

1 SECTION 1. AMENDATORY 59 O.S. 2011, Section 46.14, is
2 amended to read as follows:

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

10 1. Shall have been convicted of a felony crime that
11 substantially relates to the practice of architecture, landscape
12 architecture, or interior design or poses a reasonable threat to
13 public safety;

14 2. Shall have been guilty of fraud or misrepresentation in the
15 ~~person's~~ application of the person, whether seeking a contract to
16 provide services or for an examination or ~~for~~ a license or
17 registration without examination, or of fraud in the examination or
18 applying for or renewing a certificate of authority or certificate
19 of title, license or registration;

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

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1 4. Shall have been guilty of gross incompetence or recklessness
2 in the practice of ~~landscape~~ interior design, or of dishonest
3 practices;

4 5. Landscape architecture, or of dishonest practices;

5 ~~5.~~ 6. Presents the registration of another as his or her own;

6 ~~6.~~ 7. Gives false or forged evidence to the Board;

7 ~~7.~~ 8. Conceals information relative to any violation of this
8 act or rules promulgated under this act; and

9 ~~8.~~ 9. Shall have been found to be guilty of a violation of a
10 provision of the State Architectural and Registered Interior
11 Designers Act or the rules of the Board; provided, that a person or
12 entity complained of:

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

18 b. shall have the right to be represented by counsel and
19 an opportunity to respond and present evidence and
20 argument on all issues involved, by the introduction
21 of evidence and by the examination and cross-
22 examination of witnesses, and to compel the attendance
23 of witnesses and the production of books and papers.

1 Pursuant to the foregoing, the Board shall have the
2 power of a court of record, including the power to
3 issue subpoena and to compel the attendance and
4 testimony of witnesses. Each member of the Board
5 shall have the power to administer oaths and to issue
6 subpoena. Whenever any person who shall have been
7 subpoenaed to appear to give testimony, or to answer
8 any pertinent or proper question, or to produce books,
9 papers or documents which shall have been designated
10 in a subpoena, either on behalf of the prosecution or
11 on behalf of the accused, shall refuse to appear to
12 testify before the Board, or to answer any pertinent
13 or proper questions, or to produce a book, paper or
14 document which shall have been designated in a
15 subpoena, the person shall be deemed to be in contempt
16 of the Board, and it shall be the duty of the
17 presiding officer of the Board, ~~7~~ to report the fact to
18 the district court of the State of Oklahoma in and for
19 the county in which such person may be or may reside
20 whereupon the court shall issue an attachment in the
21 usual form, directed to the sheriff of the county,
22 which shall command the sheriff to attach such person
23 and forthwith bring the person before the court. On
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1 the return of the attachment duly served upon the
2 accused, or upon the production of the person
3 attached, the district court shall have jurisdiction
4 of the matter. The person charged may purge himself
5 or herself of the contempt in the same way and the
6 same proceedings shall be had, and the same penalties
7 may be imposed, as in the case of a witness subpoenaed
8 to appear and give evidence on the trial of a civil
9 cause before a district court of the State of
10 Oklahoma. Depositions may be taken and used in the
11 same manner as in civil cases. The Board shall keep a
12 record of the evidence in~~r~~ and a record of each
13 proceeding based on cause for the denial, suspension,
14 revocation of or refusal to renew a license ~~or~~,
15 registration, certificate of authority or certificate
16 of title and shall make findings of fact and render a
17 decision therein. If, after a hearing, the charges
18 shall have been found to have been sustained by the
19 vote of a majority of the members of the Board it
20 shall immediately enter its order of suspension,
21 revocation or refusal to renew, as the case may be.

22 B. As used in paragraph 1 of subsection A of this section:

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

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

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

9 SECTION 2. AMENDATORY 59 O.S. 2011, Section 144, is
10 amended to read as follows:

11 Section 144. A. The fee for examination for a license to
12 practice podiatric medicine in this state shall be One Hundred
13 Dollars (\$100.00). The Board of Podiatric Medical Examiners may
14 increase this fee by not more than an additional Two Hundred Dollars
15 (\$200.00). The examination for such license shall be given by the
16 Board. The Board may give the examination at any special meeting,
17 but shall not be required to do so.

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

19 1. File a written application on a form prescribed by the
20 Board;

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

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1 3. Satisfy the Board that the person is loyal to the United
2 States of America;

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

4 5. Be of good moral character;

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

9 7. Be free from contagious or infectious disease;

10 8. Be a graduate of an accredited college of podiatric
11 medicine; and

12 9. Have complied with applicable Board rules.

