

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1373

By: Taylor

AS INTRODUCED

An Act relating to professions and occupations; requiring certain entities list criminal records that disqualify applicant from licensure or certification; placing limitation on disqualification; providing for petition to challenge disqualification; providing for fee; amending 59 O.S. 2011, Section 15.8, which relates to the Oklahoma Accountancy Act; modifying qualifications of applicants; amending 59 O.S. 2011, Sections 46.14, as last amended by Section 1, Chapter 183, O.S.L. 2015, 46.24, as amended by Section 14, Chapter 234, O.S.L. 2014, 46.31, as amended by Section 20, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2018, Sections 46.14, 46.24 and 46.31), which relates to the State Architectural and Registered Interior Designers Act; modifying issuance of license; amending 59 O.S. 2011, Section 144, as last amended by Section 1, Chapter 87, O.S.L. 2017 and 148 (59 O.S. Supp. 2018, Section 144), which relate to the Podiatric Medicine Practice Act; modifying qualifications for applicants; defining terms; modifying penalties for violations; amending 59 O.S. 2011, Section 161.7, as last amended by Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.7), which relates to the Oklahoma Chiropractic Practice Act; modifying disclosure requirements for applicants; defining terms; amending 59 O.S. 2011, Section 199.11, as last amended by Section 2, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018, Section 199.11), which relates to the Oklahoma Cosmetology and Barbering Act; modifying licensing requirements; amending 59 O.S. 2011, Sections 328.24, as last amended by Section 6, Chapter 151, O.S.L. 2018, 328.25, as last amended by Section 7, Chapter 151, O.S.L. 2018 and 328.29a, as last amended by Section 3, Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2018,

Sections 328.24, 328.25 and 328.29a), which relate to the State Dental Act; modifying application requirements for licensure; modifying revocation or suspension of certain permits; amending 59 O.S. 2011, Section 353.9, as amended by Section 6, Chapter 230, O.S.L. 2015 (59 O.S. Supp. 2018, Section 353.9), which relates to the Oklahoma Pharmacy Act; modifying requirements for application; defining terms; amending 59 O.S. 2011, Sections 396.3, as last amended by Section 2, Chapter 204, O.S.L. 2017, 396.8 and 396.12c, as amended by Section 4, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2018, Sections 396.3 and 396.12c), which relate to the Funeral Services Licensing Act; modifying qualifications for licensure; modifying issuance and renewal of license; amending Sections 9 and 10, Chapter 259, O.S.L. 2017, and 59 O.S. 2011, Section 475.18, as last amended by Section 16, Chapter 259, O.S.L. 2017 (59 O.S. Supp. 2018, Sections 475.12a, 475.12b and 475.18), which relate to engineering and land surveying; modifying qualifications for applications, certification and licensure; amending 59 O.S. 2011, Section 492.1, which relates to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act; modifying licensure requirements; amending 59 O.S. 2011, Section 519.4, which relates to the Physician Assistant Act; modifying licensure requirements; amending 59 O.S. 2011, Section 532, as amended by Section 4, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018, Section 532), which relates to the Oklahoma Athletic Trainers Act; clarifying language; amending 59 O.S. 2011, Section 536.7, as amended by Section 1, Chapter 280, O.S.L. 2013 (59 O.S. Supp. 2018, Section 536.7), which relates to the Registered Electrologist Act; modifying licensure requirements; amending 59 O.S. 2011, Section 540.6, which relates to the Registered Electrologist Act; modifying eligibility for licensure; amending 59 O.S. 2011, Sections 567.6, as amended by Section 1, Chapter 160, O.S.L. 2014 and 567.8, as last amended by Section 1, Chapter 72, O.S.L. 2018 (59 O.S. Supp. 2018, Sections 567.6 and 567.8), which relate to the Oklahoma Nursing Practice Act; modifying licensure requirements; amending 59 O.S. 2011, Section 584, as amended by Section 1, Chapter 81, O.S.L. 2018 (59 O.S. Supp. 2018, Section 584), which relates to optometry; modifying application requirements; amending 59 O.S. 2011,

Sections 634 and 637, which relate to the Oklahoma Osteopathic Medicine Act; modifying issuance of reciprocal license; modifying issuance and renewal of license; amending 59 O.S. 2011, Sections 858-301.1, 858-302, as amended by Section 1, Chapter 173, O.S.L. 2013, and 858-303, as last amended by Section 2, Chapter 248, O.S.L. 2017, and Section 3, Chapter 248, O.S.L. 2017 (59 O.S. Supp. 2018, Sections 858-302, 858-303 and 858-303A), which relate to the Oklahoma Real Estate License Code; modifying eligibility for certain licenses; amending 59 O.S. 2011, Section 858-629, which relates to the Home Inspection Licensing Act; modifying application requirements; amending 59 O.S. 2011, Sections 887.6 and 887.13, as last amended by Section 6, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018, Section 887.13), which relates to the Physical Therapy Practice Act; modifying qualifications for licensure; modifying issuance and renewal of licenses; amending 59 O.S. 2011, Section 888.6, which relates to the Occupational Therapy Practice Act; modifying application for license requirements; amending Sections 6 and 12, Chapter 202, O.S.L. 2016 (59 O.S. Supp. 2018, Sections 889.5 and 889.11), which relate to the Music Therapy Practice Act; modifying licensure requirements; modifying issuance and renewal of license; amending 59 O.S. 2011, Section 1212, as amended by Section 11, Chapter 118, O.S.L. 2013 (59 O.S. Supp. 2018, Section 1212), which relates to foresters; modifying registration requirements; amending 59 O.S. 2011, Sections 1261.1, as last amended by Section 2, Chapter 310, O.S.L. 2018, 1261.4 and 1266.1, as amended by Section 2, Chapter 40, O.S.L. 2015 (59 O.S. Supp. 2018, Sections 1261.1 and 1266.1), which relate to the Social Worker's Licensing Act; modifying licensure requirements; defining terms; modifying reciprocity qualifications; modifying issuance and renewal of license; amending 59 O.S. 2011, Sections 1305, as last amended by Section 1, Chapter 161, O.S.L. 2017 and 1310, as last amended by Section 5, Chapter 203, O.S.L. 2016 (59 O.S. Supp. 2018, Sections 1305 and 1310), which relate to bail bondsman; modifying application for license requirements; defining terms; modifying issuance and renewal of license; defining terms; amending Sections 10, Chapter 407, O.S.L. 2013, as amended by Section 5, Chapter 373, O.S.L. 2014 and 12, Chapter 407, O.S.L. 2013, as amended by

1 Section 2, Chapter 138, O.S.L. 2016 (59 O.S. Supp.
2 2018, Sections 1350.9 and 1350.11), which relate to
3 the Bail Enforcement and Licensing Act; modifying
4 licensure requirements; modifying issuance and
5 renewal of license; amending 59 O.S. 2011, Section
6 1362, as amended by Section 4, Chapter 169, O.S.L.
7 2016 (59 O.S. Supp. 2018, Section 1362), which
8 relates to the Psychologists Licensing Act; modifying
9 qualifications of applicants for examination;
10 amending 59 O.S. 2011, Sections 1458 and 1468, which
11 relate to the Polygraph Examiners Act; modifying
12 qualifications for registration; defining terms;
13 modifying suspension or revocation of license;
14 defining terms; amending 59 O.S. 2011, Section 1503A,
15 as amended by Section 9, Chapter 183, O.S.L. 2015 (59
16 O.S. Supp. 2018, Section 1503A), which relates to the
17 Oklahoma Pawnshop Act; modifying eligibility for
18 license; amending 59 O.S. 2011, Sections 1605, as
19 amended by Section 3, Chapter 230, O.S.L. 2018, and
20 1619, as last amended by Section 7, Chapter 230,
21 O.S.L. 2018 (59 O.S. Supp. 2018, Sections 1605 and
22 1619), which relate to the Speech-Language Pathology
23 and Audiology Licensing Act; modifying qualifications
24 for licensure; clarifying language; amending 59 O.S.
2011, Section 1738, as amended by Section 2, Chapter
368, O.S.L. 2016 (59 O.S. Supp. 2018, Section 1738),
which relates to the Licensed Dietitian Act;
modifying suspension or revocation of license;
defining terms; amending 59 O.S. 2011, Sections
1750.5, as last amended by Section 11, Chapter 373,
O.S.L. 2014 and 1750.7 (59 O.S. Supp. 2018, Section
1750.5), which relate to the Oklahoma Security Guard
and Private Investigator Act; modifying licensure
requirements; defining terms; modifying suspensions
or revocation of license; defining terms; amending 59
O.S. 2011, Section 1800.7, as last amended by Section
3, Chapter 22, O.S.L. 2013 (59 O.S. Supp. 2018,
Section 1800.7), which relate to the Alarm, Locksmith
and Fire Sprinkler Industry Act; modifying
qualifications of applicants; defining terms;
amending 59 O.S. 2011, Section 1820.11, as amended by
Section 8, Chapter 111, O.S.L. 2013 (59 O.S. Supp.
2018, Section 1820.11), which relates to the Fire
Extinguisher Licensing Act; modifying qualifications
for licensure; defining terms; amending 59 O.S. 2011,
Section 1876, as last amended by Section 1, Chapter
367, O.S.L. 2014 (59 O.S. Supp. 2018, Section 1876),

1 which relates to the Licensed Alcohol and Drug
2 Counselors Act; modifying qualifications for
3 certification or licensure; amending 59 O.S. 2011,
4 Sections 1906, as last amended by Section 3, Chapter
5 310, O.S.L. 2018 and 1912, as last amended by Section
6 11, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018,
7 Sections 1906 and 1912), which relate to the Licensed
8 Professional Counselors Act; modifying qualifications
9 for licensure; modifying revocation and suspension of
10 license; amending 59 O.S. 2011, Sections 1925.6, as
11 amended by Section 20, Chapter 229, O.S.L. 2013 and
12 1925.15, as last amended by Section 12, Chapter 183,
13 O.S.L. 2015 (59 O.S. Supp. 2018, Sections 1925.6 and
14 1925.15), which relate to the Marital and Family
15 Therapist Licensure Act; modifying qualifications for
16 licensure; modifying denial and suspension of
17 license; amending 59 O.S. 2011, Sections 1935, as
18 last amended by Section 3, Chapter 367, O.S.L. 2014
19 and 1941, as last amended by Section 13, Chapter 183,
20 O.S.L. 2015 (59 O.S. Supp. 2018, Sections 1935 and
21 1941), which relate to the Licensed Behavioral
22 Practitioner Act; modifying qualifications for
23 licensure; modifying denial and suspension of
24 license; amending 59 O.S. 2011, Section 2059, as
amended by Section 1, Chapter 19, O.S.L. 2017 (59
O.S. Supp. 2018, Section 2059), which relates to the
Oklahoma Licensed Perfusionists Act; modifying
qualifications for licensure; amending 59 O.S. 2011,
Sections 2095.7, as amended by Section 5, Chapter 98,
O.S.L. 2013 and 2095.11, and Section 6, Chapter 98,
O.S.L. 2013 (59 O.S. Supp. 2018, Sections 2095.7 and
2095.11.1), which relate to the Oklahoma Secure and
Fair Enforcement for Mortgage Licensing Act;
modifying qualifications for certain licenses;
defining terms; amending 59 O.S. 2011, Section 3113,
which relates to the Deferred Deposit Lending Act;
modifying qualifications for licensure; amending
Section 5, Chapter 292, O.S.L. 2016 (59 O.S. Supp.
2018, Section 4200.5), which relates to the Massage
Therapy Practice Act; modifying qualifications for
licensure; defining terms; providing for
codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4004 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. All state entities that are charged with oversight of
5 occupational licenses shall explicitly list the specific criminal
6 records that would disqualify an applicant from receiving a license
7 or certification. Licensing authorities shall not consider arrests
8 that are not followed by a valid conviction.

9 B. Licensing authorities shall only list disqualifying criminal
10 records that are specific and directly related to the duties and
11 responsibilities for the licensed occupation.

12 C. If an individual has a valid criminal conviction for a crime
13 that would disqualify the individual from receiving a license, the
14 disqualification shall not last longer than five (5) years from the
15 date of conviction, provided that the conviction is not for a crime
16 that is violent or sexual in nature and the individual has not been
17 convicted of any other crime during the five-year disqualification
18 period.

19 D. An individual with a criminal record may petition a
20 licensing authority at any time for a determination of whether the
21 individual's criminal record will disqualify the individual from
22 obtaining a license. This petition shall include details of the
23 individual's criminal record. The licensing authority shall inform
24 the individual of his or her standing within sixty (60) days of

1 receiving the petition from the applicant. The licensing authority
2 may charge a fee not to exceed Ninety-five Dollars (\$95.00) for each
3 petition.

