nature of criminal conduct
18 for which the person was convicted has a direct bearing on the
19 fitness or ability to perform one or more of the duties or
20 responsibilities necessarily related to the occupation; and

21 2. "Poses a reasonable threat" means the nature of criminal
22 conduct for which the person was convicted involved an act or threat
23 of harm against another and has a bearing on the fitness or ability
24 to serve the public or work with others in the occupation.

1 SECTION 46. AMENDATORY 59 O.S. 2011, Section 1305, as
2 last amended by Section 1, Chapter 161, O.S.L. 2017 (59 O.S. Supp.
3 2018, Section 1305), is amended to read as follows:

4 Section 1305. A. The application for license to serve as a
5 bail bondsman shall affirmatively show that the applicant:

6 1. Is a person who has reached the age of twenty-one (21)
7 years;

8 ~~2. Is competent, trustworthy, financially responsible, and is~~
9 ~~of good personal and business reputation and character;~~

10 ~~3.~~ Has not been previously convicted of, or pled guilty or nolo
11 contendere to, any felony, ~~or to a misdemeanor involving moral~~
12 ~~turpitude or dishonesty~~ crime that substantially relates to the
13 occupation of a bail bondsman and poses a reasonable threat to
14 public safety;

15 ~~4.~~ 3. Is a citizen of the United States;

16 ~~5.~~ 4. Has been a bona fide resident of the state for at least
17 one (1) year;

18 ~~6.~~ 5. Will actively engage in the bail bond business;

19 ~~7.~~ 6. Has knowledge or experience, or has received instruction
20 in the bail bond business; and

21 ~~8.~~ 7. Has a high school diploma or its equivalent; provided,
22 however, the provisions of this paragraph shall apply only to
23 initial applications for license submitted on or after November 1,
24 1997, and shall not apply to renewal applications for license.

1 B. The applicant shall apply electronically on forms approved
2 by the Insurance Commissioner, and the Commissioner may propound any
3 reasonable interrogatories to an applicant for a license pursuant to
4 Sections 1301 through 1341 of this title, or on any renewal thereof,
5 relating to qualifications, residence, prospective place of business
6 and any other matters which, in the opinion of the Commissioner, are
7 deemed necessary or expedient in order to protect the public and
8 ascertain the qualifications of the applicant. The Commissioner may
9 also conduct any reasonable inquiry or investigation relative to the
10 determination of the fitness of the applicant to be licensed or to
11 continue to be licensed including, but not limited to, requiring a
12 national criminal history record check as defined by Section 150.9
13 of Title 74 of the Oklahoma Statutes. The Commissioner may require
14 any documents reasonably necessary to verify the information in the
15 application.

16 C. An applicant shall furnish to the Commissioner a license fee
17 of Two Hundred Fifty Dollars (\$250.00) with the application, two
18 complete sets of the fingerprints of the applicant and a recent
19 credential-size full face photograph of the applicant. The
20 fingerprints of the applicant shall be certified by an authorized
21 law enforcement officer. The applicant shall provide with the
22 application an investigative fee of One Hundred Dollars (\$100.00)
23 with which the Commissioner will conduct an investigation of the
24 applicant. All fees shall be nonrefundable.

1 D. In addition to the license fee set forth in subsection C of
2 this section, an applicant for a multicounty agent bondsman license
3 shall furnish to the Commissioner a license fee of Seven Hundred
4 Fifty Dollars (\$750.00).

5 E. Failure of the applicant to secure approval of the
6 Commissioner shall not preclude the applicant from reapplying, but a
7 second application shall not be considered by the Commissioner
8 within three (3) months after denial of the last application.

9 F. The fee for a duplicate pocket license shall be Twenty-five
10 Dollars (\$25.00).

11 G. As used in this section:

12 1. "Substantially relates" means the nature of criminal conduct
13 for which the person was convicted has a direct bearing on the
14 fitness or ability to perform one or more of the duties or
15 responsibilities necessarily related to the occupation; and

16 2. "Poses a reasonable threat" means the nature of criminal
17 conduct for which the person was convicted involved an act or threat
18 of harm against another and has a bearing on the fitness or ability
19 to serve the public or work with others in the occupation.

20 SECTION 47. AMENDATORY 59 O.S. 2011, Section 1310, as
21 last amended by Section 5, Chapter 203, O.S.L. 2016 (59 O.S. Supp.
22 2018, Section 1310), is amended to read as follows:

23 Section 1310. A. The Insurance Commissioner may deny, censure,
24 suspend, revoke, or refuse to renew any license issued under

1 Sections 1301 through 1341 of this title for any of the following
2 causes:

3 1. For any cause for which issuance of the license could have
4 been refused;

5 2. Violation of any laws of this state or any lawful rule,
6 regulation, or order of the Commissioner relating to bail;

7 3. Material misstatement, misrepresentation, or fraud in
8 obtaining the license;

9 4. Misappropriation, conversion, or unlawful withholding of
10 monies or property belonging to insurers, insureds, or others
11 received in the conduct of business under the license;

12 5. Conviction of, or having entered a plea of guilty or nolo
13 contendere to, any felony ~~or to a misdemeanor involving moral~~
14 ~~turpitude or dishonesty~~ crime that substantially relates to the
15 occupation of a bail bondsman and poses a reasonable threat to
16 public safety;

17 6. Fraudulent or dishonest practices or demonstrating financial
18 irresponsibility in conducting business under the license;

19 7. Failure to comply with, or violation of any proper order,
20 rule, or regulation of the Commissioner;

21 8. Recommending any particular attorney-at-law to handle a case
22 in which the bail bondsman has caused a bond to be issued under the
23 terms of Sections 1301 through 1341 of this title;

24

1 9. When, in the judgment of the Commissioner, the licensee has,
2 in the conduct of affairs under the license, demonstrated
3 incompetency, or untrustworthiness, or conduct or practices
4 rendering the licensee unfit to carry on the bail bond business or
5 making continuance in the business detrimental to the public
6 interest;

7 10. When the licensee is no longer in good faith carrying on
8 the bail bond business;

9 11. When the licensee is guilty of rebating, or offering to
10 rebate, or dividing with someone other than a licensed bail
11 bondsman, or offering to divide commissions in the case of limited
12 surety agents, or premiums in the case of professional bondsmen, and
13 for this conduct is found by the Commissioner to be a source of
14 detriment, injury, or loss to the public;

15 12. For any materially untrue statement in the license
16 application;

17 13. Misrepresentation of the terms of any actual or proposed
18 bond;

19 14. For forging the name of another to a bond or application
20 for bond;

21 15. Cheating on an examination for licensure;

22 16. Soliciting business in or about any place where prisoners
23 are confined, arraigned, or in custody;

24

1 17. For paying a fee or rebate, or giving or promising anything
2 of value to a jailer, trustee, police officer, law enforcement
3 officer, or other officer of the law, or any other person who has
4 power to arrest or hold in custody, or to any public official or
5 public employee in order to secure a settlement, compromise,
6 remission, or reduction of the amount of any bail bond or
7 estreatment thereof, or to secure delay or other advantage. This
8 shall not apply to a jailer, police officer, or officer of the law
9 who is not on duty and who assists in the apprehension of a
10 defendant;

11 18. For paying a fee or rebating or giving anything of value to
12 an attorney in bail bond matters, except in defense of an action on
13 a bond;

14 19. For paying a fee or rebating or giving or promising
15 anything of value to the principal or anyone in the behalf of the
16 principal;

17 20. Participating in the capacity of an attorney at a trial or
18 hearing for one on whose bond the licensee is surety;

19 21. Accepting anything of value from a principal, other than
20 the premium; provided, the bondsman shall be permitted to accept
21 collateral security or other indemnity from the principal which
22 shall be returned immediately upon final termination of liability on
23 the bond and upon satisfaction of all terms, conditions, and
24 obligations contained within the indemnity agreement; provided,

1 however, a bondsman shall not refuse to return collateral or other
2 indemnity because of nonpayment of premium. Collateral security or
3 other indemnity required by the bondsman shall be reasonable in
4 relation to the amount of the bond;

5 22. Willful failure to return collateral security to the
6 principal when the principal is entitled thereto;

7 23. For failing to notify the Commissioner of a change of legal
8 name, residence address, business address, mailing address, email
9 address, or telephone number within five (5) days after a change is
10 made, or failing to respond to a properly mailed notification within
11 a reasonable amount of time;

12 24. For failing to file a report as required by Section 1314 of
13 this title;

14 25. For filing a materially untrue monthly report;

15 26. For filing false affidavits regarding cancellation of the
16 appointment of an insurer;

17 27. Forcing the Commissioner to withdraw deposited monies to
18 pay forfeitures or any other outstanding judgments;

19 28. For failing to pay any fees to a district court clerk as
20 are required by this title or failing to pay any fees to a municipal
21 court clerk as are required by this title or by Section 28-127 of
22 Title 11 of the Oklahoma Statutes;

23 29. For uttering an insufficient or uncollected check or
24 electronic funds transfer to the Insurance Commissioner for any

1 fees, fines or other payments received by the Commissioner from the
2 bail bondsman;

3 30. For failing to pay travel expenses for the return of the
4 defendant to custody once having guaranteed the travel expenses;

5 31. The Commissioner may also refuse to renew a licensed
6 bondsman for failing to file all outstanding monthly bail reports,
7 pay any outstanding fines, pay any outstanding monthly report
8 reviewal fees owed to the Commissioner, or respond to a current
9 order issued by the Commissioner;

10 32. For failing to accept or claim a certified mailing from the
11 Insurance Department or from any district or municipal court clerk
12 addressed to the mailing address of the bondsman on file with the
13 Insurance Department; and

14 33. For posting a bond for any defendant without first
15 obtaining a written or oral agreement with the defendant or cosigner
16 of the bond.

17 B. In addition to any applicable denial, censure, suspension,
18 or revocation of a license, any person violating any provision of
19 Sections 1301 through 1341 of this title may be subject to a civil
20 penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor
21 more than Two Thousand Five Hundred Dollars (\$2,500.00) for each
22 occurrence. This fine may be enforced in the same manner in which
23 civil judgments may be enforced. Any order for civil penalties
24 entered by the Commissioner or authorized decision-maker for the

1 Insurance Department which has become final may be filed with the
2 court clerk of Oklahoma County and shall then be enforced by the
3 judges of Oklahoma County.

4 C. No bail bondsman or bail bond agency shall advertise as or
5 hold itself out to be a surety company.

6 D. If any bail bondsman is convicted by any court of a
7 violation of any of the provisions of this act, the license of the
8 individual shall therefore be deemed to be immediately revoked,
9 without any further procedure relative thereto by the Commissioner.

10 E. For one (1) year after notification by the Commissioner of
11 an alleged violation, or for two (2) years after the last day the
12 person was licensed, whichever is the lesser period of time, the
13 Commissioner shall retain jurisdiction as to any person who cancels
14 his bail bondsman's license or allows the license to lapse, or
15 otherwise ceases to be licensed, if the person while licensed as a
16 bondsman allegedly violated any provision of this title. Notice and
17 opportunity for hearing shall be conducted in the same manner as if
18 the person still maintained a bondsman's license. If the
19 Commissioner or a hearing examiner determines that a violation of
20 the provisions of Sections 1301 through 1341 of this title occurred,
21 any order issued pursuant to the determination shall become a
22 permanent record in the file of the person and may be used if the
23 person should request licensure or reinstatement.

24

1 F. Any law enforcement agency, district attorney's office,
2 court clerk's office, or insurer that is aware that a licensed bail
3 bondsman has been convicted of or has pleaded guilty or nolo
4 contendere to any crime shall notify the Insurance Commissioner of
5 that fact.

6 G. As used in this section:

7 1. "Substantially relates" means the nature of criminal conduct
8 for which the person was convicted has a direct bearing on the
9 fitness or ability to perform one or more of the duties or
10 responsibilities necessarily related to the occupation; and

11 2. "Poses a reasonable threat" means the nature of criminal
12 conduct for which the person was convicted involved an act or threat
13 of harm against another and has a bearing on the fitness or ability
14 to serve the public or work with others in the occupation.

15 SECTION 48. AMENDATORY Section 10, Chapter 407, O.S.L.
16 2013, as amended by Section 5, Chapter 373, O.S.L. 2014 (59 O.S.
17 Supp. 2018, Section 1350.9), is amended to read as follows:

18 Section 1350.9 A. Except as prohibited by Section 4 1350.3 of
19 this act title, a bail enforcer license or an armed bail enforcer
20 license may be issued to an applicant meeting the following
21 qualifications. The applicant shall:

22 1. Be a citizen of the United States or an alien legally
23 residing in the United States and have a minimum of six (6) months
24 legal residence documented in this state;

1 2. Be at least twenty-one (21) years of age;

2 3. Have a high school diploma or GED, or offer proof sufficient
3 to CLEET of equivalent GED qualifications, and have successfully
4 completed the training and psychological evaluation requirements for
5 the license applied for, as prescribed by the Council on Law
6 Enforcement Education and Training;

7 ~~4. Be of good moral character;~~

8 ~~5.~~ Have no final victim protection orders issued in any state
9 as a defendant;

10 ~~6.~~ 5. Have no record of a felony conviction or any expungement
11 or a deferred judgment or suspended sentence for a felony offense,
12 unless at least fifteen (15) years ~~has~~ have passed since the
13 completion of the sentence and no other convictions have occurred or
14 are pending. Provided, no person convicted of a felony offense
15 shall be eligible for an armed bail enforcer license;

16 ~~7.~~ 6. Have no record of conviction for assault or battery,
17 aggravated assault or battery, larceny, theft, false pretense,
18 fraud, embezzlement, false personation of an officer, ~~any offense~~
19 ~~involving moral turpitude,~~ any offense involving a minor as a
20 victim, any nonconsensual sex offense, any offense involving the
21 possession, use, distribution, or sale of a controlled dangerous
22 substance, any offense of driving while intoxicated or driving under
23 the influence of intoxicating substance, any offense involving a
24 firearm, or any other offense as prescribed by the Council.

