

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1074

 By: McCortney of the Senate

 and

 West (Josh) of the House

6
7
8
9 An Act relating to the Speech-Language Pathology and
10 Audiology Licensing Act; amending 59 O.S. 2011,
11 Section 1603, which relates to definitions; modifying
12 definitions; amending 59 O.S. 2011, Section 1604,
13 which relates to license required; updating
14 professional term; amending 59 O.S. 2011, Section
15 1605, which relates to qualifications for licensure;
16 updating and clarifying requirements; authorizing the
17 Board of Examiners for Speech-Language Pathology and
18 Audiology to issue temporary license; amending 59
19 O.S. 2011, Section 1606, which relates to waiver of
20 examination requirements; updating name of
21 professional association; amending 59 O.S. 2011,
22 Section 1609, which relates to meetings; providing
23 that all Board meetings shall be in accordance with
24 the Oklahoma Open Meeting Act; updating statutory
reference; amending 59 O.S. 2011, Section 1617, which
relates to licensees; updating language; amending 59
O.S. 2011, Section 1619, as amended by Section 10,
Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2017, Section
1619), which relates to disciplinary actions;
clarifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1603, is
amended to read as follows:

1 Section 1603. A. As used in the Speech-Language Pathology and
2 Audiology Licensing Act:

3 1. "Board" means the Board of Examiners for Speech-Language
4 Pathology and Audiology;

5 2. "Person" means any individual, partnership, organization or
6 corporation, except that only individuals may be licensed under the
7 Speech-Language Pathology and Audiology Licensing Act;

8 3. "Licensed speech-language pathologist", "licensed speech-
9 language pathology fellow", "licensed speech-language pathology
10 assistant" or "licensed audiologist" means an individual to whom a
11 license has been issued pursuant to the provisions of the Speech-
12 Language Pathology and Audiology Licensing Act, which license has
13 not expired or has not been suspended or revoked;

14 4. "Speech-language pathologist" (SLP) means any person who
15 ~~evaluates, examines, counsels or provides rehabilitative services~~
16 ~~for persons who have or are suspected of having a speech, voice~~
17 ~~and/or language disorder, and who meets the qualifications set forth~~
18 ~~in Section 1605 of this title~~ works to prevent, assess, diagnose and
19 treat speech, language, social communication, cognitive
20 communication and swallowing disorders in children and adults and
21 who meets the qualifications set forth in Section 1605 of this
22 title, as well as providing augmentative and alternative
23 communication (AAC) systems for individuals with severe speech,
24 expressive or language comprehension disorders. A speech-language

1 pathologist is permitted to perform such basic audiometric tests and
2 hearing therapy procedures as are consistent with such training;

3 5. "Speech-language pathology assistant" (SLPA) means any
4 person who, after acquiring academic coursework, fieldwork, and on-
5 the-job training as set forth by rules promulgated by the Board,
6 performs tasks prescribed, directed, and supervised by licensed
7 speech-language pathologists. The speech-language pathology
8 assistant may implement prescribed therapies in children and adults
9 in specific treatment areas in which he or she has academic and
10 clinical training as prescribed by the Board of Examiners for
11 Speech-Language Pathology and Audiology and under the license of a
12 speech-language pathologist;

13 6. "Speech, voice, swallowing or language disorders" include,
14 but are not limited to, any and all conditions that impede the
15 normal process of human vocal communication;

16 ~~6.~~ 7. "Practice of speech-language pathology" means the
17 rendering or offering to render to any person or the public any
18 speech, voice, swallowing or language evaluation, examination,
19 counseling or rehabilitation of or for persons who have or are
20 suspected of having a speech, voice, swallowing and/or language
21 disorder, and/or representing oneself to be a speech-language
22 pathologist or speech-language pathology assistant. Services may
23 also be provided for persons who want to learn how to communicate
24

1 more effectively including, but not limited to, accent modification
2 and other forms of communication enhancement;

