

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 2070

By: Coates and Leftwich of  
the Senate

3  
4 and

5 Shelton of the House  
6  
7

8 ( professions and occupations - modifying prohibition  
9 to issue and renew licenses - effective date -  
10 emergency )  
11  
12

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

15 "( professions and occupations - modifying  
16 prohibition to issue and renew licenses -  
17 effective date -  
18 emergency )  
19  
20

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

22 SECTION 1. AMENDATORY 59 O.S. 2001, Section 46.14, as  
23 last amended by Section 10, Chapter 184, O.S.L. 2009 (59 O.S. Supp.  
24 2009, Section 46.14), is amended to read as follows:

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

6 1. Shall have been convicted of a felony crime that  
7 substantially relates to the practice of architecture or poses a  
8 reasonable threat to public safety;

9 2. Shall have been guilty of fraud or misrepresentation in the  
10 ~~person's~~ application of the person, whether for an examination or  
11 for a license or registration without examination, or of fraud in  
12 the examination;

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

16 4. Shall have been guilty of gross incompetence or recklessness  
17 in the practice of landscape architecture, or of dishonest  
18 practices;

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

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

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

23 8. Shall have been found to be guilty of a violation of a  
24 provision of the State Architectural and Registered Interior

1 Designers Act or the rules of the Board; provided, that a person or  
2 entity complained of:

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

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

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

1 proceeding for the suspension, revocation of or  
2 refusal to renew a license or certificate of authority  
3 and shall make findings of fact and render a decision  
4 therein. If, after a hearing, the charges shall have  
5 been found to have been sustained by the vote of a  
6 majority of the members of the Board it shall  
7 immediately enter its order of suspension, revocation  
8 or refusal to renew, as the case may be.

9 B. An applicant whose application for license or certificate is  
10 denied may first appeal the decision to the Board within thirty (30)  
11 days of notice of that decision. The Board shall set a hearing for  
12 appeal. After a final order on the denial is made the applicant may  
13 appeal that decision to the district court pursuant to the  
14 Administrative Procedures Act.

15 C. As used in this section:

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

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

1 SECTION 2. AMENDATORY 59 O.S. 2001, Section 144, as last  
2 amended by Section 1, Chapter 149, O.S.L. 2008 (59 O.S. Supp. 2009,  
3 Section 144), is amended to read as follows:

4 Section 144. A. The fee for examination for a license to  
5 practice podiatric medicine in this state shall be One Hundred  
6 Dollars (\$100.00). The Board of Podiatric Medical Examiners may  
7 increase this fee by not more than an additional Two Hundred Dollars  
8 (\$200.00). The examination for such license shall be given by the  
9 Board. The Board may give the examination at any special meeting,  
10 but shall not be required to do so.

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

12 1. File a written application on a form prescribed by the  
13 Board;

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

16 3. Satisfy the Board that the person is loyal to the United  
17 States of America;

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

19 5. Be of good moral character;

20 6. Not have been ~~finally~~ convicted of any crime involving moral  
21 turpitude or of any felony crime that substantially relates to the  
22 practice of podiatric medicine or poses a reasonable threat to  
23 public safety;

24 7. Be free from contagious or infectious disease;

1 8. Be a graduate of an accredited college of podiatric  
2 medicine; and

3 9. Have complied with applicable Board rules.

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

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

13 2. Satisfactorily completes a podiatric surgical residency,  
14 approved by the Council of Podiatric Medical Education of the  
15 American Podiatric Medical Association, of not less than three  
16 hundred sixty-five (365) days; ~~and~~

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

20 4. Satisfied the Board, in the case of any criminal conviction,  
21 that the crime does not substantially relate to the practice of  
22 podiatric medicine nor pose a reasonable threat to public safety, or  
23 constitute an act of moral turpitude that would affect the practice

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1 of podiatric medicine or public safety. For purposes of this  
2 paragraph:

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

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

13 D. The examination administered by the Board shall include both  
14 a written and an oral portion, shall be administered in the English  
15 language, and shall cover areas in anatomy, pathology, podiatric  
16 medicine and surgery, dermatology, pharmacology, biomechanics,  
17 anesthesia, radiology, Oklahoma law relating to podiatric medicine,  
18 and such other subjects as the Board from time to time determines  
19 necessary and appropriate. The Board may authorize examination  
20 papers to be graded by one or more of its own members or by any one  
21 or more licensed podiatric physicians selected by the Board. Each  
22 license issued by the Board shall be signed by each member of the  
23 Board, bear the seal of the Board, and designate the licensee as a  
24 licensed podiatric physician.