- 1 a. If any conviction which disqualifies an applicant
2 occurred more than five (5) years prior to the
3 application date and the Council is convinced the
4 offense constituted an isolated incident and the
5 applicant has been rehabilitated, the Council may, in
6 its discretion, waive the conviction disqualification
7 as provided for in this paragraph and issue an unarmed
8 bail enforcer license, but shall not issue an armed
9 bail enforcer license if the offense involved the use
10 of a firearm, was violent in nature, or was a felony
11 offense other than a driving offense.
- 12 b. Under oath, the applicant shall certify that he or she
13 has no disqualifying convictions as specified in the
14 Bail Enforcement and Licensing Act or by rule of the
15 Council, or that more than five (5) years have lapsed
16 since the completion of the sentence for a
17 disqualifying conviction.
- 18 c. The applicant shall further meet all other
19 qualifications, including, but not limited to, the
20 requirement to provide CLEET and the Oklahoma State
21 Bureau of Investigation with individual fingerprints
22 for a state and national criminal history records
23 search and a current individual photograph with the
24

1 completed CLEET application for a bail enforcer
2 license.

3 d. If upon completion of the required background
4 investigation it is discovered that a disqualifying
5 conviction exists, the Council shall immediately
6 revoke or deny the bail enforcer license of the
7 applicant;

8 ~~8.~~ 7. Make a statement that the applicant is not currently
9 undergoing treatment for a mental illness, condition, or disorder,
10 make a statement whether the applicant has ever been adjudicated
11 incompetent or committed to a mental institution, and make a
12 statement regarding any history of illegal drug use or alcohol
13 abuse. Upon presentation by the Council of the name, gender, date
14 of birth, and address of the applicant to the Department of Mental
15 Health and Substance Abuse Services, the Department of Mental Health
16 and Substance Abuse Services shall notify the Council within ten
17 (10) days whether the computerized records of the Department
18 indicate the applicant has ever been involuntarily committed to an
19 Oklahoma state mental institution. For purposes of this subsection,
20 "currently undergoing treatment for a mental illness, condition, or
21 disorder" means the person has been diagnosed by a licensed
22 physician or psychologist as being afflicted with a substantial
23 disorder of thought, mood, perception, psychological orientation, or
24 memory that significantly impairs judgment, behavior, capacity to

1 recognize reality, or ability to meet the ordinary demands of life
2 and such condition continues to exist;

3 ~~9.~~ 8. Make a statement regarding any misdemeanor domestic
4 violence charges;

5 ~~10.~~ 9. Provide proof of liability insurance or an individual
6 bond in a minimum amount established by the Bail Enforcement and
7 Licensing Act; and

8 ~~11.~~ 10. Provide a statement of self-employment as a sole
9 proprietor bail enforcer.

10 B. 1. A bail enforcer shall be required to maintain a physical
11 address and phone number publically available and published in the
12 city or county where the physical address is located. Only a
13 licensed bail enforcer may accept a client contract to perform the
14 services of a bail enforcer.

15 2. A licensed bail enforcer shall be required to maintain
16 complete records of all clients, defendants and apprehensions, and
17 agree such records shall be available to CLEET for inspection at any
18 time during regular business hours.

19 C. 1. All bail enforcers shall obtain and maintain either a
20 liability insurance policy or a surety bond that allows persons to
21 recover for actionable injuries, loss, or damage as a result of the
22 willful, or wrongful acts or omissions of the licensee and protects
23 this state, its agents, officers and employees from judgments
24

1 against the licensee, and is further conditioned upon the faithful
2 and honest conduct of the licensee.

3 2. The liability insurance policy or surety bond required in
4 this subsection shall be in the minimum amount of Ten Thousand
5 Dollars (\$10,000.00).

6 3. Liability insurance policies or bonds issued pursuant to
7 this subsection shall not be modified or canceled unless ten (10)
8 days' prior written notice is given to the Council. All persons
9 insured or bonded pursuant to this subsection shall be insured by an
10 insurance carrier or bonded by a surety company licensed and
11 authorized to do business in the state. Failure to obtain and
12 maintain sufficient liability insurance or bond as provided in the
13 Bail Enforcement and Licensing Act shall be grounds for revocation
14 of a license.

15 D. Upon written notice, any license may be placed on inactive
16 status.

17 SECTION 49. AMENDATORY Section 12, Chapter 407, O.S.L.
18 2013, as amended by Section 2, Chapter 138, O.S.L. 2016 (59 O.S.
19 Supp. 2018, Section 1350.11), is amended to read as follows:

20 Section 1350.11 A. A bail enforcer license or armed bail
21 enforcer license shall be subject to denial, suspension, or
22 revocation and/or disciplinary action or administrative fine by the
23 Council on Law Enforcement Education and Training subject to the
24

1 Administrative Procedures Act for, but not limited to, the following
2 reasons by clear and convincing evidence:

3 1. Falsification or a willful misrepresentation of information
4 in an employment application, application to the Council on Law
5 Enforcement Education and Training, records of evidence or in
6 testimony under oath;

7 2. Failure to successfully complete any prescribed phase or
8 course of training as required by the Council;

9 3. Violation of any provision of the Bail Enforcement and
10 Licensing Act or any rule promulgated pursuant thereto;

11 4. A conviction, entry of a plea of guilty or nolo contendere
12 or an "Alford" plea or any plea other than a not guilty plea for
13 assault or battery, aggravated assault or battery, larceny, theft,
14 false pretense, fraud, embezzlement, false personation of an
15 officer, ~~any offense involving moral turpitude,~~ any offense
16 involving a minor as a victim, any nonconsensual sex offense, any
17 offense involving the possession, use, distribution, or sale of a
18 controlled dangerous substance, any offense of driving while
19 intoxicated or driving under the influence of intoxicating
20 substance, any offense involving a firearm, any felony or any other
21 offense as proscribed by the Council;

22 5. Use of beverages containing alcohol while armed with a
23 firearm;

24 6. Knowingly impersonating a law enforcement officer;

1 7. Improper use of force pursuant to the Bail Enforcement and
2 Licensing Act;

3 8. Failure to carry and possess proper license, identification
4 or documents required by the Bail Enforcement and Licensing Act or
5 any rules promulgated pursuant thereto;

6 9. Improper apparel or vehicle pursuant to the Bail Enforcement
7 and Licensing Act;

8 10. Improper carry, display or use of a firearm, weapon or
9 noxious substance;

10 11. Unlawful entry into a dwelling house, structure, property
11 or vehicle or improper detention of any person;

12 12. Employing, authorizing, or permitting an unlicensed person
13 to perform or engage in services as a bail enforcer;

14 13. Permitting a person to perform or engage in services as a
15 bail enforcer knowing the person has committed any offense
16 prohibited by the Bail Enforcement and Licensing Act;

17 14. Revocation or voluntary surrender of police or peace
18 officer certification, private security guard license, private
19 investigator license, or bail enforcer license in another state for
20 a violation of any law or rule or in settlement of any disciplinary
21 action in such state; or

22 15. If an applicant is the defendant in a criminal prosecution
23 that is pending, no license will be issued until final resolution of
24 the criminal prosecution. If an applicant is the subject of an

1 order deferring imposition of judgment and sentence, no license will
2 be issued until completion of the deferred sentence and dismissal of
3 the criminal prosecution without a finding of guilt.

4 B. Upon the effective date of suspension or revocation of any
5 license pursuant to the Bail Enforcement and Licensing Act, the
6 licensee shall have the duty to surrender the license and any
7 identification card issued pursuant thereto to the Council.

8 SECTION 50. AMENDATORY 59 O.S. 2011, Section 1362, as
9 amended by Section 4, Chapter 169, O.S.L. 2016 (59 O.S. Supp. 2018,
10 Section 1362), is amended to read as follows:

11 Section 1362. An applicant is qualified to take the examination
12 to be licensed when the applicant has met the following criteria:

13 1. Applicants for licensure shall possess a doctoral degree in
14 psychology from an institution of higher education. The degree
15 shall be obtained from a recognized program of graduate study in
16 psychology as defined by the rules and regulations of the Board.
17 Applicants for licensure who graduated before January 1, 1997, shall
18 have completed a doctoral program in psychology that meets
19 recognized acceptable professional standards as determined by the
20 Board. Applicants for licensure who graduated on or after January
21 1, 1997, shall have completed a doctoral program in psychology that
22 is accredited by the American Psychological Association (APA). In
23 areas where no accreditation exists, applicants for licensure shall
24 have completed a doctoral program in psychology that meets

1 recognized acceptable professional standards as determined by the
2 Board. When a new specialty of professional psychology is
3 recognized as being within the accreditation scope of the APA,
4 doctoral programs within that specialty will be afforded a
5 transition period of eight (8) years from their first class of
6 students to the time of their accreditation. During that transition
7 period, graduates of such programs may sit for licensure examination
8 whether or not the program has been accredited. This also applies
9 to new doctoral programs of specialties previously recognized within
10 the scope of APA accreditation. Applicants trained in institutions
11 outside the United States shall meet requirements established by the
12 Board;

13 2. For admission to the licensure examination, applicants shall
14 demonstrate that they have completed two (2) years of supervised
15 professional experience, one (1) year of which shall be
16 postdoctoral. In accordance with the rules and regulations
17 promulgated by the Board, applicants may be allowed to sit for
18 examination during the applicant's second year of experience. The
19 criteria for appropriate supervision shall be in accordance with
20 regulations which shall be promulgated by the Board. Postdoctoral
21 experience shall be compatible with the knowledge and skills
22 acquired during formal doctoral or postdoctoral education in
23 accordance with professional requirements and relevant to the
24 intended area of practice; and

1 3. Applicants shall be required to show ~~evidence of good~~
2 ~~character; that is,~~ that they have not been convicted of a criminal
3 offense that bears directly on the fitness of the individual to be
4 licensed. Each applicant shall submit to a national criminal
5 history record check, as defined in Section 150.9 of Title 74 of the
6 Oklahoma Statutes. The costs associated with the national criminal
7 history record check shall be paid by the applicant.

8 SECTION 51. AMENDATORY 59 O.S. 2011, Section 1458, is
9 amended to read as follows:

10 Section 1458. A. The following shall be considered as minimum
11 evidence satisfactory to the Polygraph Examiners Board that the
12 applicant is qualified for registration as a polygraph examiner:

- 13 1. Attainment of at least twenty-one (21) years of age;
- 14 2. Citizenship of the United States;
- 15 3. ~~Be a person of honesty, truthfulness, integrity, and moral~~
16 ~~fitness;~~

17 4. ~~Never have~~ having been convicted of a felony ~~or a~~
18 ~~misdemeanor involving moral turpitude~~ crime that substantially
19 relates to the occupation of a polygraph examiner and poses a
20 reasonable threat to public safety; and

- 21 ~~5.~~ 4. a. hold a baccalaureate degree from a college or
22 university accredited by the American Association of
23 Collegiate Registrars and Admissions Officers, or, in
24 lieu thereof, be a graduate of an accredited high

1 school and have five (5) consecutive years of active
2 investigative experience of a character satisfactory
3 to the Board,

4 b. be a graduate of a polygraph examiners course approved
5 by the Board and have satisfactorily completed not
6 less than six (6) months of internship training, and

7 c. have passed an examination conducted by and to the
8 satisfaction of the Board, or under its supervision,
9 to determine his competency to obtain a license to
10 practice as an examiner.

11 B. Beginning July 1, 1996, employees of the Oklahoma State
12 Bureau of Investigation (OSBI) who are employed on that date by the
13 OSBI as polygraphers shall become licensed pursuant to the Polygraph
14 Examiners Act without undergoing the testing and training
15 requirements provided for in subparagraphs b and c of paragraph ~~5~~ 4
16 of subsection A of this section. Any person who is employed as a
17 polygrapher for the OSBI after July 1, 1996, shall be required to
18 meet the testing and training requirements prior to licensure.

19 C. As used in this section:

20 1. "Substantially relates" means the nature of criminal conduct
21 for which the person was convicted has a direct bearing on the
22 fitness or ability to perform one or more of the duties or
23 responsibilities necessarily related to the occupation; and
24

1 2. "Poses a reasonable threat" means the nature of criminal
2 conduct for which the person was convicted involved an act or threat
3 of harm against another and has a bearing on the fitness or ability
4 to serve the public or work with others in the occupation.