3 ~~7.~~ 8. "Audiologist" means any person who ~~evaluates, examines,~~
4 ~~counsels or provides rehabilitative services for persons who have or~~
5 ~~are suspected of having a hearing disorder, and who meets the~~
6 ~~qualifications set forth in Section 1605 of this title. An~~
7 ~~audiologist also may provide consultation regarding noise control~~
8 ~~and hearing conservation, may conduct tests of vestibular function,~~
9 ~~may prepare ear impressions, and may provide evaluations of~~
10 ~~environment or equipment, including calibration, used in testing~~
11 auditory functioning participates in the prevention, identification,
12 assessment, habilitation and rehabilitation of hearing, auditory
13 function, balance, and other related systems for those individuals
14 of any age suspected of having a hearing or balance disorder, and
15 who meets the qualifications set forth in Section 1605 of this
16 title. An audiologist may also select, fit and dispense hearing
17 aids, hearing assistive technology, special fitting technology which
18 may include, but not limited to, cochlear implants, and provide
19 assessment and follow-up services. An audiologist may provide
20 consultation regarding noise control and participate in noise
21 conservation programs which may include, but not be limited to, the
22 fitting of hearing protection devices. Audiologists may participate
23 in research related to all of these domains;
24

1 ~~8.~~ 9. "Hearing disorders" include, but are not limited to, any
2 or all conditions of decreased or impaired auditory function;

3 ~~9.~~ 10. "Balance disorders" include, but are not limited to, any
4 or all conditions of the decreased or impaired vestibular function;

5 11. "Practice of audiology" means the rendering, or offering to
6 render, to any person or the public, ~~the evaluation, examination,~~
7 ~~counseling or rehabilitation of or for persons who have or are~~
8 ~~suspected of having a hearing disorder, and/or representing oneself~~
9 ~~to be an audiologist~~ the prevention, identification, assessment, or
10 rehabilitation of or for persons who have or are suspected of having
11 a hearing or balance disorder, or representing oneself to be an
12 audiologist; and

13 ~~10.~~ 12. "Hearing screening" means one or more procedures used
14 to identify individuals who may have a hearing loss. Measurements
15 of auditory thresholds are not included in hearing screening
16 programs; and

17 13. "Telepractice" means the use of audio, video or data
18 communication to provide speech-language pathology and audiology
19 services to clients who are not present at the same site as the
20 licensee when the service is provided.

21 B. A person represents himself or herself to be a speech-
22 language pathologist when such person holds himself or herself out
23 to the public by any title or description of services incorporating
24 the words "speech-language pathology", "speech-language

1 pathologist", "speech pathology", "speech pathologist", "speech
2 therapy", "speech therapist", "speech correction", "speech
3 correctionist", "language therapy", "language therapist", "voice
4 pathology", "voice pathologist", "voice therapy", "voice therapist",
5 "logopedics", "logopedist", "communicology", "communicologist",
6 "aphasiologist", "phoniatriest", "speech clinician", "speech clinic",
7 "speech center" or any similar or related term or terms.

8 C. A person represents himself or herself to be a speech-
9 language pathology assistant when such person holds himself or
10 herself out to the public by any title or description of services as
11 listed for speech-language pathologist and is working under the
12 license of a speech-language pathologist. Anyone not holding
13 credentials for independent practice shall hold the designation of
14 assistant and be required to work under supervision.

15 ~~C.~~ D. A person represents himself or herself to be an
16 audiologist when such person holds himself or herself out to the
17 public by any title or description of services incorporating the
18 terms "audiology", "audiologist", "audiometry", "audiometrist",
19 "hearing therapy", "hearing therapist", "hearing conservation",
20 "hearing conservationist", "hearing clinician", "hearing clinic",
21 "hearing center", "audiological", "audiometrics", or any similar or
22 related term or terms.

23 ~~D.~~ E. The provision of speech-language pathology or audiology
24 services in this state through ~~telephonic~~ telepractice, electronic

1 or other means, regardless of the location of the speech-language
2 pathologist shall constitute the practice of speech-language
3 pathology ~~and/or~~ audiology and shall require licensure in this
4 state.

5 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1604, is
6 amended to read as follows:

7 Section 1604. A. Except as otherwise provided by this section,
8 no person shall practice speech-language pathology or audiology
9 unless such person is licensed pursuant to the Speech-Language
10 Pathology and Audiology Licensing Act.