- 1 E. The Board may issue a temporary license if the applicant:
- 2 1. Has met the requirements of subsection B of this section;
- 3 2. Takes the examination administered by the Board and receives
- 4 a passing score of at least seventy-five percent (75%) on both the
- 5 written and oral portions. An applicant receiving less than a score
- 6 of seventy-five percent (75%) on either the written or oral portion
- 7 of the examination shall be deemed to have failed the entire
- 8 examination;
- 9 3. Is within ninety (90) days of completing a podiatric
- 10 surgical residency, approved by the Council of Podiatric Medical
- 11 Education of the American Podiatric Medical Association, of not less
- 12 than three hundred sixty-five (365) days; and
- 13 4. Satisfies the Board that the applicant has not violated any
- 14 of the provisions of the Podiatric Medicine Practice Act or any of
- 15 the rules of the Board.

16 SECTION 3. AMENDATORY 59 O.S. 2001, Section 148, is

17 amended to read as follows:

18 Section 148. A. The following acts or occurrences by a

19 podiatric physician shall constitute grounds for which the penalties

20 specified in Section 147 of this title may be imposed by order of

21 the Board of Podiatric Medical Examiners:

- 22 1. Willfully making a false and material statement to the
- 23 Board, either before or after the issuance of a license;
- 24

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

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

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

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

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

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

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

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

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

3 11. Dividing with any person, firm, corporation, or other legal  
4 entity any fee or other compensation for services as a podiatric  
5 physician, except with:

6 a. another podiatric physician,

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

10 c. a practitioner of another branch of the healing arts  
11 who is duly licensed under the laws of this state or  
12 another state, district or territory of the United  
13 States,

14 who has actually provided services, directly or indirectly, to the  
15 patient from or for whom the fee or other compensation is received,  
16 or at the time of the services is an active associate of the  
17 licensee in the lawful practice of podiatric medicine in this state;  
18 and

19 12. Violating or attempting to violate the provisions of the  
20 Podiatric Medicine Practice Act, the Code of Ethics, or the rules of  
21 the Board.

22 B. Commitment of a licensee to an institution for the mentally  
23 ill shall constitute prima facie evidence that the licensee is

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1 mentally incapacitated to a degree that the licensee is unable to  
2 practice podiatric medicine with safety and benefit to the public.

3 C. As used in this section:

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

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

12 SECTION 4. AMENDATORY 59 O.S. 2001, Section 199.11, as  
13 amended by Section 6, Chapter 56, O.S.L. 2003 (59 O.S. Supp. 2009,  
14 Section 199.11), is amended to read as follows:

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

19 1. Conviction of a felony ~~as shown by a certified copy of the~~  
20 ~~record of the court~~ crime that substantially relates to the practice  
21 of cosmetology or poses a reasonable threat to public safety;

22 2. Gross malpractice or gross incompetence;

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

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1 4. A license or certificate holder's continuing to practice  
2 while afflicted with an infectious, contagious, or communicable  
3 disease;

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

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

8 7. Continued or flagrant violation of any rules of the Board,  
9 or continued practice by an operator in a cosmetology salon wherein  
10 violations of the rules of the Board are being committed within the  
11 knowledge of the operator;

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

14 9. Continued practice of cosmetology after expiration of a  
15 license therefor;

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

19 11. Practicing cosmetology in an immoral or unprofessional  
20 manner.