4 SECTION 2. AMENDATORY 59 O.S. 2011, Section 15.8, is
5 amended to read as follows:

6 Section 15.8 A. A qualification applicant to qualify as a
7 candidate for examination shall file an application for
8 qualification in a format approved by the Oklahoma Accountancy
9 Board. The fee for the qualification application shall be
10 determined by the Board and shall not exceed Three Hundred Dollars
11 (\$300.00). Every qualification applicant to qualify as a candidate
12 for the certificate of certified public accountant or license of
13 public accountant ~~must be of good moral character,~~ shall submit to a
14 national criminal history record search, must be a resident of this
15 state immediately prior to making application and, except as
16 otherwise provided in this section, shall meet the education and
17 experience requirements provided in this section. The costs
18 associated with the national criminal history records search shall
19 be paid by the applicant.

20 B. On or after July 1, 1999, every qualification applicant to
21 qualify as a candidate for examination for the license of public
22 accountant shall have graduated from an accredited four-year college
23 or university with a major in accounting or with a nonaccounting
24 major supplemented by what the Oklahoma Accountancy Board determines

1 to be the equivalent of an accounting major of any four-year college
2 or university in this state or any other four-year college or
3 university recognized by the Board. Such major in accounting or
4 nonaccounting major shall include satisfactory completion of forty-
5 eight (48) semester hours, or the equivalent thereof, in accounting
6 and related subjects. At least thirty (30) semester hours, or the
7 equivalent thereof, of said forty-eight (48) semester hours, shall
8 be in accounting courses, at least one of which shall be in
9 auditing. The remainder of said forty-eight (48) semester hours, or
10 the equivalent thereof, shall be in said related subjects, which
11 shall be in any or all of the subjects of economics, statistics,
12 business law, finance, business management, marketing, business
13 communication, financial information systems or computer science or
14 the equivalent of such subjects as determined by the Board.

15 C. On or after July 1, 2003, every qualification applicant to
16 qualify as a candidate for examination for the certificate of
17 certified public accountant shall have at least one hundred fifty
18 (150) semester hours, or the equivalent thereof, of college
19 education including a baccalaureate or higher degree conferred by a
20 college or university acceptable to the Board from an accredited
21 four-year college or university in this state or any other
22 accredited four-year college or university recognized by the Board.
23 A minimum of seventy-six (76) semester hours must be earned at the
24 upper-division level of college or above or the equivalent thereof

1 as determined by the Board; this education requirement shall have
2 been completed prior to submitting an application to the Board; the
3 total educational program of the applicant for examination shall
4 include an accounting concentration or its equivalent as determined
5 acceptable by the Board which shall include not less than thirty
6 (30) semester hours, or the equivalent thereof, in accounting
7 courses above principles of accounting or introductory accounting,
8 with at least one course in auditing or assurance; the remaining
9 accounting courses shall be selected from financial accounting,
10 accounting theory, cost/managerial accounting, federal income tax,
11 governmental, not-for-profit accounting, accounting information
12 systems, accounting history and other accounting electives; at least
13 nine (9) semester hours shall be from any or all of the subjects of
14 economics, statistics, business law, finance, business management,
15 marketing, business communication, risk management, insurance,
16 management information systems, or computer science at the upper-
17 division level of college or above or the equivalent of such
18 subjects as determined by the Board; all the remaining semester
19 hours, if any, shall be elective but shall be at the upper-division
20 level of college or above.

21 D. The costs associated with the national criminal history
22 record check shall be paid by the applicant.
23
24

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 46.14, as
2 last amended by Section 1, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
3 2018, Section 46.14), is amended to read as follows:

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

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

14 2. Has been guilty of fraud or misrepresentation;

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

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

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

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

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

1 8. Has been found to be guilty of a violation of a provision of
2 the State Architectural and Registered Interior Designers Act, or
3 the rules of the Board; provided, that a person or entity complained
4 of shall be afforded the opportunity for a formal hearing carried
5 out as described under the current Administrative Procedures Act or
6 settled by the Board with a consent order or final order approved by
7 the Board.

8 The Board shall keep a record of the evidence in, and a record
9 of each proceeding for the suspension, revocation of or refusal to
10 renew a license or certificate of authority and shall make findings
11 of fact and render a decision therein. If, after a hearing, the
12 charges shall have been found to have been sustained by the vote of
13 a majority of the members of the Board it shall immediately enter
14 its order of suspension, revocation, penalties, probation,
15 educational course work and objectives or refusal to renew, as the
16 case may be.

17 B. As used in this section:

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

22 2. "Poses a reasonable threat" means the nature of criminal
23 conduct for which the person was convicted involved an act or threat
24

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

3 SECTION 4. AMENDATORY 59 O.S. 2011, Section 46.24, as
4 amended by Section 14, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2018,
5 Section 46.24), is amended to read as follows:

6 Section 46.24 A. Except as otherwise provided in the State
7 Architectural and Registered Interior Designers Act, no license
8 shall be issued to any person to practice architecture in this state
9 unless the person:

10 1. Is twenty-one (21) years of age or over ~~and is of good moral~~
11 ~~character;~~

12 2. Is the holder of an accredited professional degree in
13 architecture and shall have had such practical training as this act
14 and the Board, by rule, shall deem appropriate. In lieu of the
15 requirement of an accredited professional degree, the Board may
16 license an applicant who demonstrates in accordance with such
17 standards and requirements as determined by this act and/or the
18 Board's rules that the person has such other educational experience
19 as the Board deems equivalent to an accredited professional degree
20 in architecture or in any case the Board decides the interest of the
21 public will be served and the person is determined to be qualified
22 and competent by equivalent standards for architects and in
23 compliance with this act and rules or in compliance with the Post-
24 Military Service Occupation, Education and Credentialing Act;

1 3. Has paid to the Board a fee as prescribed by the rules of
2 the Board plus the actual cost of the examination given by the
3 Board; and

4 4. Has passed the examinations prescribed by the Board for the
5 issuance of a license.

6 B. Upon meeting the requirements of subsection A of this
7 section and payment of an initial fee as may be prescribed by the
8 rules of the Board, the Board shall issue to the applicant a license
9 which shall authorize the applicant to engage in the practice of
10 architecture in this state. The Board has the authority to issue
11 temporary licenses while qualifying the applicant in compliance with
12 the Post-Military Service Occupation, Education and Credentialing
13 Act or with any declared state of emergency.

14 C. The examination for a license to practice architecture in
15 this state shall be held not less than once each year, shall cover
16 such subjects as may be prescribed by the Board and shall be graded
17 on such basis as the Board shall prescribe by rule. The Board may
18 adopt the examinations, requirements for admission to the
19 examinations and the grading procedures of the National Council of
20 Architectural Registration Boards or its successor. Notice of the
21 time and place for the holding of examinations shall be given in the
22 manner and form prescribed by the Board and may be administered
23 electronically.

1 D. The license certificate shall be in a form prescribed by the
2 Board. The certificate shall be signed by the chair and by the
3 secretary-treasurer of the Board and shall bear the impress of the
4 seal of the Board. All papers received by the Board relating to an
5 application for a license, to an examination and to the issuance of
6 a license shall be electronically retained by the Board and
7 originals destroyed. If it was incomplete, it shall only be
8 retained for one (1) year from the date of submission and then
9 destroyed.

10 E. The following Board records and papers are of a confidential
11 nature and are not public records: Examination material for
12 examinations before and after they are given, file records of
13 examination problem solutions, letters of inquiry and reference
14 concerning applicants, Board inquiry forms concerning applicants,
15 and investigation files.

16 SECTION 5. AMENDATORY 59 O.S. 2011, Section 46.31, as
17 amended by Section 20, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2018,
18 Section 46.31), is amended to read as follows:

19 Section 46.31 A. Except as otherwise provided in the State
20 Architectural and Registered Interior Designers Act, no license
21 shall be issued to any person to practice landscape architecture in
22 this state unless the person:

23 1. Is twenty-one (21) years of age or older ~~and is of good~~
24 ~~moral character;~~

1 2. Holds a degree from an accredited landscape architecture
2 program and has such practical training as this act and the Board's
3 rules deem appropriate;

4 3. Has passed the examinations prescribed by the Board
5 including the Oklahoma Plant Materials Exam; and

6 4. Has paid all applicable fees.

7 B. If the Board determines the interest of the public will be
8 served and the person is deemed by the Board to be qualified and
9 competent by equivalent standards as the Board sets by rule or in
10 compliance with the Post-Military Service Occupation, Education and
11 Credentialing Act, the application shall be approved by the Board
12 after the person has fulfilled all requirements of this act and
13 rules of the Board.

14 C. Examinations may be administered by an electronic method and
15 shall be held not less than once each year. Notices of the time and
16 place for the holding of examinations shall be given in the manner
17 and form as prescribed by the Board. All landscape architects are
18 required to take and pass the Oklahoma Plant Materials Exam.

19 D. The Board shall establish rules for examination of landscape
20 architects and may elect to follow the recommendations of the
21 Council of Landscape Architects Registration Board (CLARB) or its
22 successor. The examinations shall be designed to determine the
23 qualifications of the applicant to practice landscape architecture.
24 The examination shall cover such technical, professional and

1 practical subjects as relate to the practice of the profession of
2 landscape architecture. The examination shall also cover the basic
3 arts and sciences and knowledge of material which is necessary to
4 the proper understanding, application and qualification for practice
5 of the profession of landscape architecture. The minimum passing
6 grade in all subjects of the examination shall be as established by
7 the Board. An applicant receiving a passing grade on a subject
8 included in the examination will be given credit, subject to CLARB's
9 provisions and subject to the rules of the Board. Applicants for
10 readmittance to the examination shall pay the application fee.

11 Upon passage of the examination, completion of the Board's
12 requirements as prescribed by this act and rules, and the payment of
13 all applicable fees prescribed by the rules of the Board, the Board
14 shall issue to the applicant a license which shall authorize the
15 person to engage in the practice of landscape architecture in this
16 state.

17 E. Pursuant to such rules as it may have adopted, the Board
18 shall have the power to issue licenses without requiring an
19 examination to persons who have been licensed to practice landscape
20 architecture in states other than the State of Oklahoma, in a
21 territory of the United States, in the District of Columbia, or in a
22 country other than the United States provided that the state,
23 territory, district or country has a similar reciprocal provision to
24 authorize the issuance of licenses to persons who have been licensed

1 in this state. If a person who has been licensed in a state other
2 than the State of Oklahoma, in a territory of the United States, in
3 the District of Columbia, or in a country other than the United
4 States complies with this act and rules of the Board, the secretary-
5 treasurer, in the exercise of his or her discretion, or upon the
6 order of the Board and upon the receipt of all applicable fees
7 prescribed by the Board, shall issue to the person a license to
8 practice landscape architecture in this state.

9 F. The Board has the authority to issue temporary licenses
10 while qualifying the applicant in compliance with Section 4100 et
11 seq. of this title or with any declared state of emergency.

12 G. The following shall govern design competitions in the state:

13 1. Nothing in this act shall prohibit a person or firm from
14 participating in a landscape architectural design competition
15 involving only programming, planning, schematic design or design
16 development information provided to a sponsor; and

17 2. The competition winner, prior to seeking the commission for
18 services on the proposed project, shall apply for licensing in this
19 state within ten (10) days of notification of winning the
20 competition and complete the process within thirty (30) days.

21 SECTION 6. AMENDATORY 59 O.S. 2011, Section 144, as last
22 amended by Section 1, Chapter 87, O.S.L. 2017 (59 O.S. Supp. 2018,
23 Section 144), is amended to read as follows:

1 Section 144. A. The fee for examination for a license to
2 practice podiatric medicine in this state shall be One Hundred
3 Dollars (\$100.00). The Board of Podiatric Medical Examiners may
4 increase this fee by not more than an additional Two Hundred Dollars
5 (\$200.00). The examination for such license shall be given by the
6 Board. The Board may give the examination at any special meeting,
7 but shall not be required to do so. The Board may utilize the
8 National Board of Podiatric Examiners' National Board Examination
9 Part III as the written portion of the state licensing exam.

