

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 105

By: Stanislawski

AS INTRODUCED

An Act relating to the Professional Entity Act; amending 18 O.S. 2011, Section 803, as amended by Section 1, Chapter 42, O.S.L. 2012 (18 O.S. Supp. 2018, Section 803), which relates to definitions; including appraisers; updating statutory language; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 18 O.S. 2011, Section 803, as amended by Section 1, Chapter 42, O.S.L. 2012 (18 O.S. Supp. 2018, Section 803), is amended to read as follows:

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

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

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

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

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

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

13 6. "Professional service" means the personal service rendered
14 by:

- 15 a. a physician, surgeon or doctor of medicine pursuant to
16 a license under Sections 481 through 524 of Title 59
17 of the Oklahoma Statutes, and any subsequent laws
18 regulating the practice of medicine,
- 19 b. an osteopathic physician or surgeon pursuant to a
20 license under Sections 620 through 645 of Title 59 of
21 the Oklahoma Statutes, and any subsequent laws
22 regulating the practice of osteopathy,
- 23 c. a chiropractic physician pursuant to a license under
24 Sections 161.1 through 161.20 of Title 59 of the

- Oklahoma Statutes, and any subsequent laws regulating 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 698.30b 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 46.41 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 328.53 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of dentistry,

- 1 j. a certified public accountant or a public accountant
2 pursuant to his or her authority to practice
3 accounting under Sections 15.1 through 15.38 of Title
4 59 of the Oklahoma Statutes, and any subsequent laws
5 regulating the practice of public accountancy,
6 k. a psychologist pursuant to a license under Sections
7 1351 through 1376 of Title 59 of the Oklahoma
8 Statutes, and any subsequent laws regulating the
9 practice of psychology,
10 l. a physical therapist pursuant to a license under
11 Sections 887.1 through 887.18 of Title 59 of the
12 Oklahoma Statutes, and any subsequent laws regulating
13 the practice of physical therapy,
14 m. a registered nurse pursuant to a license under
15 Sections 567.1 through 567.19 of Title 59 of the
16 Oklahoma Statutes, and any other subsequent laws
17 regulating the practice of nursing,
18 n. a professional engineer pursuant to a license under
19 Sections 475.1 through 475.22a of Title 59 of the
20 Oklahoma Statutes, and any subsequent laws relating to
21 the practice of engineering,
22 o. a land surveyor pursuant to a license under Sections
23 475.1 through 475.22a of Title 59 of the Oklahoma
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- 1 Statutes, and any subsequent laws relating to the
2 practice of land surveying,
- 3 p. an occupational therapist pursuant to Sections 888.1
4 through 888.15 of Title 59 of the Oklahoma Statutes
5 and any subsequent law regulating the practice of
6 occupational therapy,
- 7 q. a speech pathologist or speech therapist pursuant to
8 Sections 1601 through 1622 of Title 59 of the Oklahoma
9 Statutes, and any subsequent law regulating the
10 practice of speech pathology,
- 11 r. an audiologist pursuant to Sections 1601 through 1622
12 of Title 59 of the Oklahoma Statutes, and any
13 subsequent law regulating the practice of audiology,
- 14 s. a registered pharmacist pursuant to Sections 353
15 through 366 of Title 59 of the Oklahoma Statutes, and
16 any subsequent law regulating the practice of
17 pharmacy,
- 18 t. a licensed perfusionist pursuant to Sections 2051
19 through 2071 of Title 59 of the Oklahoma Statutes, and
20 any subsequent laws regulating the practice of
21 perfusionists,
- 22 u. a licensed professional counselor pursuant to Sections
23 1901 through 1920 of Title 59 of the Oklahoma
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- 1 Statutes, and any subsequent law regulating the
2 practice of professional counseling,
- 3 v. a licensed marital and family therapist pursuant to
4 Sections 1925.1 through 1925.18 of Title 59 of the
5 Oklahoma Statutes, and any subsequent law regulating
6 the practice of marital and family therapy,
- 7 w. a dietitian licensed pursuant to Sections 1721 through
8 1739 of Title 59 of the Oklahoma Statutes and any
9 subsequent laws regulating the practice of dietitians,
- 10 x. a social worker licensed pursuant to Sections 1250
11 through 1273 of Title 59 of the Oklahoma Statutes, and
12 any subsequent laws regulating the practice of social
13 work,
- 14 y. a licensed alcohol and drug counselor pursuant to
15 Sections 1870 through 1885 of Title 59 of the Oklahoma
16 Statutes, and any subsequent laws regulating the
17 practice of alcohol and drug counseling, ~~or~~
- 18 z. a licensed behavioral practitioner pursuant to
19 Sections 1930 through 1949.1 of Title 59 of the
20 Oklahoma Statutes, and any subsequent laws regulating
21 the practice of behavioral health services, or
- 22 aa. an appraiser pursuant to a license under Section 858-
23 712 of Title 59 of the Oklahoma Statutes, and any
24 subsequent laws regulating the practice of appraisal;

1 7. "Related professional services" means those services which
2 are combined for professional entity purposes as follows:

3 a. any combination of the following professionals:

- 4 (1) a physician, surgeon or doctor of medicine
5 pursuant to a license under Sections 481 through
6 524 of Title 59 of the Oklahoma Statutes, and any
7 subsequent laws regulating the practice of
8 medicine,
- 9 (2) an osteopathic physician or surgeon pursuant to a
10 license under Sections 620 through 645 of Title
11 59 of the Oklahoma Statutes, and any subsequent
12 laws relating to the practice of osteopathy,
- 13 (3) a dentist pursuant to a license under Sections
14 328.1 through 328.53 of Title 59 of the Oklahoma
15 Statutes, and any subsequent laws regulating the
16 practice of dentistry,
- 17 (4) a chiropractic physician pursuant to a license
18 under Sections 161.1 through 161.20 of Title 59
19 of the Oklahoma Statutes, and any subsequent laws
20 regulating the practice of chiropractic,
- 21 (5) a psychologist pursuant to a license under
22 Sections 1351 through 1376 of Title 59 of the
23 Oklahoma Statutes, and any subsequent laws
24 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 46.41 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

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

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

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

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

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

9 B. The definitions of the applicable associated act shall apply
10 to ~~this act~~ the Professional Entity Act, unless the context clearly
11 indicates that a different meaning is intended.

12 SECTION 2. This act shall become effective November 1, 2019.

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