

THE HOUSE OF REPRESENTATIVES
Thursday, April 8, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2070

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2070 - By:
COATES AND LEFTWICH of the Senate and SHELTON of the House.

[professions and occupations - modifying prohibition to issue and renew
licenses - effective date -
emergency]

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

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

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

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

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

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

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

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

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

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

13 8. Shall have been found to be guilty of a violation of a provision of the State
14 Architectural and Registered Interior Designers Act or the rules of the Board; provided,
15 that a person or entity complained of:

16 a. shall first have been served notice in the same manner as provided by
17 law in other civil actions of the charges filed against the person or
18 entity and of the time, place, and nature of the hearing before the
19 Board, and

20 b. shall have the right to be represented by counsel and an opportunity to
21 respond and present evidence and argument on all issues involved, by
22 the introduction of evidence and by the examination and cross-

1 examination of witnesses, and to compel the attendance of witnesses
2 and the production of books and papers. Pursuant to the foregoing, the
3 Board shall have the power of a court of record, including the power to
4 issue subpoena and to compel the attendance and testimony of
5 witnesses. Each member of the Board shall have the power to
6 administer oaths and to issue subpoena. Whenever any person who
7 shall have been subpoenaed to appear to give testimony, or to answer
8 any pertinent or proper question, or to produce books, papers or
9 documents which shall have been designated in a subpoena, either on
10 behalf of the prosecution or on behalf of the accused, shall refuse to
11 appear to testify before the Board, or to answer any pertinent or proper
12 questions, or to produce a book, paper or document which shall have
13 been designated in a subpoena, the person shall be deemed to be in
14 contempt of the Board, and it shall be the duty of the presiding officer
15 of the Board, to report the fact to the district court of the State of
16 Oklahoma in and for the county in which such person may be or may
17 reside whereupon the court shall issue an attachment in the usual
18 form, directed to the sheriff of the county, which shall command the
19 sheriff to attach such person and forthwith bring the person before the
20 court. On the return of the attachment duly served upon the accused,
21 or upon the production of the person attached, the district court shall
22 have jurisdiction of the matter. The person charged may purge himself

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

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

18 C. As used in this section:

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

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

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

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

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

- 13 1. File a written application on a form prescribed by the Board;
- 14 2. Pay to the secretary-treasurer of the Board in advance the fee for examination;
- 15 3. Satisfy the Board that the person is loyal to the United States of America;
- 16 4. Be more than twenty-one (21) years of age;
- 17 5. Be of good moral character;
- 18 6. Not have been ~~finally~~ convicted of any crime involving moral turpitude or of any
19 felony crime that substantially relates to the practice of podiatric medicine or poses a
20 reasonable threat to public safety;
- 21 7. Be free from contagious or infectious disease;
- 22 8. Be a graduate of an accredited college of podiatric medicine; and

1 9. Have complied with applicable Board rules.

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

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

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

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

14 4. Satisfied the Board, in the case of any criminal conviction, that the crime does
15 not substantially relate to the practice of podiatric medicine nor pose a reasonable threat
16 to public safety, or constitute an act of moral turpitude that would affect the practice of
17 podiatric medicine or public safety. For purposes of this paragraph:

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

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

3 SECTION 3. AMENDATORY 59 O.S. 2001, Section 148, is amended to read
4 as follows:

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

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

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

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

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

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

- 1 6. Practicing fraud by omission or commission in the examination given by the
2 Board, or in obtaining a license, or in obtaining renewal or reinstatement of a license;
- 3 7. Failing to pay or cause to be paid promptly when due any fee required by the
4 Podiatric Medicine Practice Act or the rules of the Board;
- 5 8. Practicing podiatric medicine in an unsafe or unsanitary manner or place;
- 6 9. Performing, or attempting to perform, any surgery for which the licensee has not
7 had reasonable training;
- 8 10. Gross and willful neglect of duty as a member or officer of the Board;
- 9 11. Dividing with any person, firm, corporation, or other legal entity any fee or
10 other compensation for services as a podiatric physician, except with:
- 11 a. another podiatric physician,
12 b. an applicant for a license who is observing or assisting the licensee as
13 an intern, preceptee or resident, as authorized by the rules of the
14 Board, or
15 c. a practitioner of another branch of the healing arts who is duly
16 licensed under the laws of this state or another state, district or
17 territory of the United States,
18 who has actually provided services, directly or indirectly, to the patient from or for whom
19 the fee or other compensation is received, or at the time of the services is an active
20 associate of the licensee in the lawful practice of podiatric medicine in this state; and
21 12. Violating or attempting to violate the provisions of the Podiatric Medicine
22 Practice Act, the Code of Ethics, or the rules of the Board.