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

11 1. File a written application on a form prescribed by the
12 Board;

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

15 3. Satisfy the Board that the person is loyal to the United
16 States of America;

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

18 5. ~~Be of good moral character;~~

19 ~~6.~~ Not have been finally convicted of any ~~crime involving moral~~
20 ~~turpitude or of any~~ felony crime that substantially relates to the
21 practice of podiatric medicine and poses a reasonable threat to
22 public safety;

23 ~~7.~~ 6. Be free from contagious or infectious disease;

1 ~~8.~~ 7. Be a graduate of an accredited college of podiatric
2 medicine; and

3 ~~9.~~ 8. Have complied with applicable Board rules.

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

7 1. Takes the examination administered or approved by the Board
8 and receives a passing score of at least seventy-five percent (75%)
9 on both the written and oral portions. An applicant receiving less
10 than a score of seventy-five percent (75%) on either the written or
11 oral portion of the examination shall be deemed to have failed the
12 entire examination;

13 2. Satisfactorily completes a podiatric surgical residency,
14 approved by the Council of Podiatric Medical Education of the
15 American Podiatric Medical Association, of not less than three (3)
16 years; provided, the provisions of this paragraph shall only apply
17 to applicants after March 1, 2018; ~~and~~

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

21 4. Satisfies the Board, in the case of any criminal conviction,
22 that the crime does not substantially relate to the practice of
23 podiatric medicine nor pose a reasonable threat to public safety, or
24 constitute an act of moral turpitude that would affect the practice

1 of podiatric medicine or public safety. For purposes of this
2 paragraph:

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

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

13 D. The examination administered or approved by the Board shall
14 include both a written and an oral portion, shall be administered in
15 the English language, and shall cover areas in anatomy, pathology,
16 podiatric medicine and surgery, dermatology, pharmacology,
17 biomechanics, anesthesia, radiology, Oklahoma law relating to
18 podiatric medicine, and such other subjects as the Board from time
19 to time determines necessary and appropriate. The Board may
20 authorize examination papers to be graded by one or more of its own
21 members or by any one or more licensed podiatric physicians selected
22 by the Board. Each license issued by the Board shall be signed by
23 each member of the Board, bear the seal of the Board, and designate
24 the licensee as a licensed podiatric physician.

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

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

3 2. Takes the examination administered or approved by the Board
4 and receives a passing score of at least seventy-five percent (75%)
5 on both the written and oral portions. An applicant receiving less
6 than a score of seventy-five percent (75%) on either the written or
7 oral portion of the examination shall be deemed to have failed the
8 entire examination;

9 3. Is within ninety (90) days of completing or has completed a
10 podiatric surgical residency, approved by the Council of Podiatric
11 Medical Education of the American Podiatric Medical Association, of
12 not less than three (3) years; provided, the provisions of this
13 paragraph shall only apply to applicants after March 1, 2018; and

14 4. Satisfies the Board that the applicant has not violated any
15 of the provisions of the Podiatric Medicine Practice Act or any of
16 the rules of the Board.

17 SECTION 7. AMENDATORY 59 O.S. 2011, Section 148, is
18 amended to read as follows:

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

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

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

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

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

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

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

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

21 8. Practicing podiatric medicine in an unsafe or unsanitary
22 manner or place;

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

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

3 11. Dividing with any person, firm, corporation, or other legal
4 entity any fee or other compensation for services as a podiatric
5 physician, except with:

6 a. another podiatric physician,

7 b. an applicant for a license who is observing or
8 assisting the licensee as an intern, preceptee or
9 resident, as authorized by the rules of the Board, or

10 c. a practitioner of another branch of the healing arts
11 who is duly licensed under the laws of this state or
12 another state, district or territory of the United
13 States,

14 who has actually provided services, directly or indirectly, to the
15 patient from or for whom the fee or other compensation is received,
16 or at the time of the services is an active associate of the
17 licensee in the lawful practice of podiatric medicine in this state;
18 and

19 12. Violating or attempting to violate the provisions of the
20 Podiatric Medicine Practice Act, the Code of Ethics, or the rules of
21 the Board.

22 B. Commitment of a licensee to an institution for the mentally
23 ill shall constitute prima facie evidence that the licensee is
24

1 mentally incapacitated to a degree that the licensee is unable to
2 practice podiatric medicine with safety and benefit to the public.

3 C. 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 with others in the occupation.

12 SECTION 8. AMENDATORY 59 O.S. 2011, Section 161.7, as
13 last amended by Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
14 2018, Section 161.7), is amended to read as follows:

15 Section 161.7 A. 1. Applications for an original license by
16 examination to practice chiropractic in this state shall be made to
17 the Board of Chiropractic Examiners in writing on a form and in a
18 manner prescribed by the Board. The application shall be supported
19 by the affidavits of two persons who hold a valid license to
20 practice chiropractic in this state or in another state, country,
21 territory or province, and who are not related to or under financial
22 obligations to the applicant, ~~showing the applicant to be a person~~
23 ~~of good moral character.~~

1 2. The application shall be accompanied by a fee of One Hundred
2 Seventy-five Dollars (\$175.00), which shall not be refundable under
3 any circumstances.

4 3. If the application is disapproved by the Board, the
5 applicant shall be so notified by the secretary-treasurer of the
6 Board, with the reason for such disapproval fully stated in writing.

7 4. If the application is approved, the applicant, upon payment
8 of an examination fee of One Hundred Seventy-five Dollars (\$175.00),
9 may take an examination administered by the Board for the purpose of
10 securing an original license. The Board may accept a passing score
11 on an examination administered by the National Board of Chiropractic
12 Examiners taken by the applicant, or may require the applicant to
13 take an examination administered by the Board or both.

14 B. Applicants for an original license to practice chiropractic
15 in this state shall submit to the Board of Chiropractic Examiners
16 documentary evidence of completion of:

17 1. A course of resident study of not less than four (4) years
18 of nine (9) months each in an accredited chiropractic college. A
19 senior student at an accredited chiropractic college may make
20 application for an original license by examination prior to
21 graduation, but such a license shall not be issued until documentary
22 evidence of the graduation of the student from the college has been
23 submitted to the Board;

1 2. Parts I, II, III, IV and physiotherapy as administered by
2 the National Board of Chiropractic Examiners with a passing score;
3 and

4 3. Passing a jurisprudence examination approved by the Board
5 with a score of seventy-five percent (75%) or better.

6 C. Each applicant shall be a graduate of an accredited
7 chiropractic college. For those graduating from a chiropractic
8 program outside the United States, the applicants must have
9 completed an educational program leading to a degree in chiropractic
10 from an institution authorized to operate by the government having
11 jurisdiction in which it is domiciled.

12 D. All credentials, diplomas, and other required documentation
13 in a foreign language submitted to the Board by such applicants
14 shall be accompanied by notarized English translations.

15 E. International applicants shall provide satisfactory evidence
16 of meeting the requirements for permanent residence or temporary
17 nonimmigrant status as set forth by the United States Citizenship
18 and Immigration Services.

19 F. Effective January 1, 2006, out-of-state licensed applicants
20 shall submit to the Board documentary evidence that the applicant
21 has malpractice insurance. New applicants shall submit to the Board
22 documentary evidence that the applicant has malpractice insurance
23 within six (6) months of obtaining their Oklahoma license.

24 G. An applicant for an original license shall:

1. Be a person of good moral character;

2. Inform the Board as to whether the person has previously been licensed in Oklahoma and whether the license was revoked or surrendered;

3. Inform the Board as to whether the applicant has ever been licensed in another jurisdiction and whether any disciplinary action was taken against the applicant;

4. Provide full disclosure to the Board of any criminal proceeding taken against the applicant including, but not limited to÷

~~a. pleading guilty, pleading or nolo contendere to,~~
receiving a deferred sentence for, or being convicted of a felony crime that substantially relates to the practice of chiropractic and poses a reasonable threat to public safety,

~~b. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a misdemeanor involving moral turpitude, or~~

~~c. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a violation of federal or state controlled dangerous substance laws;~~
and

5. If requested, appear before the Board for a personal interview.

1 H. No later than one (1) year after receiving a license to
2 practice in Oklahoma, chiropractic physicians shall complete an
3 orientation course of training approved by the Board. The
4 orientation course hours shall count as continuing education credits
5 for the year in which they were earned. An association may provide
6 the orientation course of training.

7 I. The Board may issue an original license to those applicants
8 who have passed the required examination with a score acceptable to
9 the Board and who meet all other requirements set forth by the
10 Board. No license fee shall be charged by the Board for the balance
11 of the calendar year in which such a license is issued.

12 J. In addition to an applicant's failure to meet any other
13 requirements imposed by this section or other applicable law, the
14 Board may deny a license or impose probationary conditions if an
15 applicant has:

16 1. Pledaded guilty, ~~pleaded~~ or nolo contendere to, received a
17 deferred sentence for, or been convicted of a felony crime that
18 substantially relates to the practice of chiropractic and poses a
19 reasonable threat to public safety;

20 2. ~~Pledaded guilty, pleaded nolo contendere, received a deferred~~
21 ~~sentence or been convicted of a misdemeanor involving moral~~
22 ~~turpitude;~~

1 ~~3. Pleased guilty, pleaded nolo contendere, received a deferred~~
2 ~~sentence or been convicted of a violation of federal or state~~
3 ~~controlled dangerous substance laws;~~

4 4. Been the subject of disciplinary action by the Board; or

5 ~~5.~~ 3. Been the subject of disciplinary action in another
6 jurisdiction.

7 K. As used in this section:

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

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

16 SECTION 9. AMENDATORY 59 O.S. 2011, Section 199.11, as
17 last amended by Section 2, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
18 2018, Section 199.11), is amended to read as follows:

19 Section 199.11 A. The State Board of Cosmetology and Barbering
20 is hereby authorized to deny, revoke, suspend, or refuse to renew
21 any license, certificate, or registration that it is authorized to
22 issue under the Oklahoma Cosmetology and Barbering Act for any of
23 the following causes:
24

- 1 1. Conviction of a felony crime that substantially relates to
2 the practice of cosmetology ~~or~~ and poses a reasonable threat to
3 public safety;
- 4 2. Gross malpractice or gross incompetence;
- 5 3. Fraud practiced in obtaining a license or registration;
- 6 4. A license or certificate holder's continuing to practice
7 while afflicted with an infectious, contagious, or communicable
8 disease;
- 9 5. Habitual drunkenness or addiction to use of habit forming
10 drugs;
- 11 6. Advertising by means of statements known to be false or
12 deceptive;
- 13 7. Continued or flagrant violation of any rules of the Board,
14 or continued practice by a Board licensee in a cosmetology or barber
15 establishment wherein violations of the rules of the Board are being
16 committed within the knowledge of the licensee;
- 17 8. Failure to display license or certificate as required by the
18 Oklahoma Cosmetology and Barbering Act;
- 19 9. Continued practice of cosmetology or barbering after
20 expiration of a license therefor;
- 21 10. Employment by a salon or barber establishment owner or
22 manager of any person to perform any of the practices of cosmetology
23 or barbering who is not duly licensed to perform the services;

1 11. Practicing cosmetology or barbering in an immoral or
2 unprofessional manner;

3 12. Unsanitary operating practices or unsanitary conditions of
4 a school or establishment; or

5 13. Unsanitary operating practices of a licensee.

6 B. As used in this section:

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

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

15 SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.24, as
16 last amended by Section 6, Chapter 151, O.S.L. 2018 (59 O.S. Supp.
17 2018, Section 328.24), is amended to read as follows:

18 Section 328.24 A. No person shall practice as a dental
19 assistant or oral maxillofacial surgery assistant for more than one
20 (1) day in a calendar year without having applied for a permit as a
21 dental assistant or oral maxillofacial surgery assistant from the
22 Board of Dentistry within thirty (30) days of beginning employment.
23 During this time period, the dental assistant shall work under the
24 direct visual supervision of a dentist at all times.

1 B. The application shall be made to the Board in writing and
2 shall be accompanied by the fee established by the Board, together
3 with satisfactory proof that the applicant:

4 ~~1. Is of good moral character; and~~

5 ~~2. Passes~~ passes a background check with criteria established
6 by the Board.

7 C. Beginning January 1, 2019, every dental assistant receiving
8 a permit shall complete a class on infection control as approved by
9 the Board within one (1) year from the date of receipt of the
10 permit. Any person holding a valid dental assistant permit prior to
11 January 1, 2019, shall complete an infection-control class as
12 approved by the Board before December 31, 2019. Failure to complete
13 the class shall be grounds for discipline pursuant to Section
14 328.29a of this title.

