

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1725

By: Schulz and Johnson  
(Constance) of the Senate

3  
4 and

Tibbs of the House

5  
6  
7  
8 ( corrections - civil rights - procedures - prima  
9 facie evidence - codification -  
10 effective date )

11  
12  
13 AUTHORS: Add the following House Coauthors: Kiesel, Sherrer and  
Shelton

14  
15 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

16  
17 "( professions and occupations - amending various  
18 sections in Title 59 - State Architectural and  
19 Interior Designers Act - Physical Therapy Practice  
20 Act - Licensed Behavioral Practitioner Act -  
21 codification -  
22 effective date )

23  
24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 46.14, as  
2 amended by Section 12, Chapter 163, O.S.L. 2006 (59 O.S. Supp. 2007,  
3 Section 46.14), is amended to read as follows:

4 Section 46.14 A. The Board shall have power to suspend, to  
5 revoke or refuse to renew a license, registration, certificate of  
6 authority or certificate of title issued by it, pursuant to the  
7 provisions of the State Architectural and Interior Designers Act,  
8 when the holder thereof:

9 1. Shall have been convicted of a ~~felony~~ crime that  
10 substantially relates to the practice of architecture or landscape  
11 architecture;

12 2. Shall have been guilty of fraud or misrepresentation in the  
13 ~~person's~~ application of the person, whether for an examination or  
14 for a license or registration without examination, or of fraud in  
15 the examination or applying for or renewing a certificate of  
16 authority or certificate of title, license or registration;

17 3. Shall have been guilty of gross incompetence or recklessness  
18 in the practice of architecture relating to the construction of  
19 buildings or structures, or of dishonest practices;

20 4. Shall have been guilty of gross incompetence or recklessness  
21 in the practice of landscape architecture, or of dishonest  
22 practices;

23 5. Presents the registration of another as his or her own;

24 6. Gives false or forged evidence to the Board;

1       7. Conceals information relative to any violation of this act  
2 or rules promulgated under this act; and

3       8. Shall have been found to be guilty of a violation of a  
4 provision of the State Architectural and Interior Designers Act or  
5 the rules of the Board; provided, that a person or entity complained  
6 of:

7           a. shall first have been served notice in the same manner  
8 as provided by law in other civil actions of the  
9 charges filed against the person or entity and of the  
10 time, place, and nature of the hearing before the  
11 Board, and

12           b. shall have the right to be represented by counsel and  
13 an opportunity to respond and present evidence and  
14 argument on all issues involved, by the introduction  
15 of evidence and by the examination and cross-  
16 examination of witnesses, and to compel the attendance  
17 of witnesses and the production of books and papers.  
18 Pursuant to the foregoing, the Board shall have the  
19 power of a court of record, including the power to  
20 issue subpoena and to compel the attendance and  
21 testimony of witnesses. Each member of the Board  
22 shall have the power to administer oaths and to issue  
23 subpoena. Whenever any person who shall have been  
24 subpoenaed to appear to give testimony, or to answer

1 any pertinent or proper question, or to produce books,  
2 papers or documents which shall have been designated  
3 in a subpoena, either on behalf of the prosecution or  
4 on behalf of the accused, shall refuse to appear to  
5 testify before the Board, or to answer any pertinent  
6 or proper questions, or to produce a book, paper or  
7 document which shall have been designated in a  
8 subpoena, the person shall be deemed to be in contempt  
9 of the Board, and it shall be the duty of the  
10 presiding officer of the Board, to report the fact to  
11 the district court of the State of Oklahoma in and for  
12 the county in which such person may be or may reside  
13 whereupon the court shall issue an attachment in the  
14 usual form, directed to the sheriff of the county,  
15 which shall command the sheriff to attach such person  
16 and forthwith bring the person before the court. On  
17 the return of the attachment duly served upon the  
18 accused, or upon the production of the person  
19 attached, the district court shall have jurisdiction  
20 of the matter. The person charged may purge himself  
21 or herself of the contempt in the same way and the  
22 same proceedings shall be had, and the same penalties  
23 may be imposed, as in the case of a witness subpoenaed  
24 to appear and give evidence on the trial of a civil

1 cause before a district court of the State of  
2 Oklahoma. Depositions may be taken and used in the  
3 same manner as in civil cases. The Board shall keep a  
4 record of the evidence in, and a record of each  
5 proceeding based on cause for the denial, suspension,  
6 revocation of or refusal to renew a license ~~or~~,  
7 registration, certificate of authority or certificate  
8 of title and shall make findings of fact and render a  
9 decision therein. If, after a hearing, the charges  
10 shall have been found to have been sustained by the  
11 vote of a majority of the members of the Board it  
12 shall immediately enter its order of suspension,  
13 revocation or refusal to renew, as the case may be.

14 B. An applicant whose license, registration or certification is  
15 denied, revoked, suspended or not renewed based on cause may appeal  
16 the decision to the district court within thirty (30) days of that  
17 decision. If the appeal is successful and not appealed to the  
18 Supreme Court, the applicant shall be entitled to receive the  
19 license, registration or certification. Nothing herein shall  
20 require the Board to issue or reinstate any license, certificate or  
21 registration when the Board deems that such action would be harmful  
22 to the profession or the public.

23 C. As used in this section, "substantially relates" means the  
24 nature of criminal conduct, for which the person was convicted, has

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

4 SECTION 2. AMENDATORY 59 O.S. 2001, Section 148, is  
5 amended to read as follows:

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

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

12 2. Pleading guilty or nolo contendere to, or being convicted  
13 of, ~~a felony, a misdemeanor involving moral turpitude, or a~~  
14 ~~violation of federal or state controlled dangerous substances laws~~  
15 crime that substantially relates to the practice of podiatric  
16 medicine;

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

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

23

24

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

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

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

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

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

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

16          11. Dividing with any person, firm, corporation, or other legal  
17 entity any fee or other compensation for services as a podiatric  
18 physician, except with:

19           a. another podiatric physician,

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

23           c. a practitioner of another branch of the healing arts  
24 who is duly licensed under the laws of this state or

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

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

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

15 C. An applicant whose license is denied, revoked, suspended or  
16 not renewed may appeal the decision to the Board within thirty (30)  
17 days of that decision. If the appeal is successful, the applicant  
18 shall be entitled to receive the license or certification. Nothing  
19 herein shall require the Board to issue or reinstate any license,  
20 certificate or registration when the Board deems that such action  
21 would be harmful to the profession or the public.

22 D. As used in this section, "substantially relates" means the  
23 nature of criminal conduct, for which the person was convicted, has  
24 a direct bearing on the fitness or ability to perform one or more of

1 the duties or responsibilities necessarily related to the  
2 occupation.

3 SECTION 3. AMENDATORY 59 O.S. 2001, Section 199.11, as  
4 amended by Section 6, Chapter 56, O.S.L. 2003 (59 O.S. Supp. 2007,  
5 Section 199.11), is amended to read as follows:

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

10 1. Conviction of a ~~felony as shown by a certified copy of the~~  
11 ~~record of the court~~ crime that substantially relates to the practice  
12 of cosmetology;

13 2. Gross malpractice or gross incompetence;

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

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

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

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

22 7. Continued or flagrant violation of any rules of the Board,  
23 or continued practice by an operator in a cosmetology salon wherein  
24

1 violations of the rules of the Board are being committed within the  
2 knowledge of the operator;

3 8. Failure to display license or certificate as required by the  
4 Oklahoma Cosmetology Act;

5 9. Continued practice of cosmetology after expiration of a  
6 license therefor;

7 10. Employment by a salon owner or manager of any person to  
8 perform any of the practices of cosmetology who is not duly licensed  
9 to perform the services; or

10 11. Practicing cosmetology in an immoral or unprofessional  
11 manner.

12 B. An applicant whose license is denied, revoked, suspended or  
13 not renewed may appeal the decision to the Board within thirty (30)  
14 days of that decision. If the appeal is successful, the applicant  
15 shall be entitled to receive the license or certification. Nothing  
16 herein shall require the Board to issue or reinstate any license,  
17 certificate or registration when the Board deems that such action  
18 would be harmful to the profession or the public.

19 C. As used in this section, "substantially relates" means the  
20 nature of criminal conduct, for which the person was convicted, has  
21 a direct bearing on the fitness or ability to perform one or more of  
22 the duties or responsibilities necessarily related to the  
23 occupation.