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

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

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

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

6 4. Satisfies the Board, in the case of any criminal conviction,
7 that the crime does not substantially relate to the practice of
8 podiatric medicine nor poses a reasonable threat to public safety,
9 or constitutes an act of moral turpitude that would affect the
10 practice of podiatric medicine or public safety. For purposes of
11 this paragraph:

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

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

22 D. The examination administered by the Board shall include both
23 a written and an oral portion, shall be administered in the English

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1 language, and shall cover areas in anatomy, pathology, podiatric
2 medicine and surgery, dermatology, pharmacology, biomechanics,
3 anesthesia, radiology, Oklahoma law relating to podiatric medicine,
4 and such other subjects as the Board from time to time determines
5 necessary and appropriate. The Board may authorize examination
6 papers to be graded by one or more of its own members or by any one
7 or more licensed podiatric physicians selected by the Board. Each
8 license issued by the Board shall be signed by each member of the
9 Board, bear the seal of the Board, and designate the licensee as a
10 licensed podiatric physician.

11 E. The Board may issue a temporary license if the applicant:

12 1. Has met the requirements of subsection B of this section;

13 2. Takes the examination administered by the Board and receives
14 a passing score of at least seventy-five percent (75%) on both the
15 written and oral portions. An applicant receiving less than a score
16 of seventy-five percent (75%) on either the written or oral portion
17 of the examination shall be deemed to have failed the entire
18 examination;

19 3. Is within ninety (90) days of completing a podiatric
20 surgical residency, approved by the Council of Podiatric Medical
21 Education of the American Podiatric Medical Association, of not less
22 than three hundred sixty-five (365) days; and

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

4 SECTION 3. AMENDATORY 59 O.S. 2011, Section 148, is
5 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

- 19 a. another podiatric physician,
- 20 b. an applicant for a license who is observing or
21 assisting the licensee as an intern, preceptee or
22 resident, as authorized by the rules of the Board, or
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1 c. a practitioner of another branch of the healing arts
2 who is duly licensed under the laws of this state or
3 another state, district or territory of the United
4 States,

5 who has actually provided services, directly or indirectly, to the
6 patient from or for whom the fee or other compensation is received,
7 or at the time of the services is an active associate of the
8 licensee in the lawful practice of podiatric medicine in this state;
9 and

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

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

17 C. As used in this section:

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

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

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

3 SECTION 4. AMENDATORY 59 O.S. 2011, Section 199.11, is
4 amended to read as follows:

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

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

12 2. Gross malpractice or gross incompetence;

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

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

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

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

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

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

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

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

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

12 B. As used in this section:

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

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

21 SECTION 5. AMENDATORY 59 O.S. 2011, Section 396.12c, is
22 amended to read as follows:

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

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

10 2. Conviction of a misdemeanor involving funeral services;

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

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

15 5. Violation of any of the provisions of the Funeral Services
16 Licensing Act or any violation of Sections 201 through 231 of Title
17 8 of the Oklahoma Statutes;

18 6. Fraud or misrepresentation in obtaining a license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 B. As used in this section:

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

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

21 SECTION 6. AMENDATORY 59 O.S. 2011, Section 475.18, is
22 amended to read as follows:
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1 Section 475.18 A. The State Board of Licensure for
2 Professional Engineers and Land Surveyors shall have the power to
3 suspend, revoke or refuse to issue, restore or renew a certificate
4 of authorization for a firm, or a certificate of licensure of, or
5 place on probation, fine or reprimand any firm, professional
6 engineer, professional land surveyor or engineer intern or land
7 surveyor intern, after notice and hearing as provided by the
8 Administrative Procedures Act, who is found guilty of:

9 1. The practice of any fraud or deceit in obtaining or
10 attempting to obtain or renew a certificate of licensure, or a
11 certificate of authorization or in taking the examinations
12 administered by the Board;

13 2. Any fraud, misrepresentation, gross negligence,
14 incompetence, misconduct or dishonest practice, in the practice of
15 engineering or land surveying;

16 3. Conviction of or entry of a plea of nolo contendere to ~~any~~
17 ~~crime under the laws of the United States, or any state or territory~~
18 ~~thereof, which is a felony, whether related~~ crime that substantially
19 relates to the practice or not of engineering or land surveying or
20 poses a reasonable threat to public safety; and or conviction of or
21 entry of a plea of nolo contendere to ~~any crime, whether a felony,~~
22 misdemeanor, ~~or otherwise~~, an essential element of which is