15 D. There shall be five types of expanded duty permits available
16 for dental assistants upon completion of a program approved by the
17 Commission on Dental Accreditation (CODA) or a course that has been
18 approved by the Board:

19 1. Radiation safety;

20 2. Coronal polishing and topical fluoride;

21 3. Sealants;

22 4. Assisting in the administration of nitrous oxide; or
23
24

1 5. Assisting a dentist who holds a parenteral or pediatric
2 anesthesia permit; provided, only the dentist may administer
3 anesthesia and assess the patient's level of sedation.

4 E. The training requirements for all five expanded duty permits
5 shall be set forth by the Board. A program that is not CODA-
6 certified must meet the standards set forth and be approved by the
7 Board.

8 F. An applicant for a dental assistant permit who has graduated
9 from a dental assisting program accredited by CODA and has passed
10 the jurisprudence test shall receive all five expanded duty permits
11 provided for in subsection D of this section if the course materials
12 approved by the Board are covered in the program.

13 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.25, as
14 last amended by Section 7, Chapter 151, O.S.L. 2018 (59 O.S. Supp.
15 2018, Section 328.25), is amended to read as follows:

16 Section 328.25 A. No person shall practice as an oral
17 maxillofacial surgery assistant without having obtained a permit as
18 an oral maxillofacial surgery assistant from the Board of Dentistry.

19 B. Any person seeking to obtain an oral maxillofacial surgery
20 assistant permit must have a supervising oral maxillofacial surgeon
21 with a current Oklahoma license and complete the requirements set
22 forth by the Board.

1 C. The application shall be made to the Board in writing and
2 shall be accompanied by the fee established by the Board, together
3 with the satisfactory proof that the applicant:

4 1. ~~Is of good moral character;~~

5 ~~2.~~ Passes a background check with criteria established by the
6 Board; and

7 ~~3.~~ 2. Has completed all of the training requirements for the
8 oral maxillofacial surgery assistant permit as established by the
9 Board.

10 D. An oral maxillofacial surgery assistant permit shall be
11 considered a temporary training permit until all of the training
12 requirements, as established by the Board for each oral
13 maxillofacial surgery assistant, have been completed and approved by
14 the Board.

15 E. A temporary training permit for each oral maxillofacial
16 surgery assistant shall not be extended beyond two (2) years.

17 F. All oral maxillofacial surgery assistants are required to be
18 under direct supervision or direct visual supervision at all times
19 by a licensed oral maxillofacial surgeon.

20 G. If an oral maxillofacial surgery assistant is not currently
21 employed by an oral maxillofacial surgeon, the oral maxillofacial
22 surgery assistant permit shall automatically revert to a dental
23 assistant permit as set forth in Section 328.24 of this title and
24 may be eligible for an expanded function assisting a dentist who

1 holds a parenteral or pediatric anesthesia permit; provided, only
2 the dentist may administer anesthesia and assess the patient's level
3 of sedation. The oral maxillofacial surgery assistant permit may be
4 reinstated upon employment under a licensed oral maxillofacial
5 surgeon.

6 H. Any oral maxillofacial surgeon shall notify the Board within
7 thirty (30) days of an oral maxillofacial surgery assistant no
8 longer under his or her supervision.

9 I. An applicant for an oral maxillofacial surgery assistant
10 permit shall provide satisfactory proof of:

11 1. Successful completion of the Dental Anesthesia Assistant
12 National Certification Examination (DAANCE) provided by the American
13 Association of Oral Maxillofacial Surgeons (AAOMS) or another
14 program or examination as approved by the Board;

15 2. A valid BLS certification;

16 3. Employment and completion of a minimum of six (6) months of
17 training under the direct supervision of a licensed oral
18 maxillofacial surgeon prior to starting DAANCE or another program or
19 examination as approved by the Board;

20 4. A standardized course approved by the Board including a
21 minimum of four (4) hours of didactic training that must include
22 anatomy, intravenous access or phlebotomy, technique, risks and
23 complications, and hands-on experience starting and maintaining
24 intravenous lines on a human or simulator/manikin, and pharmacology;

1 5. Completion of an infection-control course as approved by the
2 Board.

3 J. An oral maxillofacial surgery assistant who has completed
4 all the requirements shall receive a permit to practice as an oral
5 maxillofacial surgery assistant within a dental office, surgery
6 center, dental ambulatory surgery center or hospital.

7 K. Oral maxillofacial surgery assistants shall be required to
8 complete twelve (12) hours of continuing education every three (3)
9 years in classes approved by AAOMS that are certified by the
10 American Dental Association CERP program or another program approved
11 by the Board. The continuing education requirement shall include at
12 least one (1) hour on infection control.

13 L. The anesthesia committee provided pursuant to Section 328.17
14 of this title may make a recommendation to the Board for an oral
15 maxillofacial surgery assistant holding a temporary training permit
16 to substitute training received from another state university,
17 dental school or technical training institute or training acquired
18 in a surgery center or hospital while working under the authority of
19 a licensed physician, to qualify as a partial substitute for the
20 requirements to attain an oral maxillofacial surgery assistant
21 permit.

22 M. An oral maxillofacial surgery assistant may only accept
23 delegation from an oral and maxillofacial surgeon:

24 1. Under direct supervision:

- a. initiate and discontinue an intravenous line for a patient being prepared to receive intravenous medications, sedation or general anesthesia, or
- b. draw up and prepare medications;

2. Under direct visual supervision:

- a. follow instructions of the oral surgeon while acting as an accessory hand on behalf of the oral surgeon that is administering the medication and actively treating the patient. For the purposes of this section, "administer" means to have the sole responsibility for anesthesia care, including determining medicines to be used and the dosage, timing, route of delivery and administration of medication and the assessment of the level of anesthesia and monitoring the physiological results of such care; provided, only an oral surgeon or dentist possessing a current general anesthesia permit may administer or assess the level of sedation or general anesthesia and monitor the results of such care,
- b. follow instructions of the oral surgeon to adjust the rate of intravenous fluids to maintain or keep the line patent or open and adjust an electronic device to provide medications such as an infusion pump, and

1 c. assist the oral surgeon by reading, recording vital
2 signs of a patient receiving deep sedation or general
3 anesthesia; provided, only an oral surgeon may assess
4 the level of sedation; and

5 3. Only an oral surgeon shall be responsible to diagnose,
6 treat, monitor, determine and administer the selection of the drug,
7 dosage, and timing of all anesthetic medications and care of the
8 patient through the perioperative period shall rest solely with the
9 supervising oral and maxillofacial surgeon.

10 4. Nothing in this act shall be construed as to allow an oral
11 surgery assistant or dental assistant to administer anesthesia care
12 to a patient.

13 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.29a, as
14 last amended by Section 3, Chapter 113, O.S.L. 2016 (59 O.S. Supp.
15 2018, Section 328.29a), is amended to read as follows:

16 Section 328.29a A. The following acts or occurrences by a
17 dental assistant or oral maxillofacial surgery assistant shall
18 constitute grounds for which the penalties specified in Section
19 328.44a of this title may be imposed by the Board of Dentistry or be
20 the basis for denying a new applicant any license or permit issued
21 by the Board:

22 1. Any of the causes now existing in the laws of the State of
23 Oklahoma;

24 2. A violation of the provisions of the State Dental Act; or

1 3. A violation of the rules of the Board promulgated pursuant
2 to the State Dental Act.

3 B. The Board shall also have the power to act upon a petition
4 by a dental assistant or oral maxillofacial surgery assistant for
5 reinstatement to good standing. The Board shall keep a record of
6 the evidence and proceedings in all matters involving the revocation
7 or suspension of a permit, censure or probation of a dental
8 assistant or oral maxillofacial surgery assistant. The Board shall
9 make findings of fact and a decision thereon. The Board shall
10 immediately forward a certified copy of the decision to the dental
11 assistant or oral maxillofacial surgery assistant involved by
12 registered mail to the last-known official address as recorded by
13 the Board.

14 C. The decision shall be final unless the dental assistant or
15 oral maxillofacial surgery assistant appeals the decision as
16 provided by the State Dental Act.

17 D. The Board shall have power to revoke or suspend the permit,
18 censure, or place on probation a dental assistant or oral
19 maxillofacial surgery assistant for a violation of one or more of
20 the following:

21 1. Pleading guilty or nolo contendere to, or being convicted
22 of, a felony, ~~a misdemeanor involving moral turpitude~~ crime that
23 substantially relates to the occupation of a dental assistant or
24 oral maxillofacial surgery assistant and poses a reasonable threat

1 to public safety, or a violation of federal or state controlled
2 dangerous substances laws;

3 2. Presenting to the Board a false application or documentation
4 for a permit;

5 3. Being, by reason of persistent inebriety or addiction to
6 drugs, incompetent to continue to function as a dental assistant or
7 oral maxillofacial surgery assistant;

8 4. Functioning outside the direct or direct visual supervision
9 of a dentist;

10 5. Performing any function prohibited by Chapter 15 of the
11 Oklahoma Administrative Code or any violation that would be a
12 violation for a dentist or hygienist under Section 328.32 or 328.33
13 of this title, or any other duty not assignable to a dental
14 assistant; or

15 6. Failure to secure an annual registration as specified in
16 Section 328.41 of this title.

17 E. The Board's review panel, as set forth in Section 328.43a of
18 this title, upon concurrence with the president of the Board, may
19 determine that an emergency exists to temporarily suspend the permit
20 of a dental assistant or oral maxillofacial surgery assistant if the
21 panel finds that public health, safety or welfare imperatively
22 requires emergency action. The panel may conduct a hearing pursuant
23 to Section 314 of Title 75 of the Oklahoma Statutes for the
24 temporary suspension.

1 F. As used in this section:

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

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

10 SECTION 13. AMENDATORY 59 O.S. 2011, Section 353.9, as
11 amended by Section 6, Chapter 230, O.S.L. 2015 (59 O.S. Supp. 2018,
12 Section 353.9), is amended to read as follows:

13 Section 353.9 A. All other qualified persons may become
14 licensed as a Doctor of Pharmacy upon passing an examination
15 approved by the State Board of Pharmacy. Before any applicant is
16 allowed to sit for such examinations, such applicant shall submit to
17 the Board sufficient proof that the applicant:

18 ~~1. Is of good moral character;~~

19 ~~2.~~ Is a graduate of an accredited School or College of Pharmacy
20 approved by the Board, or is a foreign pharmacy school graduate who
21 has received an FPGEC equivalency certification by the National
22 Association of Boards of Pharmacy; and

1 ~~3.~~ 2. Has attained experience in the practice of pharmacy,
2 obtained in a place and in a manner prescribed and approved by the
3 Board.

4 B. Interns, preceptors and training areas shall make
5 application for a license, and shall pay a fee set by the Board, not
6 to exceed One Hundred Dollars (\$100.00).

7 C. All Doctor of Pharmacy applicants shall make application in
8 the form and manner prescribed by the Board, and deposit with the
9 Executive Director of the Board a fee set by the Board not to exceed
10 Two Hundred Fifty Dollars (\$250.00) plus the purchase price of the
11 examination. Upon passing an examination and meeting such other
12 requirements specified by the Board pursuant to the Oklahoma
13 Pharmacy Act, the applicant shall be granted a license setting forth
14 the qualifications to practice pharmacy. Any applicant failing an
15 examination shall not sit for an additional examination until such
16 applicant has made a new application and paid the fee provided
17 herein.

18 D. The Board shall have the power to issue reciprocal
19 certificates of licensure to applicants licensed in other states
20 having like requirements. Such applicants shall be charged a fee
21 not to exceed Two Hundred Fifty Dollars (\$250.00).

22 E. The Board shall have the power to issue original
23 certificates of licensure to applicants for the score transfer
24 process administered by the National Association of Boards of

1 Pharmacy; provided, such applicants shall provide sufficient proof
2 of compliance with the requirements of paragraphs 1 through 3 of
3 subsection A of this section. Such applicants shall be charged a
4 fee not to exceed Two Hundred Fifty Dollars (\$250.00).

5 SECTION 14. AMENDATORY 59 O.S. 2011, Section 396.3, as
6 last amended by Section 2, Chapter 204, O.S.L. 2017 (59 O.S. Supp.
7 2018, Section 396.3), is amended to read as follows:

8 Section 396.3 A. The Oklahoma Funeral Board shall determine
9 the qualifications necessary to enable any person to practice as a
10 funeral director or embalmer, and prescribe the requirements for a
11 funeral establishment or commercial embalming establishment. The
12 Board shall examine all applicants for licenses to practice as a
13 funeral director or embalmer. The Board shall issue the proper
14 licenses to applicants who successfully pass such examination and
15 qualify pursuant to any additional requirements the Board may
16 prescribe.