11 B. The Speech-Language Pathology and Audiology Licensing Act
12 shall not be construed to prevent:

13 1. A person licensed under any other law of this state from
14 engaging in the profession or occupation for which such person is
15 licensed, provided such person does not represent himself or herself
16 to be a speech-language pathologist or audiologist;

17 2. An employee of the federal government, state, county or
18 municipal government, or an agency or political subdivision thereof,
19 from engaging in such employee's duties of employment;

20 3. The hearing testing or any other act conducted by licensed
21 physicians within the scope of their licensed profession or by
22 persons conducting hearing tests or other acts under the direct
23 supervision of the physician;

24

1 4. The activities and services of a hearing-aid dealer or
2 fitter so long as the activities and services of such dealer or
3 fitter are limited to the selection, adaptation, distribution or
4 sale of hearing aids, and the testing, instruction, and counseling
5 pertaining thereto, as long as such hearing-aid dealer or fitter
6 does not represent himself or herself to be an audiologist;

7 5. A teacher of the deaf and hard of hearing, certified by the
8 Oklahoma State Department of Education, or certified nationally by
9 the Council on Education of the Deaf, from engaging in the
10 profession for which such teacher is trained. The services of a
11 teacher of the deaf and hard-of-hearing shall be directed solely to
12 those persons having or suspected of having a hearing disorder;

13 6. Any person not a resident of this state and who has not
14 established offices in this state, from engaging in the practice of
15 speech-language pathology or audiology in this state for a period
16 that, in the aggregate, does not exceed seven (7) days in any
17 calendar year, if such a person's education and experience is the
18 substantial equivalent to that of a licensed speech-language
19 pathologist or audiologist as described in Section 1605 of this
20 title; and

21 7. The activities of hearing screening programs which are
22 conducted by employees or trained volunteers who are providing these
23 services under the auspices of public or private charitable
24 agencies.

1 C. Notwithstanding any other provision of this section, a
2 person licensed in this state to perform speech-language pathology
3 or audiology services is hereby designated to be a practitioner of
4 the healing art for purposes of making a referral for speech-
5 language pathology or audiology services pursuant to the provisions
6 of the Individuals with Disabilities Education Act, Public Law 105-
7 17, as amended, and Section 504 of the Rehabilitation Act of 1973.

8 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1605, is
9 amended to read as follows:

10 Section 1605. A. To be eligible for licensure by the Board of
11 Examiners for Speech-Language Pathology and Audiology as a speech-
12 language pathologist, the applicant must:

13 1. Hold not less than a master's degree, or the equivalent,
14 with a major emphasis in speech-language pathology or audiology from
15 a regionally accredited academic institution offering a graduate
16 program in speech-language pathology or audiology that meets or
17 exceeds prevailing national standards;

18 2. Submit evidence of completion of supervised clinical
19 practicum experience that meets or exceeds prevailing national
20 standards from a regionally accredited educational institution or
21 its cooperating programs, the content of which shall be approved by
22 the Board and delineated in the rules;

1 3. Submit evidence of completion of supervised postgraduate
2 professional experience as approved by the Board and described in
3 the rules;

4 4. ~~Pass examinations approved by the Board, whether or not~~
5 ~~administered by the Board; application for examination for a license~~
6 ~~or for a license without examination shall be upon forms prescribed~~
7 ~~by the Board; the Board may require that the application be~~
8 ~~verified; the license fee, which shall include an examination fee of~~
9 ~~not to exceed Twenty-five Dollars (\$25.00), shall accompany the~~
10 ~~application; the cost of examinations administered by the Board~~
11 ~~shall be included in the examination fee; the Board shall determine~~
12 ~~the subject and scope of the examinations, and shall provide for~~
13 ~~examinations to qualified applicants at least twice a year; an~~
14 ~~applicant who fails the examination may be reexamined at a~~
15 ~~subsequent examination upon payment of another examination fee.~~
16 ~~Only the Board has the power to determine whether an applicant's~~
17 ~~examination has been passed or failed~~ Obtain a passing score on
18 examinations approved by the Board. The Board shall determine the
19 score required to pass an examination. An applicant who fails the
20 examination may retake the examination in accordance with the
21 timeline and procedures of the approved testing organization, and
22 the rules promulgated by the Board;