5 SECTION 52. AMENDATORY 59 O.S. 2011, Section 1468, is
6 amended to read as follows:

7 Section 1468. A. The Polygraph Examiners Board may refuse to
8 issue or may suspend or revoke a license on any one or more of the
9 following grounds:

10 1. For failing to inform a subject to be examined as to the
11 nature of the examination;

12 2. For failing to inform a subject to be examined that his
13 participation in the examination is voluntary, unless the subject is
14 an employee of a governmental body which has a policy or rules and
15 regulations requiring mandatory polygraph examinations as a part of
16 internal investigations;

17 3. Material misstatement in the application for original
18 license or in the application for any renewal license under this
19 act;

20 4. Willful disregard or violation of this act or any regulation
21 or rule issued pursuant thereto, including, but not limited to,
22 willfully making a false report concerning an examination for
23 polygraph examination purposes;

1 5. If the holder of any license has been adjudged guilty of the
2 commission of a felony ~~or misdemeanor involving moral turpitude~~ that
3 substantially relates to the occupation of a polygraph examiner and
4 poses a reasonable threat to public safety;

5 6. Making any willful misrepresentation or false promises or
6 causing to be printed any false or misleading advertisement for the
7 purpose of directly or indirectly obtaining business or trainees;

8 7. Having demonstrated unworthiness or incompetency to act as a
9 polygraph examiner as defined by this act;

10 8. Allowing one's license under this act to be used by any
11 unlicensed person in violation of the provisions of this act;

12 9. Willfully aiding or abetting another in the violation of
13 this act or any regulation or rule issued pursuant thereto;

14 10. If the license holder has been adjudged an habitual
15 drunkard or mentally incompetent as provided in the Probate Code;

16 11. Failing, within a reasonable time, to provide information
17 requested by the secretary as the result of a formal complaint to
18 the Board which would indicate a violation of this act; or

19 12. Failing to inform the subject of the results of the
20 examination if so requested.

21 B. As used in this section:

22 1. "Substantially relates" means the nature of criminal conduct
23 for which the person was convicted has a direct bearing on the
24

1 fitness or ability to perform one or more of the duties or
2 responsibilities necessarily related to the occupation; and

3 2. "Poses a reasonable threat" means the nature of criminal
4 conduct for which the person was convicted involved an act or threat
5 of harm against another and has a bearing on the fitness or ability
6 to serve the public or work with others in the occupation.

7 SECTION 53. AMENDATORY 59 O.S. 2011, Section 1503A, as
8 amended by Section 9, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018,
9 Section 1503A), is amended to read as follows:

10 Section 1503A. A. To be eligible for a pawnshop license, an
11 applicant shall:

12 1. ~~Be of good moral character;~~

13 2. Have net assets of at least Twenty-five Thousand Dollars
14 (\$25,000.00); and

15 3. 2. Show that the pawnshop will be operated lawfully and
16 fairly within the purpose of the Oklahoma Pawnshop Act.

17 B. The Administrator shall find ineligible an applicant who has
18 a conviction for a felony crime that substantially relates to the
19 occupation of a pawnbroker or poses a reasonable threat to public
20 safety.

21 C. If the Administrator is unable to verify that the applicant
22 meets the net assets requirement for a pawnshop license, the
23 Administrator may require a finding, including the presentation of a
24 current balance sheet, by an accounting firm or individual holding a

1 permit to practice public accounting in this state, that the
2 accountant has reviewed the books and records of the applicant and
3 that the applicant meets the net assets requirement.

4 D. As used in this section:

5 1. "Substantially relates" means the nature of criminal conduct
6 for which the person was convicted has a direct bearing on the
7 fitness or ability to perform one or more of the duties or
8 responsibilities necessarily related to the occupation; and

9 2. "Poses a reasonable threat" means the nature of criminal
10 conduct for which the person was convicted involved an act or threat
11 of harm against another and has a bearing on the fitness or ability
12 to serve the public or work with others in the occupation.

13 SECTION 54. AMENDATORY 59 O.S. 2011, Section 1605, as
14 amended by Section 3, Chapter 230, O.S.L. 2018 (59 O.S. Supp. 2018,
15 Section 1605), is amended to read as follows:

16 Section 1605. A. To be eligible for licensure by the Board of
17 Examiners for Speech-Language Pathology and Audiology as a speech-
18 language pathologist, the applicant must:

19 1. Hold not less than a master's degree, or the equivalent,
20 with a major emphasis in speech-language pathology or audiology from
21 a regionally accredited academic institution offering a graduate
22 program in speech-language pathology or audiology that meets or
23 exceeds prevailing national standards;

24

1 2. Submit evidence of completion of supervised clinical
2 practicum experience that meets or exceeds prevailing national
3 standards from a regionally accredited educational institution or
4 its cooperating programs, the content of which shall be approved by
5 the Board and delineated in the rules;

6 3. Submit evidence of completion of supervised postgraduate
7 professional experience as approved by the Board and described in
8 the rules;

9 4. Obtain a passing score on examinations approved by the
10 Board. The Board shall determine the score required to pass an
11 examination. An applicant who fails the examination may retake the
12 examination in accordance with the timeline and procedures of the
13 approved testing organization, and the rules promulgated by the
14 Board;

15 5. Attest to their status as either a United States citizen, a
16 United States noncitizen national or a qualified alien;

17 6. Have not committed any acts described in Section 1619 of
18 this title for which disciplinary action may be justified; and

19 7. ~~Be of good moral character;~~

20 8. ~~The applicant shall make~~ Make application to the Board upon
21 a form prescribed by the Board and pay to the Board the application
22 fee.

23 B. To be eligible for initial licensure by the Board as an
24 audiologist, the applicant must:

1 1. Hold not less than a post-baccalaureate residential or post-
2 masters' distance education professional Doctor of Audiology (AuD)
3 degree, a Doctor of Philosophy (PhD) degree with an emphasis in
4 audiology or its equivalent as determined by the Board;

5 2. If applying with a Doctor of Audiology (AuD) professional
6 degree, demonstrate preparation that includes three (3) years of
7 didactic coursework and clinical education equivalent to a twelve-
8 month full-time rotation or externship;

9 3. Submit to the Board a copy of the Doctor of Audiology (AuD)
10 diploma and a transcript demonstrating clinical experience
11 equivalent to a twelve-month full-time clinical rotation or
12 externship; a copy of the Doctor of Philosophy (PhD) diploma with an
13 emphasis in audiology and a transcript reflecting a twelve-month
14 full-time clinical rotation or externship, or their equivalents as
15 determined by the Board; provided, such equivalents shall be from an
16 accredited academic institution in order to demonstrate completion
17 of the clinical rotation or externship requirements;

18 4. Obtain a passing score on examinations approved by the
19 Board. The Board shall determine the score required to pass an
20 examination. An applicant who fails the examination may retake the
21 examination in accordance with the timeline and procedures of the
22 approved testing organization, and the rules promulgated by the
23 Board;

1 5. Attest to their status as either a United States citizen, a
2 United States noncitizen national or a qualified alien;

3 6. Have not committed any acts described in Section 1619 of
4 this title for which disciplinary action may be justified; and

5 7. ~~Be of good moral character; and~~

6 ~~8.~~ Make application to the Board upon a form prescribed by the
7 Board and pay to the Board the application fee.

8 C. To be eligible for licensure by the Board as a speech-
9 language pathology clinical fellow, the applicant must currently be
10 in the process of fulfilling the supervised clinical fellowship
11 required by this section and possess a designation of the title
12 "Clinical Fellow" indicating the status appropriate to the
13 applicant's level of training. To be eligible for licensure as a
14 clinical fellow, the applicant shall meet all requirements specified
15 by paragraphs 1, 2, 5, 6 and 7 of subsection A of this section.
16 Speech-language pathologist applicants completing the supervised
17 postgraduate professional experience in this state shall possess a
18 license issued by the Board.

19 D. To be eligible for licensure by the Board as a speech-
20 language pathology or audiology assistant, the applicant must be
21 assisting in the practice of speech-language pathology or audiology
22 while under the supervision of a licensed speech-language
23 pathologist or audiologist, subject to the rules of the Board. The
24 licensed speech-language pathologist or audiologist is legally and

1 ethically responsible for the professional activities of such
2 licensees.

3 E. To be eligible for licensure by the Board as a speech-
4 language pathologist, audiologist, speech-language clinical fellow
5 or speech-language pathology assistant, the applicant must meet all
6 the requirements specified in this section. The Board may authorize
7 the executive secretary to issue a temporary license upon
8 verification that the applicant meets all applicable requirements of
9 licensure. A temporary license shall authorize the applicant to
10 practice speech-language pathology or audiology for the time period
11 between the submission of the application and the applicant's
12 approval for licensure by the Board. A temporary license shall
13 expire upon the Board's approval of a permanent license, or ten (10)
14 calendar days following the Board's denial of an application for a
15 permanent license.

16 SECTION 55. AMENDATORY 59 O.S. 2011, Section 1619, as
17 last amended by Section 7, Chapter 230, O.S.L. 2018 (59 O.S. Supp.
18 2018, Section 1619), is amended to read as follows:

19 Section 1619. A. The Board of Examiners for Speech-Language
20 Pathology and Audiology may impose separately, or in combination,
21 any of the following disciplinary actions on a licensee after formal
22 disciplinary action as provided in the Speech-Language Pathology and
23 Audiology Licensing Act: suspend or revoke a license, issue a
24 letter of reprimand, impose probationary conditions, impose an

1 administrative fine not to exceed Ten Thousand Dollars (\$10,000.00),
2 and assess reasonable costs. Disciplinary actions may be taken by
3 the Board upon proof that the licensee:

4 1. Has been guilty of fraud or deceit in connection with the
5 licensee's speech-language pathology or audiology services;

6 2. Has aided or abetted a person who is not a licensed speech-
7 language pathologist or audiologist and who is under the supervision
8 of a licensed speech-language pathologist or audiologist and subject
9 to the rules of the Board, in illegally engaging in the practice of
10 speech-language pathology or audiology within this state;

11 3. Has been guilty of unprofessional conduct as defined by the
12 rules established by the Board or has violated the code of ethics
13 made and published by the Board;

14 4. Has used fraud or deception in applying for a license or in
15 passing an examination provided for in the Speech-Language Pathology
16 and Audiology Licensing Act;

17 5. Has been grossly negligent in the practice of the person's
18 profession;

19 6. Has willfully violated any of the provisions of the Speech-
20 Language Pathology and Audiology Licensing Act or any rules
21 promulgated pursuant thereto;

22 7. Has violated federal, state or local laws relating to the
23 profession. A copy of the record of conviction, certified by the
24

1 clerk of the court entering the conviction, shall be conclusive
2 evidence of conviction; or

3 8. Has been convicted of or has pled guilty or nolo contendere
4 to a felony crime that substantially relates to the business
5 practices of speech-language pathology or audiology ~~or~~ and poses a
6 reasonable threat to public safety ~~or to a crime involving moral~~
7 ~~turpitude.~~

8 B. 1. No disciplinary action shall be imposed until after a
9 hearing before the Board. A notice of at least thirty (30) days
10 shall be served, either personally or by certified mail, to the
11 licensee charged, stating the time and place of the hearing, and
12 setting forth the ground or grounds constituting the charges against
13 the licensee. The licensee shall be entitled to be heard in such
14 person's defense either in person or by counsel, and may produce
15 testimony and may testify in the person's own behalf.

16 2. A record of such hearing shall be taken and preserved.

17 3. The hearing may be adjourned from time to time. If, after
18 due receipt of notice of a hearing, the licensee shall be unable to
19 appear for good cause shown, then a continuance shall be granted by
20 the Board. The time allowed shall be at the discretion of the
21 Board, but in no instance shall it be less than two (2) weeks from
22 the originally scheduled date of the hearing.

23 4. If a licensee pleads guilty, or if upon hearing the charges,
24 a majority of the Board finds them to be true, the Board shall

1 impose its disciplinary action against the licensee. The Board
2 shall record its findings and order in writing.

3 C. 1. The Board, through its chairman or vice-chairman, may
4 administer oaths and may compel the attendance of witnesses and the
5 production of physical evidence before it from witnesses upon whom
6 process is served anywhere within the state, as in civil cases in
7 the district court, by subpoena issued over the signature of the
8 chairman or vice-chairman and the seal of the Board.

9 2. Upon request by an accused speech-language pathologist or
10 audiologist, and statement under oath that the testimony or evidence
11 is reasonably necessary to the person's defense, the Board shall use
12 this subpoena power in behalf of the accused speech-language
13 pathologist or audiologist.

14 3. The subpoenas shall be served, and a return of service
15 thereof made, in the same manner as a subpoena is served out of the
16 district courts in this state, and as a return in such case is made.

17 4. If a person fails and refuses to attend in obedience to such
18 subpoena, or refuses to be sworn or examined or answer any legally
19 proper question propounded by any member of said Board or any
20 attorney or licensee upon permission from said Board, such person
21 shall be guilty of a misdemeanor, and, upon conviction, may be
22 punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00)
23 or by confinement in the county jail not to exceed ninety (90) days,
24 or both.

1 D. 1. Any person who feels aggrieved by reason of the
2 imposition of disciplinary action may appeal to the Board for a
3 review of the case or may seek judicial review pursuant to the
4 Administrative Procedures Act.

5 2. The suit shall be filed against the Board as defendant, and
6 service of process shall be upon either the chairman or executive
7 secretary of the Board.

8 3. The judgment of the district court may be appealed to the
9 Supreme Court of Oklahoma in the same manner as other civil cases.

10 E. Upon a vote of three of its members, the Board may restore a
11 license which has been revoked or reduce the period of suspension.

12 F. As used in this section:

13 1. "Substantially relates" means the nature of criminal conduct
14 for which the person was convicted has a direct bearing on the
15 fitness or ability to perform one or more of the duties or
16 responsibilities necessarily related to the occupation; and

17 2. "Poses a reasonable threat" means the nature of criminal
18 conduct for which the person was convicted involved an act or threat
19 of harm against another and has a bearing on the fitness or ability
20 to serve the public or work with others in the occupation.