24

1 SECTION 4. AMENDATORY 59 O.S. 2001, Section 328.32, is  
2 amended to read as follows:

3 Section 328.32 A. The following acts or occurrences by a  
4 dentist shall constitute grounds for which the penalties specified  
5 in Section 328.44a of this title may be imposed by order of the  
6 Board of Dentistry:

7 1. Pleading guilty or nolo contendere to, or being convicted  
8 of, a felony, ~~a misdemeanor involving moral turpitude, or a~~  
9 ~~violation of federal or state controlled dangerous substances laws~~  
10 crime that substantially relates to the practice of dentistry;

11 2. Presenting to the Board a false diploma, license, or  
12 certificate, or one obtained by fraud or illegal means;

13 3. Being, by reason of persistent inebriety or addiction to  
14 drugs, incompetent to continue the practice of dentistry;

15 4. Publishing a false, fraudulent, or misleading advertisement  
16 or statement;

17 5. Authorizing or aiding an unlicensed person to practice  
18 dentistry, to practice dental hygiene, or to perform a function for  
19 which a permit from the Board is required;

20 6. Authorizing or aiding a dental hygienist to perform any  
21 procedure prohibited by the State Dental Act or the rules of the  
22 Board;

23  
24

1           7. Authorizing or aiding a dental assistant to perform any  
2 procedure prohibited by the State Dental Act or the rules of the  
3 Board;

4           8. Failing to pay fees as required by the State Dental Act or  
5 the rules of the Board;

6           9. Failing to complete continuing education requirements;

7           10. Representing himself or herself to the public as a  
8 specialist in a dental specialty without holding a dental specialty  
9 license therefor;

10           11. Representing himself or herself to the public as a  
11 specialist whose practice is limited to a dental specialty, when  
12 such representation is false, fraudulent, or misleading;

13           12. Endangering the health of patients by reason of having a  
14 highly communicable disease and continuing to practice dentistry  
15 without taking appropriate safeguards;

16           13. Being a menace to the public health by reasons of  
17 practicing dentistry in an unsafe or unsanitary manner or place;

18           14. Being shown to be mentally unsound;

19           15. Being shown to be grossly immoral and that such condition  
20 represents a threat to patient care or treatment;

21           16. Being incompetent to practice dentistry while delivering  
22 care to a patient;

23           17. Committing gross negligence in the practice of dentistry;

24

1 18. Committing repeated acts of negligence in the practice of  
2 dentistry;

3 19. Offering to effect or effecting a division of fees, or  
4 agreeing to split or divide a fee for dental services with any  
5 person, in exchange for the person bringing or referring a patient;

6 20. Being involuntarily committed to an institution for  
7 treatment for substance abuse, until recovery or remission;

8 21. Using or attempting to use the services of a dental  
9 laboratory or dental laboratory technician without issuing a  
10 laboratory prescription, except as provided in subsection C of  
11 Section 328.36 of this title;

12 22. Aiding, abetting, or encouraging a dental hygienist  
13 employed by the dentist to make use of an oral prophylaxis list, or  
14 the calling by telephone or by use of letters transmitted through  
15 the mails to solicit patronage from patients formerly served in the  
16 office of any dentist formerly employing such hygienist;

17 23. Having more than the equivalent of two full-time dental  
18 hygienists for each dentist actively practicing in the same dental  
19 office who will supervise the dental hygienists;

20 24. Knowingly patronizing or using the services of a dental  
21 laboratory or dental laboratory technician who has not complied with  
22 the provisions of the State Dental Act and the rules of the Board;

23 25. Authorizing or aiding a dental hygienist, dental assistant,  
24 dental laboratory technician, or holder of a permit to operate a

1 dental laboratory to violate any provision of the State Dental Act  
2 or the rules of the Board;

3 26. Willfully disclosing confidential information;

4 27. Writing a false, unnecessary, or excessive prescription for  
5 any drug or narcotic which is a controlled dangerous substance under  
6 either federal or state law;

7 28. Prescribing or administering any drug or treatment without  
8 having established a valid dentist-patient relationship;

9 29. Engaging in nonconsensual physical contact with a patient  
10 which is sexual in nature, or engaging in a verbal communication  
11 which is intended to be sexually demeaning to a patient;

12 30. Practicing dentistry without displaying, at the dentist's  
13 primary place of practice, the license issued to the dentist by the  
14 Board to practice dentistry and the current renewal certificate;

15 31. Being dishonest in a material way with a patient;

16 32. Failing to retain all patient records for at least three  
17 (3) years, except that the failure to retain records shall not be a  
18 violation of the State Dental Act if the dentist shows that the  
19 records were lost, destroyed, or removed by another, without the  
20 consent of the dentist;

21 33. Failing to retain the dentist's copy of any laboratory  
22 prescription for at least three (3) years, except that the failure  
23 to retain records shall not be a violation of the State Dental Act  
24

1 if the dentist shows that the records were lost, destroyed, or  
2 removed by another, without the consent of the dentist;

3 34. Allowing any corporation, organization, group, person, or  
4 other legal entity, except another dentist or a professional entity  
5 that is in compliance with the registration requirements of  
6 subsection B of Section 328.31 of this title, to direct, control, or  
7 interfere with the dentist's clinical judgment. Clinical judgment  
8 shall include, but not be limited to, such matters as selection of a  
9 course of treatment, control of patient records, policies and  
10 decisions relating to pricing, credit, refunds, warranties and  
11 advertising, and decisions relating to office personnel and hours of  
12 practice. Nothing in this paragraph shall be construed to:

- 13 a. limit a patient's right of informed consent, or
- 14 b. to prohibit insurers, preferred provider organizations  
15 and managed care plans from operating pursuant to the  
16 applicable provisions of the Oklahoma Insurance Code  
17 and the Public Health Code;

18 35. Violating the state dental act of another state resulting  
19 in a plea of guilty or nolo contendere, conviction or suspension or  
20 revocation of the license of the dentist under the laws of that  
21 state;

22 36. Violating or attempting to violate the provisions of the  
23 State Dental Act or the rules of the Board, as a principal,  
24 accessory or accomplice; or

1 37. Failing to comply with the terms and conditions of an order  
2 imposing suspension of a license or placement on probation issued  
3 pursuant to Section 328.44a of this title.

4 B. An applicant whose license is denied, revoked, suspended or  
5 not renewed may appeal the decision to the Board within thirty (30)  
6 days of that decision. If the appeal is successful, the applicant  
7 shall be entitled to receive the license or certification. Nothing  
8 herein shall require the Board to issue or reinstate any license,  
9 certificate or registration when the Board deems that such action  
10 would be harmful to the profession or the public.

11 C. The provisions of the State Dental Act shall not be  
12 construed to prohibit any dentist from displaying or otherwise  
13 advertising that the dentist is also currently licensed, registered,  
14 certified, or otherwise credentialed pursuant to the laws of this  
15 state or a nationally recognized credentialing board, if authorized  
16 by the laws of the state or credentialing board to display or  
17 otherwise advertise as a licensed, registered, certified, or  
18 credentialed dentist.

19 D. As used in this section, "substantially relates" means the  
20 nature of criminal conduct, for which the person was convicted, has  
21 a direct bearing on the fitness or ability to perform one or more of  
22 the duties or responsibilities necessarily related to the  
23 occupation.

1 SECTION 5. AMENDATORY 59 O.S. 2001, Section 396.12c, as  
2 amended by Section 14, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2007,  
3 Section 396.12c), is amended to read as follows:

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

9 ~~1. Conviction of a felony shown by a certified copy of the~~  
10 ~~record of the court of conviction;~~

11 ~~2. Conviction of a misdemeanor involving crime that~~  
12 ~~substantially relates to the occupation of a funeral services~~  
13 ~~director;~~

14 ~~3. 2. Gross malpractice or gross incompetency, which shall be~~  
15 ~~determined by the Board;~~

16 ~~4. 3. False or misleading advertising as a funeral director or~~  
17 ~~embalmer;~~

18 ~~5. 4. Violation of any of the provisions of the Funeral~~  
19 ~~Services Licensing Act or any violation of Sections 201 through 231~~  
20 ~~of Title 8 of the Oklahoma Statutes;~~

21 ~~6. 5. Fraud or misrepresentation in obtaining a license;~~

22 ~~7. 6. Using any casket or part thereof which has previously~~  
23 ~~been used as a receptacle for, or in connection with, the burial or~~

24

1 other disposition of dead human remains, unless the disclosure is  
2 made to the purchaser;

3 ~~8.~~ 7. Violation of any rules of the Board in administering the  
4 purposes of the Funeral Services Licensing Act;

5 ~~9.~~ 8. Use of intoxicating liquor sufficient to produce  
6 drunkenness in public, or habitual addiction to the use of habit-  
7 forming drugs or either;

8 ~~10.~~ 9. Solicitation of business, either personally or by an  
9 agent, from a dying individual or the relatives of a dead or  
10 individual with a terminal condition, as defined by the Oklahoma  
11 Rights of the Terminally Ill or Persistently Unconscious Act, other  
12 than through general advertising;

