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**AS AMENDED**

BILL NO. 2168

and

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[ professions and occupations - modifying license and
certificate qualifications - effective date ]
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2. Has been guilty of fraud or misrepresentation;

1        3. Has been guilty of gross incompetence or recklessness in the  
2 practice of architecture relating to the construction of buildings  
3 or structures, or of dishonest practices;

4        4. Has been guilty of gross incompetence or recklessness in the  
5 practice of landscape architecture, or of dishonest practices;

6        5. Presents the license, registration or certification of  
7 another as his or her own;

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

9        7. Conceals information relative to any inquiry, investigation  
10 or violation of this act or rules promulgated under this act; or

11        8. Has been found to be guilty of a violation of a provision of  
12 the State Architectural and Registered Interior Designers Act, or  
13 the rules of the Board; provided, that a person or entity complained  
14 of shall be afforded the opportunity for a formal hearing carried  
15 out as described under the current Administrative Procedures Act or  
16 settled by the Board with a consent order or final order approved by  
17 the Board.

18        The Board shall keep a record of the evidence in, and a record  
19 of each proceeding for the suspension, revocation of or refusal to  
20 renew a license or certificate of authority and shall make findings  
21 of fact and render a decision therein. If, after a hearing, the  
22 charges shall have been found to have been sustained by the vote of  
23 a majority of the members of the Board it shall immediately enter  
24 its order of suspension, revocation, penalties, probation,

educational course work and objectives or refusal to renew, as the case may be.

B. As used in this section:

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

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

SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.11, as last amended by Section 9, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2014, Section 199.11), is amended to read as follows:

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

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

2. Gross malpractice or gross incompetence;

3. Fraud practiced in obtaining a license or registration;

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

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

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

8       7. Continued or flagrant violation of any rules of the Board,  
9 or continued practice by a Board licensee in a cosmetology or barber  
10 establishment wherein violations of the rules of the Board are being  
11 committed within the knowledge of the licensee;

12       8. Failure to display license or certificate as required by the  
13 Oklahoma Cosmetology and Barbering Act;

14       9. Continued practice of cosmetology or barbering after  
15 expiration of a license therefor;

16       10. Employment by a salon or barber establishment owner or  
17 manager of any person to perform any of the practices of cosmetology  
18 or barbering who is not duly licensed to perform the services;

19       11. Practicing cosmetology or barbering in an immoral or  
20 unprofessional manner;

21       12. Unsanitary operating practices or unsanitary conditions of  
22 a school or establishment; or

23       13. Unsanitary operating practices of a licensee.

24       B. As used in this section:

1        1. "Substantially relates" means the nature of criminal conduct  
2 for which the person was convicted has a direct bearing on the  
3 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 threat  
7 of harm against another and has a bearing on the fitness or ability  
8 to serve the public or work with others in the occupation.

9        SECTION 3.        AMENDATORY        59 O.S. 2011, Section 475.18, as  
10 amended by Section 7, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2014,  
11 Section 475.18), is amended to read as follows:

12        Section 475.18 A. As provided in subsections A and B of  
13 Section 475.8 of this title, the Board shall have the power to deny,  
14 place on probation, suspend, revoke or refuse to issue a certificate  
15 or license, or fine, reprimand, issue orders, levy administrative  
16 fines or seek other penalties, if a person or entity is found guilty  
17 of:

18        1. The practice of any fraud or deceit in obtaining or  
19 attempting to obtain or renew a certificate of licensure, or a  
20 certificate of authorization or in taking the examinations  
21 administered by the Board or its authorized representatives;

22        2. Any fraud, misrepresentation, gross negligence,  
23 incompetence, misconduct or dishonest practice, in the practice of  
24 engineering or land surveying;

1           3. Conviction of or entry of a plea of guilty or nolo  
2     contendere to ~~any crime under the laws of the United States, or any~~  
3     ~~state or territory thereof, which is a felony, whether related~~ crime  
4     that substantially relates to the practice or not of engineering or  
5     land surveying or poses a reasonable threat to public safety; and or  
6     conviction of or entry of a plea of guilty or nolo contendere to ~~any~~  
7     ~~crime, whether a felony, misdemeanor, or otherwise,~~ an essential  
8     element of which is dishonesty or ~~which is related to~~ is a violation  
9     of the practice of engineering or land surveying;