21 B. As used in this section:

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

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

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

7 SECTION 5. AMENDATORY 59 O.S. 2001, Section 396.12c, as  
8 amended by Section 14, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2009,  
9 Section 396.12c), is amended to read as follows:

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

15 1. Conviction of a felony ~~shown by a certified copy of the~~  
16 ~~record of the court of conviction~~ crime that substantially relates  
17 to the occupation of a funeral director or poses a reasonable threat  
18 to public safety;

19 2. Conviction of a misdemeanor involving funeral services;

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

22 4. False or misleading advertising as a funeral director or  
23 embalmer;

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1           5. Violation of any of the provisions of the Funeral Services  
2 Licensing Act or any violation of Sections 201 through 231 of Title  
3 8 of the Oklahoma Statutes;

4           6. Fraud or misrepresentation in obtaining a license;

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

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

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

14          10. Solicitation of business, either personally or by an agent,  
15 from a dying individual or the relatives of a dead or individual  
16 with a terminal condition, as defined by the Oklahoma Rights of the  
17 Terminally Ill or Persistently Unconscious Act, other than through  
18 general advertising;

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

21          12. Violating applicable state laws relating to the failure to  
22 file a death certificate, cremation permit, or prearrangement or  
23 prefinancing of a funeral;

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

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

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

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

8 17. Violating the provisions of subsection B of Section 396.12  
9 of this title regarding advertisement of services at locations not  
10 licensed by the Board;

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

15 19. Simultaneous cremating of more than one human dead body  
16 without express written approval of the authorizing agent; or

17 20. Cremating human remains without the permit required by  
18 Section 1-329.1 of Title 63 of the Oklahoma Statutes.

19 B. As used in this section:

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

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

5        SECTION 6.        AMENDATORY        59 O.S. 2001, Section 475.18, as  
6 last amended by Section 8, Chapter 312, O.S.L. 2008 (59 O.S. Supp.  
7 2009, Section 475.18), is amended to read as follows:

8        Section 475.18 A. The State Board of Registration for  
9 Professional Engineers and Land Surveyors shall have the power to  
10 suspend, revoke or refuse to issue, restore or renew a certificate  
11 of authorization for a firm, or a certificate of licensure of, or  
12 place on probation, fine or reprimand any firm, professional  
13 engineer, professional land surveyor or engineer intern or land  
14 surveyor intern, after notice and hearing as provided by the  
15 Administrative Procedures Act, who is found guilty of:

16        1. The practice of any fraud or deceit in obtaining or  
17 attempting to obtain or renew a certificate of licensure, or a  
18 certificate of authorization or in taking the examinations  
19 administered by the Board;

20        2. Any fraud, misrepresentation, gross negligence,  
21 incompetence, misconduct or dishonest practice, in the practice of  
22 engineering or land surveying;

23        3. Conviction of or entry of a plea of nolo contendere to ~~any~~  
24 ~~crime under the laws of the United States, or any state or territory~~

1 ~~thereof, which is a felony, whether related~~ crime that substantially  
2 relates to the practice or not of engineering or land surveying or  
3 poses a reasonable threat to public safety; and or conviction of or  
4 entry of a plea of nolo contendere to ~~any crime, whether a felony,~~  
5 misdemeanor, ~~or otherwise,~~ an essential element of which is  
6 dishonesty or ~~which is related to~~ is a violation of the practice of  
7 engineering or land surveying;

8 4. Failure to comply with any of the provisions of Section  
9 475.1 et seq. of this title or any of the rules or regulations  
10 pertaining thereto;

11 5. Violation of the laws or rules of another state, territory,  
12 the District of Columbia, a foreign country, the United States  
13 government, or any other governmental agency, if at least one of the  
14 violations is the same or substantially equivalent to those  
15 contained in this section;

16 6. Failure, within thirty (30) days, to provide information  
17 requested by the Board as a result of a formal or informal complaint  
18 to the Board which would indicate a violation of Section 475.1 et  
19 seq. of this title;

20 7. Knowingly making false statements or signing false  
21 statements, certificates or affidavits;

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

1 9. Violation of any terms of probation or suspension imposed by  
2 the Board, or using a seal or practicing engineering or land  
3 surveying while the professional engineer's license or land  
4 surveyor's license is suspended, revoked, nonrenewed or inactive;

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

13 11. Engaging in dishonorable, unethical or unprofessional  
14 conduct of a character likely to deceive, defraud or harm the  
15 public;

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

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

19 14. Performing engineering or surveying services outside any of  
20 the licensee's areas of competence;

21 15. Violating the Oklahoma Minimum Standards for the Practice  
22 of Land Surveying; and

23 16. Nonpayment of fees when due, or nonpayment for a period  
24 longer than ninety (90) days after the due date for payment of

1 costs, or administrative penalties assessed by the Board shall  
2 result in revocation of the certificate of authorization or  
3 certificate of licensure.