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1 dishonesty or ~~which is related to~~ is a violation of the practice of
2 engineering or land surveying;

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

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

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

15 7. Knowingly making false statements or signing false
16 statements, certificates or affidavits;

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

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

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

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

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

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

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

17 15. Violating the Oklahoma Minimum Standards for the Practice
18 of Land Surveying; and

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

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

9 C. The Board shall have the power to:

10 1. Revoke a certificate of authorization;

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

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

18 4. Levy an administrative penalty.

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

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

4 F. As used in this section:

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

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

13 SECTION 7. AMENDATORY 59 O.S. 2011, Section 532, is
14 amended to read as follows:

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

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

22 2. Secured the license by fraud or deceit; or
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1 3. Violated or conspired to violate the provisions of ~~this act~~
2 the Oklahoma Athletic Trainers Act or rules ~~and regulations~~ issued
3 pursuant to this act.

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

6 C. As used in this section:

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

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

15 SECTION 8. AMENDATORY 59 O.S. 2011, Section 858-723, is
16 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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1 4. A conviction, including a conviction based upon a plea of
2 guilty or nolo contendere, of a felony ~~which is~~ crime that
3 substantially ~~related~~ relates to the ~~qualifications, functions, and~~
4 ~~duties of a person developing~~ practice of real estate appraisals and
5 ~~communicating real estate appraisals to others~~ or poses a reasonable
6 threat to public safety;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 G. An applicant whose license or certificate is denied or not
2 renewed may appeal the decision to the Board within thirty (30) days
3 of that decision. If after hearing and final decision of the Board
4 to deny or not renew a license or certificate, the applicant may
5 appeal the final decision to the district court pursuant to the
6 Administrative Procedures Act.

7 H. As used in this section:

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

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

16 SECTION 9. AMENDATORY 59 O.S. 2011, Section 887.13, is
17 amended to read as follows:

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

1 1. Practiced physical therapy other than under the referral of
2 a physician, surgeon, dentist, chiropractor or podiatrist duly
3 licensed to practice medicine or surgery, a physician assistant, or
4 in the case of practice as a physical therapist assistant, has
5 practiced other than under the direction of a licensed physical
6 therapist;

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

10 3. Failed to refer patients to other health care providers if
11 symptoms are known to be present for which physical therapy
12 treatment is inadvisable or if symptoms indicate conditions for
13 which treatment is outside the standards of practice as specified in
14 the rules and regulations promulgated by the Board pursuant to the
15 provisions of the Physical Therapy Practice Act;

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

19 5. Been convicted of a felony crime that substantially relates
20 to the occupation of physical therapy or poses a reasonable threat
21 to public safety, or of a misdemeanor crime involving moral
22 turpitude;

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

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

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

7 9. Been guilty of conduct unbecoming a person licensed as a
8 physical therapist or physical therapist assistant or guilty of
9 conduct detrimental to the best interests of the public or the
10 profession;

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

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

14 B. As used in this section:

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

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

1 SECTION 10. AMENDATORY 59 O.S. 2011, Section 888.9, is
2 amended to read as follows:

3 Section 888.9 A. The State Board of Medical Licensure and
4 Supervision may deny or refuse to renew a license, or may suspend or
5 revoke a license, or may censure a licensee, publicly or otherwise,
6 or may impose probationary conditions where the licensee or
7 applicant for license has been guilty of unprofessional conduct
8 which has endangered or is likely to endanger the health, welfare,
9 or safety of the public. Such unprofessional conduct includes:

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

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

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

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

21 5. Violating any provisions of ~~this act~~ the Occupational
22 Therapy Practice Act.

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

12 C. As used in this section:

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

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

21 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1370, is
22 amended to read as follows:
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1 Section 1370. A. A psychologist and any other persons under
2 the supervision of the psychologist shall conduct their professional
3 activities in conformity with ethical and professional standards
4 promulgated by the State Board of Examiners of Psychologists by
5 rule.