13 ~~11.~~ 10. Refusing to properly release a dead human body to the  
14 custody of the person entitled to custody;

15 ~~12.~~ 11. Violating applicable state laws relating to the failure  
16 to file a death certificate, cremation permit, or prearrangement or  
17 prefinancing of a funeral;

18 ~~13.~~ 12. Failing to obtain other necessary permits as required  
19 by law in a timely manner;

20 ~~14.~~ 13. Failing to comply with the Funeral Rules of the Federal  
21 Trade Commission, 15 U.S.C., Section 57a(a);

22 ~~15.~~ 14. Failing to comply with any applicable provisions of the  
23 Funeral Services Licensing Act at the time of issuance or renewal;

24

1       ~~16.~~ 15. Improper issuance or renewal of a license or  
2 registration;

3       ~~17.~~ 16. Violating the provisions of subsection B of Section  
4 396.12 of this title regarding advertisement of services at  
5 locations not licensed by the Board;

6       ~~18.~~ 17. The abuse of a corpse whereby a person knowingly and  
7 willfully signs a certificate as having embalmed, cremated, or  
8 prepared a dead human body for disposition when, in fact, the  
9 services were not performed as indicated;

10       ~~19.~~ 18. Simultaneous cremating of more than one human dead body  
11 without express written approval of the authorizing agent; or

12       ~~20.~~ 19. Cremating human remains without the permit required by  
13 Section 1-329.1 of Title 63 of the Oklahoma Statutes.

14       B. An applicant whose license is denied, revoked, suspended or  
15 not renewed may appeal the decision to the Board within thirty (30)  
16 days of that decision. If the appeal is successful, the applicant  
17 shall be entitled to receive the license or certification. Nothing  
18 herein shall require the Board to issue or reinstate any license,  
19 certificate or registration when the Board deems that such action  
20 would be harmful to the profession or the public.

21       C. As used in this section, "substantially relates" means the  
22 nature of criminal conduct, for which the person was convicted, has  
23 a direct bearing on the fitness or ability to perform one or more of  
24

1 the duties or responsibilities necessarily related to the  
2 occupation.

3 SECTION 6. AMENDATORY 59 O.S. 2001, Section 509, as  
4 amended by Section 9, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2007,  
5 Section 509), is amended to read as follows:

6 Section 509. A. The words "unprofessional conduct" as used in  
7 Sections 481 through 514 of this title are hereby declared to  
8 include, but shall not be limited to, the following:

9 1. Procuring, aiding or abetting a criminal operation;  
10 2. The obtaining of any fee or offering to accept any fee,  
11 present or other form of remuneration whatsoever, on the assurance  
12 or promise that a manifestly incurable disease can or will be cured;

13 3. Willfully betraying a professional secret to the detriment  
14 of the patient;

15 4. Habitual intemperance or the habitual use of habit-forming  
16 drugs;

17 5. ~~Conviction of a felony or of any offense involving moral~~  
18 ~~turpitude,~~

19 ~~6.~~ All advertising of medical business in which statements are  
20 made which are grossly untrue or improbable and calculated to  
21 mislead the public;

22 ~~7.~~ 6. Conviction or confession of a crime involving violation  
23 of:  
24

- 1           a.    the antinarcotic or prohibition laws and regulations  
2                    of the federal government,  
3           b.    the laws of this state, or  
4           c.    State Board of Health rules;

5       ~~8.~~ 7. Dishonorable or immoral conduct which is likely to  
6 deceive, defraud, or harm the public;

7       ~~9.~~ 8. The commission of any act which is a violation of the  
8 criminal laws of any state when such act is connected with the  
9 physician's practice of medicine. A complaint, indictment or  
10 confession of a criminal violation shall not be necessary for the  
11 enforcement of this provision. Proof of the commission of the act  
12 while in the practice of medicine or under the guise of the practice  
13 of medicine shall be unprofessional conduct;

14       ~~10.~~ 9. Failure to keep complete and accurate records of  
15 purchase and disposal of controlled drugs or of narcotic drugs;

16       ~~11.~~ 10. The writing of false or fictitious prescriptions for  
17 any drugs or narcotics declared by the laws of this state to be  
18 controlled or narcotic drugs;

19       ~~12.~~ 11. Prescribing or administering a drug or treatment  
20 without sufficient examination and the establishment of a valid  
21 physician-patient relationship;

22       ~~13.~~ 12. The violation, or attempted violation, direct or  
23 indirect, of any of the provisions of the Oklahoma Allopathic  
24

1 Medical and Surgical Licensure and Supervision Act, either as a  
2 principal, accessory or accomplice;

3 ~~14.~~ 13. Aiding or abetting, directly or indirectly, the  
4 practice of medicine by any person not duly authorized under the  
5 laws of this state;

6 ~~15.~~ 14. The inability to practice medicine with reasonable  
7 skill and safety to patients by reason of age, illness, drunkenness,  
8 excessive use of drugs, narcotics, chemicals, or any other type of  
9 material or as a result of any mental or physical condition. In  
10 enforcing this subsection the State Board of Medical Licensure and  
11 Supervision may, upon probable cause, request a physician to submit  
12 to a mental or physical examination by physicians designated by it.  
13 If the physician refuses to submit to the examination, the Board  
14 shall issue an order requiring the physician to show cause why the  
15 physician will not submit to the examination and shall schedule a  
16 hearing on the order within thirty (30) days after notice is served  
17 on the physician. The physician shall be notified by either  
18 personal service or by certified mail with return receipt requested.  
19 At the hearing, the physician and the physician's attorney are  
20 entitled to present any testimony and other evidence to show why the  
21 physician should not be required to submit to the examination.  
22 After a complete hearing, the Board shall issue an order either  
23 requiring the physician to submit to the examination or withdrawing  
24 the request for examination. The medical license of a physician

1 ordered to submit for examination may be suspended until the results  
2 of the examination are received and reviewed by the Board;

3 ~~16.~~ 15. Prescribing, dispensing or administering of controlled  
4 substances or narcotic drugs in excess of the amount considered good  
5 medical practice, or prescribing, dispensing or administering  
6 controlled substances or narcotic drugs without medical need in  
7 accordance with published standards;

8 ~~17.~~ 16. Engaging in physical conduct with a patient which is  
9 sexual in nature, or in any verbal behavior which is seductive or  
10 sexually demeaning to a patient;

11 ~~18.~~ 17. Failure to maintain an office record for each patient  
12 which accurately reflects the evaluation, treatment, and medical  
13 necessity of treatment of the patient; or

14 ~~19.~~ 18. Failure to provide necessary ongoing medical treatment  
15 when a doctor-patient relationship has been established, which  
16 relationship can be severed by either party providing a reasonable  
17 period of time is granted.

18 B. An applicant whose license is denied, revoked, suspended or  
19 not renewed may appeal the decision to the Board within thirty (30)  
20 days of that decision. If the appeal is successful, the applicant  
21 shall be entitled to receive the license or certification. Nothing  
22 herein shall require the Board to issue or reinstate any license,  
23 certificate or registration when the Board deems that such action  
24 would be harmful to the profession or the public.

1 SECTION 7. AMENDATORY 59 O.S. 2001, Section 532, is  
2 amended to read as follows:

3 Section 532. A. The State Board of Medical Licensure and  
4 Supervision may refuse to issue a license to an applicant or may  
5 suspend or revoke the license of any ~~licensee~~ athletic trainer or  
6 apprentice athletic trainer if ~~he~~ such person has:

7 1. Been convicted of a ~~felony or a misdemeanor involving moral~~  
8 ~~turpitude~~ crime that substantially relates to the occupation of  
9 athletic trainers;

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

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

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

16 C. As used in this section, "substantially relates" means the  
17 nature of criminal conduct, for which the person was convicted, has  
18 a direct bearing on the fitness or ability to perform one or more of  
19 the duties or responsibilities necessarily related to the  
20 occupation.

21 SECTION 8. AMENDATORY 59 O.S. 2001, Section 567.8, as  
22 amended by Section 5, Chapter 190, O.S.L. 2003 (59 O.S. Supp. 2007,  
23 Section 567.8), is amended to read as follows:

24

1 Section 567.8 A. The Oklahoma Board of Nursing shall have the  
2 power:

3 1. To deny, revoke or suspend any:

4 a. license to practice registered nursing or licensed  
5 practical nursing,

6 b. recognition for practice as an advanced practice  
7 nurse, or

8 c. certification as an advanced unlicensed assistive  
9 person;

10 2. To assess administrative penalties; or

11 3. To otherwise discipline a licensee or advanced unlicensed  
12 assistive person.

