

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 340

By: Robinson of the Senate

and

Lindley of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety; making unlawful certain specified acts related to issuance of birth, death or stillbirth certificates; making certain act felonious and providing exception; providing for penalties; amending 63 O.S. 2001, Sections 1-1452 and 1-1455, which relate to the Oklahoma Medical Micropigmentation Regulation Act; deleting obsolete language related to performance of medical micropigmentation; modifying method of determining level of supervision; allowing adoption of specified curriculum; modifying requirements for complete program of instruction; allowing the Oklahoma Department of Career and Technology Education to provide training; requiring such Department to provide testing programs; clarifying statutory reference; providing for approval of specified training programs; providing for approval of application for certification by reciprocity and stating requirements; amending 70 O.S. 2001, Section 14-103.4, which relates to the State Board of Career and Technology Education; making establishment of specified program permissive; deleting location requirement related to offering a specified program for training and certification in medical micropigmentation; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-324.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to commit any of the following specified acts in relation to birth, death or stillbirth certificates issued by this state:

1. Create, issue, present or possess a fictitious birth, death or stillbirth certificate;

2. Apply for a birth, death or stillbirth certificate under false pretenses;

3. Alter information contained on a birth, death or stillbirth certificate;

4. Obtain, display or represent a birth certificate of any person as one's own by any person, other than the person named on the birth certificate;

5. Obtain, display or represent a fictitious death or stillbirth certificate for the purpose of fraud; or

6. Make a false statement or knowingly conceal a material fact or otherwise commit fraud in an application for a birth, death or stillbirth certificate.

B. Except as otherwise provided in subsection C of this section, it is a felony for any employee or person authorized to issue or create a birth, death or stillbirth certificate or related record under this title to knowingly issue such certificate or related record to a person not entitled thereto, or to knowingly create or record such certificate bearing erroneous information thereon.

C. A violation of any of the provisions of this section shall constitute a misdemeanor for a first offense and, upon conviction, shall be punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00). Any second or subsequent offense shall constitute a felony and, upon conviction, shall be punishable by a fine of Ten Thousand Dollars (\$10,000.00) or imprisonment in the State Penitentiary for a term of not more than two (2) years, or by both such fine and imprisonment.

D. Notwithstanding any provision of this section, the State Commissioner of Health or a designated agent, upon the request of a chief administrator of a health or law enforcement agency, may

authorize the issuance, display or possession of a birth, death or stillbirth certificate, which would otherwise be in violation of this section, for the sole purpose of education with regard to public health or safety; provided, however, any materials used for such purposes shall be marked "void".

SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-1452, is amended to read as follows:

Section 1-1452. ~~A. Until May 1, 2002, medical micropigmentation may only be performed in a physician's office by:~~

~~1. A physician as defined by the Oklahoma Medical Micropigmentation Regulation Act;~~

~~2. A person licensed to practice registered nursing by the Oklahoma Board of Nursing while working under supervision of a physician. The level of supervision shall be determined by the licensing board of the physician in whose office medical micropigmentation is being performed; and~~

~~3. Any person while working under supervision of a physician. The level of supervision shall be determined by the licensing board of the physician in whose office medical micropigmentation is being performed.~~

~~B.~~ On and after May 1, 2002, medical micropigmentation may only be performed in a physician's office by:

1. A physician as defined by the Oklahoma Medical Micropigmentation Regulation Act;

2. A person licensed to practice registered nursing by the Oklahoma Board of Nursing who holds a current certificate issued by the State Commissioner of Health pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act while working under supervision of a physician. The level of supervision shall be determined by ~~the licensing board of~~ the physician in whose office medical micropigmentation is being performed; and

3. A person who holds a current certificate issued by the State Commissioner of Health pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act while working under supervision of a physician. The level of supervision shall be determined by ~~the licensing board of~~ the physician in whose office medical micropigmentation is being performed.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-1455, is amended to read as follows:

Section 1-1455. A. ~~Not later than November 1, 2001, the~~ The State Board of Health, in cooperation with the Medical Micropigmentation Advisory Committee and the Oklahoma Department of Career and Technology Education, ~~shall~~ may adopt a curriculum of required courses and establish by rule the types of courses to be offered. The complete program of instruction approved by the State Board of Health in theory and clinical training shall consist of at least ~~four hundred fifty (450)~~ three hundred (300) hours ~~and not more than two thousand (2,000) hours~~ or the equivalent of competency-based instruction.

B. 1. In order to provide the State Department of Health confirmation of each applicant's competency, written theory and clinical tests shall be administered by the Oklahoma Department of Career and Technology Education.

2. Applicants otherwise qualified to practice medical micropigmentation as determined by the State Department of Health pursuant to the Oklahoma Medical Micropigmentation Regulation Act may be certified to perform medical micropigmentation without taking or completing the program of instruction specified by this section if the applicant obtains a passing score for both the written theory and clinical tests. Not later than January 1, 2002, the State Board of Health shall promulgate rules to implement the provisions of this paragraph.

3. The State Board of Health shall set, by rule, a minimum passing score for both written theory and clinical tests.

C. ~~By January 1, 2002, the~~ The Oklahoma Department of Career and Technology Education ~~shall~~ may provide training and shall provide testing programs required by this section for anyone qualified to apply for a certificate pursuant to the provisions of Section ~~5~~ 1-1454 of this ~~act~~ title. The training and testing programs shall meet the standards established pursuant to the provisions of this section. The State Department of Health may approve training programs that meet the standards established pursuant to the provisions of this act.

D. After the initial training program offered pursuant to subsection C of this section, the Oklahoma Department of Career and Technology Education ~~shall~~ may provide a complete curriculum for the training and testing of applicants for certification as deemed needed by the Oklahoma Department of Career and Technology Education.

E. The State Department of Health upon recommendation of the Medical Micropigmentation Advisory Committee may approve applicants for certification by reciprocity. An applicant shall qualify for certification by reciprocity if the applicant:

1. Has qualifications and training comparable to those required under the Oklahoma Medical Micropigmentation Regulation Act;
2. Provides documentation verifying two (2) years of experience and a minimum of two hundred (200) procedures; and
3. Has successfully completed the Oklahoma certification examination.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 14-103.4, is amended to read as follows:

Section 14-103.4 The State Board of Career and Technology Education ~~shall~~ may establish a program for training and certification in medical micropigmentation, ~~to be offered in the~~

~~technology center schools.~~ The program shall be developed with curricular advice from the Oklahoma Board of Nursing, State Board of Medical Licensure and Supervision, State Board of Osteopathic Examiners, and the Board of Dentistry.

SECTION 5. This act shall become effective November 1, 2003.

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CJ

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