17 B. 1. Except as provided in subsection C of this section, the
18 minimum requirements for a license to practice funeral directing or
19 embalming, or both, are as follows:

20 An applicant for a license to practice funeral directing or
21 embalming shall be at least twenty (20) years of age, a legal
22 resident of this state, and a citizen or permanent resident of the
23 United States, ~~and of good moral character~~. In addition, an
24 applicant shall have at least sixty (60) semester hours of study

1 earned, measured in quarter or clock hours, from a regionally
2 accredited college or university, shall be a graduate of a program
3 of mortuary science accredited by the American Board of Funeral
4 Service Education, and have served one (1) year as a registered
5 apprentice. The applicant may serve as a registered apprentice
6 prior to enrollment in an approved school of mortuary science, or
7 subsequent to graduation from the school, and pass the International
8 Conference of Funeral Service Examining Board National Board Science
9 Examination and/or Arts Examination with a seventy-five (75) or
10 higher score on each exam.

11 2. Curriculum of study for an embalmer and/or funeral director
12 is a program of mortuary science which shall be that prescribed by
13 the American Board of Funeral Service Education.

14 C. 1. If a person chooses not to meet the qualifications in
15 subsection B of this section for a funeral director, the person may
16 alternatively qualify for a license to practice funeral directing,
17 but not embalming, upon meeting the eligibility requirements of this
18 subsection as follows: An applicant for a license to practice
19 funeral directing shall be at least twenty (20) years of age, a
20 legal resident of this state, and a citizen or permanent resident of
21 the United States, ~~and of good moral character~~. An applicant is
22 required to complete a funeral director course of study approved by
23 the Oklahoma Funeral Board and that is administered by program of
24 mortuary science accredited by the American Board of Funeral Service

1 Education (ABFSE). The funeral director course of study shall
2 include at least thirty (30) semester hours or equivalent closely
3 following the ABFSE curriculum standard, limited to only: Business
4 Management, Cremation, Social Sciences/Humanities, Legal, Ethical,
5 Regulatory, plus essential elements of embalming, restorative art,
6 general concerns when dealing with human remains, a practicum
7 experience, and preparation for the required board exams. In
8 addition to the funeral director course of study the applicant is
9 required to complete at least sixty (60) additional semester hours
10 of study earned, measured in quarter or clock hours, from a
11 regionally accredited college or university and must complete a
12 twelve-month minimum term as a registered apprentice with employment
13 at a licensed establishment and must have assisted with (25)
14 arrangement conferences and assisted with twenty five (25) separate
15 funeral or memorial services under the supervision of a licensed
16 funeral director in this state. The applicant may serve as a
17 registered apprentice prior to enrollment in an approved school of
18 mortuary science, concurrently while in mortuary school, or
19 subsequent to completion of the funeral director course of study.

20 2. Curriculum of study for a funeral director license shall be
21 in a program of mortuary science which shall be that prescribed by
22 the Oklahoma Funeral Board. An applicant must pay all fees as
23 provided in Section 396.4 of this title and pass an exam provided by
24 the International Conference of Funeral Service Examining Board with

1 a seventy-five (75) or higher as well as pass a law exam provided by
2 the Oklahoma Funeral Board, with a seventy-five (75) or higher. A
3 license to practice as a funeral director issued pursuant to this
4 subsection shall be restricted to funeral director, and the licensee
5 shall not be eligible to practice as the funeral director in charge
6 as defined in Section 396.2 of this title.

7 D. The Board shall issue the appropriate license to any
8 qualified applicant whose application has been approved by the
9 Board, and who has paid the fees required by Section 396.4 of this
10 title, has passed the required examinations with a seventy-five (75)
11 or higher score and has demonstrated to the Board proficiency as an
12 embalmer or funeral director.

13 E. The Board shall maintain for public inspection a list of all
14 accredited schools of embalming and mortuary science.

15 F. Each funeral director in charge as defined in Section 396.2
16 of this title shall have a current dual funeral director and
17 embalmer license. A funeral director in charge of a funeral service
18 establishment or crematory that does not have a current dual funeral
19 director and embalmer license on the effective date of this act
20 shall be considered to be grandfathered and may serve as funeral
21 director in charge of any funeral service establishment or crematory
22 in accordance with rules prescribed by the Board, but shall not
23 serve as funeral director in charge of a commercial embalming
24

1 establishment which shall require a current dual funeral director
2 and embalmer license.

3 SECTION 15. AMENDATORY 59 O.S. 2011, Section 396.8, is
4 amended to read as follows:

5 Section 396.8 A. The Oklahoma Funeral Board shall have the
6 power to issue reciprocal licenses to applicants licensed in other
7 states which have equal or like educational requirements as required
8 by this state or the Board.

9 B. A license as an embalmer or funeral director shall be issued
10 without examination to an out-of-state resident intending to become
11 a resident of this state, who submits to the Board satisfactory
12 evidence that said applicant has met all the requirements of the
13 Funeral Services Licensing Act and pays the fees required by Section
14 396.4 of this title.

15 C. The Board may issue an appropriate license without further
16 apprenticeship to a resident of a state which does not have the same
17 educational requirements necessary for reciprocity with this state,
18 if said applicant:

19 1. Has a current license to practice as an embalmer or funeral
20 director in the state of residence of the person;

21 2. Has been an active embalmer or funeral director practicing
22 in the state of residence of the person for at least five (5) years;

23 3. Has never been convicted of a felony crime that
24 substantially relates to the occupation of an embalmer or funeral

1 director and poses a reasonable threat to public safety, and has
2 never been convicted of a misdemeanor related to funeral service;

3 4. Has never had said license revoked or suspended;

4 5. Is not currently facing disciplinary action;

5 6. Intends to practice in this state;

6 7. Has filed such documents as are required by the Board;

7 8. Has paid the fees as required by Section 396.4 of this
8 title;

9 9. Is a citizen or permanent resident of the United States;

10 10. Is a graduate of an accredited program of mortuary science;

11 11. Has passed the National Board Examination or State Board
12 Examination; and

13 12. Has passed the Oklahoma State Law Examination.

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 with others in the occupation.

1 SECTION 16. AMENDATORY 59 O.S. 2011, Section 396.12c, as
2 amended by Section 4, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2018,
3 Section 396.12c), is amended to read as follows:

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

9 1. Conviction of a felony ~~shown by a certified copy of the~~
10 ~~record of the court of conviction~~ crime that substantially relates
11 to the occupation of a funeral director and poses a reasonable
12 threat to public safety;

13 2. Conviction of a misdemeanor involving funeral services;

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

16 4. False or misleading advertising as a funeral director or
17 embalmer;

18 5. Violation of any of the provisions of the Funeral Services
19 Licensing Act or any violation of Sections 201 through 231 of Title
20 8 of the Oklahoma Statutes;

21 6. Fraud or misrepresentation in obtaining a license;

22 7. Using any casket or part thereof which has previously been
23 used as a receptacle for, or in connection with, the burial or other
24

1 disposition of dead human remains, unless the disclosure is made to
2 the purchaser;

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

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

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

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

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

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

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

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

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

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

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

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

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

12 21. Intentional interference with an investigation by the Board
13 or failure to allow access to funeral records during an
14 investigation or to produce records for an investigation; or

15 22. Failure to properly discharge financial obligations as
16 established by rule of the Board.

17 B. As used in this section:

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

22 2. "Poses a reasonable threat" means the nature of criminal
23 conduct for which the person was convicted involved an act or threat
24

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

3 SECTION 17. AMENDATORY Section 9, Chapter 259, O.S.L.
4 2017 (59 O.S. Supp. 2018, Section 475.12a), is amended to read as
5 follows:

6 Section 475.12a A. Certification or Enrollment as an Engineer
7 Intern. The following shall be considered as minimum evidence that
8 the applicant is qualified for certification as an engineer intern:

9 1. Graduating from an engineering program of four (4) years or
10 more accredited by the Engineering Accreditation Commission of ABET
11 (EAC/ABET), or the equivalent, or a related science degree program
12 approved by the State Board of Licensure for Professional Engineers
13 and Land Surveyors, or an engineering master's degree program from
14 an institution that offers EAC/ABET-accredited programs;

15 2. Passing the National Council of Examiners for Engineering
16 and Surveying (NCEES) Fundamentals of Engineering (FE) examination;
17 and

18 3. Submitting three professional or character references.

19 B. Licensure as a Professional Engineer. To be eligible for
20 licensure as a professional engineer, an individual shall meet all
21 of the following requirements:

22 1. ~~Be of good character and reputation;~~

23 ~~2.~~ Satisfy the education and experience criteria set forth in
24 this section;

1 ~~3.~~ 2. Pass the applicable examinations set forth in this
2 section; and

3 ~~4.~~ 3. Submit five references acceptable to the Board, three of
4 which shall be professional engineers having personal knowledge of
5 the applicant's engineering experience.

6 C. Comity Licensure for a Professional Engineer. The following
7 shall be considered as minimum evidence satisfactory to the Board
8 that the applicant is qualified for licensure by comity as a
9 professional engineer:

10 1. An individual holding a certificate of licensure to engage
11 in the practice of engineering issued by a proper authority of any
12 state or jurisdiction, based on requirements that do not conflict
13 with the provisions of Section 475.1 et seq. of ~~Title 59 of the~~
14 ~~Oklahoma Statutes~~ this title and possessing credentials that are, in
15 the judgment of the Board, of a standard not lower than that
16 specified in the applicable licensure act in effect in Oklahoma at
17 the time such certificate was issued may, upon application, be
18 licensed without further examination except as required to examine
19 the applicant's knowledge of statutes, rules and other requirements
20 unique to this state. If the requirements that were met were of a
21 standard lower than that specified in the applicable licensure act
22 in effect in this state at the time such certificate was issued but,
23 in the judgement of the Board, the standard was a reasonable
24 standard at the time the original license was issued, the individual

1 may, upon application, be considered by the Board according to the
2 provisions in the Board rules; or

3 2. An individual holding an active Council Record with NCEES
4 whose qualifications as evidenced by the Council Record meet the
5 requirements of Section 475.1 et seq. of ~~Title 59 of the Oklahoma~~
6 ~~Statutes~~ this title may, upon application, be licensed without
7 further examination except as required to examine the applicant's
8 knowledge of statutes, rules and other requirements unique to
9 Oklahoma.

10 D. Initial Licensure as a Professional Engineer. An applicant
11 who presents evidence of meeting the applicable education,
12 examination and experience requirements pursuant to this subsection
13 shall be eligible for licensure as a professional engineer.

14 1. Education Requirements. An individual seeking licensure as
15 a professional engineer shall possess one or more of the following
16 education qualifications:

- 17 a. a bachelor's degree in engineering from an EAC/ABET-
18 accredited program, or the equivalent,
- 19 b. a bachelor's degree in a Board-approved related
20 science degree program,
- 21 c. a master's degree in engineering from an institution
22 that offers EAC/ABET-accredited programs,
- 23 d. a master's degree in engineering from an EAC/M-ABET-
24 accredited program, or

1 e. an earned doctoral degree in engineering acceptable to
2 the Board.

3 2. Non-U.S., non-EAC/ABET-accredited degrees which are not
4 approved by the Board may be considered following a degree
5 evaluation by an evaluation service approved by the Board. The
6 maximum equivalency granted for degrees found not to be
7 substantially equivalent to an EAC/ABET degree shall be that of a
8 related science degree. Deficiencies outlined in the degree
9 evaluation may be corrected with further education approved by the
10 Board which may allow the applicant's education to be advanced to an
11 equivalent status. Non-U.S., non-EAC/ABET-accredited degrees
12 approved by the Board may be considered without a degree evaluation.
13 The maximum equivalency granted for these Board-approved degrees
14 shall be that of an equivalent degree.

15 3. Examination Requirements. An individual seeking licensure
16 as a professional engineer shall take and pass the NCEES
17 Fundamentals of Engineering (FE) examination and the NCEES
18 Principles and Practice of Engineering (PE) examination as follows:

- 19 a. the FE examination may be taken at any time according
20 to NCEES examination policy and procedures, but is
21 recommended to be taken during the student's senior
22 year of college,
- 23 b. the PE examination may be taken by a graduate of an
24 approved degree program pursuant to this section, or

1 c. the Board may waive the FE examination requirement for
2 the issuance of a license if the applicant possesses,
3 at a minimum, fifteen (15) years of progressive
4 experience on engineering projects which indicate to
5 the Board the applicant may be competent to practice
6 engineering. The Board shall evaluate all elements of
7 the application, according to Board rules, to assess
8 waiver requests.