13 B. The Board shall impose a disciplinary action pursuant to the  
14 provisions of subsection A of this section upon proof that the  
15 person:

16 1. Is guilty of fraud or deceit or material deception in  
17 procuring or attempting to procure:

18 a. a license to practice registered nursing, licensed  
19 practical nursing, or recognition to practice advanced  
20 practice nursing, or

21 b. certification as an advanced unlicensed assistive  
22 person;

23 2. Is guilty of a ~~felony, or any offense reasonably~~ crime  
24 substantially related to the ~~qualifications, functions or duties of~~

1 ~~any licensee or advanced unlicensed assistant, or any offense an~~  
2 ~~essential element of which is fraud, dishonesty, or an act of~~  
3 ~~violence, or for any offense involving moral turpitude, whether or~~  
4 ~~not sentence is imposed, or any conduct resulting in the revocation~~  
5 ~~of a deferred or suspended sentence or probation imposed pursuant to~~  
6 ~~such conviction~~ practice of nursing;

7 3. Fails to adequately care for patients or to conform to the  
8 minimum standards of acceptable nursing or advanced unlicensed  
9 assistant practice that, in the opinion of the Board, unnecessarily  
10 exposes a patient or other person to risk of harm;

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

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

24

1       6. Has been adjudicated as mentally incompetent, mentally ill,  
2 chemically dependent or dangerous to the public or has been  
3 committed by a court of competent jurisdiction, within or without  
4 this state;

5       7. Is guilty of unprofessional conduct as defined in the rules  
6 of the Board;

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

9       9. Violated a rule promulgated by the Board, an order of the  
10 Board, or a state or federal law relating to the practice of  
11 registered, practical or advanced practice nursing or advanced  
12 unlicensed assisting, or a state or federal narcotics or controlled  
13 dangerous substance law; or

14       10. Has had disciplinary actions taken against the individual's  
15 registered or practical nursing license, advanced unlicensed  
16 assistive certification, or any health-related license, in this or  
17 any state, territory or country.

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

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

23       E. The Board may authorize the executive director to issue a  
24 confidential letter of concern to a licensee when evidence does not

1 warrant formal proceedings, but the executive director has noted  
2 indications of possible errant conduct that could lead to serious  
3 consequences and formal action.

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

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

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

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

20 J. 1. Any person who has been determined by the Board to have  
21 violated any provisions of the Oklahoma Nursing Practice Act or any  
22 rule or order issued pursuant thereto shall be liable for an  
23 administrative penalty not to exceed Five Hundred Dollars (\$500.00)  
24 for each count for which any holder of a certificate or license has

1 | been determined to be in violation of the Oklahoma Nursing Practice  
2 | Act or any rule promulgated or order issued thereto.

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

13 |       K. As used in this section, "substantially related" means the  
14 | nature of criminal conduct, for which the person was convicted, has  
15 | a direct bearing on the fitness or ability to perform one or more of  
16 | the duties or responsibilities necessarily related to the  
17 | occupation.

18 |       SECTION 9.        AMENDATORY        59 O.S. 2001, Section 858-312, is  
19 | amended to read as follows:

20 |       Section 858-312. A. The Oklahoma Real Estate Commission may,  
21 | upon its own motion, and shall, upon written complaint filed by any  
22 | person, investigate the business transactions of any real estate  
23 | licensee, and may, upon showing good cause, impose sanctions as  
24 | provided for in Section 858-208 of this title. Cause shall be

1 established upon the showing that any licensee has performed, is  
2 performing, has attempted to perform, or is attempting to perform  
3 any of the following acts:

4 1. Making a materially false or fraudulent statement in an  
5 application for a license;

6 2. Making substantial misrepresentations or false promises in  
7 the conduct of business, or through real estate licensees, or  
8 advertising, which are intended to influence, persuade, or induce  
9 others;

10 3. Failing to comply with the requirements of Sections 858-351  
11 through 858-363 of this title;

12 4. Accepting a commission or other valuable consideration as a  
13 real estate associate for the performance of any acts as an  
14 associate, except from the real estate broker with whom the  
15 associate is associated;

16 5. Representing or attempting to represent a real estate broker  
17 other than the broker with whom the associate is associated without  
18 the express knowledge and consent of the broker with whom the  
19 associate is associated;

20 6. Failing, within a reasonable time, to account for or to  
21 remit any monies, documents, or other property coming into  
22 possession of the licensee which belong to others;

23

24

1           7. Paying a commission or valuable consideration to any person  
2 for acts or services performed in violation of the Oklahoma Real  
3 Estate License Code;

4           8. Any other conduct which constitutes untrustworthy, improper,  
5 fraudulent, or dishonest dealings;

6           9. Disregarding or violating any provision of the Oklahoma Real  
7 Estate License Code or rules promulgated by the Commission;

8           10. Guaranteeing or having authorized or permitted any real  
9 estate licensee to guarantee future profits which may result from  
10 the resale of real estate;

11           11. Advertising or offering for sale, rent or lease any real  
12 estate, or placing a sign on any real estate offering it for sale,  
13 rent or lease without the consent of the owner or the owner's  
14 authorized representative;

15           12. Soliciting, selling, or offering for sale real estate by  
16 offering "free lots", conducting lotteries or contests, or offering  
17 prizes for the purpose of influencing a purchaser or prospective  
18 purchaser of real estate;

19           13. Accepting employment or compensation for appraising real  
20 estate contingent upon the reporting of a predetermined value or  
21 issuing any appraisal report on real estate in which the licensee  
22 has an interest unless the licensee's interest is disclosed in the  
23 report. All appraisals shall be in compliance with the Oklahoma  
24 real estate appraisal law, and the person performing the appraisal

1 or report shall disclose to the employer whether the person  
2 performing the appraisal or report is licensed or certified by the  
3 Oklahoma Real Estate Appraiser Board;

4 14. Paying a commission or any other valuable consideration to  
5 any person for performing the services of a real estate licensee as  
6 defined in the Oklahoma Real Estate License Code who has not first  
7 secured a real estate license pursuant to the Oklahoma Real Estate  
8 License Code;

9 15. Unworthiness to act as a real estate licensee, whether of  
10 the same or of a different character as specified in this section,  
11 or because the real estate licensee has been convicted of a crime  
12 ~~involving moral turpitude~~ that substantially relates to the practice  
13 of real estate;

14 16. Commingling with the licensee's own money or property the  
15 money or property of others which is received and held by the  
16 licensee, unless the money or property of others is received by the  
17 licensee and held in an escrow account that contains only money or  
18 property of others;

19 17. Conviction in a court of competent jurisdiction of having  
20 violated any provision of the federal fair housing laws, 42 U.S.C.  
21 Section 3601 et seq.;

22 18. Failure by a real estate broker, after the receipt of a  
23 commission, to render an accounting to and pay to a real estate  
24 licensee the licensee's earned share of the commission received;

1 19. Conviction in a court of competent jurisdiction in this or  
2 any other state of the crime of forgery, embezzlement, obtaining  
3 money under false pretenses, extortion, conspiracy to defraud,  
4 fraud, or any similar offense or offenses, or pleading guilty or  
5 nolo contendere to any such offense or offenses;

6 20. Advertising to buy, sell, rent, or exchange any real estate  
7 without disclosing that the licensee is a real estate licensee;

8 21. Paying any part of a fee, commission, or other valuable  
9 consideration received by a real estate licensee to any person not  
10 licensed;

11 22. Offering, loaning, paying, or making to appear to have been  
12 paid, a down payment or earnest money deposit for a purchaser or  
13 seller in connection with a real estate transaction; and

14 23. Violation of the Residential Property Condition Disclosure  
15 Act.

16 B. An applicant whose license is denied, revoked, suspended or  
17 not renewed may appeal the decision to the Commission within thirty  
18 (30) days of that decision. If the appeal is successful, the  
19 applicant shall be entitled to receive the license or certification.  
20 Nothing herein shall require the Commission to issue or reinstate  
21 any license, certificate or registration when the Commission deems  
22 that such action would be harmful to the profession or the public.

23 C. As used in this section, "substantially relates" means the  
24 nature of criminal conduct, for which the person was convicted, has

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

4 SECTION 10. AMENDATORY 59 O.S. 2001, Section 858-723, as  
5 amended by Section 11, Chapter 165, O.S.L. 2006 (59 O.S. Supp. 2007,  
6 Section 858-723), is amended to read as follows:

7 Section 858-723. A. The Real Estate Appraiser Board, after  
8 notice and opportunity for a hearing, pursuant to Article II of the  
9 Administrative Procedures Act, may issue an order imposing one or  
10 more of the following penalties whenever the Board finds, by clear  
11 and convincing evidence, that a certificate holder has violated any  
12 provision of the Oklahoma Certified Real Estate Appraisers Act, or  
13 rules promulgated pursuant thereto:

14 1. Revocation of the certificate with or without the right to  
15 reapply;

16 2. Suspension of the certificate for a period not to exceed  
17 five (5) years;

18 3. Probation, for a period of time and under such terms and  
19 conditions as deemed appropriate by the Board;

20 4. Stipulations, limitations, restrictions, and conditions  
21 relating to practice;

22 5. Censure, including specific redress, if appropriate;

23 6. Reprimand, either public or private;

24

1 7. Satisfactory completion of an educational program or  
2 programs;

3 8. Administrative fines as authorized by the Oklahoma Certified  
4 Real Estate Appraisers Act; and

5 9. Payment of costs expended by the Board for any legal fees  
6 and costs and probation and monitoring fees including, but not  
7 limited to, administrative costs, witness fees and attorney fees.