10          4. Failure to comply with any of the provisions of Section  
11     475.1 et seq. of this title or any of the rules or regulations  
12     pertaining thereto;

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

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

22          7. Knowingly making false statements or signing false  
23     statements, certificates or affidavits;

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

4       9. Violation of any terms imposed by the Board, or using a seal  
5 or practicing engineering or land surveying while the professional  
6 engineer's license or land surveyor's license is suspended, revoked,  
7 nonrenewed, retired or inactive;

8       10. Signing, affixing the professional engineer's or land  
9 surveyor's seal, or permitting the professional engineer's or land  
10 surveyor's seal or signature to be affixed to any specifications,  
11 reports, drawings, plans, design information, construction  
12 documents, calculations, other documents, or revisions thereof,  
13 which have not been prepared by, or under the direct control and  
14 personal supervision of the professional engineer or land surveyor  
15 in responsible charge;

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

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

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

22       14. Performing engineering or surveying services outside any of  
23 the licensee's areas of competence; and  
24

1 15. Violating the Oklahoma Minimum Standards for the Practice  
2 of Land Surveying.

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

11 C. Principals of a firm who do not obtain a certificate or  
12 authorization as required by Section 475.1 et seq. of this title may  
13 be subject to disciplinary action of individual licensure.

14 D. As used in this section:

15 1. "Substantially relates" means the nature of criminal conduct  
16 for which the person was convicted has a direct bearing on the  
17 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 threat  
21 of harm against another and has a bearing on the fitness or ability  
22 to serve the public or work with others in the occupation.

23 SECTION 4. AMENDATORY 59 O.S. 2011, Section 532, is  
24 amended to read as follows:

1       Section 532. A. The Board may refuse to issue a license to an  
2 applicant or may suspend or revoke the license of any ~~licensee~~  
3 athletic trainer or apprentice if he or she has:

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

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

8       3. Violated or conspired to violate the provisions of this act  
9 or rules and regulations issued pursuant to this act.

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

12       C. As used in this section:

13       1. "Substantially relates" means the nature of criminal conduct  
14 for which the person was convicted has a direct bearing on the  
15 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 threat  
19 of harm against another and has a bearing on the fitness or ability  
20 to serve the public or work with others in the occupation.

21       SECTION 5.       AMENDATORY       59 O.S. 2011, Section 858-723, is  
22 amended to read as follows:

23       Section 858-723. A. The Real Estate Appraiser Board, after  
24 notice and opportunity for a hearing, pursuant to Article II of the

1 Administrative Procedures Act, may issue an order imposing one or  
2 more of the following penalties whenever the Board finds, by clear  
3 and convincing evidence, that a certificate holder has violated any  
4 provision of the Oklahoma Certified Real Estate Appraisers Act, or  
5 rules promulgated pursuant thereto:

6 1. Revocation of the certificate with or without the right to  
7 reapply;

8 2. Suspension of the certificate for a period not to exceed  
9 five (5) years;

10 3. Probation, for a period of time and under such terms and  
11 conditions as deemed appropriate by the Board;

12 4. Stipulations, limitations, restrictions, and conditions  
13 relating to practice;

14 5. Censure, including specific redress, if appropriate;

15 6. Reprimand, either public or private;

16 7. Satisfactory completion of an educational program or  
17 programs;

18 8. Administrative fines as authorized by the Oklahoma Certified  
19 Real Estate Appraisers Act; and

20 9. Payment of costs expended by the Board for any legal fees  
21 and costs and probation and monitoring fees including, but not  
22 limited to, administrative costs, witness fees and attorney fees.  
23  
24

1 B. 1. Any administrative fine imposed as a result of a  
2 violation of the Oklahoma Certified Real Estate Appraisers Act or  
3 the rules of the Board promulgated pursuant thereto shall not:

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

10 2. All administrative fines shall be paid within thirty (30)  
11 days of notification of the certificate holder by the Board of the  
12 order of the Board imposing the administrative fine, unless the  
13 certificate holder has entered into an agreement with the Board  
14 extending the period for payment.