23 5. Attest to their status as either a United States citizen, a
24 United States noncitizen national or a qualified alien;

1 6. Have not committed any acts described in Section 1619 of
2 this title for which disciplinary action may be justified; ~~and~~

3 7. Be of good moral character;

4 8. The applicant shall make application to the Board upon a
5 form prescribed by the Board and pay to the Board the application
6 fee.

7 B. To be eligible for initial licensure by the Board as an
8 audiologist, the applicant must:

9 1. ~~Through December 31, 2006, hold not less than a master's~~
10 ~~degree, or the equivalent, with major emphasis in audiology from a~~
11 ~~regionally accredited academic institution offering a graduate or~~
12 ~~postbaccalaureate professional degree program in audiology that~~
13 ~~meets or exceeds prevailing national standards. After December 31,~~
14 ~~2006, each audiology applicant shall hold not less than a~~
15 ~~postbaccalaureate residential or a post-master's distance education~~
16 ~~professional Doctor of Audiology degree (Au.D.), a Doctor of~~
17 ~~Philosophy degree (Ph.D.) with emphasis in audiology, or its~~
18 ~~equivalent as determined by the Board, from a regionally accredited~~
19 ~~academic institution~~ Hold not less than a post-baccalaureate
20 residential or post-masters' distance education professional Doctor
21 of Audiology (AuD) degree, a Doctor of Philosophy (PhD) degree with
22 an emphasis in audiology or its equivalent as determined by the
23 Board;
24

1 2. ~~Through December 31, 2006, submit evidence of completion of~~
2 ~~supervised clinical practicum experience that meets or exceeds~~
3 ~~prevailing national standards from a regionally accredited~~
4 ~~educational institution or its cooperating programs, the content of~~
5 ~~which shall be approved by the Board and delineated in the rules.~~
6 ~~After December 31, 2006, applicants applying with a residential~~
7 ~~Doctor of Audiology professional degree (Au.D) must demonstrate~~
8 ~~preparation that includes three years of didactic coursework and~~
9 ~~clinical education equivalent to a twelve-month, full-time clinical~~
10 ~~rotation or externship~~ If applying with a Doctor of Audiology (AuD)
11 professional degree, demonstrate preparation that includes three (3)
12 years of didactic coursework and clinical education equivalent to a
13 twelve-month full-time rotation or externship;

14 3. ~~Through December 31, 2006, submit evidence of completion of~~
15 ~~supervised postgraduate professional experience, as approved by the~~
16 ~~Board and described in the rules. After December 31, 2006,~~
17 ~~applicants will be required to present to the Board only a copy of~~
18 ~~the Doctor of Audiology diploma along with a transcript~~
19 ~~demonstrating clinical experience equivalent to a twelve-month,~~
20 ~~full-time clinical rotation or externship, a copy of the Doctor of~~
21 ~~Philosophy diploma with an emphasis in audiology and a transcript~~
22 ~~reflecting a twelve-month, full-time clinical rotation or~~
23 ~~externship, or the equivalent as determined by the Board, from an~~
24 ~~accredited academic institution in order to demonstrate completion~~

1 ~~of the clinical rotation or externship requirement~~ Submit to the
2 Board a copy of the Doctor of Audiology (AuD) diploma and a
3 transcript demonstrating clinical experience equivalent to a twelve-
4 month full-time clinical rotation or externship; a copy of the
5 Doctor of Philosophy (PhD) diploma with an emphasis in audiology and
6 a transcript reflecting a twelve-month full-time clinical rotation
7 or externship, or their equivalents as determined by the Board;
8 provided, such equivalents shall be from an accredited academic
9 institution in order to demonstrate completion of the clinical
10 rotation or externship requirements;