21 SECTION 56. AMENDATORY 59 O.S. 2011, Section 1738, as
22 amended by Section 2, Chapter 368, O.S.L. 2016 (59 O.S. Supp. 2018,
23 Section 1738), is amended to read as follows:

24

1 Section 1738. A. The State Board of Medical Licensure and
2 Supervision shall revoke or suspend a license, probate a license
3 suspension, or reprimand a licensee on proof of:

4 1. Any violation of the provisions of the Licensed Dietitian
5 Act; ~~or~~

6 2. Any violation of a rule adopted by the Advisory Committee on
7 Dietetic Registration of the State Board of Medical Examiners;

8 3. Failure to refer patients to other health care providers if
9 symptoms indicate conditions for which treatment is outside the
10 standards of practice as specified in the rules and regulations
11 promulgated by the Board pursuant to the provisions of the Licensed
12 Dietitian Act;

13 4. Use of drugs, narcotics, medication or intoxicating liquors
14 to an extent which affects the professional competency of the
15 applicant or licensee;

16 5. Conviction of a felony ~~or a crime involving moral turpitude~~
17 crime that substantially relates to the occupation of a licensed
18 dietitian and poses a reasonable threat to public safety;

19 6. Obtaining or attempting to obtain a license as a dietitian
20 by fraud or deception;

21 7. Gross negligence in the practice of nutrition;

22 8. A finding of mental incompetence by a court of competent
23 jurisdiction and the licensee has not subsequently been lawfully
24 declared sane;

1 9. Engagement in conduct contrary to the Standards of
2 Professional Conduct established by the Board, whether in the course
3 of his or her professional capacity or otherwise, which conduct
4 would reasonably be found to bring discredit to the profession of
5 dietetics;

6 10. Engagement in any act in conflict with the Code of Ethics
7 established by the Board; or

8 11. A license suspended or revoked in another state.

9 B. If the Board proposes to suspend or revoke a person's
10 license, the person is entitled to a hearing before the Board.

11 C. Proceedings for the suspension or revocation of a license
12 are governed by rules and regulations of the Board.

13 D. Conviction in a criminal proceeding shall not be a condition
14 precedent to the imposition of discipline.

15 E. As used in this section:

16 1. "Substantially relates" means the nature of criminal conduct
17 for which the person was convicted has a direct bearing on the
18 fitness or ability to perform one or more of the duties or
19 responsibilities necessarily related to the occupation; and

20 2. "Poses a reasonable threat" means the nature of criminal
21 conduct for which the person was convicted involved an act or threat
22 of harm against another and has a bearing on the fitness or ability
23 to serve the public or work with others in the occupation.

24

1 SECTION 57. AMENDATORY 59 O.S. 2011, Section 1750.5, as
2 last amended by Section 11, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
3 2018, Section 1750.5), is amended to read as follows:

4 Section 1750.5 A. Licenses authorized to be issued by the
5 Council on Law Enforcement Education and Training (CLEET) shall be
6 as follows:

- 7 1. Security Agency License;
- 8 2. Investigative Agency License;
- 9 3. Private Investigator License (unarmed);
- 10 4. Security Guard License (unarmed);
- 11 5. Armed Security Guard License;
- 12 6. Special Event License (unarmed);
- 13 7. Armed Private Investigator License;
- 14 8. Bail Enforcer License; and
- 15 9. Armed Bail Enforcer License.

16 B. Any qualified applicant meeting the requirements for more
17 than one of the positions of private investigator, security guard,~~—~~,
18 armed security guard, bail enforcer, or armed bail enforcer may be
19 issued a separate license for each position for which qualified, or
20 in the discretion of the Council, a combination license provided the
21 required license fees are paid.

22 C. 1. A private investigator may carry a firearm, if the
23 private investigator also performs the functions of an armed
24

1 security guard, under the authority of the armed security guard
2 license.

3 2. If the private investigator performs no functions of an
4 armed security guard, the Council may issue an armed private
5 investigator license. If a person has been issued an armed private
6 investigator license, the Council may issue an armed bail enforcer
7 license if the applicant is otherwise eligible and qualified. The
8 applicant for an armed private investigator license must complete
9 Phase I, III and IV training and pass the psychological examination
10 and state test; provided however, active certified peace officers
11 and retired certified peace officers shall be exempt from the
12 psychological examination as provided in Section 1750.3A of this
13 title, and active certified peace officers of any state, county or
14 municipal law enforcement agency in this state shall be exempt from
15 the Phase I, III and IV training and state test for an armed private
16 investigator. The Council will charge the same fee for the armed
17 private investigators license as the cost of the armed security
18 guard license; provided however, an active certified peace officer
19 who is an applicant for an armed private investigator or armed
20 security guard license shall be charged only twenty percent (20%) of
21 the required fee.

22 3. Any person issued an armed private investigator license may
23 carry a concealed or unconcealed firearm when on and off duty,
24

1 provided the person is in possession of a valid driver license and a
2 valid armed private investigator license.

3 4. Any person issued an armed bail enforcer license may carry a
4 concealed approved pistol, or may open-carry an approved pistol with
5 a visible bail enforcer badge affixed to the holster or belt
6 immediately next to the firearm while wearing clearly marked apparel
7 designating the person as a "Bail Enforcer" or "Bail Enforcement"
8 when actively engaged in the recovery of a defendant, subject to all
9 rules for use and conduct of firearms promulgated by the Council.
10 An armed bail enforcer shall be permitted to carry a concealed
11 pistol when not actively engaged in the recovery of a defendant
12 provided the bail enforcer badge authorized or issued by CLEET and a
13 state-issued driver license or identification card are in the
14 possession of the person while carrying the firearm.

15 D. Any identification card or badge issued to a person meeting
16 the license requirements for an armed security guard, an armed
17 private investigator or armed bail enforcer shall be distinct and
18 shall explicitly state that the person is authorized to carry a
19 firearm pursuant to the provisions of the Oklahoma Security Guard
20 and Private Investigator Act or the Bail Enforcement and Licensing
21 Act. Upon receipt of the license and identification card, the armed
22 security guard, armed private investigator or armed bail enforcer is
23 authorized to carry a firearm subject to the respective provisions
24 of the Oklahoma Security Guard and Private Investigator Act or the

1 Bail Enforcement and Licensing Act and the rules promulgated by the
2 Council.

3 E. The Council may issue a conditional license to a person
4 employed by a security or investigative agency as a trainee for a
5 security guard, armed security guard, or private investigator
6 position, when the person has submitted a properly completed
7 application, made under oath, subject to the following conditions:

8 1. A conditional license shall authorize employees to perform
9 the same functions that regular licensees perform, but subject to
10 supervision by the employing agency as the Council may prescribe;

11 2. The holder of a conditional license shall complete the
12 necessary training requirements within one hundred eighty (180) days
13 from the effective date of the conditional license, after which the
14 conditional license shall expire;

15 3. The holder of a conditional license as an armed security
16 guard shall not carry a firearm in the performance of duties until
17 after completing a course of firearms training as prescribed by the
18 Council, and having been issued a regular license by the Council;

19 4. A conditional license may be renewed at the discretion of
20 the Council, if necessary to allow an applicant to complete any
21 training required for a regular license;

22 5. When the Council finds that a conditional license holder has
23 completed the required training and is otherwise qualified for a
24 license pursuant to the provisions of the Oklahoma Security Guard

1 and Private Investigator Act, the Council shall issue a regular
2 license; and

3 6. The Council shall be prohibited from issuing a conditional
4 license to a bail enforcer under the Bail Enforcement and Licensing
5 Act.

6 F. A Security Agency License may be issued to an individual,
7 corporation, or other legal entity meeting the following
8 qualifications:

9 1. If the license is to be issued in the name of a legal entity
10 other than a natural person, the applicant must furnish proof that
11 the entity is legally recognized, such as the issuance of a
12 corporate charter; and

13 2. The executive officer, manager, or other person in charge of
14 supervising security guards in the performance of their duties shall
15 be a licensed security guard.

16 G. An Investigative Agency License may be issued to an
17 individual, corporation, or other legal entity meeting the following
18 qualifications:

19 1. If the license is to be issued in the name of a legal entity
20 other than a natural person, the applicant must furnish proof that
21 the entity is legally recognized, such as the issuance of a
22 corporate charter;

23 2. Any person, otherwise qualified, may own a private
24 investigation agency; and

1 3. A self-employed private investigator who employs no other
2 investigators shall also be licensed as an investigative agency, but
3 shall only be required to be insured or bonded as a self-employed
4 private investigator.

5 H. A Security Guard License, Armed Security Guard License,
6 Private Investigator License, Armed Private Investigator License, or
7 combination thereof may be issued to an applicant meeting the
8 following qualifications. The applicant shall:

9 1. Be a citizen of the United States or an alien legally
10 residing in the United States;

11 2. Be at least eighteen (18) years of age, except that an
12 applicant for an Armed Security Guard License shall be at least
13 twenty-one (21) years of age;

14 3. Have successfully completed training requirements for the
15 license applied for, as prescribed by the Council;

16 4. ~~Be of good moral character;~~

17 5. ~~Not have a record of a felony conviction~~ for a felony crime
18 that substantially relates to the occupation of a security guard or
19 private investigator and poses a reasonable threat to public safety;

20 ~~6.~~ 5. Not have a record of conviction for larceny, theft, false
21 pretense, fraud, embezzlement, false personation of an officer, ~~any~~
22 ~~offense involving moral turpitude~~, any offense involving a minor as
23 a victim, any nonconsensual sex offense, any offense involving the
24 possession, use, distribution, or sale of a controlled dangerous

1 substance, any offense involving a firearm, or any other offense as
2 prescribed by the Council, as provided herein.

3 a. If any conviction which disqualifies an applicant
4 occurred more than five (5) years prior to the
5 application date and the Council is convinced the
6 offense constituted an isolated incident and the
7 applicant has been rehabilitated, the Council may, in
8 its discretion, waive the conviction disqualification
9 as provided for in this paragraph and issue an unarmed
10 security guard license or a private investigator
11 license, but shall not issue an armed guard license to
12 the applicant if the felony involved the use of a
13 firearm or was violent in nature.

14 b. If an Oklahoma State Bureau of Investigation records
15 check and a local records check reveal that there are
16 no felony convictions, ~~criminal convictions involving~~
17 ~~moral turpitude,~~ or any other disqualifying
18 convictions as specified in the Oklahoma Security
19 Guard and Private Investigator Act or prescribed by
20 the Council, then the Council may conditionally issue
21 an armed security guard license pending completion of
22 the criminal history and background check.

23 c. Under oath, the applicant shall certify that he or she
24 has no disqualifying convictions as specified in the

1 Oklahoma Security Guard and Private Investigator Act
2 or by the Council.

3 d. The applicant shall further meet all other
4 qualifications.

5 e. If upon completion of the required background
6 investigation it is discovered that a disqualifying
7 conviction exists, the Council shall immediately
8 revoke the armed guard license of the applicant;

9 ~~7.~~ 6. Make a statement that the applicant is not currently
10 undergoing treatment for a mental illness, condition, or disorder,
11 make a statement whether the applicant has ever been adjudicated
12 incompetent or committed to a mental institution, and make a
13 statement regarding any history of illegal drug use or alcohol
14 abuse. Upon presentation by the Council on Law Enforcement
15 Education and Training of the name, gender, date of birth, and
16 address of the applicant to the Department of Mental Health and
17 Substance Abuse Services, the Department of Mental Health and
18 Substance Abuse Services shall notify the Council within ten (10)
19 days whether the computerized records of the Department indicate the
20 applicant has ever been involuntarily committed to an Oklahoma state
21 mental institution. For purposes of this subsection, "currently
22 undergoing treatment for a mental illness, condition, or disorder"
23 means the person has been diagnosed by a licensed physician or
24 psychologist as being afflicted with a substantial disorder of

1 thought, mood, perception, psychological orientation, or memory that
2 significantly impairs judgment, behavior, capacity to recognize
3 reality, or ability to meet the ordinary demands of life and such
4 condition continues to exist; and

5 ~~8.~~ 7. Make a statement regarding misdemeanor domestic violence
6 charges.

7 I. A special event license may be issued to an employee of a
8 security agency who is hired on a temporary basis as an unarmed
9 security guard for a particular event. An application for a special
10 event license shall be made by the agency employing the applicant.
11 The agency shall certify to the Council that the applicant meets the
12 qualifications for security guards, pursuant to subsection H of this
13 section.

14 J. 1. All persons and agencies shall obtain and maintain
15 liability coverage in accordance with the following minimum
16 standards:

- 17 a. general liability insurance coverage for bodily
18 injury, personal injury, and property damage, with
19 endorsements for personal injury including false
20 arrest, libel, slander, and invasion of privacy, or
- 21 b. a surety bond that allows persons to recover for
22 actionable injuries, loss, or damage as a result of
23 the willful, or wrongful acts or omissions of the
24 principal and protects this state, its agents,

1 officers and employees from judgments against the
2 principal or insured licensee, and is further
3 conditioned upon the faithful and honest conduct of
4 the principal's business.

5 2. Liability coverages and bonds outlined in this section shall
6 be in the minimum amounts of One Hundred Thousand Dollars
7 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
8 armed security guards and armed private investigators, or
9 combination armed license; and Five Thousand Dollars (\$5,000.00) for
10 unarmed security guards and self-employed unarmed private
11 investigators who employ no other investigators.

12 3. Security agencies and investigative agencies shall ensure
13 that all employees of these agencies have met the minimum liability
14 coverages as prescribed in this section.

15 4. Insurance policies and bonds issued pursuant to this section
16 shall not be modified or canceled unless ten (10) days' prior
17 written notice is given to the Council. All persons and agencies
18 insured or bonded pursuant to this section shall be insured or
19 bonded by an insurance carrier or a surety company licensed in the
20 state in which the insurance or bond was purchased, or in this
21 state.