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

4 C. As used in this section:

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

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

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

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

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

20 2. Gross malpractice or gross incompetence;

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

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

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

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

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

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

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

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

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

14 B. As used in this section:

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

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

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

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

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

11 2. Conviction of a misdemeanor involving funeral services;

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

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

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

17 6. Fraud or misrepresentation in obtaining a license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 B. As used in this section:

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

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

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

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

- 1 1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew
2 a certificate of licensure, or a certificate of authorization or in taking the examinations
3 administered by the Board;
- 4 2. Any fraud, misrepresentation, gross negligence, incompetence, misconduct or
5 dishonest practice, in the practice of engineering or land surveying;
- 6 3. Conviction of or entry of a plea of nolo contendere to ~~any crime under the laws of~~
7 ~~the United States, or any state or territory thereof, which is a felony, whether related~~
8 crime that substantially relates to the practice or not of engineering or land surveying or
9 poses a reasonable threat to public safety; and or conviction of or entry of a plea of nolo
10 contendere to ~~any crime, whether a felony, misdemeanor, or otherwise, an essential~~
11 ~~element of which is dishonesty or which is related to~~ is a violation of the practice of
12 engineering or land surveying;
- 13 4. Failure to comply with any of the provisions of Section 475.1 et seq. of this title
14 or any of the rules or regulations pertaining thereto;
- 15 5. Violation of the laws or rules of another state, territory, the District of Columbia,
16 a foreign country, the United States government, or any other governmental agency, if at
17 least one of the violations is the same or substantially equivalent to those contained in
18 this section;
- 19 6. Failure, within thirty (30) days, to provide information requested by the Board
20 as a result of a formal or informal complaint to the Board which would indicate a
21 violation of Section 475.1 et seq. of this title;

- 1 7. Knowingly making false statements or signing false statements, certificates or
2 affidavits;
- 3 8. Aiding or assisting another person or entity in violating any provision of Section
4 475.1 et seq. of this title or the rules or regulations pertaining thereto;
- 5 9. Violation of any terms of probation or suspension imposed by the Board, or using
6 a seal or practicing engineering or land surveying while the professional engineer's
7 license or land surveyor's license is suspended, revoked, nonrenewed or inactive;
- 8 10. Signing, affixing the professional engineer's or land surveyor's seal, or
9 permitting the professional engineer's or land surveyor's seal or signature to be affixed to
10 any specifications, reports, drawings, plans, design information, construction documents,
11 calculations, other documents, or revisions thereof, which have not been prepared by, or
12 under the direct control and personal supervision of the professional engineer or land
13 surveyor in responsible charge;
- 14 11. Engaging in dishonorable, unethical or unprofessional conduct of a character
15 likely to deceive, defraud or harm the public;
- 16 12. Providing false testimony or information to the Board;
- 17 13. Habitual intoxication or addiction to the use of alcohol or to the illegal use of a
18 controlled dangerous substance;
- 19 14. Performing engineering or surveying services outside any of the licensee's areas
20 of competence;
- 21 15. Violating the Oklahoma Minimum Standards for the Practice of Land
22 Surveying; and

1 16. Nonpayment of fees when due, or nonpayment for a period longer than ninety
2 (90) days after the due date for payment of costs, or administrative penalties assessed by
3 the Board shall result in revocation of the certificate of authorization or certificate of
4 licensure.

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

11 C. The Board shall have the power to:

12 1. Revoke a certificate of authorization;

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

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

19 4. Levy an administrative penalty.