11 4. ~~Pass examinations approved by the Board, whether or not~~
12 ~~administered by the Board; application for examination for a license~~
13 ~~or for a license without examination shall be upon forms prescribed~~
14 ~~by the Board; the Board may require that the application be~~
15 ~~verified; the license fee, which shall include an examination fee~~
16 ~~not to exceed Twenty-five Dollars (\$25.00), shall accompany the~~
17 ~~application; the cost of examinations administered by the Board~~
18 ~~shall be included in the examination fee; the Board shall determine~~
19 ~~the subject and scope of the examinations and shall provide for~~
20 ~~examinations to qualified applicants at least twice a year; an~~
21 ~~applicant who fails the examination may be reexamined at a~~
22 ~~subsequent examination upon payment of another examination fee.~~
23 ~~Only the Board has the power to determine whether an applicant's~~
24 ~~examination has been passed or failed~~ Obtain a passing score on

1 examinations approved by the Board. The Board shall determine the
2 score required to pass an examination. An applicant who fails the
3 examination may retake the examination in accordance with the
4 timeline and procedures of the approved testing organization, and
5 the rules promulgated by the Board;

6 5. Attest to their status as either a United States citizen, a
7 United States noncitizen national or a qualified alien;

8 6. Have not committed any acts described in Section 1619 of
9 this title for which disciplinary action may be justified; ~~and~~

10 7. Be of good moral character; and

11 8. Make application to the Board upon a form prescribed by the
12 Board and pay to the Board the application fee.

13 C. To be eligible for licensure by the Board as ~~an intern, the~~
14 ~~applicant must be in the process of fulfilling the supervised~~
15 ~~clinical experience required in paragraph 2 of subsection A of this~~
16 ~~section, or be a student, intern or resident in speech-language~~
17 ~~pathology or audiology, pursuing a course of study at an accredited~~
18 ~~university or college, or working in a training center recognized by~~
19 ~~the applicant's accredited university or college, if these~~
20 ~~activities and services constitute a part of the applicant's~~
21 ~~supervised course of study, and if such person is designated by such~~
22 ~~title as "speech-language pathology intern", "speech-language~~
23 ~~pathology trainee", "audiology intern", "audiology trainee" or other~~
24 ~~such title clearly indicating the training status appropriate to the~~

1 ~~applicant's level of training~~ a speech-language pathology clinical
2 fellow, the applicant must currently be in the process of fulfilling
3 the supervised clinical fellowship required by this section and
4 possess a designation of the title "Clinical Fellow" indicating the
5 status appropriate to the applicant's level of training. To be
6 eligible for licensure as a clinical fellow, the applicant shall
7 meet all requirements specified by paragraphs 1, 2, 5, 6 and 7 of
8 subsection A of this section. Speech-language pathologist
9 applicants completing the supervised postgraduate professional
10 experience in this state shall possess a license issued by the
11 Board.

12 D. To be eligible for licensure by the Board as a speech-
13 language pathology or audiology assistant, the applicant must be
14 assisting in the practice of speech-language pathology or audiology
15 while ~~in the employ of and~~ under the supervision of a licensed
16 speech-language pathologist or audiologist, subject to the rules of
17 the Board. The licensed speech-language pathologist or audiologist
18 is legally and ethically responsible for the professional activities
19 of such ~~employees~~ licensees.

20 E. To be eligible for licensure by the Board as a speech-
21 language ~~pathology or audiology temporary license holder~~
22 pathologist, audiologist, speech-language clinical fellow or speech-
23 language pathology assistant, the applicant must meet all the
24 requirements specified in ~~subsection A of~~ this section. ~~A temporary~~

1 ~~license will be issued following a credentials review, such~~
2 ~~temporary license being valid until the next regularly held Board~~
3 ~~meeting~~ The Board may authorize the executive secretary to issue a
4 temporary license upon verification that the applicant meets all
5 applicable requirements of licensure. A temporary license shall
6 authorize the applicant to practice speech-language pathology or
7 audiology for the time period between the submission of the
8 application and the applicant's approval for licensure by the Board.
9 A temporary license shall expire upon the Board's approval of a
10 permanent license, or ten (10) calendar days following the Board's
11 denial of an application for a permanent license.

