

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1279 By: David

6 AS INTRODUCED

7 An Act relating to professional entities; amending 18  
8 O.S. 2011, Section 803, which relates to the  
9 Professional Entity Act; modifying definitions; and  
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 18 O.S. 2011, Section 803, is  
13 amended to read as follows:

14 Section 803. A. As used herein in the Professional Entity Act,  
15 unless the context clearly indicates that a different meaning is  
16 intended:

17 1. "Associated act" means the Oklahoma General Corporation Act,  
18 in the case of a corporation; the Oklahoma Revised Uniform Limited  
19 Partnership Act, in the case of a limited partnership; or the  
20 Oklahoma Limited Liability Company Act, in the case of a limited  
21 liability company;

22 2. "Interest" means a share of stock in a corporation, a  
23 partnership interest in a limited partnership or a membership  
24 interest in a limited liability company;

1       3. "Owner" means a shareholder in the case of a corporation, a  
2 general or limited partner in the case of a limited partnership or a  
3 member in the case of a limited liability company;

4       4. "Manager" means a director or officer in the case of a  
5 corporation, a general partner in the case of a limited partnership  
6 or a manager in the case of a limited liability company;

7       5. "Professional entity" means a domestic corporation, limited  
8 partnership or limited liability company formed for the purpose of  
9 rendering professional service;

10       6. "Professional service" means the personal service rendered  
11 by:

12           a. a physician, surgeon or doctor of medicine pursuant to  
13                   a license under Sections 481 through 524 of Title 59  
14                   of the Oklahoma Statutes, and any subsequent laws  
15                   regulating the practice of medicine,

16           b. an osteopathic physician or surgeon pursuant to a  
17                   license under Sections 620 through 645 of Title 59 of  
18                   the Oklahoma Statutes, and any subsequent laws  
19                   regulating the practice of osteopathy,

20           c. a chiropractic physician pursuant to a license under  
21                   Sections 161.1 through 161.20 of Title 59 of the  
22                   Oklahoma Statutes, and any subsequent laws regulating  
23                   the practice of chiropractic,

- d. a podiatric physician pursuant to a license under Sections 135.1 through 160.2 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of podiatric medicine,
- e. an optometrist pursuant to a license under Sections 581 through 606 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of optometry,
- f. a veterinarian pursuant to a license under Sections 698.1 through 698.18 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of veterinary medicine,
- g. an architect pursuant to a license under Sections 46.1 through 46.37 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of architecture,
- h. an attorney pursuant to his authority to practice law granted by the Supreme Court of the State of Oklahoma,
- i. a dentist pursuant to a license under Sections 328.1 through 328.51a of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of dentistry,
- j. a certified public accountant or a public accountant pursuant to his or her authority to practice

accounting under Sections 15.1 through 15.35 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of public accountancy,

- k. a psychologist pursuant to a license under Sections 1351 through 1376 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of psychology,
- l. a physical therapist pursuant to a license under Sections 887.1 through 887.18 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of physical therapy,
- m. a registered nurse pursuant to a license under Sections 567.1 through 567.16a of Title 59 of the Oklahoma Statutes, and any other subsequent laws regulating the practice of nursing,
- n. a professional engineer pursuant to a license under Sections 475.1 through 475.22a of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of engineering,
- o. a land surveyor pursuant to a license under Sections 475.1 through 475.22a of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of land surveying,

1                   p. an occupational therapist pursuant to Sections 888.1  
2                   through 888.15 of Title 59 of the Oklahoma Statutes  
3                   and any subsequent law regulating the practice of  
4                   occupational therapy,

5                   q. a speech pathologist or speech therapist pursuant to  
6                   Sections 1601 through 1622 of Title 59 of the Oklahoma  
7                   Statutes, and any subsequent law regulating the  
8                   practice of speech pathology,

9                   r. an audiologist pursuant to Sections 1601 through 1622  
10                  of Title 59 of the Oklahoma Statutes, and any  
11                  subsequent law regulating the practice of audiology,

12                  s. a registered pharmacist pursuant to Sections 353  
13                  through 366 of Title 59 of the Oklahoma Statutes, and  
14                  any subsequent law regulating the practice of  
15                  pharmacy,

16                  t. a licensed perfusionist pursuant to Sections 2051  
17                  through 2071 of Title 59 of the Oklahoma Statutes, and  
18                  any subsequent laws regulating the practice of  
19                  perfusionists,