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

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

4 F. As used in this section:

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

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

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

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

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

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

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

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

3 C. As used in this section:

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

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

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

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

- 18 1. Revocation of the certificate with or without the right to reapply;
- 19 2. Suspension of the certificate for a period not to exceed five (5) years;
- 20 3. Probation, for a period of time and under such terms and conditions as deemed
21 appropriate by the Board;
- 22 4. Stipulations, limitations, restrictions, and conditions relating to practice;

- 1 5. Censure, including specific redress, if appropriate;
- 2 6. Reprimand, either public or private;
- 3 7. Satisfactory completion of an educational program or programs;
- 4 8. Administrative fines as authorized by the Oklahoma Certified Real Estate
- 5 Appraisers Act; and
- 6 9. Payment of costs expended by the Board for any legal fees and costs and
- 7 probation and monitoring fees including, but not limited to, administrative costs, witness
- 8 fees and attorney fees.

9 B. 1. Any administrative fine imposed as a result of a violation of the Oklahoma

10 Certified Real Estate Appraisers Act or the rules of the Board promulgated pursuant

11 thereto shall not:

- 12 a. be less than Fifty Dollars (\$50.00) and shall not exceed Two Thousand
- 13 Dollars (\$2,000.00) for each violation of this act or the rules of the
- 14 Board, or
- 15 b. exceed Five Thousand Dollars (\$5,000.00) for all violations resulting
- 16 from a single incident or transaction.

17 2. All administrative fines shall be paid within thirty (30) days of notification of the

18 certificate holder by the Board of the order of the Board imposing the administrative fine,

19 unless the certificate holder has entered into an agreement with the Board extending the

20 period for payment.

21 3. The certificate may be suspended until any fine imposed upon the licensee by the

22 Board is paid.

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

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

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

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

20 1. Procuring or attempting to procure a certificate pursuant to the provisions of the
21 Oklahoma Certified Real Estate Appraisers Act by knowingly making a false statement,
22 knowingly submitting false information, refusing to provide complete information in

1 response to a question in an application for certification or through any form of fraud or
2 misrepresentation;

3 2. Failing to meet the minimum qualifications established pursuant to the
4 provisions of the Oklahoma Certified Real Estate Appraisers Act;

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

8 4. A conviction, including a conviction based upon a plea of guilty or nolo
9 contendere, of a felony ~~which is~~ crime substantially related to the ~~qualifications,~~
10 ~~functions, and duties of a person developing~~ practice of real estate appraisals ~~and~~
11 ~~communicating real estate appraisals to others~~ or poses a reasonable threat to public
12 safety;

13 5. An act or omission involving dishonesty, fraud, or misrepresentation with the
14 intent to substantially benefit the certificate holder or another person or with the intent
15 to substantially injure another person;

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

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

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

1 9. Willfully disregarding or violating any of the provisions of the Oklahoma
2 Certified Real Estate Appraisers Act or the regulations of the Board for the
3 administration and enforcement of the provisions of the Oklahoma Certified Real Estate
4 Appraisers Act;

5 10. Accepting an appraisal assignment when the employment itself is contingent
6 upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the
7 fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon
8 the consequences resulting from the appraisal assignment;

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

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

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

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

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

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

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

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

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

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

1 appeal the final decision to the district court pursuant to the Administrative Procedures
2 Act.

3 H. As used in this section:

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 2. Treated or attempted to treat ailments or other health conditions of human
2 beings other than by physical therapy as authorized by the Physical Therapy Practice
3 Act;
- 4 3. Failed to refer patients to other health care providers if symptoms are known to
5 be present for which physical therapy treatment is inadvisable or if symptoms indicate
6 conditions for which treatment is outside the standards of practice as specified in the
7 rules and regulations promulgated by the Board pursuant to the provisions of the
8 Physical Therapy Practice Act;
- 9 4. Used drugs, narcotics, medication, or intoxicating liquors to an extent which
10 affects the professional competency of the applicant or licensee;
- 11 5. Been convicted of a felony crime that substantially relates to the occupation of
12 physical therapy or poses a reasonable threat to public safety, or of a misdemeanor crime
13 involving moral turpitude;
- 14 6. Obtained or attempted to obtain a license as a physical therapist or physical
15 therapist assistant by fraud or deception;
- 16 7. Been grossly negligent in the practice of physical therapy or in acting as a
17 physical therapist assistant;
- 18 8. Been adjudged mentally incompetent by a court of competent jurisdiction and
19 has not subsequently been lawfully declared sane;
- 20 9. Been guilty of conduct unbecoming a person licensed as a physical therapist or
21 physical therapist assistant or guilty of conduct detrimental to the best interests of the
22 public or the profession;

