

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1569

By: Schwartz

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5
6 AS INTRODUCED

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; requiring certain written notice of certain
15 license; authorizing certain rule making authority to
16 certain entities; requiring certain identification of
17 type of license in certain advertisements; requiring
18 certain documents to be included in certain
19 advertisements; requiring certain persons to provide
20 certain information to patients; making certain acts
21 unlawful; specifying certain violations and
22 punishments; providing for separate offenses;
23 requiring certain agencies to refer certain
24 violations to the Attorney General; and providing an
effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 725.1, is
amended to read as follows:

Section 725.1 A. Every person who writes or prints, or causes
to be written or printed, his or her name (whether or not the word
"Doctor", or an abbreviation thereof, is used in connection

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

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

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

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

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

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

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

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

14 5. The letters "O.D." or the words optometrist or doctor of
15 optometry by a person licensed to practice optometry under ~~Chapter~~
16 ~~13~~ Sections 581 through 606 of this title;

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

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

3 8. The letters "Ph.D.", "Ed.D.", or other letters representing
4 a doctoral degree or the words language pathologist, speech
5 pathologist, or speech and language pathologist by a person licensed
6 as a speech and language pathologist pursuant to the Speech-
7 Pathology and Audiology Licensing Act and who has earned a doctoral
8 degree from a regionally accredited institution of higher learning
9 in the field of speech and language pathology; and

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

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

22 C. Unless otherwise specifically provided in a particular
23 section or chapter of the Oklahoma Statutes, the word "physician" or
24 "physicians" shall mean and include each of the classes of persons

1 listed in paragraphs 1 through 6 of subsection A of this section.
2 The term "physician" shall not include any person specified in
3 paragraphs 7 through 9 of subsection A of this section unless such
4 person is otherwise authorized to use such designation pursuant to
5 this section.

6 D. Persons in each of the nine classes listed in subsection A
7 of this section shall identify through written notice, which may
8 include the wearing of a name tag, the type of license under which
9 the practitioner is practicing, utilizing the designations provided
10 in subsection A of this section. Each applicable licensing board is
11 authorized by rule to determine how its license holders may comply
12 with this disclosure requirement.

13 E. Any advertisement for health care services naming a provider
14 shall identify the type of license of the practitioner utilizing the
15 letters or words set forth in this section, if the person is one of
16 the classes of person listed in subsection A of this section, or
17 appropriate and generally and easily understood words or letters,
18 which clearly show and indicate the branch of the healing art in
19 which the person is licensed to practice and is engaged in, if the
20 person is not one of the nine classes of persons listed in
21 subsection A of this section. Advertisements shall include any
22 printed document, including letterhead, video clip, or audio clip
23 created by, for or at the direction of the provider or providers and

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1 advertised for the purpose of promoting the services of the provider
2 or providers.

3 F. Persons in each of the nine classes listed in subsection A
4 of this section shall, at the beginning of the patient-provider
5 relationship, inform the patient of the level of the provider
6 training and any title or license of the person. Such disclosure
7 shall include whether the person is licensed to practice:

8 1. Medicine and surgery under the Oklahoma Allopathic Medical
9 and Surgical Licensure and Supervision Act;

10 2. Osteopathy under the Oklahoma Osteopathic Medicine Act; or

11 3. Medicine and surgery under the State Dental Act.

12 G. 1. It shall be unlawful for any person who is a licensed
13 health care service provider, but who is not a medical doctor,
14 doctor of osteopathic medicine, doctor of dental surgery, or doctor
15 of dental medicine 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, that the person is a
18 medical doctor, doctor of osteopathic medicine, doctor of dental
19 surgery, or doctor of dental medicine, or has the same or equivalent
20 education, skills, or training.

21 2. Deceptive or misleading statements or acts include, but are
22 not limited to:

23 a. advertising in any medium,

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1 b. making false statements regarding the education,
2 skills, training, or licensure of a person, or
3 c. in any other way describing the profession, skills,
4 training, expertise, education, or licensure of a
5 person in a fashion that causes the public, a
6 potential patient, or current patient to believe that
7 the person is a medical doctor, doctor of osteopathic
8 medicine, doctor of dental surgery, or doctor of
9 dental medicine.

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. Any ~~person who shall violate~~ licensed health
20 care provider found by the appropriate licensing board or state
21 agency to be in violation of the provisions of ~~this act shall be~~
22 ~~guilty of a misdemeanor and upon conviction thereof~~ subsection D of
23 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.~~ Any person who is
4 not a licensed health care provider and found by the State Board of
5 Medical Licensure and Supervision to be in violation of the
6 provisions of subsection D of Section 725.2 of this title, shall be
7 punished by an administrative penalty of not less than Twenty-five
8 Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each
9 day this act is violated shall constitute a separate offense and
10 shall be punishable as such.

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

17 2. Any person who is not a licensed health care provider and
18 found by the State Board of Medical Licensure and Supervision to be
19 in violation of the provisions of this act, other than subsection D
20 of Section 725.2 of this title, shall be punished by an
21 administrative penalty of not less than Five Hundred Dollars
22 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

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

1 C. A case shall be referred to the Attorney General for
2 investigation and prosecution if:

3 1. A licensing board or state agency makes a finding of gross
4 or repeated violations of this act by a licensed health care
5 provider; or

6 2. The State Board of Medical Licensure and Supervision makes a
7 finding of gross or repeated violations of this act by a person who
8 is not a licensed health care provider.

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

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11 52-1-5672 SAB 01/12/09

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