22 5. In lieu of the requirements of this subsection, the Council
23 may accept a written statement from a corporation which is
24 registered with the Oklahoma Secretary of State attesting that the

1 corporation self-insures the general operation of business for the
2 types of liability set out in paragraphs 1 and 2 of this subsection.

3 K. Upon written notice, any license may be placed on inactive
4 status.

5 L. Similar or duplicate agency names will not be issued. Each
6 agency name must be distinguishably different.

7 M. As used in this section:

8 1. "Substantially relates" means the nature of criminal conduct
9 for which the person was convicted has a direct bearing on the
10 fitness or ability to perform one or more of the duties or
11 responsibilities necessarily related to the occupation; and

12 2. "Poses a reasonable threat" means the nature of criminal
13 conduct for which the person was convicted involved an act or threat
14 of harm against another and has a bearing on the fitness or ability
15 to serve the public or work with others in the occupation.

16 SECTION 58. AMENDATORY 59 O.S. 2011, Section 1750.7, is
17 amended to read as follows:

18 Section 1750.7 A. A Security Guard License, Armed Security
19 Guard License, Private Investigator License, and any conditional
20 license shall be subject to denial, suspension, or revocation and/or
21 disciplinary penalty or fine by the Council on Law Enforcement
22 Education and Training subject to the Administrative Procedures Act
23 for, but not limited to, the following reasons by clear and
24 convincing evidence:

- 1 1. Any erroneous or false statement in an application for a
2 license submitted pursuant to Section 1750.1 et seq. of this title;
- 3 2. Failure to successfully complete any prescribed course of
4 training as required by the Council;
- 5 3. Violation of a provision of the Oklahoma Security Guard and
6 Private Investigator Act or a rule promulgated pursuant to the act;
- 7 4. A conviction for larceny, theft, embezzlement, false
8 pretense, fraud, ~~an offense involving moral turpitude,~~ any
9 nonconsensual sex offense, any offense involving a minor as a
10 victim, any offense involving the possession, use, distribution or
11 sale of a controlled dangerous substance, any offense involving a
12 firearm, or any felony crime that substantially relates to the
13 occupation of a security guard or private investigator and poses a
14 reasonable threat to public safety;
- 15 5. Use of beverages containing alcohol while armed with a
16 firearm;
- 17 6. Knowingly impersonating a law enforcement officer; or
- 18 7. Failure to obtain or maintain liability insurance coverage
19 or a surety bond pursuant to subsection J of Section 1750.5 of this
20 title.
- 21 B. A Security Agency License or Investigative Agency License
22 shall be subject to denial, suspension, or revocation and/or
23 disciplinary penalty or fine by the Council subject to the
24

1 Administrative Procedures Act for, but not limited to, the following
2 reasons by clear and convincing evidence:

3 1. A false statement in a license application;

4 2. Violation of any provision of the Oklahoma Security Guard
5 and Private Investigator Act or a rule adopted pursuant thereto;

6 3. Employing, authorizing, or permitting an unlicensed,
7 uninsured or unbonded person to perform a security guard, armed
8 security guard or private investigator function; or

9 4. Permitting a person to perform a security guard, armed
10 security guard or private investigator function, knowing the person
11 has committed any offense enumerated in subsection A of this
12 section.

13 C. Upon the effective date of suspension or revocation of any
14 license, the licensee shall have the duty to surrender the license
15 and any identification card issued pursuant thereto to the Council.

16 D. As used in this section:

17 1. "Substantially relates" means the nature of criminal conduct
18 for which the person was convicted has a direct bearing on the
19 fitness or ability to perform one or more of the duties or
20 responsibilities necessarily related to the occupation; and

21 2. "Poses a reasonable threat" means the nature of criminal
22 conduct for which the person was convicted involved an act or threat
23 of harm against another and has a bearing on the fitness or ability
24 to serve the public or work with others in the occupation.

1 SECTION 59. AMENDATORY 59 O.S. 2011, Section 1800.7, as
2 last amended by Section 3, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
3 2018, Section 1800.7), is amended to read as follows:

4 Section 1800.7 A. Any person applying for a license to engage
5 in an alarm or locksmith industry business pursuant to the Alarm and
6 Locksmith Industry Act shall provide evidence to the Alarm and
7 Locksmith Industry Committee that the individual within this state
8 having direct supervision over the function and local operations of
9 such alarm or locksmith industry business or a branch thereof has
10 the following qualifications:

11 1. Is at least eighteen (18) years of age;

12 2. Has not been declared by any court of competent jurisdiction
13 incompetent by reason of mental defect or disease, and has not been
14 restored to competency;

15 3. Is not a habitual user of intoxicating liquors or a user of
16 any illegal or illicit drug or controlled substance, including, but
17 not limited to, the non-medical use of any prescription drug or
18 other intoxicating substance;

19 4. Has not been discharged from the Armed Services of the
20 United States under dishonorable conditions; and

21 ~~5. Is of good moral character; and~~

22 ~~6.~~ Meets such other standards as may be established by the
23 Commissioner of Labor relating to experience or knowledge of the
24 alarm or locksmith industry.

1 B. The applicant shall advise the Committee and furnish full
2 information on each individual described in subsection A of this
3 section of any conviction of a felony ~~or any crime involving moral~~
4 ~~turpitude~~ crime which substantially relates to the occupation of an
5 individual in an alarm or locksmith industry business and poses a
6 reasonable threat to public safety for which a full pardon has not
7 been granted and furnish a recent photograph of a type prescribed by
8 the Commissioner and two classifiable sets of fingerprints of such
9 individual.

10 C. As used in this section:

11 1. "Substantially relates" means the nature of criminal conduct
12 for which the person was convicted has a direct bearing on the
13 fitness or ability to perform one or more of the duties or
14 responsibilities necessarily related to the occupation; and

15 2. "Poses a reasonable threat" means the nature of criminal
16 conduct for which the person was convicted involved an act or threat
17 of harm against another and has a bearing on the fitness or ability
18 to serve the public or work with others in the occupation.

19 SECTION 60. AMENDATORY 59 O.S. 2011, Section 1820.11, as
20 amended by Section 8, Chapter 111, O.S.L. 2013 (59 O.S. Supp. 2018,
21 Section 1820.11), is amended to read as follows:

22 Section 1820.11 A. Any person applying for a license to engage
23 in a fire extinguisher industry business pursuant to the Fire
24 Extinguisher Licensing Act shall provide evidence to the Fire

1 Extinguisher Industry Committee that the individual within this
2 state having direct supervision over the function and local
3 operations of the fire extinguisher industry business or a branch
4 thereof has the following qualifications:

5 1. The individual is at least twenty-one (21) years of age;

6 2. The individual has not been declared by any court of
7 competent jurisdiction incompetent by reason of mental defect or
8 disease;

9 3. The individual is not a habitual user of intoxicating
10 liquors or habit-forming drugs;

11 4. The individual has not been discharged from the Armed
12 Services of the United States under other than honorable conditions;
13 and

14 5. ~~The individual is of good moral character; and~~

15 ~~6.~~ The individual meets such other standards as may be
16 established by the State Fire Marshal Commission relating to
17 experience or knowledge of the fire extinguisher industry.

18 B. The applicant shall advise the Committee and furnish full
19 information on each individual described in subsection A of this
20 section of any conviction of a felony ~~offense or any crime involving~~
21 ~~moral turpitude~~ crime which substantially relates to the occupation
22 of an individual in a fire extinguisher industry business and poses
23 a reasonable threat to public safety for which a full pardon has not
24 been granted. The applicant shall furnish a recent photograph of a

1 type prescribed by the Committee and two classifiable sets of
2 fingerprints of such individual.

3 C. As used in this section:

4 1. "Substantially relates" means the nature of criminal conduct
5 for which the person was convicted has a direct bearing on the
6 fitness or ability to perform one or more of the duties or
7 responsibilities necessarily related to the occupation; and

8 2. "Poses a reasonable threat" means the nature of criminal
9 conduct for which the person was convicted involved an act or threat
10 of harm against another and has a bearing on the fitness or ability
11 to serve the public or work with others in the occupation.

12 SECTION 61. AMENDATORY 59 O.S. 2011, Section 1876, as
13 last amended by Section 1, Chapter 367, O.S.L. 2014 (59 O.S. Supp.
14 2018, Section 1876), is amended to read as follows:

15 Section 1876. A. Unless exempt pursuant to Section 1872 of
16 this title, any person wishing to practice alcohol and drug
17 counseling in this state shall obtain a certificate or license to
18 practice pursuant to the provisions of the Licensed Alcohol and Drug
19 Counselors Act.

20 B. An application for a certificate or license to practice as a
21 certified or licensed alcohol and drug counselor shall be made to
22 the Oklahoma Board of Licensed Alcohol and Drug Counselors in
23 writing. Such application shall be on a form and in a manner
24 prescribed by the Board. The application shall be accompanied by

1 the fee required by the Licensed Alcohol and Drug Counselors Act,
2 which shall be retained by the Board and not returned to the
3 applicant.

4 C. Each applicant for a certificate or license to practice as a
5 certified or licensed alcohol and drug counselor shall:

6 ~~1. Be possessed of good moral character;~~

7 ~~2.~~ Pass an examination based on standards established by the
8 International Certification and Reciprocity Consortium, any
9 successor organization to the International Certification and
10 Reciprocity Consortium or another national or international
11 organization recognized by the Board to have similar standards equal
12 to or higher than the International Certification and Reciprocity
13 Consortium;

14 ~~3.~~ 2. Be at least twenty-one (21) years of age;

15 ~~4.~~ 3. Not have engaged in, nor be engaged in, any practice or
16 conduct which would be grounds for denying, revoking or suspending a
17 license pursuant to the provisions of the Licensed Alcohol and Drug
18 Counselors Act; and

19 ~~5.~~ 4. Otherwise comply with the rules promulgated by the Board
20 pursuant to the provisions of the Licensed Alcohol and Drug
21 Counselors Act.

22 D. In addition to the qualifications specified by the
23 provisions of subsection C of this section, an applicant for a
24 license to practice as a licensed alcohol and drug counselor shall:

1 1. Have at least a master's degree in alcohol and substance
2 abuse counseling or other clinical counseling field recognized by
3 the Oklahoma Board of Licensed Alcohol and Drug Counselors that
4 includes, at a minimum, the following knowledge areas and graduate
5 credit hours from a college or university accredited by an agency
6 recognized by the United States Department of Education:

7 a. three courses in foundational knowledge, including one
8 course in alcohol and drug addiction, one course in
9 drug and alcohol counseling theory, and one course in
10 the pharmacology of drugs and abuse,

11 b. three courses in assessment and treatment of
12 behavioral health problems, which may include group
13 dynamics, individual and family counseling skills,
14 specific counseling approaches, assessment methods,
15 community resources and referral, or other courses
16 primarily related to the assessment and treatment of
17 behavioral health problems,

18 c. one course in human development,

19 d. one course in psychopathology,

20 e. one course in multicultural and cultural competency
21 issues,

22 f. one course in family systems theory,

23 g. one course in addiction in the family theory,

24 h. one course in addiction in the family counseling,

- i. one course in ethics, which includes established ethical conduct for alcohol and drug counselors,
- j. one course in research methods, and
- k. one three-hour practicum/internship in the field of drug and alcohol counseling of at least three hundred (300) clock hours.

All courses shall be graduate level courses and shall be three (3) semester hours or four (4) quarter credit hours which shall include a minimum of forty-five (45) class hours for each course;

2. Have successfully completed at least one (1) year of full-time supervised work experience providing behavioral health services. For the purpose of the Licensed Alcohol and Drug Counselors Act, one (1) year of full-time work experience shall mean two thousand (2,000) hours of work experience, of which at least one thousand (1,000) hours shall consist of direct client contact; or

3. Be a licensed mental health professional as defined in Section 1-103 of Title 43A of the Oklahoma Statutes and have completed a minimum of fifteen (15) hours in master's level substance abuse specific coursework, including, but not limited to, chemical addiction, counseling, alcohol/drug counseling theory, pharmacology of drugs and abuse, assessment and treatment of alcohol and drug problems, theories in family addiction, and/or family addiction counseling.

1 E. The scope of practice of a licensed alcohol and drug
2 counselor who meets the educational requirements set forth in
3 paragraph 1 of subsection D of this section may include the
4 assessment, diagnosis, and treatment of mental health disorders.
5 Licensees who have been determined by the Board to meet these
6 requirements shall have the designation "licensed alcohol and drug
7 counselor/mental health" or "LADC/MH" noted on their license and
8 wallet card.

9 F. The scope of practice of a licensed alcohol and drug
10 counselor who made application for license or who was licensed prior
11 to the effective date of the educational requirements set forth in
12 paragraph 1 of subsection D of this section shall not include the
13 assessment, diagnosis, and treatment of mental health disorders
14 unless:

15 1. The licensed alcohol and drug counselor holds a master's
16 degree that meets the educational requirements for licensure in the
17 following behavioral health professions:

- 18 a. licensed professional counselor as defined in Section
19 1902 of this title,
- 20 b. licensed clinical social worker as defined in Section
21 1250.1 of this title,
- 22 c. licensed marital and family therapist as defined in
23 Section 1925.2 of this title, or
24

1 d. licensed behavioral practitioner as defined in Section
2 1931 of this title; or

3 2. The licensed alcohol and drug counselor holds a valid Co-
4 Occurring Disorders Certification based on standards established by
5 the International Certification and Reciprocity Consortium, any
6 successor organization to the International Certification and
7 Reciprocity Consortium, or any other national or international
8 organization recognized by the Board to have similar standards equal
9 to or higher than the International Certification and Reciprocity
10 Consortium.