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

17 4. Unless the certificate holder has entered into an agreement  
18 with the Board extending the period for payment, if fines are not  
19 paid in full by the licensee within thirty (30) days of the  
20 notification by the Board of the order, the fines shall double and  
21 the certificate holder shall have an additional thirty-day period.  
22 If the double fine is not paid within the additional thirty-day  
23 period, the certificate shall automatically be revoked.  
24

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

5        C. The rights of any holder under a certificate as a trainee,  
6 state licensed, state certified residential or state certified  
7 general real estate appraiser may be revoked or suspended, or the  
8 holder of the certificate may be otherwise disciplined pursuant to  
9 the provisions of the Oklahoma Certified Real Estate Appraisers Act,  
10 upon any of the grounds set forth in this section. The Board may  
11 investigate the actions of a trainee, state licensed, state  
12 certified residential or state certified general real estate  
13 appraiser, and may revoke or suspend the rights of a certificate  
14 holder or otherwise discipline a trainee, state licensed, state  
15 certified residential or state certified general real estate  
16 appraiser for any of the following acts or omissions:

17        1. Procuring or attempting to procure a certificate pursuant to  
18 the provisions of the Oklahoma Certified Real Estate Appraisers Act  
19 by knowingly making a false statement, knowingly submitting false  
20 information, refusing to provide complete information in response to  
21 a question in an application for certification or through any form  
22 of fraud or misrepresentation;

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

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

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

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

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

21           7. Failure or refusal without good cause to exercise reasonable  
22 diligence in developing an appraisal, preparing an appraisal report  
23 or communicating an appraisal;  
24

1        8. Negligence or incompetence in developing an appraisal, in  
2 preparing an appraisal report, or in communicating an appraisal;

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

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

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

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

18        13. Violating any of the provisions in the code of ethics set  
19 forth in this act; or

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

22        D. In a disciplinary proceeding based upon a civil judgment,  
23 the trainee, state licensed, state certified residential or state  
24 certified general real estate appraiser shall be afforded an

1 opportunity to present matters in mitigation and extenuation, but  
2 may not collaterally attack the civil judgment.

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

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

16 3. A complaint may be filed against a trainee or state licensed  
17 or state certified appraiser directly by the Board, if reasonable  
18 cause exists for violations of the code of ethics set forth in this  
19 act.

20 4. Any complaint filed pursuant to this subsection shall be in  
21 writing and signed by the person filing same and shall be on a form  
22 approved by the Board. The trainee or state licensed or state  
23 certified appraiser shall be entitled to any hearings or subject to  
24 any disciplinary proceedings provided for in the Oklahoma Certified

1 Real Estate Appraisers Act based upon any complaint filed pursuant  
2 to this subsection.

3 F. As used in this section:

4 1. "Substantially relates" means the nature of criminal conduct  
5 for which the person was convicted has a direct bearing on the  
6 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 threat  
10 of harm against another and has a bearing on the fitness or ability  
11 to serve the public or work with others in the occupation.

12 SECTION 6. AMENDATORY 59 O.S. 2011, Section 887.13, as  
13 amended by Section 2, Chapter 324, O.S.L. 2014 (59 O.S. Supp. 2014,  
14 Section 887.13), is amended to read as follows:

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

21 1. Practiced physical therapy for workers' compensation claims  
22 other than under the referral of a physician, surgeon, dentist,  
23 chiropractor or podiatrist duly licensed to practice medicine or  
24 surgery, a physician assistant, or in the case of practice as a

1 physical therapist assistant, has practiced other than under the  
2 direction of a licensed physical therapist;

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

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

12 4. Used drugs, narcotics, medication, or intoxicating liquors  
13 to an extent which affects the professional competency of the  
14 applicant or licensee;

15 5. Been convicted of a felony crime that substantially relates  
16 to the occupation of physical therapy or poses a reasonable threat  
17 to public safety or of a misdemeanor crime involving moral  
18 turpitude;

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

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

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

1        9. Been guilty of conduct unbecoming a person licensed as a  
2 physical therapist or physical therapist assistant or guilty of  
3 conduct detrimental to the best interests of the public or the  
4 profession;

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

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

8        B. As used in this section:

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

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

17        SECTION 7.        AMENDATORY        59 O.S. 2011, Section 888.9, is  
18 amended to read as follows:

19        Section 888.9 A. The Board may deny or refuse to renew a  
20 license, or may suspend or revoke a license, or may censure a  
21 licensee, publicly or otherwise, or may impose probationary  
22 conditions where the licensee or applicant for license has been  
23 guilty of unprofessional conduct which has endangered or is likely  
24

1 to endanger the health, welfare, or safety of the public. Such  
2 unprofessional conduct includes:

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

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

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

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

14 5. Violating any provisions of this act.