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

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

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

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

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

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

4 ~~6.~~ Harassment, intimidation, or abuse, sexual or otherwise, of
5 a client or patient;

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

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

13 ~~9.~~ 8. Gross malpractice or repeated malpractice or gross
14 negligence in the practice of psychology;

15 ~~10.~~ 9. Aiding or abetting the practice of psychology by any
16 person not approved by the Board or not otherwise exempt from the
17 provisions of Section 1351 et seq. of this title;

18 ~~11.~~ 10. Conviction of or pleading guilty or nolo ~~contendere~~
19 contendere to fraud in filing Medicare or Medicaid claims or in
20 filing claims with any third-party payor. A copy of the record of
21 plea or conviction, certified by the clerk of the court entering the
22 plea or conviction, shall be conclusive evidence of the plea or
23 conviction;

1 ~~12.~~ 11. Exercising undue influence in a manner to exploit the
2 client, patient, student, or supervisee for financial advantage
3 beyond the payment of professional fees or for other personal
4 advantage to the practitioner or a third party;

5 ~~13.~~ 12. The suspension or revocation by another state of a
6 license to practice psychology. A certified copy of the record of
7 suspension or revocation of the state making such a suspension or
8 revocation shall be conclusive evidence thereof;

9 ~~14.~~ 13. Refusal to appear before the Board after having been
10 ordered to do so in writing by the executive officer or chair of the
11 Board;

12 ~~15.~~ 14. Making any fraudulent or untrue statement to the Board;

13 ~~16.~~ 15. Violation of the code of ethics adopted in the rules
14 and regulations of the Board; and

15 ~~17.~~ 16. Inability to practice psychology with reasonable skill
16 and safety to patients or clients by reason of illness, inebriation,
17 misuse of drugs, narcotics, alcohol, chemicals, or any other
18 substance, or as a result of any mental or physical condition.

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

9 D. On the basis of the evidence produced at the hearing, the
10 Board shall make findings of fact and conclusions of law and enter
11 an order thereon in writing or stated in the record. A final order
12 adverse to the alleged violator shall be in writing. An order
13 stated in the record shall become effective immediately, provided
14 the Board gives written notice of the order to the alleged violator
15 and to the other persons who appeared at the hearing and made
16 written request for notice of the order. If the hearing is held
17 before any person other than the Board itself, such person shall
18 transmit the record of the hearing together with recommendations for
19 findings of fact and conclusions of law to the Board, which shall
20 thereupon enter its order. The Board may enter its order on the
21 basis of such record or, before issuing its order, require
22 additional hearings or further evidence to be presented. The order
23 of the Board shall become final and binding on all parties unless

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1 appealed to the district court as provided for in the Administrative
2 Procedures Act.

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

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

19 G. If the psychologist fails or refuses to appear, the Board
20 may proceed to hearing and determine the charges in his or her
21 absence. If the psychologist pleads guilty, or if upon hearing the
22 charges, a majority of the Board finds them to be true, the Board
23 may enter an order suspending or revoking the license of the
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1 psychologist, reprimanding the psychologist, or placing the
2 psychologist on probation or any combination of penalties authorized
3 by the provisions of this section.

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

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

11 J. As used in this section:

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

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

20 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1503A, is
21 amended to read as follows:

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

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1 1. Be of good moral character;
2 2. Have net assets of at least Twenty-five Thousand Dollars
3 (\$25,000.00); and

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

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

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

18 D. As used in this section:

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

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

5 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1619, is
6 amended to read as follows:

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

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

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

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

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

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

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

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

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

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1 ~~certified by the clerk of the court entering the conviction, shall~~
2 ~~be conclusive evidence of conviction.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

10 F. As used in this section:

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

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

19 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1912, is
20 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

10 D. As used in this section:

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

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

19 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1925.15,
20 is amended to read as follows:

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

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

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

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

13 4. Misrepresented any information required in obtaining a
14 license;

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

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

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

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

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

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

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

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1 E. As used in this section:

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

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

10 SECTION 16. AMENDATORY 59 O.S. 2011, Section 1941, is
11 amended to read as follows:

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

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

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

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

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

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

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

11 7. Misrepresented any information required in obtaining a
12 license.

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

20 C. No license or specialty designation shall be suspended or
21 revoked, nor a licensed behavioral practitioner placed on probation,
22 until notice is served upon the licensed behavioral practitioner and
23
24

1 a hearing is held in conformity with Article II of the
2 Administrative Procedures Act.

3 D. As used in this section:

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

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

12 SECTION 17. This act shall become effective July 1, 2012.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM AND
19 FINANCIAL SERVICES, dated 03/01/2012 - DO PASS, As Coauthored.

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