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

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

4 B. As used in this section:

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

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

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

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

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

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

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

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

6 5. Violating any provisions of this act.

7 B. Such denial, refusal to renew, suspension, revocation, censure, or imposition of
8 probationary conditions upon a license may be ordered by the Board in a decision made
9 after a hearing in the manner provided by the ~~rules and regulations adopted by the~~
10 ~~Board~~ Administrative Procedures Act. After final decision by the Board, an appeal may
11 be made pursuant to the Administrative Procedures Act. One (1) year from the date of
12 the revocation, refusal of renewal, suspension, or probation of the license, application
13 may be made to the Board for reinstatement. The Board shall have discretion to accept
14 or reject an application for reinstatement and may, but shall not be required to, hold a
15 hearing to consider such reinstatement.

16 C. As used in this section:

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

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

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

4 Section 1370. A. A psychologist and any other persons under the supervision of the
5 psychologist shall conduct their professional activities in conformity with ethical and
6 professional standards promulgated by the State Board of Examiners of Psychologists by
7 rule.

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

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

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

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

17 4. Conviction of a felony. ~~A copy of the record of conviction, certified by the clerk of~~
18 ~~the court entering the conviction shall be conclusive evidence of conviction~~ crime that
19 substantially relates to the business practices of psychology or poses a reasonable threat
20 to public safety;

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

1 ~~6.~~ Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
2 ~~7.~~ 6. Engaging in sexual intercourse or other sexual contact with a client or patient;
3 ~~8.~~ 7. Use of repeated untruthful, deceptive or improbable statements concerning
4 the licensee's qualifications or the effects or results of proposed treatment, including
5 practicing outside of the psychologist's professional competence established by education,
6 training, and experience;
7 ~~9.~~ 8. Gross malpractice or repeated malpractice or gross negligence in the practice
8 of psychology;
9 ~~10.~~ 9. Aiding or abetting the practice of psychology by any person not approved by
10 the Board or not otherwise exempt from the provisions of Section 1351 et seq. of this title;
11 ~~11.~~ 10. Conviction of or pleading guilty or nolo ~~contendere~~ contendere to fraud in
12 filing Medicare or Medicaid claims or in filing claims with any third-party payor. A copy
13 of the record of plea or conviction, certified by the clerk of the court entering the plea or
14 conviction, shall be conclusive evidence of the plea or conviction;
15 ~~12.~~ 11. Exercising undue influence in a manner to exploit the client, patient,
16 student, or supervisee for financial advantage beyond the payment of professional fees or
17 for other personal advantage to the practitioner or a third party;
18 ~~13.~~ 12. The suspension or revocation by another state of a license to practice
19 psychology. A certified copy of the record of suspension or revocation of the state making
20 such a suspension or revocation shall be conclusive evidence thereof;
21 ~~14.~~ 13. Refusal to appear before the Board after having been ordered to do so in
22 writing by the executive officer or chair of the Board;

1 ~~15.~~ 14. Making any fraudulent or untrue statement to the Board;

2 ~~16.~~ 15. Violation of the code of ethics adopted in the rules and regulations of the
3 Board; and

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

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

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

1 any person other than the Board itself, such person shall transmit the record of the
2 hearing together with recommendations for findings of fact and conclusions of law to the
3 Board, which shall thereupon enter its order. The Board may enter its order on the basis
4 of such record or, before issuing its order, require additional hearings or further evidence
5 to be presented.