15 B. Such denial, refusal to renew, suspension, revocation,  
16 censure, or imposition of probationary conditions upon a license may  
17 be ordered by the Board in a decision made after a hearing in the  
18 manner provided by the rules and regulations adopted by the Board.  
19 One (1) year from the date of the revocation, refusal of renewal,  
20 suspension, or probation of the license, application may be made to  
21 the Board for reinstatement. The Board shall have discretion to  
22 accept or reject an application for reinstatement and may, but shall  
23 not be required to, hold a hearing to consider such reinstatement.

24 C. As used in this section:

1        1. "Substantially relates" means the nature of criminal conduct  
2 for which the person was convicted has a direct bearing on the  
3 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 threat  
7 of harm against another and has a bearing on the fitness or ability  
8 to serve the public or work with others in the occupation.

9        SECTION 8.        AMENDATORY        59 O.S. 2011, Section 1370, is  
10 amended to read as follows:

11        Section 1370. A. A psychologist and any other persons under  
12 the supervision of the psychologist shall conduct their professional  
13 activities in conformity with ethical and professional standards  
14 promulgated by the State Board of Examiners of Psychologists by  
15 rule.

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

22        1. Fraud in applying for or procuring a license to practice  
23 psychology;  
24

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

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

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

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

13       ~~6.~~ Harassment, intimidation, or abuse, sexual or otherwise, of  
14 a client or patient;

15       ~~7.~~ 6. Engaging in sexual intercourse or other sexual contact  
16 with a client or patient;

17       ~~8.~~ 7. Use of repeated untruthful, deceptive or improbable  
18 statements concerning the licensee's qualifications or the effects  
19 or results of proposed treatment, including practicing outside of  
20 the psychologist's professional competence established by education,  
21 training, and experience;

22       ~~9.~~ 8. Gross malpractice or repeated malpractice or gross  
23 negligence in the practice of psychology;

1       ~~10.~~ 9. Aiding or abetting the practice of psychology by any  
2 person not approved by the Board or not otherwise exempt from the  
3 provisions of Section 1351 et seq. of this title;

4       ~~11.~~ 10. Conviction of or pleading guilty or nolo contendere to  
5 fraud in filing Medicare or Medicaid claims or in filing claims with  
6 any third-party payor. A copy of the record of plea or conviction,  
7 certified by the clerk of the court entering the plea or conviction,  
8 shall be conclusive evidence of the plea or conviction;

9       ~~12.~~ 11. Exercising undue influence in a manner to exploit the  
10 client, patient, student, or supervisee for financial advantage  
11 beyond the payment of professional fees or for other personal  
12 advantage to the practitioner or a third party;

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

17       ~~14.~~ 13. Refusal to appear before the Board after having been  
18 ordered to do so in writing by the executive officer or chair of the  
19 Board;

20       ~~15.~~ 14. Making any fraudulent or untrue statement to the Board;

21       ~~16.~~ 15. Violation of the code of ethics adopted in the rules  
22 and regulations of the Board; and

23       ~~17.~~ 16. Inability to practice psychology with reasonable skill  
24 and safety to patients or clients by reason of illness, inebriation,

1 misuse of drugs, narcotics, alcohol, chemicals, or any other  
2 substance, or as a result of any mental or physical condition.

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

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

1 transmit the record of the hearing together with recommendations for  
2 findings of fact and conclusions of law to the Board, which shall  
3 thereupon enter its order. The Board may enter its order on the  
4 basis of such record or, before issuing its order, require  
5 additional hearings or further evidence to be presented. The order  
6 of the Board shall become final and binding on all parties unless  
7 appealed to the district court as provided for in the Administrative  
8 Procedures Act.

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

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

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

9 H. The secretary of the Board shall preserve a record of all  
10 proceedings of the hearings and shall furnish a transcript of the  
11 hearings to the defendant upon request. The defendant shall prepay  
12 the actual cost of preparing the transcript.