8 B. 1. Any administrative fine imposed as a result of a  
9 violation of the Oklahoma Certified Real Estate Appraisers Act or  
10 the rules of the Board promulgated pursuant thereto shall not:

11 a. be less than Fifty Dollars (\$50.00) and shall not  
12 exceed Two Thousand Dollars (\$2,000.00) for each  
13 violation of this act or the rules of the Board, or

14 b. exceed Five Thousand Dollars (\$5,000.00) for all  
15 violations resulting from a single incident or  
16 transaction.

17 2. All administrative fines shall be paid within thirty (30)  
18 days of notification of the certificate holder by the Board of the  
19 order of the Board imposing the administrative fine, unless the  
20 certificate holder has entered into an agreement with the Board  
21 extending the period for payment.

22 3. The certificate may be suspended until any fine imposed upon  
23 the licensee by the Board is paid.

24

1 4. Unless the certificate holder has entered into an agreement  
2 with the Board extending the period for payment, if fines are not  
3 paid in full by the licensee within thirty (30) days of the  
4 notification by the Board of the order, the fines shall double and  
5 the certificate holder shall have an additional thirty-day period.  
6 If the double fine is not paid within the additional thirty-day  
7 period, the certificate shall automatically be revoked.

8 5. All monies received by the Board as a result of the  
9 imposition of the administrative fine provided for in this section  
10 shall be deposited in the Oklahoma Certified Real Estate Appraisers  
11 Revolving Fund created pursuant to Section 858-730 of this title.

12 C. The rights of any holder under a certificate as a trainee,  
13 state licensed, state certified residential or state certified  
14 general real estate appraiser may be revoked or suspended, or the  
15 holder of the certificate may be otherwise disciplined pursuant to  
16 the provisions of the Oklahoma Certified Real Estate Appraisers Act,  
17 upon any of the grounds set forth in this section.

18 D. The Board may investigate the actions of a trainee, state  
19 licensed, state certified residential or state certified general  
20 real estate appraiser, and may revoke or suspend the rights of a  
21 certificate holder or otherwise discipline a trainee, state  
22 licensed, state certified residential or state certified general  
23 real estate appraiser for any of the following acts or omissions:  
24

1 1. Procuring or attempting to procure a certificate pursuant to  
2 the provisions of the Oklahoma Certified Real Estate Appraisers Act  
3 by knowingly making a false statement, knowingly submitting false  
4 information, refusing to provide complete information in response to  
5 a question in an application for certification or through any form  
6 of fraud or misrepresentation;

7 2. Failing to meet the minimum qualifications established  
8 pursuant to the provisions of the Oklahoma Certified Real Estate  
9 Appraisers Act;

10 3. Paying money other than provided for by the Oklahoma  
11 Certified Real Estate Appraisers Act to any member or employee of  
12 the Board to procure a certificate pursuant to the Oklahoma  
13 Certified Real Estate Appraisers Act;

14 4. A conviction, including a conviction based upon a plea of  
15 guilty or nolo contendere, of a ~~felony which is~~ crime substantially  
16 related to the ~~qualifications, functions, and duties of a person~~  
17 ~~developing~~ practice of real estate appraisals and ~~communicating real~~  
18 ~~estate appraisals to others~~;

19 5. An act or omission involving dishonesty, fraud, or  
20 misrepresentation with the intent to substantially benefit the  
21 certificate holder or another person or with the intent to  
22 substantially injure another person;

23

24

1           6. Violation of any of the standards for the development or  
2 communication of real estate appraisals as provided in the Oklahoma  
3 Certified Real Estate Appraisers Act;

4           7. Failure or refusal without good cause to exercise reasonable  
5 diligence in developing an appraisal, preparing an appraisal report  
6 or communicating an appraisal;

7           8. Negligence or incompetence in developing an appraisal, in  
8 preparing an appraisal report, or in communicating an appraisal;

9           9. Willfully disregarding or violating any of the provisions of  
10 the Oklahoma Certified Real Estate Appraisers Act or the regulations  
11 of the Board for the administration and enforcement of the  
12 provisions of the Oklahoma Certified Real Estate Appraisers Act;

13          10. Accepting an appraisal assignment when the employment  
14 itself is contingent upon the appraiser reporting a predetermined  
15 estimate, analysis or opinion, or where the fee to be paid is  
16 contingent upon the opinion, conclusion, or valuation reached, or  
17 upon the consequences resulting from the appraisal assignment;

18          11. Violating the confidential nature of governmental records  
19 to which the appraiser gained access through employment or  
20 engagement as an appraiser by a governmental agency;

21          12. Entry of a final civil judgment against the person on  
22 grounds of deceit, fraud, or willful or knowing misrepresentation in  
23 the making of any appraisal of real property;

24

1 13. Violating any of the provisions in the code of ethics set  
2 forth in ~~this act~~ the Oklahoma Certified Real Estate Appraisers Act;  
3 or

4 14. Failing to at any time properly identify themselves  
5 according to the specific type of certification held.

6 ~~D.~~ E. In a disciplinary proceeding based upon a civil judgment,  
7 the trainee, state licensed, state certified residential or state  
8 certified general real estate appraiser shall be afforded an  
9 opportunity to present matters in mitigation and extenuation, but  
10 may not collaterally attack the civil judgment.

11 ~~E.~~ F. 1. A complaint may be filed with the Board against a  
12 trainee or state licensed or state certified appraiser for any  
13 violations relating to a specific transaction of the Oklahoma  
14 Certified Real Estate Appraisers Act by any person who is the  
15 recipient of, relies upon or uses an appraisal prepared for a  
16 federally related transaction or real-estate-related financial  
17 transaction as described in Section 858-701 of this title.

18 2. Any person with knowledge of any circumstances surrounding  
19 an act or omission by a trainee or state licensed or state certified  
20 appraiser involving fraud, dishonesty or misrepresentation in any  
21 real property valuation-related activity, not limited to federally  
22 related transactions, may file a complaint with the Board setting  
23 forth all facts surrounding the act or omission.

1           3. A complaint may be filed against a trainee or state licensed  
2 or state certified appraiser directly by the Board, if reasonable  
3 cause exists for violations of the code of ethics set forth in ~~this~~  
4 ~~act~~ the Oklahoma Certified Real Estate Appraisers Act.

5           4. Any complaint filed pursuant to this subsection shall be in  
6 writing and signed by the person filing same and shall be on a form  
7 approved by the Board. The trainee or state licensed or state  
8 certified appraiser shall be entitled to any hearings or subject to  
9 any disciplinary proceedings provided for in the Oklahoma Certified  
10 Real Estate Appraisers Act based upon any complaint filed pursuant  
11 to this subsection.

12           G. An applicant whose license is denied, revoked, suspended or  
13 not renewed may appeal the decision to the Board within thirty (30)  
14 days of that decision. If the appeal is successful, the applicant  
15 shall be entitled to receive the license or certification. Nothing  
16 herein shall require the Board to issue or reinstate any license,  
17 certificate or registration when the Board deems that such action  
18 would be harmful to the profession or the public.

19           H. As used in this section, "substantially related" means the  
20 nature of criminal conduct, for which the person was convicted, has  
21 a direct bearing on the fitness or ability to perform one or more of  
22 the duties or responsibilities necessarily related to the  
23 occupation.