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

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

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

19 G. If the psychologist fails or refuses to appear, the Board may proceed to hearing
20 and determine the charges in his or her absence. If the psychologist pleads guilty, or if
21 upon hearing the charges, a majority of the Board finds them to be true, the Board may
22 enter an order suspending or revoking the license of the psychologist, reprimanding the

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~~Strike thru~~ language denotes deletion from present Statutes.

1 psychologist, or placing the psychologist on probation or any combination of penalties
2 authorized by the provisions of this section.

3 H. The secretary of the Board shall preserve a record of all proceedings of the
4 hearings and shall furnish a transcript of the hearings to the defendant upon request.
5 The defendant shall prepay the actual cost of preparing the transcript.

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

8 J. As used in this section:

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

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

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

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

- 18 1. Be of good moral character;
19 2. Have net assets of at least Twenty-five Thousand Dollars (\$25,000.00); and
20 3. Show that the pawnshop will be operated lawfully and fairly within the purpose

21 of the Oklahoma Pawnshop Act, Section 1501 et seq. of ~~Title 59 of the Oklahoma Statutes~~
22 this title.

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

4 C. If the Administrator is unable to verify that the applicant meets the net assets
5 requirement for a pawnshop license, the Administrator may require a finding, including
6 the presentation of a current balance sheet, by an accounting firm or individual holding a
7 permit to practice public accounting in this state, that the accountant has reviewed the
8 books and records of the applicant and that the applicant meets the net assets
9 requirement.

10 D. As used in this section:

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

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

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

19 Section 1619. A. The Board of Examiners for Speech-Language Pathology and
20 Audiology may impose separately, or in combination, any of the following disciplinary
21 actions on a licensee after formal disciplinary action as provided in the Speech-Language
22 Pathology and Audiology Licensing Act: suspend or revoke a license, issue a letter of

1 reprimand, impose probationary conditions, impose an administrative fine not to exceed
2 Ten Thousand Dollars (\$10,000.00), and assess reasonable costs. Disciplinary actions
3 may be taken by the Board upon proof that the licensee:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 D. 1. Any person who feels aggrieved by reason of the imposition of disciplinary
20 action may appeal to the Board for a review of the case or the person may seek judicial
21 review pursuant to the Administrative Procedures Act.

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

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

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

7 F. As used in this section:

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

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

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

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

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

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

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

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

7 5. Engaged in unprofessional conduct as defined by the rules established by the
8 Board;

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

10 7. Misrepresented any information required in obtaining a license.

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

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

21 D. As used in this section:

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

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

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

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

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

15 2. Been convicted of a misdemeanor ~~crime the Commissioner determines after a~~
16 ~~hearing to be of such a nature as to render the person convicted unfit to practice marital~~
17 ~~and family therapy~~ involving moral turpitude;

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

21 4. Misrepresented any information required in obtaining a license;

1 5. Engaged in fraud or deceit in connection with services rendered or in
2 establishing needed qualifications pursuant to the provisions of the Marital and Family
3 Therapist Licensure Act;

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

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

8 8. Engaged in negligence or wrongful actions in the performance of the duties of
9 such person.

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

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

19 D. Any person who is determined by the Department to have violated any of the
20 provisions of the Marital and Family Therapist Licensure Act or any rule promulgated or
21 order issued pursuant thereto may be subject to an administrative penalty. The
22 maximum fine shall not exceed Ten Thousand Dollars (\$10,000.00). All administrative

1 penalties collected pursuant to the Marital and Family Therapist Licensure Act shall be
2 deposited into the Licensed Marital and Family Therapist Revolving Fund.

3 Administrative penalties imposed pursuant to this subsection shall be enforceable in the
4 district courts of this state.

5 E. As used in this section:

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

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

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

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

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

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

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

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

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

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

9 7. Misrepresented any information required in obtaining a license.

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

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

20 D. As used in this section:

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

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

7 SECTION 17. This act shall become effective July 1, 2010.

8 SECTION 18. It being immediately necessary for the preservation of the public
9 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
10 this act shall take effect and be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
12 FINANCIAL SERVICES, dated 04-07-10 - DO PASS, As Amended.