11 G. In addition to the qualifications specified in subsection C
12 of this section, each applicant for a certificate to practice as a
13 certified alcohol and drug counselor shall have:

14 1. At a minimum, a bachelor's degree in a behavioral science
15 field that is recognized by the Oklahoma Board of Licensed Alcohol
16 and Drug Counselors as appropriate to practice as a certified drug
17 and alcohol counselor in this state;

18 2. Successfully completed at least two (2) years of full-time
19 supervised work experience. For the purpose of the Licensed Alcohol
20 and Drug Counselors Act, "two years of full-time work experience"
21 shall be defined as four thousand (4,000) hours of work experience
22 of which at least two thousand (2,000) hours shall consist of
23 providing alcohol and drug counseling services to an individual
24 and/or the individual's family;

1 3. Successfully completed at least two hundred seventy (270)
2 clock hours of education related to alcohol and drug counseling
3 subjects, theory, practice or research;

4 4. Successfully completed, as part of or in addition to the
5 education requirements established in paragraph 3 of this
6 subsection, a minimum of forty-five (45) clock hours of specialized
7 training approved by the Board in identifying co-occurring disorders
8 and making appropriate referrals for treatment of co-occurring
9 disorders; and

10 5. Successfully completed at least three hundred (300) hours of
11 supervised practicum experience in the field of drug and alcohol
12 counseling.

13 H. Any licensed or certified alcohol and drug counselor wishing
14 to be certified for co-occurring disorders in this state may obtain
15 such certification pursuant to the provisions of the Licensed
16 Alcohol and Drug Counselors Act.

17 I. An application by a licensed or certified alcohol and drug
18 counselor for certification for co-occurring disorders shall be made
19 to the Oklahoma Board of Licensed Alcohol and Drug Counselors in
20 writing. Such application shall be on a form and in a manner
21 prescribed by the Board. The application shall be accompanied by
22 the fee required by Section 1884 of this title, which shall be
23 retained by the Board and not returned to the applicant.

1 J. Each applicant for certification for co-occurring disorders
2 shall:

3 ~~1. Be possessed of good moral character;~~

4 ~~2.~~ Be a licensed or certified alcohol and drug counselor in
5 good standing with the Board;

6 ~~3.~~ 2. Meet the requirements promulgated by the Board to
7 establish the applicant's competency to include treatment of co-
8 occurring disorders within his or her scope of practice;

9 ~~4.~~ 3. Be at least twenty-one (21) years of age;

10 ~~5.~~ 4. Not have engaged in, nor be engaged in, any practice or
11 conduct which would be grounds for denying, revoking or suspending a
12 license pursuant to the provisions of the Licensed Alcohol and Drug
13 Counselors Act; and

14 ~~6.~~ 5. Otherwise comply with the rules promulgated by the Board
15 pursuant to the provisions of the Licensed Alcohol and Drug
16 Counselors Act.

17 K. Applicants with degrees from schools outside the United
18 States may qualify with Board approval by providing the Board with
19 an acceptable comprehensive evaluation of the degree performed by a
20 foreign credential evaluation service that is acceptable to the
21 Board, and any other requirement the Board deems necessary.

22 SECTION 62. AMENDATORY 59 O.S. 2011, Section 1906, as
23 last amended by Section 3, Chapter 310, O.S.L. 2018 (59 O.S. Supp.
24 2018, Section 1906), is amended to read as follows:

1 Section 1906. A. Applications for a license to practice as a
2 licensed professional counselor shall be made to the State Board of
3 Behavioral Health Licensure in writing. Such applications shall be
4 on a form and in a manner prescribed by the Board. The application
5 shall be accompanied by the fee required by the Licensed
6 Professional Counselors Act, which shall be retained by the Board
7 and not returned to the applicant.

8 B. Each applicant for a license to practice as a licensed
9 professional counselor shall:

10 1. ~~Be possessed of good moral character;~~

11 ~~2.~~ Pass an examination based on standards promulgated by the
12 Board pursuant to the Licensed Professional Counselors Act;

13 ~~3.~~ 2. Be at least twenty-one (21) years of age;

14 ~~4.~~ 3. Not have engaged in, nor be engaged in, any practice or
15 conduct which would be grounds for denying, revoking or suspending a
16 license pursuant to this title; and

17 ~~5.~~ 4. Otherwise comply with the rules promulgated by the Board
18 pursuant to the provisions of the Licensed Professional Counselors
19 Act.

20 C. In addition to the qualifications specified by the
21 provisions of subsection B of this section, an applicant for a
22 license to practice as a licensed professional counselor shall have:

23 1. Successfully completed at least sixty (60) graduate semester
24 hours (ninety (90) graduate quarter hours) of counseling-related

1 course work. These sixty (60) hours shall include at least a
2 master's degree in a counseling field. All courses and degrees
3 shall be earned from a regionally accredited college or university.
4 The Board shall define what course work qualifies as "counseling-
5 related" and what degrees/majors qualify as a "counseling field";
6 and

7 2. Three (3) years of supervised full-time experience in
8 professional counseling subject to the supervision of a licensed
9 professional counselor pursuant to conditions established by the
10 Board. One (1) or two (2) years of experience may be gained at the
11 rate of one (1) year for each thirty (30) graduate semester hours
12 earned beyond the master's degree, provided that such hours are
13 clearly related to the field of counseling and are acceptable to the
14 Board. The applicant shall have no less than one (1) year of
15 supervised full-time experience in counseling.

16 D. Applicants with degrees from schools outside the United
17 States may qualify with Board approval by providing the Board with
18 an acceptable comprehensive evaluation of the degree performed by a
19 foreign credential evaluation service that is acceptable to the
20 Board, and any other requirement the Board deems necessary.

21 E. Applicants licensed in other states shall be licensed by the
22 Board if the candidate is in good standing in the other state, has
23 maintained a minimum of three (3) years of licensure since the time
24

1 of initial full licensure post-provisional term and submits proof of
2 licensure in the other state.

3 SECTION 63. AMENDATORY 59 O.S. 2011, Section 1912, as
4 last amended by Section 11, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
5 2018, Section 1912), is amended to read as follows:

6 Section 1912. A. The State Board of Behavioral Health
7 Licensure may deny, revoke, suspend or place on probation any
8 license or specialty designation issued pursuant to the provisions
9 of the Licensed Professional Counselors Act to a licensed
10 professional counselor, if the person has:

11 1. Been convicted of a felony crime that substantially relates
12 to the practice of counseling ~~or~~ and poses a reasonable threat to
13 public safety;

14 2. ~~Been convicted of a misdemeanor involving moral turpitude;~~

15 3. Engaged in fraud or deceit in connection with services
16 rendered or in establishing needed qualifications pursuant to the
17 provisions of this act;

18 4. 3. Knowingly aided or abetted a person not licensed pursuant
19 to these provisions in representing himself as a licensed
20 professional counselor in this state;

21 5. 4. Engaged in unprofessional conduct as defined by the rules
22 established by the Board;

23 6. 5. Engaged in negligence or wrongful actions in the
24 performance of his or her duties; or

1 ~~7.~~ 6. Misrepresented any information required in obtaining a
2 license.

3 B. If the Board determines that a felony conviction of an
4 applicant renders the convicted applicant unfit to practice
5 counseling, the Board shall provide notice and opportunity to the
6 applicant, by certified mail at the last-known address, for an
7 administrative hearing to contest such determination before the
8 Board may deny the application. The request shall be made by the
9 applicant within fifteen (15) days of receipt of the notice.

10 C. No license or specialty designation shall be suspended or
11 revoked, nor a licensed professional counselor placed on probation
12 until notice is served upon the licensed professional counselor and
13 a hearing is held in conformity with Article II of the
14 Administrative Procedures Act.

15 D. As used in this section:

16 1. "Substantially relates" means the nature of criminal conduct
17 for which the person was convicted has a direct bearing on the
18 fitness or ability to perform one or more of the duties or
19 responsibilities necessarily related to the occupation; and

20 2. "Poses a reasonable threat" means the nature of criminal
21 conduct for which the person was convicted involved an act or threat
22 of harm against another and has a bearing on the fitness or ability
23 to serve the public or work with others in the occupation.

24

1 SECTION 64. AMENDATORY 59 O.S. 2011, Section 1925.6, as
2 amended by Section 20, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2018,
3 Section 1925.6), is amended to read as follows:

4 Section 1925.6 A. Applications for a license to practice as a
5 licensed marital and family therapist shall be made to the State
6 Board of Behavioral Health Licensure in writing. Such applications
7 shall be on a form and in a manner prescribed by the Board. The
8 application shall be accompanied by the fee required by Section
9 1925.18 of this title which shall be retained by the Board and not
10 returned to the applicant.

11 B. Each applicant for a license to practice as a licensed
12 marital and family therapist shall:

13 1. ~~Be possessed of good moral character;~~

14 ~~2.~~ Be at least twenty-one (21) years of age;

15 ~~3.~~ 2. Not have engaged in, nor be engaged in, any practice or
16 conduct which would be a grounds for revoking, suspending or placing
17 on probation a license under Section 1925.15 of this title; and

18 ~~4.~~ 3. Otherwise comply with the rules and regulations
19 promulgated by the Board pursuant to the provisions of the Marital
20 and Family Therapist Licensure Act.

21 C. In addition to the qualifications specified by the
22 provisions of subsection B of this section any person applying for a
23 license after September 1, 1991, to practice as a licensed marital
24

1 and family therapist shall have the following educational and
2 experience qualifications:

3 1. A master's degree or a doctoral degree in marital and family
4 therapy, or a content-equivalent degree as defined by the Board;

5 2. Successful completion of two (2) calendar years of work
6 experience in marital and family therapy following receipt of a
7 qualifying degree, under supervision in accordance with standards
8 established by the Board; and

9 3. An applicant applying for a license after September 1, 1991,
10 shall also be required to pass a written or oral examination or both
11 written and oral examination administered by the Board if, at the
12 discretion of the Board, such examination is deemed necessary in
13 order to determine the applicant's qualifications for the practice
14 of marital and family therapy.

15 SECTION 65. AMENDATORY 59 O.S. 2011, Section 1925.15, as
16 last amended by Section 12, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
17 2018, Section 1925.15), is amended to read as follows:

18 Section 1925.15 A. The State Board of Behavioral Health
19 Licensure may deny, revoke, suspend or place on probation any
20 license issued subject to the provisions of the Marital and Family
21 Therapist Licensure Act, if the person has:

22 1. Been convicted of a felony crime that substantially relates
23 to the practice of counseling ~~or~~ and poses a reasonable threat to
24 public safety;

1 2. ~~Been convicted of a misdemeanor crime involving moral~~
2 ~~turpitude;~~

3 ~~3.~~ Violated ethical standards of such a nature as to render the
4 person found by the Board to have engaged in such violation unfit to
5 practice marital and family therapy;

6 ~~4.~~ 3. Misrepresented any information required in obtaining a
7 license;

8 ~~5.~~ 4. Engaged in fraud or deceit in connection with services
9 rendered or in establishing needed qualifications pursuant to the
10 provisions of the Marital and Family Therapist Licensure Act;

11 ~~6.~~ 5. Knowingly aided or abetted a person not licensed pursuant
12 to these provisions in representing himself or herself as a licensed
13 marital and family therapist in this state;

14 ~~7.~~ 6. Engaged in unprofessional conduct as defined by the rules
15 promulgated by the Board; or

16 ~~8.~~ 7. Engaged in negligence or wrongful actions in the
17 performance of the duties of such person.

18 B. If the Board determines that a felony conviction of an
19 applicant renders the convicted applicant unfit to practice
20 counseling, the Board shall provide notice and opportunity to the
21 applicant, by certified mail at the last-known address, for an
22 administrative hearing to contest such determination before the
23 Board may deny the application. The request shall be made by the
24 applicant within fifteen (15) days of receipt of the notice.

1 C. No license shall be suspended, revoked or placed on
2 probation until notice is served upon the licensed marital and
3 family therapist and a hearing is held in such manner as is required
4 by the Marital and Family Therapist Licensure Act.

5 D. Any person who is determined by the Board to have violated
6 any of the provisions of the Marital and Family Therapist Licensure
7 Act or any rule promulgated or order issued pursuant thereto may be
8 subject to an administrative penalty. The maximum fine shall not
9 exceed Ten Thousand Dollars (\$10,000.00). All administrative
10 penalties collected pursuant to the Marital and Family Therapist
11 Licensure Act shall be deposited into the Licensed Marital and
12 Family Therapist Revolving Fund. Administrative penalties imposed
13 pursuant to this subsection shall be enforceable in the district
14 courts of this state.

15 E. As used in this section:

16 1. "Substantially relates" means the nature of criminal conduct
17 for which the person was convicted has a direct bearing on the
18 fitness or ability to perform one or more of the duties or
19 responsibilities necessarily related to the occupation; and

20 2. "Poses a reasonable threat" means the nature of criminal
21 conduct for which the person was convicted involved an act or threat
22 of harm against another and has a bearing on the fitness or ability
23 to serve the public or work with others in the occupation.

24

1 SECTION 66. AMENDATORY 59 O.S. 2011, Section 1935, as
2 last amended by Section 3, Chapter 367, O.S.L. 2014 (59 O.S. Supp.
3 2018, Section 1935), is amended to read as follows:

4 Section 1935. A. Applications for a license to practice as a
5 licensed behavioral practitioner shall be made to the State Board of
6 Behavioral Health Licensure in writing. Such applications shall be
7 on a form and in a manner prescribed by the Board. The application
8 shall be accompanied by the fee required by the Licensed Behavioral
9 Practitioner Act, which shall be retained by the Board and not
10 returned to the applicant.