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

16 J. As used in this section:

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

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

1       SECTION 9.       AMENDATORY       59 O.S. 2011, Section 1503A, is  
2 amended to read as follows:

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

5       1. Be of good moral character;

6       2. Have net assets of at least Twenty-five Thousand Dollars  
7 (\$25,000.00); and

8       3. Show that the pawnshop will be operated lawfully and fairly  
9 within the purpose of the Oklahoma Pawnshop Act, ~~Section 1501 et~~  
10 ~~seq. of Title 59 of the Oklahoma Statutes.~~

11       B. The Administrator shall find ineligible an applicant who has  
12 a ~~felony~~ conviction ~~which directly~~ for a felony crime that  
13 substantially relates to the ~~duties and responsibilities of the~~  
14 occupation of a pawnbroker or poses a reasonable threat to public  
15 safety.

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

23       D. As used in this section:  
24

1        1. "Substantially relates" means the nature of criminal conduct  
2 for which the person was convicted has a direct bearing on the  
3 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 threat  
7 of harm against another and has a bearing on the fitness or ability  
8 to serve the public or work with others in the occupation.

9        SECTION 10.        AMENDATORY        59 O.S. 2011, Section 1619, is  
10 amended to read as follows:

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

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

23        2. Has aided or abetted a person who is not a licensed speech-  
24 language pathologist and/or audiologist and who is not an employee

1 of and under the supervision of a licensed speech-language  
2 pathologist or audiologist and subject to the rules of the Board, in  
3 illegally engaging in the practice of speech-language pathology or  
4 audiology within this state;

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

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

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

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

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

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

1 ~~to have the conviction or plea set aside. A copy of the record of~~  
2 ~~conviction, certified by the clerk of the court entering the~~  
3 ~~conviction, shall be conclusive evidence of conviction.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

8        F. As used in this section:

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

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

17        SECTION 11.        AMENDATORY        59 O.S. 2011, Section 1912, as  
18 amended by Section 12, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014,  
19 Section 1912), is amended to read as follows:

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

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

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

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

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

13       5. Engaged in unprofessional conduct as defined by the rules  
14 established by the Board;

15       6. Engaged in negligence or wrongful actions in the performance  
16 of his or her duties; or

17       7. Misrepresented any information required in obtaining a  
18 license.

19       B. If the Board determines that a felony conviction of an  
20 applicant renders the convicted applicant unfit to practice  
21 counseling, the Board shall provide notice and opportunity to the  
22 applicant, by certified mail at the last-known address, for an  
23 administrative hearing to contest such determination before the  
24

1 Board may deny the application. The request shall be made by the  
2 applicant within fifteen (15) days of receipt of the notice.

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

8 D. As used in this section:

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

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

17 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1925.15, as  
18 amended by Section 24, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014,  
19 Section 1925.15), is amended to read as follows:

20 Section 1925.15 A. The State Board of Behavioral Health  
21 Licensure may deny, revoke, suspend or place on probation any  
22 license issued subject to the provisions of the Marital and Family  
23 Therapist Licensure Act, if the person has:  
24

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

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

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

11        4. Misrepresented any information required in obtaining a  
12 license;

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

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

19        7. Engaged in unprofessional conduct as defined by the rules  
20 promulgated by the Board; or

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

23        B. If the Board determines that a felony conviction of an  
24 applicant renders the convicted applicant unfit to practice

1 counseling, the Board shall provide notice and opportunity to the  
2 applicant, by certified mail at the last-known address, for an  
3 administrative hearing to contest such determination before the  
4 Board may deny the application. The request shall be made by the  
5 applicant within fifteen (15) days of receipt of the notice.

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

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

20 E. As used in this section:

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

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

5        SECTION 13.        AMENDATORY        59 O.S. 2011, Section 1941, as  
6 amended by Section 34, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014,  
7 Section 1941), is amended to read as follows:

8        Section 1941. A. The State Board of Behavioral Health  
9 Licensure may deny, revoke, suspend, or place on probation any  
10 license or specialty designation issued pursuant to the provisions  
11 of the Licensed Behavioral Practitioner Act to a licensed behavioral  
12 practitioner, if the person has:

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

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

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

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

1       5. Engaged in unprofessional conduct as defined by the rules  
2 established by the Board;

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

5       7. Misrepresented any information required in obtaining a  
6 license.

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

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

19       D. As used in this section:

20       1. "Substantially relates" means the nature of criminal conduct  
21 for which the person was convicted has a direct bearing on the  
22 fitness or ability to perform one or more of the duties or  
23 responsibilities necessarily related to the occupation; and  
24

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

5        SECTION 14. This act shall become effective November 1, 2015.

6        COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
7        April 1, 2015 - DO PASS AS AMENDED  
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