20                  u. a licensed professional counselor pursuant to Sections  
21                  1901 through 1920 of Title 59 of the Oklahoma  
22                  Statutes, and any subsequent law regulating the  
23                  practice of professional counseling,

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1                   v. a licensed marital and family therapist pursuant to  
2                   Sections 1925.1 through 1925.18 of Title 59 of the  
3                   Oklahoma Statutes, and any subsequent law regulating  
4                   the practice of marital and family therapy,  
5                   w. a dietitian licensed pursuant to Sections 1721 through  
6                   1739 of Title 59 of the Oklahoma Statutes and any  
7                   subsequent laws regulating the practice of dietitians,  
8                   or  
9                   x. a social worker licensed pursuant to Sections 1250  
10                  through 1273 of Title 59 of the Oklahoma Statutes, and  
11                  any subsequent laws regulating the practice of social  
12                  work,  
13                  y. a licensed alcohol and drug counselor pursuant to  
14                  Sections 1870 through 1885 of Title 59 of the Oklahoma  
15                  Statutes, and any subsequent laws regulating the  
16                  practice of alcohol and drug counseling, or  
17                  z. a licensed behavioral practitioner pursuant to  
18                  Sections 1930 through 1949.1 of Title 59 of the  
19                  Oklahoma Statutes, and any subsequent laws regulating  
20                  the practice of behavioral health services;

21                  7. "Related professional services" means those services which

22                  are combined for professional entity purposes as follows:

23                  a. any combination of the following professionals:

- (1) a physician, surgeon or doctor of medicine pursuant to a license under Sections 481 through 524 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of medicine,
- (2) an osteopathic physician or surgeon pursuant to a license under Sections 620 through 645 of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of osteopathy,
- (3) a dentist pursuant to a license under Sections 328.1 through 328.51a of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of dentistry,
- (4) a chiropractic physician pursuant to a license under Sections 161.1 through 161.20 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of chiropractic,
- (5) a psychologist pursuant to a license under Sections 1351 through 1376 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of psychology,
- (6) an optometrist pursuant to a license under Sections 581 through 606 of Title 59 of the

Oklahoma Statutes, and any subsequent laws regulating the practice of optometry,

- (7) a podiatric physician pursuant to a license under Sections 135.1 through 160.2 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of podiatric medicine,
- (8) a dietitian licensed pursuant to Sections 1721 through 1739 of Title 59 of the Oklahoma Statutes and subsequent laws regulating the practice of dietitians, or
- (9) an occupational therapist pursuant to Sections 888.1 through 888.15 of Title 59 of the Oklahoma Statutes and any subsequent law regulating the practice of occupational therapy, or

b. any combination of the following professions:

- (1) an architect pursuant to a license under Sections 46.1 through 46.37 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of architecture,
- (2) a professional engineer pursuant to a license under Sections 475.1 through 475.22a of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of engineering, or

(3) a land surveyor pursuant to a license under Sections 475.1 through 475.22a of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of land surveying;

8. "Regulating board" means the board which is charged with the licensing and regulation of the practice of the profession which the professional entity is organized to render;

9. "Individual", "incorporator" and "shareholder" each include the trustee of an express trust created by a person duly licensed to render a professional service who has the right to revoke said trust and who is serving as the trustee of said trust. Any certificate required by the Professional Entity Act to be issued to an individual incorporator or shareholder may be issued to the grantor on behalf of a trust. All references in the Professional Entity Act to death and incapacity of a shareholder shall include the death and incapacity of the grantor of a trust which own stock in a professional corporation;

10. "Incapacity" of a shareholder means a determination by a court of competent jurisdiction, or otherwise by two independent licensed physicians, that the share holder is fully incapacitated or is partially incapacitated to the extent that the shareholder is not capable of rendering the professional service for which the professional corporation was organized; and

1       11. "Other personal representative" includes the successor  
2 trustee of an express trust owning stock in a professional  
3 corporation, which trust was created by a person duly licensed to  
4 render the professional service for which the professional  
5 corporation was organized who has the right to revoke the trust and  
6 who is the original trustee of the trust.

7       B. The definitions of the applicable associated act shall apply  
8 to this act, unless the context clearly indicates that a different  
9 meaning is intended.

10      SECTION 2. This act shall become effective November 1, 2012.

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