4 B. The Board shall prepare and adopt Rules of Professional  
5 Conduct for Professional Engineers and Land Surveyors as provided  
6 for in Section 475.8 of this title, which shall be made available in  
7 writing to every licensee and applicant for licensure under Section  
8 475.1 et seq. of this title. The Board may revise and amend these  
9 Rules of Professional Conduct for Professional Engineers and Land  
10 Surveyors from time to time and shall notify each licensee, in  
11 writing, of such revisions or amendments.

12 C. The Board shall have the power to:

13 1. Revoke a certificate of authorization;

14 2. Suspend a certificate of authorization for a period of time,  
15 not exceeding two (2) years, of any firm of which one or more of its  
16 officers or directors have been guilty of any conduct which would  
17 authorize a revocation or suspension of their certificates of  
18 licensure under the provisions of this section;

19 3. Place a licensee on probation for a period of time and  
20 subject to such conditions as the Board may specify; or

21 4. Levy an administrative penalty.

22 D. Principals of a firm who do not obtain a certificate or  
23 authorization as required by Section 475.1 et seq. of this title may  
24 be subject to disciplinary action of individual licensure.

1        E. An applicant whose application for license or certificate is  
2 denied, revoked, suspended, or not renewed may appeal the decision  
3 to the district court pursuant to the Administrative Procedures Act.

4        F. As used in this section:

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

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

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

15        Section 532. A. The State Board of Medical Licensure and  
16 Supervision may refuse to issue a license to an applicant or may  
17 suspend or revoke the license of any licensee athletic trainer or  
18 apprentice if he or she has:

19        1. Been convicted of a felony crime that substantially relates  
20 to the occupation of athletic trainers or poses a reasonable threat  
21 to public safety or a misdemeanor involving moral turpitude;

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

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

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

6 C. As used in this section:

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

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

15 SECTION 8. AMENDATORY 59 O.S. 2001, Section 858-723, as  
16 amended by Section 11, Chapter 165, O.S.L. 2006 (59 O.S. Supp. 2009,  
17 Section 858-723), is amended to read as follows:

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

- 1        1. Revocation of the certificate with or without the right to
- 2 reapply;
- 3        2. Suspension of the certificate for a period not to exceed
- 4 five (5) years;
- 5        3. Probation, for a period of time and under such terms and
- 6 conditions as deemed appropriate by the Board;
- 7        4. Stipulations, limitations, restrictions, and conditions
- 8 relating to practice;
- 9        5. Censure, including specific redress, if appropriate;
- 10       6. Reprimand, either public or private;
- 11       7. Satisfactory completion of an educational program or
- 12 programs;
- 13       8. Administrative fines as authorized by the Oklahoma Certified
- 14 Real Estate Appraisers Act; and
- 15       9. Payment of costs expended by the Board for any legal fees
- 16 and costs and probation and monitoring fees including, but not
- 17 limited to, administrative costs, witness fees and attorney fees.
- 18       B. 1. Any administrative fine imposed as a result of a
- 19 violation of the Oklahoma Certified Real Estate Appraisers Act or
- 20 the rules of the Board promulgated pursuant thereto shall not:
- 21           a. be less than Fifty Dollars (\$50.00) and shall not
- 22                  exceed Two Thousand Dollars (\$2,000.00) for each
- 23                  violation of this act or the rules of the Board, or
- 24

1           b.    exceed Five Thousand Dollars (\$5,000.00) for all  
2                    violations resulting from a single incident or  
3                    transaction.

4           2.   All administrative fines shall be paid within thirty (30)  
5 days of notification of the certificate holder by the Board of the  
6 order of the Board imposing the administrative fine, unless the  
7 certificate holder has entered into an agreement with the Board  
8 extending the period for payment.

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

11           4.   Unless the certificate holder has entered into an agreement  
12 with the Board extending the period for payment, if fines are not  
13 paid in full by the licensee within thirty (30) days of the  
14 notification by the Board of the order, the fines shall double and  
15 the certificate holder shall have an additional thirty-day period.  
16 If the double fine is not paid within the additional thirty-day  
17 period, the certificate shall automatically be revoked.