9 4. Experience Requirements. An individual seeking licensure as
10 a professional engineer shall present evidence of a specific record
11 of progressive engineering experience satisfying one of the
12 following. This experience should be progressive and of a grade and
13 character that indicate to the Board that the applicant may be
14 competent to practice engineering:

15 a. an individual with a bachelor's degree in engineering
16 pursuant to subparagraph a of paragraph 1 of this
17 subsection: four (4) years of experience after the
18 bachelor's degree is conferred,

19 b. an individual with a bachelor's degree in a Board-
20 approved related science degree program pursuant to
21 subparagraph b of paragraph 1 of this subsection: six
22 (6) years of experience after the bachelor's degree is
23 conferred,

1 c. an individual with a master's degree in engineering
2 pursuant to subparagraph c or d of paragraph 1 of this
3 subsection: three (3) years of experience after the
4 master's degree is conferred, or

5 d. an individual with an earned doctoral degree
6 acceptable to the Board: two (2) years of experience
7 after the doctoral degree is conferred.

8 5. Partial experience credit may be awarded for experience
9 earned prior to conferment of the qualifying degree, at the
10 discretion of the Board, as described in Board rules. In no case
11 shall the experience credit exceed one-half (1/2) of that required
12 for approved qualifying experience. The experience credit shall not
13 be claimed if the applicant is also claiming the experience time as
14 experience credit for a cooperative education program.

15 6. EAC/ABET-accredited engineering cooperative education
16 programs may be considered as experience credit earned prior to the
17 qualifying degree if the program meets the experience requirement
18 pursuant to this subsection. Otherwise, a maximum of six (6) months
19 experience may be claimed. Experience credit for a cooperative
20 education program shall not be claimed if the applicant also claims
21 the experience time as experience credit earned prior to the degree.

22 SECTION 18. AMENDATORY Section 10, Chapter 259, O.S.L.
23 2017 (59 O.S. Supp. 2018, Section 475.12b), is amended to read as
24 follows:

1 Section 475.12b A. Certification or Enrollment as a Land
2 Surveyor Intern. Passing of the NCEES Fundamentals of Surveying
3 (FS) examination and completion of one of the following shall be
4 considered as minimum evidence that the applicant is qualified for
5 certification or enrollment as a land surveyor intern:

6 1. Graduating from a surveying program of four (4) years or
7 more approved by the Board, providing proof of graduation and
8 submitting three character or professional references;

9 2. Graduating from a surveying program of two (2) years or more
10 approved by the Board, providing proof of graduation and submitting
11 three character or professional references;

12 3. Graduating from a program of two (2) years or more approved
13 by the Board which shall include the Board-approved core curriculum,
14 providing proof of graduation and submitting three character or
15 professional references; or

16 4. Completing sixty (60) college credit hours approved by the
17 Board which shall include the Board-approved core curriculum,
18 providing proof of successful completion of the required college
19 credit hours and submitting three character or professional
20 references.

21 B. Licensure as a Professional Land Surveyor. To be eligible
22 for licensure as a professional land surveyor, an individual shall
23 meet all of the following requirements:

24 1. ~~Be of good character and reputation;~~

1 ~~2.~~ Satisfy the education and experience criteria set forth in
2 this section;

3 ~~3.~~ 2. Pass the applicable examinations set forth in this
4 section; and

5 ~~4.~~ 3. Submit five references acceptable to the Board, three of
6 which shall be professional land surveyors having personal knowledge
7 of the applicant's surveying experience.

8 C. Comity Licensure for a Professional Land Surveyor. The
9 following shall be considered as minimum evidence satisfactory to
10 the Board that the applicant is qualified for licensure by comity as
11 a professional land surveyor:

12 An individual holding a certificate of licensure to engage in
13 the practice of land surveying issued by a proper authority of any
14 state or jurisdiction, based on requirements that do not conflict
15 with the provisions of Section 475.1 et seq. of ~~Title 59 of the~~
16 ~~Oklahoma Statutes~~ this title, and possessing credentials that are,
17 in the judgment of the Board, of a standard not lower than that
18 specified in the applicable licensure act in effect in this state at
19 the time such certificate was issued may, upon application, which
20 may include a Council Record with NCEES, be licensed upon passing an
21 examination or examinations of such duration as established by the
22 Board, which shall include questions on laws, procedures and
23 practices pertaining to land surveying in Oklahoma.

1 D. Initial Licensure as a Professional Land Surveyor. An
2 individual meeting the education requirements pursuant to subsection
3 A of this section for a land surveyor intern shall meet the
4 following land surveying experience requirements as described in
5 Board rules, which shall include combined office and field
6 experience satisfactory to the Board on projects of a grade and
7 character which indicate to the Board the applicant may be competent
8 to practice land surveying:

9 1. An individual meeting the experience requirements in
10 paragraph 1 of subsection A of this section: four (4) years of total
11 experience including two (2) years which shall follow the date of
12 the conferment of the degree; or

13 2. An individual meeting the experience requirements in
14 paragraphs 2, 3 and 4 of subsection A of this section: six (6) years
15 of total experience.

16 Upon completion of the education and experience requirements,
17 passing the NCEES Fundamentals of Surveying (FS) examination, the
18 NCEES Principles and Practice of Surveying (PS) examination, and the
19 Oklahoma Law and Surveying (OLS) examination, the applicant shall be
20 licensed as a professional land surveyor, if otherwise qualified.

21 SECTION 19. AMENDATORY 59 O.S. 2011, Section 475.18, as
22 last amended by Section 16, Chapter 259, O.S.L. 2017 (59 O.S. Supp.
23 2018, Section 475.18), is amended to read as follows:
24

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

7 1. Any fraud or deceit in obtaining or attempting to obtain or
8 renew a certificate of licensure, or a certificate of authorization
9 or in taking the examinations administered by the Board or its
10 authorized representatives;

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

14 3. Conviction of or entry of a plea of guilty or nolo
15 contendere to a felony crime that substantially relates to the
16 practice of engineering or land surveying ~~or~~ and poses a reasonable
17 threat to public safety; or conviction of or entry of a plea of
18 guilty or nolo contendere to a misdemeanor, an essential element of
19 which is dishonesty or is a violation of the practice of engineering
20 or land surveying;

21 4. Failure to comply with any of the provisions of Section
22 475.1 et seq. of this title or any of the rules or regulations
23 pertaining thereto;

1 5. Disciplinary action, including voluntary surrender of a
2 professional engineer's or professional land surveyor's license in
3 order to avoid disciplinary action by another state, territory, the
4 District of Columbia, a foreign country, the United States
5 government, or any other governmental agency, if at least one of the
6 grounds for discipline is the same or substantially equivalent to
7 those contained in this section;

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

12 7. Knowingly making false statements or signing false
13 statements, certificates or affidavits;

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

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

22 10. Signing, affixing the professional engineer's or
23 professional land surveyor's seal, or permitting the professional
24 engineer's or professional land surveyor's seal or signature to be

1 affixed to any specifications, reports, drawings, plans, design
2 information, construction documents, calculations, other documents,
3 or revisions thereof, which have not been prepared by, or under the
4 direct control and personal supervision of the professional engineer
5 or professional land surveyor in responsible charge;

6 11. Engaging in dishonorable, unethical or unprofessional
7 conduct of a character likely to deceive, defraud, harm or endanger
8 the public;

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

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

12 14. Performing engineering or surveying services outside any of
13 the licensee's areas of competence or areas of competence designated
14 in the official Board records;

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

17 16. Failing to obtain the required professional development
18 hours, as approved by the Board, Board staff or Continuing Education
19 Committee as required by an audit.

20 B. The Board shall prepare and adopt Rules of Professional
21 Conduct for Professional Engineers and Professional Land Surveyors
22 as provided for in Section 475.8 of this title, which shall be made
23 available in writing to every licensee and applicant for licensure
24 under Section 475.1 et seq. of this title. The Board may revise and

1 amend these Rules of Professional Conduct for Professional Engineers
2 and Professional Land Surveyors and shall notify each licensee, in
3 writing, of such revisions or amendments.

4 C. Principals of a firm who do not obtain a certificate or
5 authorization for the firm as required by Section 475.1 et seq. of
6 this title may be subject to disciplinary action.

7 D. As used in this section:

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

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

16 SECTION 20. AMENDATORY 59 O.S. 2011, Section 492.1, is
17 amended to read as follows:

18 Section 492.1 A. The State Board of Medical Licensure and
19 Supervision shall create such application forms as are necessary for
20 the licensure of applicants to practice medicine and surgery in this
21 state.

22 B. No person shall be licensed to practice medicine and surgery
23 in this state except upon a finding by the Board that such person
24 has fully complied with all applicable licensure requirements of

1 this act, ~~is of good moral character,~~ and has produced satisfactory
2 evidence to the Board of the ability of the applicant to practice
3 medicine and surgery with reasonable skill and safety.

4 C. Except as specifically may be waived by the Board, the Board
5 shall not engage in any application process with any agent or
6 representative of the applicant.

7 SECTION 21. AMENDATORY 59 O.S. 2011, Section 519.4, is
8 amended to read as follows:

9 Section 519.4 To be eligible for licensure as a physician
10 assistant pursuant to the provisions of Section 519.1 et seq. of
11 this title an applicant shall:

12 1. ~~Be of good moral character;~~

13 2. Have graduated from an accredited physician assistant
14 program recognized by the State Board of Medical Licensure and
15 Supervision; and

16 3. ~~2.~~ Successfully pass an examination for physician assistants
17 recognized by the Board.

18 SECTION 22. AMENDATORY 59 O.S. 2011, Section 532, as
19 amended by Section 4, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018,
20 Section 532), is amended to read as follows:

21 Section 532. A. The State Board of Medical Licensure and
22 Supervision may refuse to issue a license to an applicant or may
23 suspend or revoke the license of any athletic trainer or apprentice
24 if he or she has:

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

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

6 3. Violated or conspired to violate the provisions of ~~this act~~
7 the Oklahoma Athletic Trainers Act or rules and regulations issued
8 pursuant to this act.

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

11 C. As used in this section:

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

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

20 SECTION 23. AMENDATORY 59 O.S. 2011, Section 536.7, as
21 amended by Section 1, Chapter 280, O.S.L. 2013 (59 O.S. Supp. 2018,
22 Section 536.7), is amended to read as follows:

23 Section 536.7 A. On and after July 1, 1985, a licensed
24 electrologist shall consist of all persons who are currently

1 licensed by the State Board of Electrology⁷ and all persons over
2 twenty-one (21) years of age ~~who are of good moral character, and~~
3 who have satisfactorily passed all examinations before the State
4 Board of Medical Licensure and Supervision, ~~as herein created.~~ On
5 and after July 1, 1985, all applicants for licensure as
6 electrologists shall be required to furnish to the Board the
7 following evidence:

8 1. Have successfully completed a curriculum of study
9 established by the Board; and

10 2. Have completed an internship or preplanned professional
11 experience program approved by the Board.

12 B. To qualify for a license, an applicant shall pass an
13 examination prepared by the Board. The examination, as authorized
14 by the Registered Electrologist Act, shall be in the English
15 language. The examination shall include the subjects required in
16 subsection A of this section as well as dermatology, hygiene,
17 sterilization, electricity and electrolysis (theory and practice).

18 C. If based on rules and criteria established by the Board, the
19 examinee successfully passes the examination, the examinee shall be
20 entitled to receive from the Board a license to practice
21 electrolysis for the remainder of that calendar year. Each license
22 shall be signed by the chairperson of the Committee or designee and
23 the secretary-treasurer of the Board and shall bear the seal of the
24 Board.

1 D. The Board may issue a license to an applicant from another
2 state who has met the requirements established by the Registered
3 Electrologist Act. The applicant to be licensed in this state shall
4 provide proof of licensure in good standing in another state at the
5 time of making application for licensure in this state.

6 E. The Board may establish continuing education requirements to
7 facilitate the maintenance of current practice skills of all persons
8 licensed pursuant to the Registered Electrologist Act.

9 F. The Board shall meet at least three times per calendar year
10 for the purpose of examining applicants for licensure and training,
11 and transacting other business as may be necessary. The meetings
12 shall be held at the office of the Board.

13 G. Every person licensed pursuant to the Registered
14 Electrologist Act who desires to continue the practice of
15 electrolysis shall annually, on or before the 31st day of December
16 of each year, make application for renewal of the license and shall
17 pay fees established by the Board.

18 H. If any person fails to renew his or her license within
19 thirty (30) days from the date same becomes due, the license of such
20 person shall become inactive and, in order to have such license
21 reinstated, it shall be necessary for such person to apply to the
22 Board as provided in the Registered Electrologist Act and to meet
23 the requirements established by the Board for reinstatement.