12 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1606, is
13 amended to read as follows:

14 Section 1606. A. The Board of Examiners for Speech-Language
15 Pathology and Audiology shall waive the examination and grant a
16 license to applicants who present proof of current licensure in a
17 state or country whose requirements for licensure are substantially
18 equivalent to those of the Speech-Language Pathology and Audiology
19 Licensing Act.

20 B. The Board shall waive the examination and grant a license to
21 those who hold the Certificate of Clinical Competence of the
22 ~~American Speech and Hearing Association~~ American Speech-Language-
23 Hearing Association or its current equivalent in the area for which
24

1 they are applying for licensure, provided the requirements for such
2 certification are equivalent to or greater than those for licensure.

3 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1609, is
4 amended to read as follows:

5 Section 1609. A. The Board of Examiners for Speech-Language
6 Pathology and Audiology shall hold a regular annual meeting at its
7 last meeting of the fiscal year at which it shall elect from its
8 membership a chairman, a vice-chairman, and a secretary. Other
9 regular meetings shall be held at such times as the rules of the
10 Board may provide. Special meetings may be held at such times as
11 may be deemed necessary or advisable by a majority of the Board
12 members. At least one (1) week's notice of all meetings shall be
13 given in a manner prescribed by the rules of the Board.

14 B. All meetings of the Board shall be ~~open and public except~~
15 ~~that the Board may hold a closed executive session:~~

16 ~~1. To prepare, approve, grade or administer examinations; and~~
17 ~~2. Upon request of an applicant who fails an examination to~~
18 ~~prepare a response indicating the cause of the applicant's failure~~
19 in accordance with the Oklahoma Open Meeting Act.

20 C. Three members of the Board shall constitute a quorum.

21 D. An executive secretary shall be appointed by the Board, and
22 shall hold office at the pleasure of the Board. The Board may
23 employ such other persons and may rent or purchase such space and
24

1 equipment as it deems necessary or desirable to carry out the
2 provisions of ~~this act~~ Section 1601 et seq. of this title.

3 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1617, is
4 amended to read as follows:

5 Section 1617. The Board of Examiners for Speech-Language
6 Pathology and Audiology shall publish a list of all ~~licensed speech-~~
7 ~~language pathologists and licensed audiologists~~ licensees, including
8 the name and business address of each ~~licensed person~~ licensee, the
9 area in which the person is licensed, and such other information as
10 the Board deems appropriate. This list will be published on the web
11 site for the Board of Examiners for Speech-Language Pathology and
12 Audiology in printable format and updated quarterly. A copy of the
13 list will be placed on file with the Secretary of State annually.
14 Copies will be furnished to licensees and the public upon request.

15 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1619, as
16 amended by Section 10, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2017,
17 Section 1619), is amended to read as follows:

18 Section 1619. A. The Board of Examiners for Speech-Language
19 Pathology and Audiology may impose separately, or in combination,
20 any of the following disciplinary actions on a licensee after formal
21 disciplinary action as provided in the Speech-Language Pathology and
22 Audiology Licensing Act: suspend or revoke a license, issue a
23 letter of reprimand, impose probationary conditions, impose an
24 administrative fine not to exceed Ten Thousand Dollars (\$10,000.00),

1 and assess reasonable costs. Disciplinary actions may be taken by
2 the Board upon proof that the licensee:

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

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

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

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

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

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

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

5 8. Has been convicted of or has pled guilty or nolo contendere
6 to a felony crime that substantially relates to the business
7 practices of speech-language pathology or audiology or poses a
8 reasonable threat to public safety or to a crime involving moral
9 turpitude.

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

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

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

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

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

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

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

19 4. If a person fails and refuses to attend in obedience to such
20 subpoena, or refuses to be sworn or examined or answer any legally
21 proper question propounded by any member of said Board or any
22 attorney or licensee upon permission from said Board, such person
23 shall be guilty of a misdemeanor, and, upon conviction, may be
24 punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00)

1 or by confinement in the county jail not to exceed ninety (90) days,
2 or both.

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

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

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

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

14 F. 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 8. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/03/2018 -
5 DO PASS.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24