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

22           C.   The rights of any holder under a certificate as a trainee,  
23 state licensed, state certified residential or state certified  
24 general real estate appraiser may be revoked or suspended, or the

1 holder of the certificate may be otherwise disciplined pursuant to  
2 the provisions of the Oklahoma Certified Real Estate Appraisers Act,  
3 upon any of the grounds set forth in this section.

4 D. The Board may investigate the actions of a trainee, state  
5 licensed, state certified residential or state certified general  
6 real estate appraiser, and may revoke or suspend the rights of a  
7 certificate holder or otherwise discipline a trainee, state  
8 licensed, state certified residential or state certified general  
9 real estate appraiser for any of the following acts or omissions:

10 1. Procuring or attempting to procure a certificate pursuant to  
11 the provisions of the Oklahoma Certified Real Estate Appraisers Act  
12 by knowingly making a false statement, knowingly submitting false  
13 information, refusing to provide complete information in response to  
14 a question in an application for certification or through any form  
15 of fraud or misrepresentation;

16 2. Failing to meet the minimum qualifications established  
17 pursuant to the provisions of the Oklahoma Certified Real Estate  
18 Appraisers Act;

19 3. Paying money other than provided for by the Oklahoma  
20 Certified Real Estate Appraisers Act to any member or employee of  
21 the Board to procure a certificate pursuant to the Oklahoma  
22 Certified Real Estate Appraisers Act;

23 4. A conviction, including a conviction based upon a plea of  
24 guilty or nolo contendere, of a felony ~~which is~~ crime substantially

1 related to the ~~qualifications, functions, and duties of a person~~  
2 ~~developing practice of~~ real estate appraisals and ~~communicating real~~  
3 ~~estate appraisals to others~~ or poses a reasonable threat to public  
4 safety;

5 5. An act or omission involving dishonesty, fraud, or  
6 misrepresentation with the intent to substantially benefit the  
7 certificate holder or another person or with the intent to  
8 substantially injure another person;

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

12 7. Failure or refusal without good cause to exercise reasonable  
13 diligence in developing an appraisal, preparing an appraisal report  
14 or communicating an appraisal;

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

17 9. Willfully disregarding or violating any of the provisions of  
18 the Oklahoma Certified Real Estate Appraisers Act or the regulations  
19 of the Board for the administration and enforcement of the  
20 provisions of the Oklahoma Certified Real Estate Appraisers Act;

21 10. Accepting an appraisal assignment when the employment  
22 itself is contingent upon the appraiser reporting a predetermined  
23 estimate, analysis or opinion, or where the fee to be paid is  
24

1 contingent upon the opinion, conclusion, or valuation reached, or  
2 upon the consequences resulting from the appraisal assignment;

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

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

9 13. Violating any of the provisions in the code of ethics set  
10 forth in ~~this act~~ the Oklahoma Real Estate Appraisers Act; or

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

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

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

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

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

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

18           G. An applicant whose license or certificate is denied or not  
19 renewed may appeal the decision to the Board within thirty (30) days  
20 of that decision. If after hearing and final decision of the Board  
21 to deny or not renew a license or certificate, the applicant may  
22 appeal the final decision to the district court pursuant to the  
23 Administrative Procedures Act.

24           H. As used in this section:

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

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

9        SECTION 9.        AMENDATORY        59 O.S. 2001, Section 887.13, as  
10 amended by Section 1, Chapter 26, O.S.L. 2008 (59 O.S. Supp. 2009,  
11 Section 887.13), is amended to read as follows:

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

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

24

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

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

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

13          5. Been convicted of a felony crime that substantially relates  
14 to the occupation of physical therapy or poses a reasonable threat  
15 to public safety, or of a misdemeanor crime involving moral  
16 turpitude;

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

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

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

23          9. Been guilty of conduct unbecoming a person licensed as a  
24 physical therapist or physical therapist assistant or guilty of

1 conduct detrimental to the best interests of the public or the  
2 profession;

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

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

6 B. As used in this section:

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

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

15 SECTION 10. AMENDATORY 59 O.S. 2001, Section 888.9, is  
16 amended to read as follows:

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

24

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

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

6 3. Being convicted of ~~any federal or state law, excepting any~~  
7 ~~misdemeanor, traffic law or municipal ordinance~~ a felony crime that  
8 substantially relates to the occupation of occupational therapy or  
9 poses a reasonable threat to public safety;

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

12 5. Violating any provisions of this act.