1 SECTION 24. AMENDATORY 59 O.S. 2011, Section 540.6, is
2 amended to read as follows:

3 Section 540.6 A. To be eligible for licensure as a therapeutic
4 recreation specialist pursuant to the provisions of the Therapeutic
5 Recreation Practice ~~act~~ Act, an applicant shall:

6 1. Be at least eighteen (18) years of age;

7 2. ~~Be of good moral character;~~

8 ~~3.~~ Have successfully completed an academic program with a
9 baccalaureate degree or higher from an accredited college or
10 university with a major in therapeutic recreation or a major in
11 recreation or leisure with an option and/or emphasis in therapeutic
12 recreation;

13 ~~4.~~ 3. Have successfully completed a period of field experience
14 under the supervision of a Certified Therapeutic Recreation
15 Specialist (CTRS) or a licensed therapeutic specialist approved by
16 the educational institution where the applicant has met his or her
17 academic requirements; and

18 ~~5. Successfully~~ 4. Have successfully completed the proctored
19 examination approved by the State Board of Medical Licensure and
20 Supervision.

21 B. The State Board of Medical Licensure and Supervision may,
22 upon notice and opportunity for a hearing, deny an application for
23 reinstatement of a license or reinstate the license with conditions.
24 Conditions imposed may include a requirement for continuing

1 education, practice under the supervision of a licensed therapeutic
2 recreation specialist, or any other conditions deemed appropriate by
3 the Board.

4 C. Notwithstanding subsection A of this section, the Board may
5 grant initial licenses to therapeutic recreation specialists who are
6 certified by the National Council for Therapeutic Recreation
7 Certification (NCTRC) prior to July 1, 2009, and who hold an active
8 CTRS credential.

9 SECTION 25. AMENDATORY 59 O.S. 2011, Section 567.6, as
10 amended by Section 1, Chapter 160, O.S.L. 2014 (59 O.S. Supp. 2018,
11 Section 567.6), is amended to read as follows:

12 Section 567.6 A. All applicants for a license to practice as a
13 Licensed Practical Nurse shall be subject to Section 567.8 of this
14 title.

15 B. An applicant for a license to practice as a Licensed
16 Practical Nurse shall submit to the Oklahoma Board of Nursing
17 certified evidence that the applicant:

18 1. Has successfully completed the prescribed curricula in a
19 state-approved program of practical nursing and holds or is entitled
20 to hold a diploma or certificate therefrom, or equivalent courses in
21 a state-approved program of nursing;

22 2. Has never been convicted ~~in this state, the United States or~~
23 ~~another state or territory of any a felony, unless five (5) years~~
24 ~~have elapsed since the date of the criminal conviction or the~~

~~termination of any probation or other requirements imposed on the applicant by the sentencing court, whichever shall last occur, or a presidential or gubernatorial pardon for the criminal offense has been received, provided that the provisions of this paragraph shall not be effective until November 1, 2003~~ crime that substantially relates to the occupation of nursing and poses a reasonable threat to public safety;

3. Has submitted a criminal history records search that complies with Section 567.18 of this title;

4. Is a minimum of eighteen (18) years of age; and

5. Has met such other reasonable preliminary qualification requirements as the Board may prescribe.

C. The applicant for a license to practice as a Licensed Practical Nurse shall be required to pass a written examination in such subjects as the Board may require. Upon the applicant successfully passing such examination the Board may issue to the applicant a license to practice as a Licensed Practical Nurse. An applicant who fails such examination shall be subject to reexamination according to the rules of the Board. The passing criteria shall be established by the Board in its rules.

D. The Board may issue a license to practice as a Licensed Practical Nurse without examination to any applicant who has been duly licensed or registered as a Licensed Practical Nurse, or is entitled to perform similar services under a different title,

1 according to the laws of another state, territory, the District of
2 Columbia or a foreign country if such applicant meets the
3 requirements for Licensed Practical Nurses in the State of Oklahoma.

4 E. Any person holding a license to practice as a licensed
5 attendant issued by the Board, which is valid on July 1, 1953, shall
6 be deemed to be a Licensed Practical Nurse under the provisions of
7 this act.

8 F. Any person who holds a license to practice as a Licensed
9 Practical Nurse in this state shall have the right to use both the
10 title "Licensed Practical Nurse" and the abbreviation "L.P.N." No
11 other person shall assume such title or use such abbreviation or any
12 other words, letters, signs, or figures to indicate that the person
13 using the same is a Licensed Practical Nurse.

14 Any individual doing so shall be guilty of a misdemeanor, which
15 shall be punishable, upon conviction, by imprisonment in the county
16 jail for not more than one (1) year or by a fine of not less than
17 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars
18 (\$1,000.00), or by both such imprisonment and fine for each offense.

19 G. 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 with others in the occupation.

5 SECTION 26. AMENDATORY 59 O.S. 2011, Section 567.8, as
6 last amended by Section 1, Chapter 72, O.S.L. 2018 (59 O.S. Supp.
7 2018, Section 567.8), is amended to read as follows:

8 Section 567.8 A. The Oklahoma Board of Nursing shall have the
9 power to take any or all of the following actions:

10 1. To deny, revoke or suspend any:

- 11 a. licensure to practice as a Licensed Practical Nurse,
- 12 single-state or multistate,
- 13 b. licensure to practice as a Registered Nurse, single-
- 14 state or multistate,
- 15 c. multistate privilege to practice in Oklahoma,
- 16 d. licensure to practice as an Advanced Practice
- 17 Registered Nurse,
- 18 e. certification to practice as an Advanced Unlicensed
- 19 Assistant,
- 20 f. authorization for prescriptive authority, or
- 21 g. authority to order, select, obtain and administer
- 22 drugs;

23 2. To assess administrative penalties; and

24

1 3. To otherwise discipline applicants, licensees or Advanced
2 Unlicensed Assistants.

3 B. The Board shall impose a disciplinary action against the
4 person pursuant to the provisions of subsection A of this section
5 upon proof that the person:

6 1. Is guilty of deceit or material misrepresentation in
7 procuring or attempting to procure:

8 a. a license to practice registered nursing, licensed
9 practical nursing, and/or a license to practice
10 advanced practice registered nursing with or without
11 either prescriptive authority recognition or
12 authorization to order, select, obtain and administer
13 drugs, or

14 b. certification as an Advanced Unlicensed Assistant;

15 2. Is guilty of a felony, or any offense reasonably related to
16 the qualifications, functions or duties of any licensee or Advanced
17 Unlicensed Assistant, or any offense an essential element of which
18 is fraud, dishonesty, or an act of violence, ~~or for any offense~~
19 ~~involving moral turpitude,~~ whether or not sentence is imposed, or
20 any conduct resulting in the revocation of a deferred or suspended
21 sentence or probation imposed pursuant to such conviction;

22 3. Fails to adequately care for patients or to conform to the
23 minimum standards of acceptable nursing or Advanced Unlicensed
24

1 Assistant practice that, in the opinion of the Board, unnecessarily
2 exposes a patient or other person to risk of harm;

3 4. Is intemperate in the use of alcohol or drugs, which use the
4 Board determines endangers or could endanger patients;

5 5. Exhibits through a pattern of practice or other behavior
6 actual or potential inability to practice nursing with sufficient
7 knowledge or reasonable skills and safety due to impairment caused
8 by illness, use of alcohol, drugs, chemicals or any other substance,
9 or as a result of any mental or physical condition, including
10 deterioration through the aging process or loss of motor skills,
11 mental illness, or disability that results in inability to practice
12 with reasonable judgment, skill or safety; provided, however, the
13 provisions of this paragraph shall not be utilized in a manner that
14 conflicts with the provisions of the Americans with Disabilities
15 Act;

16 6. Has been adjudicated as mentally incompetent, mentally ill,
17 chemically dependent or dangerous to the public or has been
18 committed by a court of competent jurisdiction, within or without
19 this state;

20 7. Is guilty of unprofessional conduct as defined in the rules
21 of the Board;

22 8. Is guilty of any act that jeopardizes a patient's life,
23 health or safety as defined in the rules of the Board;

1 9. Violated a rule promulgated by the Board, an order of the
2 Board, or a state or federal law relating to the practice of
3 registered, practical or advanced practice registered nursing or
4 advanced unlicensed assisting, or a state or federal narcotics or
5 controlled dangerous substance law;

6 10. Has had disciplinary actions taken against the individual's
7 registered or practical nursing license, advanced unlicensed
8 assistive certification, or any professional or occupational
9 license, registration or certification in this or any state,
10 territory or country;

11 11. Has defaulted and/or been terminated from the peer
12 assistance program for any reason;

13 12. Fails to maintain professional boundaries with patients, as
14 defined in the Board rules; and/or

15 13. Engages in sexual misconduct, as defined in Board rules,
16 with a current or former patient or key party, inside or outside the
17 health care setting.

18 C. Any person who supplies the Board information in good faith
19 shall not be liable in any way for damages with respect to giving
20 such information.

21 D. The Board may cause to be investigated all reported
22 violations of the Oklahoma Nursing Practice Act.

23 E. The Board may authorize the Executive Director to issue a
24 confidential letter of concern to a licensee when evidence does not

1 warrant formal proceedings, but the Executive Director has noted
2 indications of possible errant conduct that could lead to serious
3 consequences and formal action.

4 F. All individual proceedings before the Board shall be
5 conducted in accordance with the Administrative Procedures Act.

6 G. At a hearing the accused shall have the right to appear
7 either personally or by counsel, or both, to produce witnesses and
8 evidence on behalf of the accused, to cross-examine witnesses and to
9 have subpoenas issued by the designated Board staff. If the accused
10 is found guilty of the charges the Board may refuse to issue a
11 renewal of license to the applicant, revoke or suspend a license, or
12 otherwise discipline a licensee.

13 H. A person whose license is revoked may not apply for
14 reinstatement during the time period set by the Board. The Board on
15 its own motion may at any time reconsider its action.

16 I. Any person whose license is revoked or who applies for
17 renewal of registration and who is rejected by the Board shall have
18 the right to appeal from such action pursuant to the Administrative
19 Procedures Act.

20 J. 1. Any person who has been determined by the Board to have
21 violated any provisions of the Oklahoma Nursing Practice Act or any
22 rule or order issued pursuant thereto shall be liable for an
23 administrative penalty not to exceed Five Hundred Dollars (\$500.00)
24 for each count for which any holder of a certificate or license has

1 been determined to be in violation of the Oklahoma Nursing Practice
2 Act or any rule promulgated or order issued pursuant thereto.

3 2. The amount of the penalty shall be assessed by the Board
4 pursuant to the provisions of this section, after notice and an
5 opportunity for hearing is given to the accused. In determining the
6 amount of the penalty, the Board shall include, but not be limited
7 to, consideration of the nature, circumstances, and gravity of the
8 violation and, with respect to the person found to have committed
9 the violation, the degree of culpability, the effect on ability of
10 the person to continue to practice, and any show of good faith in
11 attempting to achieve compliance with the provisions of the Oklahoma
12 Nursing Practice Act.

13 K. The Board shall retain jurisdiction over any person issued a
14 license, certificate or temporary license pursuant to this act,
15 regardless of whether the license, certificate or temporary license
16 has expired, lapsed or been relinquished during or after the alleged
17 occurrence or conduct prescribed by this act.

18 L. In the event disciplinary action is imposed, any person so
19 disciplined shall be responsible for any and all costs associated
20 with satisfaction of the discipline imposed.

21 M. In the event disciplinary action is imposed in an
22 administrative proceeding, the Board shall have the authority to
23 recover the monies expended by the Board in pursuing any
24 disciplinary action, including but not limited to costs of

1 investigation, probation or monitoring fees, administrative costs,
2 witness fees, attorney fees and court costs. This authority shall
3 be in addition to the Board's authority to impose discipline as set
4 out in subsection A of this section.

5 N. The Executive Director shall immediately suspend the license
6 of any person upon proof that the person has been sentenced to a
7 period of continuous incarceration serving a penal sentence for
8 commission of a misdemeanor or felony. The suspension shall remain
9 in effect until the Board acts upon the licensee's written
10 application for reinstatement of the license.

