

1 ENGROSSED HOUSE
2 BILL NO. 1569

By: Schwartz, Sullivan, Ritze
and Peterson of the House

3 and

4 Crain of the Senate
5
6

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Sections 725.1, 725.2, as
9 amended by Section 5, Chapter 543, O.S.L. 2004 and
10 725.3 (59 O.S. Supp. 2008, Section 725.2), which
11 relate to the designation of branch of healing arts;
12 requiring certain letters or words to be appended to
13 certain names; adding certain designations to be
14 used; defining term; requiring certain written notice
15 of certain license; authorizing certain rule-making
16 authority to certain entities; requiring
17 identification of type of license in certain
18 advertisements; requiring certain documents to be
19 included in certain advertisements; making certain
20 acts unlawful; specifying violations and punishments;
21 providing for separate offenses; requiring certain
22 agencies to refer certain violations to the Attorney
23 General; and providing an effective date.

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

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SECTION 1. AMENDATORY 59 O.S. 2001, Section 725.1, is

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amended to read as follows:

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Section 725.1 A. Every person who writes or prints, or causes

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to be written or printed, his or her name (whether or not the word

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"Doctor", or an abbreviation thereof, is used in connection

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therewith) ~~in any manner~~ in connection with, ~~such person in any~~

1 ~~manner~~ as engaging in, or ~~in any manner~~ holding himself or herself
2 out as engaging in, any of the branches of the healing art ~~as~~
3 ~~defined in 59 O.S. 1951 § 702, must~~ shall append to his or her name
4 ~~so written or printed~~ the letters or words set forth in Section
5 725.2 of this title if the person is one of the nine classes of
6 persons listed in subsection A of Section 725.2 of this title.

7 B. If the person is not one of the nine classes of persons
8 listed in subsection A of Section 725.2 of this title and is engaged
9 in a branch of the healing art, the person shall write or print, in
10 the same size letters as his or her name, appropriate and generally
11 and easily understood words or letters, which clearly show and
12 indicate the branch of the healing art in which he or she is
13 licensed to practice and is engaged.

14 SECTION 2. AMENDATORY 59 O.S. 2001, Section 725.2, as
15 amended by Section 5, Chapter 543, O.S.L. 2004 (59 O.S. Supp. 2008,
16 Section 725.2), is amended to read as follows:

17 Section 725.2 A. The following nine classes of persons may use
18 the word "Doctor", or an abbreviation thereof, and shall have the
19 right to use, whether or not in conjunction with the word "Doctor",
20 or any abbreviation thereof, the following designations:

21 1. The letters "D.P.M." or the words podiatrist, doctor of
22 podiatry, podiatric surgeon, or doctor of podiatric medicine by a
23 person licensed to practice podiatry under ~~Chapter 4 of this title~~
24 the Podiatric Medicine Practice Act;

1 2. The letters "D.C." or the words chiropractor or doctor of
2 chiropractic by a person licensed to practice chiropractic under
3 ~~Chapter 5 of this title~~ the Oklahoma Chiropractic Practice Act;

4 3. The letters "D.D.S." or D.M.D., as appropriate, or the words
5 dentist, doctor of dental surgery, or doctor of dental medicine, as
6 appropriate, by a person licensed to practice dentistry under
7 ~~Chapter 7 of this title~~ the State Dental Act;

8 4. The letters "M.D." or the words surgeon, medical doctor, or
9 doctor of medicine by a person licensed to practice medicine and
10 surgery under ~~Chapter 11 of this title~~ the Oklahoma Allopathic
11 Medical and Surgical Licensure and Supervision Act;

12 5. The letters "O.D." or the words optometrist or doctor of
13 optometry by a person licensed to practice optometry under ~~Chapter~~
14 ~~13~~ Sections 581 through 606 of this title;

15 6. The letters "D.O." or the words surgeon, osteopathic
16 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic
17 medicine by a person licensed to practice osteopathy under ~~Chapter~~
18 ~~14 of this title~~ the Oklahoma Osteopathic Medicine Act;

19 7. The letters "Ph.D.", "Ed.D.", or "Psy.D." or the words
20 psychologist, therapist, or counselor by a person licensed as a
21 health service psychologist pursuant to the Psychologists Licensing
22 Act;

23 8. The letters "Ph.D.", "Ed.D.", or other letters representing
24 a doctoral degree or the words language pathologist, speech

1 pathologist, or speech and language pathologist by a person licensed
2 as a speech and language pathologist pursuant to the Speech-Language
3 Pathology and Audiology Licensing Act and who has earned a doctoral
4 degree from a regionally accredited institution of higher learning
5 in the field of speech and language pathology; and

6 9. The letters "Ph.D.", "Ed.D.", or other letters representing
7 a doctoral degree or the word audiologist by a person licensed as an
8 audiologist pursuant to the Speech-Language Pathology and Audiology
9 Licensing Act and who has earned a doctoral degree from a regionally
10 accredited institution of higher learning in the field of audiology.

11 B. Unless otherwise specifically provided in a particular
12 section or chapter of the Oklahoma Statutes, the word "doctor" or
13 "doctors" shall mean and include each of the nine classes of persons
14 listed in subsection A and the word "physician" or "physicians", as
15 provided in subsection C of this section. Any other person using
16 the term doctor, or any abbreviation thereof, shall designate the
17 authority under which the title is used or the college or honorary
18 degree that gives rise to use of the title.

19 C. Unless otherwise specifically provided in a particular
20 section or chapter of the Oklahoma Statutes, the word "physician" or
21 "physicians" shall mean and include each of the classes of persons
22 listed in paragraphs 1 through 6 of subsection A and the word
23 "doctor" or "doctors" as provided in subsection B of this section.
24 The term "physician" shall not include any person specified in

1 paragraphs 7 through 9 of subsection A of this section unless such
2 person is otherwise authorized to use such designation pursuant to
3 this section.