13 B. Such denial, refusal to renew, suspension, revocation,  
14 censure, or imposition of probationary conditions upon a license may  
15 be ordered by the Board in a decision made after a hearing in the  
16 manner provided by the ~~rules and regulations adopted by the Board~~  
17 Administrative Procedures Act. After final decision by the Board,  
18 an appeal may be made pursuant to the Administrative Procedures Act.

19 One (1) year from the date of the revocation, refusal of renewal,  
20 suspension, or probation of the license, application may be made to  
21 the Board for reinstatement. The Board shall have discretion to  
22 accept or reject an application for reinstatement and may, but shall  
23 not be required to, hold a hearing to consider such reinstatement.

24 C. As used in this section:

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

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

9        SECTION 11.        AMENDATORY        59 O.S. 2001, Section 1370, as  
10 amended by Section 24, Chapter 313, O.S.L. 2004 (59 O.S. Supp. 2009,  
11 Section 1370), is amended to read as follows:

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

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

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

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 business practices of psychology or poses a reasonable threat  
9 to public safety;

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

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

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

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

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

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 ~~contendere~~  
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.

8 The order of the Board shall become final and binding on all  
9 parties unless appealed to the district court as provided for in the  
10 Administrative Procedures Act.

11 E. Except as otherwise expressly provided for by law, any  
12 notice, order, or other instrument issued by or pursuant to the  
13 authority of the Board may be served on any person affected, by  
14 publication or by mailing a copy of the notice, order, or other  
15 instrument by registered mail directed to the person affected at the  
16 last-known post office address of such person as shown by the files  
17 or records of the Board. Proof of the service shall be made as in  
18 case of service of a summons or by publication in a civil action.  
19 Proof of mailing may be made by the affidavit of the person who  
20 mailed the notice. Proof of service shall be filed in the office of  
21 the Board.

22 F. Every certificate or affidavit of service made and filed as  
23 provided for in this section shall be prima facie evidence of the  
24 facts stated therein, and a certified copy thereof shall have same

1 force and effect as the original certificate or affidavit of  
2 service.

3 G. If the psychologist fails or refuses to appear, the Board  
4 may proceed to hearing and determine the charges in his or her  
5 absence. If the psychologist pleads guilty, or if upon hearing the  
6 charges, a majority of the Board finds them to be true, the Board  
7 may enter an order suspending or revoking the license of the  
8 psychologist, reprimanding the psychologist, or placing the  
9 psychologist on probation or any combination of penalties authorized  
10 by the provisions of this section.

11 H. The secretary of the Board shall preserve a record of all  
12 proceedings of the hearings and shall furnish a transcript of the  
13 hearings to the defendant upon request. The defendant shall prepay  
14 the actual cost of preparing the transcript.

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

18 J. As used in this section:

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

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

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

3 SECTION 12. AMENDATORY 59 O.S. 2001, Section 1503A, is  
4 amended to read as follows:

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

7 1. Be of good moral character;

8 2. Have net assets of at least Twenty-five Thousand Dollars  
9 (\$25,000.00); and

10 3. Show that the pawnshop will be operated lawfully and fairly  
11 within the purpose of the Oklahoma Pawnshop Act, Section 1501 et  
12 seq. of ~~Title 59 of the Oklahoma Statutes~~ this title.

13 B. The Administrator shall find ineligible an applicant who has  
14 a felony crime conviction ~~which directly~~ that substantially relates  
15 to the ~~duties and responsibilities of the~~ occupation of a pawnbroker  
16 or poses a reasonable threat to public safety.

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

24 D. As used in this section:

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

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

9        SECTION 13.        AMENDATORY        59 O.S. 2001, Section 1619, is  
10 amended to read as follows:

11        Section 1619. A. The Board of Examiners for Speech-Language  
12 Pathology and Audiology may impose separately, or in combination,  
13 any of the following disciplinary actions on a licensee after formal  
14 disciplinary action as provided in the Speech-Language Pathology and  
15 Audiology Licensing Act: suspend or revoke a license, issue a  
16 letter of reprimand, impose probationary conditions, impose an  
17 administrative fine not to exceed Ten Thousand Dollars (\$10,000.00),  
18 and assess reasonable costs. Disciplinary actions may be taken by  
19 the Board upon proof that the licensee:

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

23        2. Has aided or abetted a person who is not a licensed speech-  
24 language pathologist and/or audiologist and who is not an employee

1 of and under the supervision of a licensed speech-language  
2 pathologist or audiologist and subject to the rules of the Board, in  
3 illegally engaging in the practice of speech-language pathology or  
4 audiology within this state;

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

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

11 5. Has been grossly negligent in the practice of the person's  
12 profession;

13 6. Has willfully violated any of the provisions of the Speech-  
14 Language Pathology and Audiology Licensing Act or any rules  
15 promulgated pursuant thereto;

16 7. Has violated federal, state or local laws relating to the  
17 profession. A copy of the record of conviction, certified by the  
18 clerk of the court entering the conviction, shall be conclusive  
19 evidence of conviction; or

20 8. Has been convicted or has pled guilty or nolo contendere to  
21 a felony crime that substantially relates to the business practices  
22 of speech-language pathology or audiology or poses a reasonable  
23 threat to public safety or to a crime involving moral turpitude,  
24 ~~whether or not any appeal or other proceeding is pending to have the~~

1 ~~conviction or plea set aside. A copy of the record of conviction,~~  
2 ~~certified by the clerk of the court entering the conviction, shall~~  
3 ~~be conclusive evidence of conviction.~~

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

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

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

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

23 C. 1. The Board, through its ~~chairman~~ chair or ~~vice-chairman~~  
24 vice-chair, may administer oaths and may compel the attendance of

1 witnesses and the production of physical evidence before it from  
2 witnesses upon whom process is served anywhere within the state, as  
3 in civil cases in the district court, by subpoena issued over the  
4 signature of the ~~chairman~~ chair or ~~vice-chairman~~ vice-chair and the  
5 seal of the Board.

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

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

14 4. If a person fails and refuses to attend in obedience to such  
15 subpoena, or refuses to be sworn or examined or answer any legally  
16 proper question propounded by any member of said Board or any  
17 attorney or licensee upon permission from said Board, such person  
18 shall be guilty of a misdemeanor, and, upon conviction, may be  
19 punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00)  
20 or by confinement in the county jail not to exceed ninety (90) days,  
21 or both.

22 D. 1. Any person who feels aggrieved by reason of the  
23 imposition of disciplinary action may appeal to the Board for a  
24

1 review of the case or the person may seek judicial review pursuant  
2 to the Administrative Procedures Act.

3 2. The suit shall be filed against the Board as defendant, and  
4 service of process shall be upon either the chairman or executive  
5 secretary of the Board.

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

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

10 F. As used in this section:

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

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

19 SECTION 14. AMENDATORY 59 O.S. 2001, Section 1912, as  
20 amended by Section 2, Chapter 220, O.S.L. 2009 (59 O.S. Supp. 2009,  
21 Section 1912), is amended to read as follows:

22 Section 1912. A. The State Department of Health may deny,  
23 revoke, suspend or place on probation any license or specialty  
24 designation issued pursuant to the provisions of the Licensed

1 Professional Counselors Act to a licensed professional counselor, if  
2 the person has:

3 1. Been convicted of a felony crime that substantially relates  
4 to the practice of counseling or poses a reasonable threat to public  
5 safety;

6 2. Been convicted of a misdemeanor ~~determined to be of such a~~  
7 ~~nature as to render the person convicted unfit to practice~~  
8 ~~counseling~~ involving moral turpitude;

9 3. Engaged in fraud or deceit in connection with services  
10 rendered or in establishing needed qualifications pursuant to the  
11 provisions of this act;

12 4. Knowingly aided or abetted a person not licensed pursuant to  
13 these provisions in representing himself as a licensed professional  
14 counselor in this state;

15 5. Engaged in unprofessional conduct as defined by the rules  
16 established by the Board;

17 6. Engaged in negligence or wrongful actions in the performance  
18 of his duties; or

19 7. Misrepresented any information required in obtaining a  
20 license.

21 B. If the Department determines that a felony conviction of an  
22 applicant renders the convicted applicant unfit to practice  
23 counseling, the Commissioner shall provide notice and opportunity to  
24 the applicant, by certified mail at the last-known address, for an

1 administrative hearing to contest such determination before the  
2 Department may deny the application. The request shall be made by  
3 the applicant within fifteen (15) days of receipt of the notice.