1 SECTION 11. AMENDATORY 59 O.S. 2001, Section 887.13, as  
2 amended by Section 1 of Enrolled Senate Bill No. 2760 of the 2nd  
3 Session of the 51st Oklahoma Legislature, is amended to read as  
4 follows:

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

11 1. Practiced physical therapy other than under the referral of  
12 a physician, surgeon, dentist, chiropractor or podiatrist duly  
13 licensed to practice medicine or surgery, a physician assistant, or  
14 in the case of practice as a physical therapist assistant, has  
15 practiced other than under the direction of a licensed physical  
16 therapist;

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

20 3. Failed to refer patients to other health care providers if  
21 symptoms are known to be present for which physical therapy  
22 treatment is inadvisable or if symptoms indicate conditions for  
23 which treatment is outside the standards of practice as specified in  
24

1 the rules and regulations promulgated by the Board pursuant to the  
2 provisions of the Physical Therapy Practice Act;

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

6 5. Been convicted of a ~~felony or of a crime involving moral~~  
7 turpitude that substantially relates to the occupation of physical  
8 therapy;

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

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

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

15 9. Been guilty of conduct unbecoming a person licensed as a  
16 physical therapist or physical therapist assistant or guilty of  
17 conduct detrimental to the best interests of the public or the  
18 profession;

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

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

22 B. If an appeal process for a decision of the Board is not  
23 promulgated in the rules authorized by this section, an applicant  
24 whose license or certification is denied, revoked, suspended or not

1 renewed may appeal the decision to the Board within thirty (30) days  
2 of that decision. If the appeal is successful, the applicant shall  
3 be entitled to receive the license or certification. Nothing herein  
4 shall require the Board to issue or reinstate any license,  
5 certificate or registration when the Board deems that such action  
6 would be harmful to the profession or the public.

7 C. As used in this section, "substantially relates" means the  
8 nature of criminal conduct, for which the person was convicted, has  
9 a direct bearing on the fitness or ability to perform one or more of  
10 the duties or responsibilities necessarily related to the  
11 occupation.

12 SECTION 12. AMENDATORY 59 O.S. 2001, Section 888.9, is  
13 amended to read as follows:

14 Section 888.9 A. The Board may deny or refuse to renew a  
15 license, or may suspend or revoke a license, or may censure a  
16 licensee, publicly or otherwise, or may impose probationary  
17 conditions where the licensee or applicant for license has been  
18 guilty of unprofessional conduct which has endangered or is likely  
19 to endanger the health, welfare, or safety of the public. Such  
20 unprofessional conduct includes:

21 1. Obtaining a license by means of fraud, misrepresentation, or  
22 concealment of material facts;

23

24

1           2. Engaging in unprofessional conduct as defined by the rules  
2 established by the Board, or violating the Code of Ethics adopted  
3 and published by the Board;

4           3. Being convicted of ~~any federal or state law, excepting any~~  
5 ~~misdemeanor, traffic law or municipal ordinance~~ a crime that  
6 substantially relates to the occupation of occupational therapy;

7           4. Violating any lawful order, rule, or regulation rendered or  
8 adopted by the Board; and

9           5. Violating any provisions of this act.

10          B. Such denial, refusal to renew, suspension, revocation,  
11 censure, or imposition of probationary conditions upon a license may  
12 be ordered by the Board in a decision made after a hearing in the  
13 manner provided by the rules and regulations adopted by the Board.

14 An applicant whose license is denied, revoked, suspended or not  
15 renewed may appeal the decision to the Board within thirty (30) days  
16 of that decision. If the appeal is successful, the applicant shall  
17 be entitled to receive the license or certification. Nothing herein  
18 shall require the Board to issue or reinstate any license,  
19 certificate or registration when the Board deems that such action  
20 would be harmful to the profession or the public. One (1) year from

21 the date of the revocation, refusal of renewal, suspension, or  
22 probation of the license, application may be made to the Board for  
23 reinstatement. The Board shall have discretion to accept or reject

1 an application for reinstatement and may, but shall not be required  
2 to, hold a hearing to consider such reinstatement.

3 C. As used in this section, "substantially relates" means the  
4 nature of criminal conduct, for which the person was convicted, has  
5 a direct bearing on the fitness or ability to perform one or more of  
6 the duties or responsibilities necessarily related to the  
7 occupation.

8 SECTION 13. AMENDATORY 59 O.S. 2001, Section 1370, as  
9 amended by Section 24, Chapter 313, O.S.L. 2004 (59 O.S. Supp. 2007,  
10 Section 1370), is amended to read as follows:

11 Section 1370. A. A psychologist and any other persons under  
12 the supervision of the psychologist shall conduct their professional  
13 activities in conformity with ethical and professional standards  
14 promulgated by the State Board of Examiners of Psychologists by  
15 rule.

16 B. The Board shall have the power and duty to suspend, place on  
17 probation, require remediation, or revoke any license to practice  
18 psychology or to take any other action specified in the rules  
19 whenever the Board shall find by clear and convincing evidence that  
20 the psychologist has engaged in any of the following acts or  
21 offenses:

22 1. Fraud in applying for or procuring a license to practice  
23 psychology;

24

1           2. Immoral, unprofessional, or dishonorable conduct as defined  
2 in the rules promulgated by the Board;

3           3. Practicing psychology in a manner as to endanger the welfare  
4 of clients or patients;

5           4. Conviction of a ~~felony~~. ~~A copy of the record of conviction,~~  
6 ~~certified by the clerk of the court entering the conviction shall be~~  
7 ~~conclusive evidence of conviction~~ crime that substantially relates  
8 to the practice of psychology;

9           5. ~~Conviction of any crime or offense that reflects the~~  
10 ~~inability of the practitioner to practice psychology with due regard~~  
11 ~~for the health and safety of clients or patients;~~

12           6. ~~Harassment, intimidation, or abuse, sexual or otherwise, of~~  
13 ~~a client or patient;~~

14           7. ~~6.~~ Engaging in sexual intercourse or other sexual contact  
15 with a client or patient;

16           8. ~~7.~~ Use of repeated untruthful, deceptive or improbable  
17 statements concerning the licensee's qualifications or the effects  
18 or results of proposed treatment, including practicing outside of  
19 the psychologist's professional competence established by education,  
20 training, and experience;

21           9. ~~8.~~ Gross malpractice or repeated malpractice or gross  
22 negligence in the practice of psychology;

23

24

1       ~~10.~~ 9. Aiding or abetting the practice of psychology by any  
2 person not approved by the Board or not otherwise exempt from the  
3 provisions of Section 1351 et seq. of this title;

4       ~~11.~~ 10. Conviction of or pleading guilty or nolo ~~contendre~~  
5 contendere to fraud in filing Medicare or Medicaid claims or in  
6 filing claims with any third party payor. A copy of the record of  
7 plea or conviction, certified by the clerk of the court entering the  
8 plea or conviction, shall be conclusive evidence of the plea or  
9 conviction;

10       ~~12.~~ 11. Exercising undue influence in a manner to exploit the  
11 client, patient, student, or supervisee for financial advantage  
12 beyond the payment of professional fees or for other personal  
13 advantage to the practitioner or a third party;

14       ~~13.~~ 12. The suspension or revocation by another state of a  
15 license to practice psychology. A certified copy of the record of  
16 suspension or revocation of the state making such a suspension or  
17 revocation shall be conclusive evidence thereof;

18       ~~14.~~ 13. Refusal to appear before the Board after having been  
19 ordered to do so in writing by the executive officer or chair of the  
20 Board;

21       ~~15.~~ 14. Making any fraudulent or untrue statement to the Board;

22       ~~16.~~ 15. Violation of the code of ethics adopted in the rules  
23 and regulations of the Board; and  
24

1       ~~17.~~ 16. Inability to practice psychology with reasonable skill  
2 and safety to patients or clients by reason of illness, inebriation,  
3 misuse of drugs, narcotics, alcohol, chemicals, or any other  
4 substance, or as a result of any mental or physical condition.

5       C. No license shall be suspended or revoked nor the licensee  
6 placed on probation or reprimanded until the licensee has been given  
7 an opportunity for a hearing before the Board pursuant to the  
8 provisions of subsection D of this section. Whenever the Board  
9 determines that there has been a violation of any of the provisions  
10 of the Psychologists Licensing Act or of any order of the Board, it  
11 shall give written notice to the alleged violator specifying the  
12 cause of complaint. The notice shall require that the alleged  
13 violator appear before the Board at a time and place specified in  
14 the notice and answer the charges specified in the notice. The  
15 notice shall be delivered to the alleged violator in accordance with  
16 the provisions of subsection E of this section not less than ten  
17 (10) days before the time set for the hearing.

18       D. On the basis of the evidence produced at the hearing, the  
19 Board shall make findings of fact and conclusions of law and enter  
20 an order thereon in writing or stated in the record. A final order  
21 adverse to the alleged violator shall be in writing. An order  
22 stated in the record shall become effective immediately, provided  
23 the Board gives written notice of the order to the alleged violator  
24 and to the other persons who appeared at the hearing and made

1 written request for notice of the order. If the hearing is held  
2 before any person other than the Board itself, such person shall  
3 transmit the record of the hearing together with recommendations for  
4 findings of fact and conclusions of law to the Board, which shall  
5 thereupon enter its order. The Board may enter its order on the  
6 basis of such record or, before issuing its order, require  
7 additional hearings or further evidence to be presented. An  
8 applicant whose license is denied, revoked, suspended or not renewed  
9 may appeal the decision to the Board within thirty (30) days of that  
10 decision. If the appeal is successful, the applicant shall be  
11 entitled to receive the license or certification. Nothing herein  
12 shall require the Board to issue or reinstate any license,  
13 certificate or registration when the Board deems that such action  
14 would be harmful to the profession or the public. The order of the  
15 Board shall become final and binding on all parties unless appealed  
16 to the district court as provided for in the Administrative  
17 Procedures Act.