4 D. For purposes of this section, "provider" means and includes:

5 1. Each of the nine classes of persons listed in subsection A
6 of this section and referred to in subsections B and C of this
7 section; and

8 2. Any other person using the term doctor or any abbreviation
9 thereof.

10 E. Persons in each of the nine classes listed in subsection A,
11 and referred to in subsections B and C, of this section shall
12 identify through written notice, which may include the wearing of a
13 name tag, the type of license under which the doctor is practicing,
14 utilizing the designations provided in subsections A, B and C of
15 this section. Each applicable licensing board is authorized by rule
16 to determine how its license holders may comply with this disclosure
17 requirement.

18 F. 1. Any advertisement for health care services naming a
19 provider shall:

20 a. identify the type of license of the doctor utilizing
21 the letters or words set forth in this section if the
22 person is one of the classes of persons listed in
23 subsection A of this section, and referred to in
24 subsections B and C of this section, or

1 b. utilize appropriate, accepted, and easily understood
2 words or letters, which clearly show and indicate the
3 branch of the healing art in which the person is
4 licensed to practice and is engaged in, if the person
5 is not one of the nine classes of persons listed in
6 subsection A of this section, or referred to in
7 subsections B and C of this section.

8 2. The term "advertisement" includes any printed document
9 including letterhead, video clip, or audio clip created by, for, or
10 at the direction of the provider or providers and advertised for the
11 purpose of promoting the services of the doctor or provider.

12 G. 1. It shall be unlawful for any medical doctor, doctor of
13 osteopathic medicine, doctor of dental surgery, doctor of dental
14 medicine, doctor of optometry, doctor of podiatry, or doctor of
15 chiropractic to make any deceptive or misleading statement, or
16 engage in any deceptive or misleading act, that deceives or misleads
17 the public or a prospective or current patient, regarding the
18 training and the license under which the person is authorized to
19 practice.

20 2. The term "deceptive or misleading statement or act"
21 includes, but is not limited to:

- 22 a. such statement or act in any advertising medium,
- 23 b. making a false statement regarding the education,
- 24 skills, training, or licensure of a person, or

1 c. in any other way describing the profession, skills,
2 training, expertise, education, or licensure of a
3 person in a fashion that causes the public, a
4 potential patient, or current patient to believe that
5 the person is a medical doctor, doctor of osteopathic
6 medicine, doctor of dental surgery, doctor of dental
7 medicine, doctor of optometry, doctor of podiatry, or
8 doctor of chiropractic when that person does not hold
9 such credentials.

10 H. Notwithstanding any other provision of this section, a
11 person licensed in this state to perform speech pathology or
12 audiology services is hereby designated to be a practitioner of the
13 healing art for purposes of making a referral for speech pathology
14 or audiology services pursuant to the provisions of the Individuals
15 with Disabilities Education Act, Amendment of 1997, Public Law 105-
16 17, and Section 504 of the Rehabilitation Act of 1973.

17 SECTION 3. AMENDATORY 59 O.S. 2001, Section 725.3, is
18 amended to read as follows:

19 Section 725.3 A. 1. Any ~~person who shall violate~~ licensed
20 health care provider found by the appropriate licensing board or
21 state agency to be in violation of the provisions of ~~this act shall~~
22 ~~be guilty of a misdemeanor and upon conviction thereof~~ subsection E
23 of Section 725.2 of this title shall be punished by a fine an
24 administrative penalty of not less than Twenty-five Dollars (\$25.00)

1 nor more than ~~Five Hundred Dollars (\$500.00), or by imprisonment in~~
2 ~~the county jail for not less than five (5) days nor more than thirty~~
3 ~~(30) days, or by both such fine and imprisonment~~ One Thousand
4 Dollars (\$1,000.00) to be administered and collected by the
5 appropriate licensing board or state agency.

6 2. Any person who is not a licensed health care provider and
7 found by the appropriate licensing board or state agency to be in
8 violation of the provisions of subsection E of Section 725.2 of this
9 title, shall be punished by an administrative penalty of not less
10 than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars
11 (\$1,000.00) to be administered and collected by the appropriate
12 licensing board or state agency. Each day this act is violated
13 shall constitute a separate offense and shall be punishable as such.

14 B. 1. Any licensed health care provider found by the
15 appropriate licensing board or state agency to be in violation of
16 the provisions of this act, other than subsection E of Section 725.2
17 of this title, shall be punished by a fine of not less than Five
18 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
19 (\$5,000.00) to be administered and collected by the appropriate
20 licensing board or state agency.

21 2. Any person who is not a licensed health care provider and
22 found by the appropriate licensing board or state agency to be in
23 violation of the provisions of this act, other than subsection E of
24 Section 725.2 of this title, shall be punished by an administrative

1 penalty of not less than Five Hundred Dollars (\$500.00) nor more
2 than Five Thousand Dollars (\$5,000.00) to be administered and
3 collected by the appropriate licensing board or state agency.

4 3. Each day this act is violated shall constitute a separate
5 offense and shall be punishable as such.

6 C. A case shall be referred to the Attorney General for
7 investigation and prosecution if a licensing board or state agency
8 makes a finding of gross or repeated violations of this act by a
9 licensed health care provider or an unlicensed health care provider.

10 SECTION 4. This act shall become effective November 1, 2009.

11 Passed the House of Representatives the 3rd day of March, 2009.

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Presiding Officer of the House of
Representatives

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16 Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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