11 B. Each applicant for a license to practice as a licensed
12 behavioral practitioner shall:

13 ~~1. Be possessed of good moral character;~~

14 ~~2.~~ Pass an examination based on standards promulgated by the
15 Board pursuant to the Licensed Behavioral Practitioner Act;

16 ~~3.~~ 2. Be at least twenty-one (21) years of age;

17 ~~4.~~ 3. Not have engaged in, nor be engaged in, any practice or
18 conduct which would be grounds for denying, revoking, or suspending
19 a license pursuant to the Licensed Behavioral Practitioner Act; and

20 ~~5.~~ 4. Otherwise comply with the rules promulgated by the Board
21 pursuant to the provisions of the Licensed Behavioral Practitioner
22 Act.

23 C. In addition to the qualifications specified by the
24 provisions of subsection B of this section, an applicant for a

1 license to practice as a licensed behavioral practitioner shall
2 have:

3 1. Successfully completed at least forty-five (45) graduate
4 semester hours (sixty (60) graduate quarter hours) of behavioral_
5 science-related course work. These forty-five (45) hours shall
6 include at least a master's degree from a program in psychology.
7 All course work and degrees shall be earned from a regionally
8 accredited college or university. The Board shall define what
9 course work qualifies as "behavioral_science-related";

10 2. On or after January 1, 2008, successfully completed at least
11 sixty (60) graduate semester hours (ninety (90) graduate quarter
12 hours) of behavioral_science-related course work. These sixty (60)
13 hours shall include at least a master's degree from a program in
14 psychology. All courses shall be earned from a regionally
15 accredited college or university.

16 The Board shall define what course work qualifies as
17 "behavioral_science-related"; and

18 3. Three (3) years of supervised full-time experience in
19 professional behavioral health services subject to the supervision
20 of a licensed mental health professional pursuant to conditions
21 established by the Board. One (1) or two (2) years of experience
22 may be gained at the rate of one (1) year for each thirty (30)
23 graduate semester hours earned beyond the master's degree, provided
24 that such hours are clearly related to the field of psychology or

1 behavioral sciences and are acceptable to the Board. The applicant
2 shall have no less than one (1) year of supervised full-time
3 experience in behavioral science.

4 D. Applicants with degrees from schools outside the United
5 States may qualify with Board approval by providing the Board with
6 an acceptable comprehensive evaluation of the degree performed by a
7 foreign credential evaluation service that is acceptable to the
8 Board, and any other requirement the Board deems necessary.

9 SECTION 67. AMENDATORY 59 O.S. 2011, Section 1941, as
10 last amended by Section 13, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
11 2018, Section 1941), is amended to read as follows:

12 Section 1941. A. The State Board of Behavioral Health
13 Licensure may deny, revoke, suspend, or place on probation any
14 license or specialty designation issued pursuant to the provisions
15 of the Licensed Behavioral Practitioner Act to a licensed behavioral
16 practitioner, if the person has:

17 1. Been convicted of a felony crime that substantially relates
18 to the practice of behavioral health ~~or~~ and poses a reasonable
19 threat to public safety;

20 2. ~~Been convicted of a misdemeanor involving moral turpitude;~~

21 3. Engaged in fraud or deceit in connection with services
22 rendered or in establishing needed qualifications pursuant to the
23 provisions of this act;

24

1 ~~4.~~ 3. Knowingly aided or abetted a person not licensed pursuant
2 to these provisions in representing himself or herself as a licensed
3 behavioral practitioner in this state;

4 ~~5.~~ 4. Engaged in unprofessional conduct as defined by the rules
5 established by the Board;

6 ~~6.~~ 5. Engaged in negligence or wrongful actions in the
7 performance of the licensee's duties; or

8 ~~7.~~ 6. Misrepresented any information required in obtaining a
9 license.

10 B. If the Board determines that a felony conviction of an
11 applicant renders the convicted applicant unfit to practice
12 counseling, the Board shall provide notice and opportunity to the
13 applicant, by certified mail at the last-known address, for an
14 administrative hearing to contest such determination before the
15 Board may deny the application. The request shall be made by the
16 applicant within fifteen (15) days of receipt of the notice.

17 C. No license or specialty designation shall be suspended or
18 revoked, nor a licensed behavioral practitioner placed on probation,
19 until notice is served upon the licensed behavioral practitioner and
20 a hearing is held in conformity with Article II of the
21 Administrative Procedures Act.

22 D. As used in this section:

23 1. "Substantially relates" means the nature of criminal conduct
24 for which the person was convicted has a direct bearing on the

1 fitness or ability to perform one or more of the duties or
2 responsibilities necessarily related to the occupation; and

3 2. "Poses a reasonable threat" means the nature of criminal
4 conduct for which the person was convicted involved an act or threat
5 of harm against another and has a bearing on the fitness or ability
6 to serve the public or work with others in the occupation.

7 SECTION 68. AMENDATORY 59 O.S. 2011, Section 2059, as
8 amended by Section 1, Chapter 19, O.S.L. 2017 (59 O.S. Supp. 2018,
9 Section 2059), is amended to read as follows:

10 Section 2059. A. Except as otherwise provided in the Oklahoma
11 Licensed Perfusionists Act, ~~on and after January 1, 1997,~~ no person
12 shall practice perfusion in this state unless licensed pursuant to
13 the provisions of the Oklahoma Licensed Perfusionists Act.

14 B. No person shall be licensed to practice perfusion in this
15 state except upon a finding by the State Board of Examiners of
16 Perfusionists that such person:

17 1. Has fully complied with all applicable licensure
18 requirements of the Oklahoma Licensed Perfusionists Act; and

19 ~~2. Is of good moral character; and~~

20 ~~3.~~ Has produced satisfactory evidence to the Board of the
21 ability of the applicant to practice perfusion with reasonable skill
22 and safety.

23

24

1 C. An applicant for a perfusionist license must submit a sworn
2 application accompanied by an application fee specified in Section
3 2071 of this title in an amount set by rule of the Board.

4 D. The Board shall prescribe the form of the application and by
5 rule may establish dates by which applications and fees must be
6 received. These rules must not be inconsistent with present rules
7 of the State Board of Medical Licensure and Supervision related to
8 application dates of other licenses. The Board may review and
9 verify medical credentials and screen applicant records through
10 recognized national information services.

11 E. To qualify for the examination for licensure, the applicant
12 must have successfully completed a perfusion education program
13 approved by the Board.

14 F. In approving perfusion education programs necessary for
15 qualification for examination, the Board shall approve only a
16 program that has educational standards that are at least as
17 stringent as those established by the Accreditation Committee for
18 Perfusion Education and approved by the Committee on Allied Health
19 Education and Accreditation of the American Medical Association or
20 their successors.

21 G. Not later than the forty-fifth day after the date of receipt
22 of a properly submitted and timely application and not later than
23 the thirtieth day before the next examination date, the Board shall
24 notify an applicant in writing that the applicant's application and

1 any other relevant evidence pertaining to applicant qualifications
2 established by the Board by rule have been received and
3 investigated. The notice shall state whether the application and
4 other evidence submitted have qualified the applicant for
5 examination. If the applicant has not qualified for examination,
6 the notice shall state the reasons for lack of qualification.

7 SECTION 69. AMENDATORY 59 O.S. 2011, Section 2095.7, as
8 amended by Section 5, Chapter 98, O.S.L. 2013 (59 O.S. Supp. 2018,
9 Section 2095.7), is amended to read as follows:

10 Section 2095.7 A. The Administrator of Consumer Credit shall
11 not issue a mortgage loan originator license unless the
12 Administrator makes at a minimum the following findings:

13 1. The applicant has never had a mortgage loan originator
14 license revoked in any governmental jurisdiction, except that a
15 subsequent formal vacation of such revocation shall not be deemed a
16 revocation;

17 2. The applicant has not been convicted of, or pled guilty or
18 nolo contendere to a felony crime that substantially relates to the
19 occupation of a mortgage loan originator and poses a reasonable
20 threat to public safety in a domestic, foreign or military court:

21 a. during the seven-year period preceding the date of the
22 application for licensing and registration, or
23
24

1 b. at any time preceding such date of application, if
2 such felony involved an act of fraud, dishonesty, a
3 breach of trust or money laundering.

4 Provided, that any pardon of a conviction shall not be a
5 conviction for purposes of this paragraph;

6 3. The applicant has demonstrated financial responsibility,
7 ~~character~~ and general fitness such as to command the confidence of
8 the community and to warrant a determination that the mortgage loan
9 originator will operate honestly, fairly and efficiently within the
10 purposes of the Oklahoma Secure and Fair Enforcement for Mortgage
11 Licensing Act. For purposes of this paragraph, an individual has
12 shown that he or she is not financially responsible when he or she
13 has shown a disregard in the management of his or her own financial
14 condition. A determination that an individual has not shown
15 financial responsibility may include, but not be limited to:

- 16 a. current outstanding judgments, except judgments solely
- 17 as a result of medical expenses,
- 18 b. current outstanding tax liens or other government
- 19 liens and filings,
- 20 c. foreclosures within the past three (3) years, or
- 21 d. pattern of seriously delinquent accounts within the
- 22 past three (3) years;

23 4. The applicant has completed the prelicensing education
24 requirement described in Section 2095.8 of this title;

1 5. The applicant has passed a written test that meets the test
2 requirement described in Section 2095.9 of this title;

3 6. The applicant has paid into the Oklahoma Mortgage Broker and
4 Mortgage Loan Originator Recovery Fund as required by paragraph ~~6~~ 5
5 of subsection ~~M~~ K of Section 2095.6 of this title; and

6 7. The applicant is sponsored by a licensed mortgage broker or
7 mortgage lender. The Administrator of Consumer Credit may authorize
8 an entity exempt from the requirements of this act to sponsor an
9 applicant that is an independent contractor of the exempt entity.
10 The Administrator of Consumer Credit may promulgate administrative
11 rules, subject to approval of the Commission on Consumer Credit, to
12 implement sponsorship procedures and requirements.

13 B. As used in this section:

14 1. "Substantially relates" means the nature of criminal conduct
15 for which the person was convicted has a direct bearing on the
16 fitness or ability to perform one or more of the duties or
17 responsibilities necessarily related to the occupation; and

18 2. "Poses a reasonable threat" means the nature of criminal
19 conduct for which the person was convicted involved an act or threat
20 of harm against another and has a bearing on the fitness or ability
21 to serve the public or work with others in the occupation.

22 SECTION 70. AMENDATORY 59 O.S. 2011, Section 2095.11, is
23 amended to read as follows:

1 Section 2095.11 A. The Administrator of Consumer Credit shall
2 not issue a mortgage broker license unless the Administrator makes
3 at a minimum the following findings:

4 1. The applicant or any owner, officer, director or partner has
5 never had a mortgage broker or mortgage loan originator license
6 revoked in any governmental jurisdiction, except that a subsequent
7 formal vacation of such revocation shall not be deemed a revocation;

8 2. Any owner, officer, director or partner of the applicant has
9 not been convicted of, or pled guilty or nolo contendere to, a
10 felony crime that substantially relates to the occupation of a
11 mortgage broker and poses a reasonable threat to public safety in a
12 domestic, foreign or military court:

13 a. during the seven-year period preceding the date of the
14 application for licensing and registration, or

15 b. at any time preceding such date of application, if
16 such felony involved an act of fraud, dishonesty, a
17 breach of trust or money laundering.

18 Provided, that any pardon of a conviction shall not be a
19 conviction for purposes of this paragraph;

20 3. The applicant's owners, officers, directors or partners have
21 demonstrated financial responsibility, ~~character~~ and general fitness
22 such as to command the confidence of the community and to warrant a
23 determination that the mortgage broker will operate honestly, fairly
24 and efficiently within the purposes of this act. For purposes of

1 this paragraph, an applicant's owners, officers, directors or
2 partners have shown they are not financially responsible when they
3 have shown a disregard in the management of their own financial
4 condition. A determination that an owner, officer, director or
5 partner has not shown financial responsibility may include, but not
6 be limited to:

- 7 a. current outstanding judgments, except judgments solely
8 as a result of medical expenses,
- 9 b. current outstanding tax liens or other government
10 liens and filings,
- 11 c. foreclosures within the past three (3) years, or
- 12 d. a pattern of seriously delinquent accounts within the
13 past three (3) years;

14 4. The applicant has paid into the Oklahoma Mortgage Broker and
15 Mortgage Loan Originator Recovery Fund as required by paragraph ~~6~~ 5
16 of subsection ~~M~~ K of Section ~~9~~ 2095.6 of this ~~act~~ title; and

17 5. The applicant has paid all required fees for issuance of the
18 license.

19 B. Each mortgage broker applicant shall designate and maintain
20 a principal place of business for the transaction of business. The
21 applicant shall specify the address of the principal place of
22 business and designate a licensed mortgage loan originator to
23 oversee the operations of the principal place of business. If an
24 applicant wishes to maintain one or more locations for the

1 transaction of business in addition to a principal place of
2 business, the applicant shall first obtain a branch office license
3 from the Administrator and designate a licensed mortgage loan
4 originator for each branch office to oversee the operations of that
5 branch office. The applicant shall submit a fee as set forth in
6 paragraph 3 of subsection ~~M~~ K of Section ~~9~~ 2095.6 of this ~~act~~ title
7 for each branch office license issued. If the Administrator of
8 Consumer Credit determines that the applicant is qualified, the
9 Administrator shall issue a branch office license indicating the
10 address of the branch office. If the address of the principal place
11 of business or of any branch office is changed, the licensee shall
12 immediately notify the Administrator of the change and the
13 Administrator shall endorse the change of address on the license for
14 a fee as prescribed in paragraph ~~5~~ 4 of subsection ~~M~~ K of Section ~~9~~
15 2095.6 of this ~~act~~ title.