18 E. Except as otherwise expressly provided for by law, any  
19 notice, order, or other instrument issued by or pursuant to the  
20 authority of the Board may be served on any person affected, by  
21 publication or by mailing a copy of the notice, order, or other  
22 instrument by registered mail directed to the person affected at the  
23 last-known post office address of such person as shown by the files  
24 or records of the Board. Proof of the service shall be made as in

1 case of service of a summons or by publication in a civil action.  
2 Proof of mailing may be made by the affidavit of the person who  
3 mailed the notice. Proof of service shall be filed in the office of  
4 the Board.

5 F. Every certificate or affidavit of service made and filed as  
6 provided for in this section shall be prima facie evidence of the  
7 facts stated therein, and a certified copy thereof shall have same  
8 force and effect as the original certificate or affidavit of  
9 service.

10 G. If the psychologist fails or refuses to appear, the Board  
11 may proceed to hearing and determine the charges in his or her  
12 absence. If the psychologist pleads guilty, or if upon hearing the  
13 charges, a majority of the Board finds them to be true, the Board  
14 may enter an order suspending or revoking the license of the  
15 psychologist, reprimanding the psychologist, or placing the  
16 psychologist on probation or any combination of penalties authorized  
17 by the provisions of this section.

18 H. The secretary of the Board shall preserve a record of all  
19 proceedings of the hearings and shall furnish a transcript of the  
20 hearings to the defendant upon request. The defendant shall prepay  
21 the actual cost of preparing the transcript.

22 I. Upon a vote of four of its members, the Board may restore a  
23 license which has been revoked, reduce the period of suspension or  
24 probation, or withdraw a reprimand.

1        J. As used in this section, "substantially relates" means the  
2 nature of criminal conduct, for which the person was convicted, has  
3 a direct bearing on the fitness or ability to perform one or more of  
4 the duties or responsibilities necessarily related to the  
5 occupation.

6        SECTION 14.        AMENDATORY        59 O.S. 2001, Section 1503A, is  
7 amended to read as follows:

8        Section 1503A. A. To be eligible for a pawnshop license, an  
9 applicant shall:

10        1. Be of good moral character;

11        2. Have net assets of at least Twenty-five Thousand Dollars  
12 (\$25,000.00); and

13        3. Show that the pawnshop will be operated lawfully and fairly  
14 within the purpose of the Oklahoma Pawnshop Act, ~~Section 1501 et~~  
15 ~~seq. of Title 59 of the Oklahoma Statutes.~~

16        B. The Administrator shall find ineligible an applicant who has  
17 a ~~felony~~ crime conviction which ~~directly~~ substantially relates to  
18 the ~~duties and responsibilities of the~~ occupation of a pawnbroker.

19        C. If the Administrator is unable to verify that the applicant  
20 meets the net assets requirement for a pawnshop license, the  
21 Administrator may require a finding, including the presentation of a  
22 current balance sheet, by an accounting firm or individual holding a  
23 permit to practice public accounting in this state, that the

24

1 accountant has reviewed the books and records of the applicant and  
2 that the applicant meets the net assets requirement.

3 D. An applicant whose license is denied, revoked, suspended or  
4 not renewed may appeal the decision to the Administrator within  
5 thirty (30) days of that decision. If the appeal is successful, the  
6 applicant shall be entitled to receive the license or certification.  
7 Nothing herein shall require the Administrator to issue or reinstate  
8 any license, certificate or registration when the Administrator  
9 deems that such action would be harmful to the profession or the  
10 public.

11 E. As used in this section, "substantially relates" means the  
12 nature of criminal conduct, for which the person was convicted, has  
13 a direct bearing on the fitness or ability to perform one or more of  
14 the duties or responsibilities necessarily related to the  
15 occupation.

16 SECTION 15. AMENDATORY 59 O.S. 2001, Section 1619, is  
17 amended to read as follows:

18 Section 1619. A. The Board of Examiners for Speech-Language  
19 Pathology and Audiology may impose separately, or in combination,  
20 any of the following disciplinary actions on a licensee after formal  
21 disciplinary action as provided in the Speech-Language Pathology and  
22 Audiology Licensing Act: suspend or revoke a license, issue a  
23 letter of reprimand, impose probationary conditions, impose an  
24 administrative fine not to exceed Ten Thousand Dollars (\$10,000.00),

1 and assess reasonable costs. Disciplinary actions may be taken by  
2 the Board upon proof that the licensee:

3 1. Has been guilty of fraud or deceit in connection with the  
4 person's services rendered as a speech-language pathologist and/or  
5 audiologist;

6 2. Has aided or abetted a person who is not a licensed speech-  
7 language pathologist and/or audiologist and who is not an employee  
8 of and under the supervision of a licensed speech-language  
9 pathologist or audiologist and subject to the rules of the Board, in  
10 illegally engaging in the practice of speech-language pathology or  
11 audiology within this state;

12 3. Has been guilty of unprofessional conduct as defined by the  
13 rules established by the Board or has violated the code of ethics  
14 made and published by the Board;

15 4. Has used fraud or deception in applying for a license or in  
16 passing an examination provided for in the Speech-Language Pathology  
17 and Audiology Licensing Act;

18 5. Has been grossly negligent in the practice of the person's  
19 profession;

20 6. Has willfully violated any of the provisions of the Speech-  
21 Language Pathology and Audiology Licensing Act or any rules  
22 promulgated pursuant thereto;

23 7. Has violated federal, state or local laws relating to the  
24 profession. A copy of the record of conviction, certified by the

1 clerk of the court entering the conviction, shall be conclusive  
2 evidence of conviction; or

3 8. Has been convicted or has pled guilty or nolo contendere to  
4 a felony or to a crime involving moral turpitude, whether or not any  
5 appeal or other proceeding is pending to have the conviction or plea  
6 set aside. A copy of the record of conviction, certified by the  
7 clerk of the court entering the conviction, shall be conclusive  
8 evidence of conviction that substantially relates to speech-language  
9 pathology or audiology.

10 B. 1. No disciplinary action shall be imposed until after a  
11 hearing before the Board. A notice of at least thirty (30) days  
12 shall be served, either personally or by certified mail, to the  
13 licensee charged, stating the time and place of the hearing, and  
14 setting forth the ground or grounds constituting the charges against  
15 the licensee. The licensee shall be entitled to be heard in such  
16 person's defense either in person or by counsel, and may produce  
17 testimony and may testify in the person's own behalf.

18 2. A record of such hearing shall be taken and preserved.

19 3. The hearing may be adjourned from time to time. If, after  
20 due receipt of notice of a hearing, the licensee shall be unable to  
21 appear for good cause shown, then a continuance shall be granted by  
22 the Board. The time allowed shall be at the discretion of the  
23 Board, but in no instance shall it be less than two (2) weeks from  
24 the originally scheduled date of the hearing.

1           4. If a licensee pleads guilty, or if upon hearing the charges,  
2 a majority of the Board finds them to be true, the Board shall  
3 impose its disciplinary action against the licensee. The Board  
4 shall record its findings and order in writing.

5           C. 1. The Board, through its ~~chairman~~ chair or ~~vice-chairman~~  
6 vice-chair, may administer oaths and may compel the attendance of  
7 witnesses and the production of physical evidence before it from  
8 witnesses upon whom process is served anywhere within the state, as  
9 in civil cases in the district court, by subpoena issued over the  
10 signature of the ~~chairman~~ chair or ~~vice-chairman~~ vice-chair and the  
11 seal of the Board.

12           2. Upon request by an accused speech-language pathologist  
13 and/or audiologist, and statement under oath that the testimony or  
14 evidence is reasonably necessary to the person's defense, the Board  
15 shall use this subpoena power in behalf of the accused speech-  
16 language pathologist and/or audiologist.

17           3. The subpoenas shall be served, and a return of service  
18 thereof made, in the same manner as a subpoena is served out of the  
19 district courts in this state, and as a return in such case is made.

20           4. If a person fails and refuses to attend in obedience to such  
21 subpoena, or refuses to be sworn or examined or answer any legally  
22 proper question propounded by any member of said Board or any  
23 attorney or licensee upon permission from said Board, such person  
24 shall be guilty of a misdemeanor, and, upon conviction, may be

1 punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00)  
2 or by confinement in the county jail not to exceed ninety (90) days,  
3 or both.