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

9 D. As used in this section:

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

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

18 SECTION 15. AMENDATORY 59 O.S. 2001, Section 1925.15,  
19 as amended by Section 3, Chapter 220, O.S.L. 2009 (59 O.S. Supp.  
20 2009, Section 1925.15), is amended to read as follows:

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

- 1        1. Been convicted of a felony crime that substantially relates  
2 to the practice of counseling or poses a reasonable threat to public  
3 safety;
- 4        2. Been convicted of a misdemeanor crime ~~the Commissioner~~  
5 ~~determines after a hearing to be of such a nature as to render the~~  
6 ~~person convicted unfit to practice marital and family therapy~~  
7 involving moral turpitude;
- 8        3. Violated ethical standards of such a nature as to render the  
9 person found by the Commissioner to have engaged in such violation  
10 unfit to practice marital and family therapy;
- 11       4. Misrepresented any information required in obtaining a  
12 license;
- 13       5. Engaged in fraud or deceit in connection with services  
14 rendered or in establishing needed qualifications pursuant to the  
15 provisions of the Marital and Family Therapist Licensure Act;
- 16       6. Knowingly aided or abetted a person not licensed pursuant to  
17 these provisions in representing himself or herself as a licensed  
18 marital and family therapist in this state;
- 19       7. Engaged in unprofessional conduct as defined by the rules  
20 promulgated by the State Board of Health; or
- 21       8. Engaged in negligence or wrongful actions in the performance  
22 of the duties of such person.
- 23       B. If the Department determines that a felony conviction of an  
24 applicant renders the convicted applicant unfit to practice

1 counseling, the Commissioner shall provide notice and opportunity to  
2 the applicant, by certified mail at the last-known address, for an  
3 administrative hearing to contest such determination before the  
4 Department may deny the application. The request shall be made by  
5 the applicant within fifteen (15) days of receipt of the notice.

6 C. No license shall be suspended, revoked or placed on  
7 probation until notice is served upon the licensed marital and  
8 family therapist and a hearing is held in such manner as is required  
9 by the Marital and Family Therapist Licensure Act.

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

20 E. As used in this section:

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

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

5        SECTION 16.        AMENDATORY        59 O.S. 2001, Section 1941, as  
6 amended by Section 4, Chapter 220, O.S.L. 2009 (59 O.S. Supp. 2009,  
7 Section 1941), is amended to read as follows:

8        Section 1941. A. The State Department of Health may deny,  
9 revoke, suspend, or place on probation any license or specialty  
10 designation issued pursuant to the provisions of the Licensed  
11 Behavioral Practitioner Act to a licensed behavioral practitioner,  
12 if the person has:

13        1. Been convicted of a felony crime that substantially relates  
14 to the practice of behavioral health or poses a reasonable threat to  
15 public safety;

16        2. Been convicted of a misdemeanor ~~determined to be of such a~~  
17 ~~nature as to render the person convicted unfit to practice~~  
18 ~~behavioral health~~ involving moral turpitude;

19        3. Engaged in fraud or deceit in connection with services  
20 rendered or in establishing needed qualifications pursuant to the  
21 provisions of this act;

22        4. Knowingly aided or abetted a person not licensed pursuant to  
23 these provisions in representing himself or herself as a licensed  
24 behavioral practitioner in this state;

1 5. Engaged in unprofessional conduct as defined by the rules  
2 established by the State Board of Health;

3 6. Engaged in negligence or wrongful actions in the performance  
4 of the licensee's duties; or

5 7. Misrepresented any information required in obtaining a  
6 license.

7 B. If the Department determines that a felony conviction of an  
8 applicant renders the convicted applicant unfit to practice  
9 counseling, the Commissioner shall provide notice and opportunity to  
10 the applicant, by certified mail at the last-known address, for an  
11 administrative hearing to contest such determination before the  
12 Department may deny the application. The request shall be made by  
13 the applicant within fifteen (15) days of receipt of the notice.

14 C. No license or specialty designation shall be suspended or  
15 revoked, nor a licensed behavioral practitioner placed on probation,  
16 until notice is served upon the licensed behavioral practitioner and  
17 a hearing is held in conformity with Article II of the  
18 Administrative Procedures Act.

19 D. As used in this section:

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