16 C. As used in this section:

17 1. "Substantially relates" means the nature of criminal conduct
18 for which the person was convicted has a direct bearing on the
19 fitness or ability to perform one or more of the duties or
20 responsibilities necessarily related to the occupation; and

21 2. "Poses a reasonable threat" means the nature of criminal
22 conduct for which the person was convicted involved an act or threat
23 of harm against another and has a bearing on the fitness or ability
24 to serve the public or work with others in the occupation.

1 SECTION 71. AMENDATORY Section 6, Chapter 98, O.S.L.
2 2013 (59 O.S. Supp. 2018, Section 2095.11.1), is amended to read as
3 follows:

4 Section 2095.11.1 The Administrator of Consumer Credit shall
5 not issue a mortgage lender license unless the Administrator makes
6 at a minimum the following findings:

7 1. The applicant or any owner, officer, director or partner has
8 never had a mortgage lender, mortgage broker or mortgage loan
9 originator license revoked in any governmental jurisdiction, except
10 that a subsequent formal vacation of such revocation shall not be
11 deemed a revocation;

12 2. Any owner, officer, director or partner of the applicant has
13 not been convicted of, or pled guilty or nolo contendere to, a
14 felony crime that substantially relates to the occupation of a
15 mortgage lender and poses a reasonable threat to public safety in a
16 domestic, foreign or military court:

- 17 a. during the seven-year period preceding the date of the
18 application for licensing and registration, or
19 b. at any time preceding such date of application, if
20 such felony involved an act of fraud, dishonesty, a
21 breach of trust or money laundering.

22 Provided, that any pardon of a conviction shall not be a
23 conviction for purposes of this paragraph;

24

1 3. The applicant and the applicant's owners, officers,
2 directors or partners have demonstrated financial responsibility,
3 ~~character~~ and general fitness such as to command the confidence of
4 the community and to warrant a determination that the mortgage
5 lender will operate honestly, fairly and efficiently within the
6 purposes of this act. For purposes of this paragraph, an
7 applicant's owners, officers, directors or partners have shown they
8 are not financially responsible when they have shown a disregard in
9 the management of their own financial condition. A determination
10 that an owner, officer, director or partner has not shown financial
11 responsibility may include, but not be limited to:

- 12 a. current outstanding judgments, except judgments solely
- 13 as a result of medical expenses,
- 14 b. current outstanding tax liens or other government
- 15 liens and filings,
- 16 c. foreclosures within the past three (3) years, or
- 17 d. a pattern of seriously delinquent accounts within the
- 18 past three (3) years;

19 4. The applicant has filed a bond in the amount of One Hundred
20 Thousand Dollars (\$100,000.00) securing the applicant's or
21 licensee's faithful performance of all duties and obligations of a
22 licensee. The bond shall meet the following requirements:

- 23 a. the bond shall be in a form acceptable to the
- 24 Administrator,

- 1 b. the bond shall be issued by an insurance company
2 authorized to conduct business in the State of
3 Oklahoma,
- 4 c. the bond shall be payable to the Oklahoma Department
5 of Consumer Credit,
- 6 d. the bond is continuous in nature and shall be
7 maintained at all times as a condition of licensure,
- 8 e. the bond may not be terminated without thirty (30)
9 days prior written notice to the Administrator and
10 approval of the Administrator,
- 11 f. the bond shall be available for the recovery of
12 expenses, civil penalties and fees assessed pursuant
13 to the Oklahoma Secure and Fair Enforcement for
14 Mortgage Licensing Act and for losses or damages which
15 are determined by the Administrator to have been
16 incurred by any borrower or consumer as a result of
17 the applicant's or licensee's failure to comply with
18 the requirements of the Oklahoma Secure and Fair
19 Enforcement for Mortgage Licensing Act,
- 20 g. when an action is commenced on a licensee's bond, the
21 Administrator may require the filing of a new bond,
22 and
- 23 h. whenever the principal sum of the bond is reduced by
24 one or more recoveries or payments thereon, the

1 licensee shall furnish a new or additional bond so
2 that the total or aggregate principal sum of such bond
3 or such bonds shall equal One Hundred Thousand Dollars
4 (\$100,000.00) or shall furnish an endorsement duly
5 executed by the corporate surety reinstating the bond
6 to the required principal sum;

7 5. The applicant has a net worth of at least Twenty-five
8 Thousand Dollars (\$25,000.00) as reflected by an audited financial
9 statement prepared by a certified public accountant in accordance
10 with generally accepted accounting principles that is accompanied by
11 an opinion acceptable to the Administrator and is dated within
12 fifteen (15) months of the date of application;

13 6. The applicant has paid all required fees for issuance of the
14 license. The license fees for a mortgage lender shall be in the
15 same amount as license fees applicable to a mortgage broker;

16 7. Each mortgage lender applicant shall designate and maintain
17 a principal place of business for the transaction of business. If
18 the mortgage lender applicant engages in activity that satisfies the
19 definition of a mortgage broker, the mortgage lender shall designate
20 a licensed mortgage loan originator to oversee the mortgage loan
21 origination operations of the principal place of business and any
22 branch office location where the mortgage lender applicant engages
23 in activity that satisfies the definition of a mortgage broker. If
24 an applicant wishes to maintain one or more locations for the

1 transaction of business in addition to a principal place of
2 business, the applicant shall first obtain a branch office license
3 from the Administrator. The applicant shall submit a fee as set
4 forth in paragraph 3 of subsection ~~M K~~ of Section 2095.6 of ~~Title 59~~
5 ~~of the Oklahoma Statutes~~ this title for each branch office license
6 issued. If the Administrator of Consumer Credit determines that the
7 applicant is qualified, the Administrator shall issue a branch
8 office license indicating the address of the branch office. If the
9 address of the principal place of business or of any branch office
10 is changed, the licensee shall immediately notify the Administrator
11 of the change and the Administrator shall endorse the change of
12 address on the license for a fee as prescribed in paragraph ~~5~~ 4 of
13 subsection ~~M K~~ of Section 2095.6 of ~~Title 59 of the Oklahoma~~
14 ~~Statutes~~ this title; and

15 8. A separate mortgage broker license is not required for a
16 mortgage lender that engages in activity that satisfies the
17 definition of a mortgage broker as provided in the Oklahoma Secure
18 and Fair Enforcement for Mortgage Licensing Act. A mortgage lender
19 that engages in activity that satisfies the definition of a mortgage
20 broker shall comply with all requirements of the Oklahoma Secure and
21 Fair Enforcement for Mortgage Licensing Act regarding mortgage
22 brokers.

23 SECTION 72. AMENDATORY 59 O.S. 2011, Section 3113, is
24 amended to read as follows:

1 Section 3113. A. To qualify for a license issued pursuant to
2 the Deferred Deposit Lending Act, an applicant shall have:

3 1. A minimum net worth, determined in accordance with generally
4 accepted accounting principles, of at least Twenty-five Thousand
5 Dollars (\$25,000.00) available for operation of each licensed
6 location, with a maximum aggregate net worth requirement of Two
7 Hundred Fifty Thousand Dollars (\$250,000.00) for an owner of
8 multiple locations; and

9 2. The financial responsibility, ~~character,~~ experience and
10 general fitness so as to command the confidence of the public and to
11 warrant the belief that the business will be operated lawfully,
12 honestly, fairly and efficiently.

13 B. An application for a license pursuant to the Deferred
14 Deposit Lending Act must be in writing, under oath, and on a form
15 prescribed by the Administrator of Consumer Credit. The application
16 must set forth all of the following:

17 1. The legal name and residence and business addresses of the
18 applicant and, if the applicant is a partnership, association or
19 corporation, of every member, officer, managing employee and
20 director of it;

21 2. The location of the registered office of the applicant;

22 3. The registered agent of the applicant if the applicant is
23 required by other law to have a registered agent;

24 4. The addresses of the locations to be licensed; and

1 5. Other information concerning the financial responsibility,
2 background, experience and activities, such as other partnerships,
3 associations and corporations located at or adjacent to the licensed
4 location of the applicant and its members, officers, managing
5 employees and directors as the Administrator may require.

6 C. On receipt of an application in the form prescribed by the
7 Administrator and accompanied by the required license fee, the
8 Administrator shall investigate whether the qualifications for
9 license are satisfied. If the Administrator finds that the
10 qualifications are satisfied, the Administrator shall issue to the
11 applicant a license to engage in the business of making deferred
12 deposit loans. If the Administrator fails to issue a license, the
13 Administrator shall notify the applicant of the denial and the
14 reasons for the denial. The provisions of the Administrative
15 Procedures Act shall apply to the appeal of the denial of a license.

16 D. Each application, regardless of the number of locations to
17 be operated by a single licensee, must be accompanied by payment of
18 an application fee as prescribed by rule of the Commission on
19 Consumer Credit and an investigation fee as prescribed by rule of
20 the Commission on Consumer Credit. These fees shall not be
21 refundable or abatable. If the license is granted, however, payment
22 of the application fee shall satisfy the fee requirement for the
23 first license year or its remainder.

1 E. Each license shall remain in full force and effect until
2 relinquished, suspended, revoked or expired. A license expires
3 annually and may be renewed on payment of a license fee as
4 prescribed by rule of the Commission on Consumer Credit. The annual
5 license renewal fee for an application with more than one location
6 shall be as prescribed by rule of the Commission on Consumer Credit
7 for each location.

8 F. The Commission on Consumer Credit shall prescribe by rule a
9 fee for each license change, duplicate license or returned check.

10 G. The Commission on Consumer Credit shall prescribe by rule a
11 late fee if a license is not renewed on or before the expiration of
12 the license.

13 SECTION 73. AMENDATORY Section 5, Chapter 292, O.S.L.
14 2016 (59 O.S. Supp. 2018, Section 4200.5), is amended to read as
15 follows:

16 Section 4200.5 A. Between the effective date of this act and
17 May 1, 2017, the State Board of Cosmetology and Barbering shall
18 issue a license to practice massage therapy to any person who files
19 a completed application, accompanied by the required fees, and who
20 submits satisfactory evidence that the applicant:

- 21 1. Is at least eighteen (18) years of age;
- 22 2. Has one or more of the following:

23
24

- a. documentation that the applicant has completed and passed a nationally recognized competency examination in the practice of massage therapy,
- b. an affidavit of at least five (5) years of work experience in the state, or
- c. a certificate and transcript of completion from a massage school with at least five hundred (500) hours of education;

3. Provides proof of documentation that the applicant currently maintains liability insurance for practice as a massage therapist; and

4. Provides full disclosure to the Board of any criminal proceeding taken against the applicant including, but not limited to:

- ~~a. pleading guilty, pleading or nolo contendere to, or receiving a conviction of for, a felony, crime that substantially relates to the practice of massage therapy and poses a reasonable threat to public safety~~
- ~~b. pleading guilty, pleading nolo contendere or receiving a conviction of a misdemeanor involving moral turpitude, or~~
- ~~c. pleading guilty, pleading nolo contendere or receiving a conviction for violation of federal or state controlled dangerous substance laws.~~

1 B. To assist in determining the entry-level competence of an
2 applicant who makes application for a license after May 1, 2017, the
3 Board may adopt rules establishing additional standards or criteria
4 for examination acceptance and may adopt only those examinations
5 that meet the standards outlined in Section § 4200.8 of this ~~act~~
6 title.

7 C. 1. After May 1, 2017, except as otherwise provided in the
8 Massage Therapy Practice Act, every person desiring to practice
9 massage therapy in this state shall be required to first obtain a
10 license from the Board.

11 2. After May 1, 2017, the Board may issue a license to an
12 applicant who:

- 13 a. is at least eighteen (18) years of age,
- 14 b. provides documentation that the applicant has
15 completed the equivalent of five hundred (500) hours
16 of formal education in massage therapy from a state-
17 licensed school,
- 18 c. provides documentation that the applicant has passed a
19 nationally recognized competency examination approved
20 by the Board,
- 21 d. provides proof that the applicant currently maintains
22 liability insurance for practice as a massage
23 therapist, and
24

1 e. provides full disclosure to the Board of any criminal
2 proceeding taken against the applicant including, ~~but~~
3 ~~not limited to:~~

4 ~~(1) pleading guilty, pleading or nolo contendere to,~~
5 ~~or receiving a conviction ~~of~~ for, a felony,~~

6 ~~(2) pleading guilty, pleading nolo contendere or~~
7 ~~receiving a conviction of a misdemeanor involving~~
8 ~~moral turpitude, or~~

9 ~~(3) pleading guilty, pleading nolo contendere or~~
10 ~~receiving a conviction for violation of federal~~
11 ~~or state controlled dangerous substance laws~~
12 ~~crime that substantially relates to the practice~~
13 ~~of massage therapy and poses a reasonable threat~~
14 ~~to public safety.~~

15 D. As used in this section:

16 1. "Substantially relates" means the nature of criminal conduct
17 for which the person was convicted has a direct bearing on the
18 fitness or ability to perform one or more of the duties or
19 responsibilities necessarily related to the occupation; and

20 2. "Poses a reasonable threat" means the nature of criminal
21 conduct for which the person was convicted involved an act or threat
22 of harm against another and has a bearing on the fitness or ability
23 to serve the public or work with others in the occupation.

1 SECTION 74. This act shall become effective November 1, 2019.

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