4 D. 1. ~~Any person who feels aggrieved by reason of the~~  
5 ~~imposition of disciplinary action may appeal to the Board for a~~  
6 ~~review of the case or~~ An applicant whose license is denied, revoked,  
7 suspended or not renewed may appeal the decision to the Board within  
8 thirty (30) days of that decision. If the appeal is successful, the  
9 applicant shall be entitled to receive the license or certification.  
10 Nothing herein shall require the Board to issue or reinstate any  
11 license, certificate or registration when the Board deems that such  
12 action would be harmful to the profession or the public. The  
13 applicant may also seek judicial review pursuant to the  
14 Administrative Procedures Act.

15 2. The suit shall be filed against the Board as defendant, and  
16 service of process shall be upon either the ~~chairman~~ chair or  
17 executive secretary of the Board.

18 3. The judgment of the district court may be appealed to the  
19 Supreme Court of Oklahoma in the same manner as other civil cases.

20 E. Upon a vote of three of its members, the Board may restore a  
21 license which has been revoked or reduce the period of suspension.

22 F. As used in this section, "substantially relates" means the  
23 nature of criminal conduct, for which the person was convicted, has  
24 a direct bearing on the fitness or ability to perform one or more of

1 the duties or responsibilities necessarily related to the  
2 occupation.

3 SECTION 16. AMENDATORY 59 O.S. 2001, Section 1912, is  
4 amended to read as follows:

5 Section 1912. A. The State Department of Health may deny,  
6 revoke, suspend or place on probation any license or specialty  
7 designation issued pursuant to the provisions of the Licensed  
8 Professional Counselors Act to a licensed professional counselor, if  
9 the person has:

10 1. ~~Been convicted of a felony;~~

11 2. ~~Been convicted of a misdemeanor determined to be of such a~~  
12 ~~nature as to render the person convicted unfit~~ crime that  
13 substantially relates to the practice of counseling;

14 3. 2. Engaged in fraud or deceit in connection with services  
15 rendered or in establishing needed qualifications pursuant to the  
16 provisions of this act;

17 4. 3. Knowingly aided or abetted a person not licensed pursuant  
18 to these provisions in representing himself as a licensed  
19 professional counselor in this state;

20 5. 4. Engaged in unprofessional conduct as defined by the rules  
21 established by the Board;

22 6. 5. Engaged in negligence or wrongful actions in the  
23 performance of his duties; or  
24

1        ~~7.~~ 6. Misrepresented any information required in obtaining a  
2 license.

3        B. No license or specialty designation shall be suspended or  
4 revoked, nor a licensed professional counselor placed on probation  
5 until notice is served upon the licensed professional counselor and  
6 a hearing is held in conformity with Article II of the  
7 Administrative Procedures Act.

8        C. As used in this section, "substantially relates" means the  
9 nature of criminal conduct, for which the person was convicted, has  
10 a direct bearing on the fitness or ability to perform one or more of  
11 the duties or responsibilities necessarily related to the  
12 occupation.

13        SECTION 17.        AMENDATORY        59 O.S. 2001, Section 1925.15, is  
14 amended to read as follows:

15        Section 1925.15 A. The State Department of Health may deny,  
16 revoke, suspend or place on probation any license issued subject to  
17 the provisions of the Marital and Family Therapist Licensure Act, if  
18 the person has:

- 19        1. ~~Been convicted of a felony;~~  
20        2. ~~Been convicted of a crime the Commissioner determines after~~  
21 ~~a hearing to be of such a nature as to render the person convicted~~  
22 ~~unfit~~ that substantially relates to the practice of marital and  
23 family therapy;

24

1       ~~3.~~ 2. Violated ethical standards of such a nature as to render  
2 the person found by the Commissioner to have engaged in such  
3 violation unfit to practice marital and family therapy;

4       ~~4.~~ 3. Misrepresented any information required in obtaining a  
5 license;

6       ~~5.~~ 4. Engaged in fraud or deceit in connection with services  
7 rendered or in establishing needed qualifications pursuant to the  
8 provisions of the Marital and Family Therapist Licensure Act;

9       ~~6.~~ 5. Knowingly aided or abetted a person not licensed pursuant  
10 to these provisions in representing himself or herself as a licensed  
11 marital and family therapist in this state;

12       ~~7.~~ 6. Engaged in unprofessional conduct as defined by the rules  
13 promulgated by the State Board of Health; or

14       ~~8.~~ 7. Engaged in negligence or wrongful actions in the  
15 performance of the duties of such person.

16       B. No license shall be suspended, revoked or placed on  
17 probation until notice is served upon the licensed marital and  
18 family therapist and a hearing is held in such manner as is required  
19 by the Marital and Family Therapist Licensure Act.

20       C. An applicant whose license is denied, revoked, suspended or  
21 not renewed may appeal the decision to the Board within thirty (30)  
22 days of that decision. If the appeal is successful, the applicant  
23 shall be entitled to receive the license or certification. Nothing  
24 herein shall require the Board to issue or reinstate any license,

1 certificate or registration when the Board deems that such action  
2 would be harmful to the profession or the public.

3 ~~C.~~ D. Any person who is determined by the Department to have  
4 violated any of the provisions of the Marital and Family Therapist  
5 Licensure Act or any rule promulgated or order issued pursuant  
6 thereto may be subject to an administrative penalty. The maximum  
7 fine shall not exceed Ten Thousand Dollars (\$10,000.00). All  
8 administrative penalties collected pursuant to the Marital and  
9 Family Therapist Licensure Act shall be deposited into the Licensed  
10 Marital and Family Therapist Revolving Fund. Administrative  
11 penalties imposed pursuant to this subsection shall be enforceable  
12 in the district courts of this state.

13 E. As used in this section, "substantially relates" means the  
14 nature of criminal conduct, for which the person was convicted, has  
15 a direct bearing on the fitness or ability to perform one or more of  
16 the duties or responsibilities necessarily related to the  
17 occupation.

18 SECTION 18. AMENDATORY 59 O.S. 2001, Section 1941, is  
19 amended to read as follows:

20 Section 1941. A. The State Department of Health may deny,  
21 revoke, suspend, or place on probation any license or specialty  
22 designation issued pursuant to the provisions of the Licensed  
23 Behavioral Practitioner Act to a licensed behavioral practitioner,  
24 if the person has:

1 1. ~~Been convicted of a felony;~~

2 2. ~~Been convicted of a misdemeanor determined to be of such a~~  
3 ~~nature as to render the person convicted unfit~~ crime that  
4 substantially relates to the practice of behavioral health;

5 3. ~~2.~~ Engaged in fraud or deceit in connection with services  
6 rendered or in establishing needed qualifications pursuant to the  
7 provisions of this act;

8 4. ~~3.~~ Knowingly aided or abetted a person not licensed pursuant  
9 to these provisions in representing himself or herself as a licensed  
10 behavioral practitioner in this state;

11 5. ~~4.~~ Engaged in unprofessional conduct as defined by the rules  
12 established by the State Board of Health;

13 6. ~~5.~~ Engaged in negligence or wrongful actions in the  
14 performance of the licensee's duties; or

15 7. ~~6.~~ Misrepresented any information required in obtaining a  
16 license.

17 B. 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 C. As used in this section, "substantially relates" means the  
23 nature of criminal conduct, for which the person was convicted, has  
24 a direct bearing on the fitness or ability to perform one or more of

1 the duties or responsibilities necessarily related to the  
2 occupation.

3 SECTION 19. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 69 of Title 21, unless there is  
5 created a duplication in numbering, reads as follows:

6 Licensing boards may take into consideration convictions of  
7 felony crimes. However, such convictions shall not operate as an  
8 automatic bar to registration, certification or licensing for any  
9 trade, profession or occupation. Arrest records not leading to a  
10 conviction and misdemeanor convictions may also be taken into  
11 consideration in connection with an application for a license,  
12 registration or certification. However, such arrest records or  
13 convictions shall not operate as an automatic bar to registration,  
14 certification or licensing for any trade, profession or occupation.  
15 Boards and agencies shall state explicitly, in writing, the reasons  
16 for a decision which prohibits the applicant from practicing the  
17 trade, occupation or profession if the decision is based in whole,  
18 or in part, on conviction of a misdemeanor or felony. Completion of  
19 parole or probation supervision shall be prima facie evidence of  
20 rehabilitation.

21 SECTION 20. This act shall become effective November 1, 2008."  
22  
23  
24

1 Passed the House of Representatives the 24th day of April, 2008.

2  
3  
4 Presiding Officer of the House of  
Representatives  
5

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

7  
8  
9 Presiding Officer of the Senate  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24