11 O. When a majority of the officers of the Board, which
12 constitutes the President, Vice President and Secretary/Treasurer,
13 find that preservation of the public health, safety or welfare
14 requires immediate action, summary suspension of licensure or
15 certification may be ordered before the filing of a sworn complaint
16 or at any other time before the outcome of an individual proceeding.
17 The summary suspension of licensure or certification may be ordered
18 without compliance with the requirements of the Oklahoma Open
19 Meeting Act. Within seven (7) days after the summary suspension,
20 the licensee shall be notified by letter that summary suspension has
21 occurred. The summary suspension letter shall include notice of the
22 date of the proposed hearing to be held in accordance with Oklahoma
23 Administrative Code 485:10-11-2 and the Administrative Procedures
24

1 Act, within ninety (90) days of the date of the summary suspension
2 letter, and shall be signed by one of the Board officers.

3 P. In any proceeding in which the Board is required to serve an
4 order on an individual, the Board may send such material to the
5 individual's address of record with the Board. If the order is
6 returned with a notation by the United States Postal Service
7 indicating that it is undeliverable for any reason, and the records
8 of the Board indicate that the Board has not received any change of
9 address since the order was sent, as required by the rules of the
10 Board, the order and any subsequent material relating to the same
11 matter sent to the most recent address on file with the Board shall
12 be deemed by the court as having been legally served for all
13 purposes.

14 SECTION 27. AMENDATORY 59 O.S. 2011, Section 584, as
15 amended by Section 1, Chapter 81, O.S.L. 2018 (59 O.S. Supp. 2018,
16 Section 584), is amended to read as follows:

17 Section 584. A. Every person desiring to commence the practice
18 of optometry after the passage of this act except as hereinafter
19 provided, upon presentation of satisfactory evidence, verified by
20 oath, that he is more than twenty-one (21) years of age ~~and of good~~
21 ~~moral character~~ and has met the undergraduate requirements and is a
22 graduate of an accredited school of optometry, conferring the degree
23 of Doctor of Optometry or its equivalent, shall, upon application,
24 be examined by the Board of Examiners to determine his or her

1 qualifications, and such examination shall be based upon the
2 subjects taught in the standard schools and colleges of optometry,
3 such as general and ocular pharmacology, anatomy of the eyes, use of
4 the ophthalmoscope, retinoscope and the use of trial lenses, general
5 anatomy, physiology, physics, chemistry, biology, bacteriology,
6 ocular pathology, ocular neurology, ocular myology, psychology,
7 physiological optics, optometrical mechanics, clinical optometry,
8 visual field charting and orthoptics, the general laws of optics and
9 refraction, as is essential to the practice of optometry. Every
10 candidate successfully passing such examination shall be registered
11 by the Board as possessing the qualifications as required by Section
12 581 et seq. of this title and shall receive from the Board a
13 certificate thereof. Every optometrist desiring to use dangerous
14 drugs and controlled dangerous substances as specified in Section
15 581 of this title shall have satisfactorily completed courses in
16 general and ocular pharmacology at an institution accredited by the
17 Council on Post-Secondary Accreditation or the United States
18 Department of Education. The Board of Examiners in Optometry shall
19 approve such courses and shall certify those qualified by such
20 training to use dangerous drugs and controlled dangerous substances
21 as specified in Section 581 of this title. The use of any such
22 pharmaceuticals by an optometrist or the obtaining of same by an
23 optometrist shall be unlawful unless said optometrist is in
24 possession of a current certificate as provided in this section.

1 Such optometrist shall furnish evidence to any pharmacist or other
2 supplier from whom such pharmaceuticals are sought as to his holding
3 a current certificate. The Board may, in its discretion, issue said
4 certificates to practice, to persons otherwise qualified under this
5 act, who have established by legal proof their knowledge of
6 optometry, as shown by previous examination in any state of the
7 Union; provided, the examination in said state was, at the time
8 taken, of an equal standard with that of this state; provided,
9 further, that citizens of this state are by the statutes of said
10 state, admitted to practice on like conditions.

11 B. Every person desiring to commence the practice of optometry
12 shall be required to submit to a national criminal history record
13 check, as defined in Section 150.9 of Title 74 of the Oklahoma
14 Statutes. The costs associated with the national criminal history
15 record check shall be paid by such person.

16 SECTION 28. AMENDATORY 59 O.S. 2011, Section 634, is
17 amended to read as follows:

18 Section 634. The State Board of Osteopathic Examiners may issue
19 a license without examination to a practitioner who is currently
20 licensed in any country, state, territory or province, upon the
21 following conditions:

22 1. ~~That the applicant is of good moral character;~~

23 2. That the requirements of registration in the country, state,
24 territory or province in which the applicant is licensed are deemed

1 by the State Board to have been equivalent to the requirements of
2 registration in force in this state at the date of such license;

3 ~~3.~~ 2. That the applicant has no disciplinary matters pending
4 against him in any country, state, territory or province; and

5 ~~4.~~ 3. That the license being reciprocated must have been
6 obtained by an examination in that country, state, territory or
7 province deemed by the Board to be equivalent to that used by the
8 Board, or obtained by examination of the National Board of
9 Osteopathic Medical Examiners.

10 SECTION 29. AMENDATORY 59 O.S. 2011, Section 637, is
11 amended to read as follows:

12 Section 637. A. The State Board of Osteopathic Examiners may
13 refuse to admit a person to an examination or may refuse to issue or
14 reinstate or may suspend or revoke any license issued or reinstated
15 by the Board upon proof that the applicant or holder of such a
16 license:

17 1. Has obtained a license, license renewal or authorization to
18 sit for an examination, as the case may be, through fraud,
19 deception, misrepresentation or bribery; or has been granted a
20 license, license renewal or authorization to sit for an examination
21 based upon a material mistake of fact;

22 2. Has engaged in the use or employment of dishonesty, fraud,
23 misrepresentation, false promise, false pretense, unethical conduct
24 or unprofessional conduct, as may be determined by the Board, in the

1 performance of the functions or duties of an osteopathic physician,
2 including but not limited to the following:

- 3 a. obtaining or attempting to obtain any fee, charge,
4 tuition or other compensation by fraud, deception or
5 misrepresentation; willfully and continually
6 overcharging or overtreating patients; or charging for
7 visits to the physician's office which did not occur
8 or for services which were not rendered,
- 9 b. using intimidation, coercion or deception to obtain or
10 retain a patient or discourage the use of a second
11 opinion or consultation,
- 12 c. willfully performing inappropriate or unnecessary
13 treatment, diagnostic tests or osteopathic medical or
14 surgical services,
- 15 d. delegating professional responsibilities to a person
16 who is not qualified by training, skill, competency,
17 age, experience or licensure to perform them, noting
18 that delegation may only occur within an appropriate
19 doctor/patient relationship, wherein a proper patient
20 record is maintained including, but not limited to, at
21 the minimum, a current history and physical,
- 22 e. misrepresenting that any disease, ailment, or
23 infirmity can be cured by a method, procedure,
24 treatment, medicine or device,

- 1 f. acting in a manner which results in final disciplinary
2 action by any professional society or association or
3 hospital or medical staff of such hospital in this or
4 any other state, whether agreed to voluntarily or not,
5 if the action was in any way related to professional
6 conduct, professional competence, malpractice or any
7 other violation of the Oklahoma Osteopathic Medicine
8 Act,
- 9 g. signing a blank prescription form; or dispensing,
10 prescribing, administering or otherwise distributing
11 any drug, controlled substance or other treatment
12 without sufficient examination or the establishment of
13 a physician/patient relationship, or for other than
14 medically accepted therapeutic or experimental or
15 investigational purpose duly authorized by a state or
16 federal agency, or not in good faith to relieve pain
17 and suffering, or not to treat an ailment, physical
18 infirmity or disease, or violating any state or
19 federal law on controlled dangerous substances,
- 20 h. engaging in any sexual activity within a
21 physician/patient relationship,
- 22 i. terminating the care of a patient without adequate
23 notice or without making other arrangements for the
24 continued care of the patient,

1 j. failing to furnish a copy of a patient's medical
2 records upon a proper request from the patient or
3 legal agent of the patient or another physician; or
4 failing to comply with any other law relating to
5 medical records,

6 k. failing to comply with any subpoena issued by the
7 Board,

8 l. violating a probation agreement or order with this
9 Board or any other agency, and

10 m. failing to keep complete and accurate records of
11 purchase and disposal of controlled drugs or narcotic
12 drugs;

13 3. Has engaged in gross negligence, gross malpractice or gross
14 incompetence;

15 4. Has engaged in repeated acts of negligence, malpractice or
16 incompetence;

17 5. Has been finally adjudicated and found guilty, or entered a
18 plea of guilty or nolo contendere in a criminal prosecution, for any
19 offense reasonably related to the qualifications, functions or
20 duties of an osteopathic physician, ~~or for any offense involving~~
21 ~~moral turpitude~~, whether or not sentence is imposed, and regardless
22 of the pendency of an appeal;

23 6. Has had the authority to engage in the activities regulated
24 by the Board revoked, suspended, restricted, modified or limited, or

1 has been reprimanded, warned or censured, probated or otherwise
2 disciplined by any other state or federal agency whether or not
3 voluntarily agreed to by the physician including, but not limited
4 to, the denial of licensure, surrender of the license, permit or
5 authority, allowing the license, permit or authority to expire or
6 lapse, or discontinuing or limiting the practice of osteopathic
7 medicine pending disposition of a complaint or completion of an
8 investigation;

9 7. Has violated, or failed to comply with provisions of any act
10 or regulation administered by the Board;

11 8. Is incapable, for medical or psychiatric or any other good
12 cause, of discharging the functions of an osteopathic physician in a
13 manner consistent with the public's health, safety and welfare;

14 9. Has been guilty of advertising by means of knowingly false
15 or deceptive statements;

16 10. Has been guilty of advertising, practicing, or attempting
17 to practice under a name other than one's own;

18 11. Has violated or refused to comply with a lawful order of
19 the Board;

20 12. Has been guilty of habitual drunkenness, or habitual
21 addiction to the use of morphine, cocaine or other habit-forming
22 drugs;

23

24

1 13. Has been guilty of personal offensive behavior, which would
2 include, but not be limited to obscenity, lewdness, and molestation
3 ~~and other acts of moral turpitude~~; and

4 14. Has been adjudicated to be insane, or incompetent, or
5 admitted to an institution for the treatment of psychiatric
6 disorders.

7 B. The State Board of Osteopathic Examiners shall neither
8 refuse to renew, nor suspend, nor revoke any license, however, for
9 any of these causes, unless the person accused has been given at
10 least twenty (20) days' notice in writing of the charge against him
11 or her and a public hearing by the State Board provided, three-
12 fourths (3/4) of a quorum present at a meeting may vote to suspend a
13 license in an emergency situation if the licensee affected is
14 provided a public hearing within thirty (30) days of the emergency
15 suspension.

16 C. The State Board of Osteopathic Examiners shall have the
17 power to order or subpoena the attendance of witnesses, the
18 inspection of records and premises and the production of relevant
19 books and papers for the investigation of matters that may come
20 before them. The presiding officer of said Board shall have the
21 authority to compel the giving of testimony as is conferred on
22 courts of justice.

23 D. Any osteopathic physician in the State of Oklahoma whose
24 license to practice osteopathic medicine is revoked or suspended

1 under the previous paragraphs of this section shall have the right
2 to seek judicial review of a ruling of the Board pursuant to the
3 Administrative Procedures Act.

4 E. The Board may enact rules and regulations pursuant to the
5 Administrative Procedures Act setting out additional acts of
6 unprofessional conduct; which acts shall be grounds for refusal to
7 issue or reinstate, or for action to condition, suspend or revoke a
8 license.

9 SECTION 30. AMENDATORY 59 O.S. 2011, Section 858-301.1,
10 is amended to read as follows:

11 Section 858-301.1 A. Any applicant convicted of any crimes
12 defined in Section 13.1 of Title 21 of the Oklahoma Statutes shall
13 not be eligible to obtain a real estate license within twenty (20)
14 years of the completion of any criminal sentence, including parole
15 and probation.

16 B. Any applicant convicted of a felony ~~involving forgery,~~
17 ~~embezzlement, obtaining money under false pretense, extortion,~~
18 ~~conspiracy to defraud, fraud, or any other similar offense or~~
19 ~~offenses~~ crime that substantially relates to the occupation of a
20 real estate agent and poses a reasonable threat to public safety
21 shall not be eligible to obtain a real estate license within ten
22 (10) years of the completion of any criminal sentence, including
23 parole and probation.

1 C. ~~Any applicant convicted of any other felony shall not be~~
2 ~~allowed to obtain a real estate license within five (5) years of the~~
3 ~~completion of any criminal sentence, including parole and probation.~~

4 ~~D.~~ For the purposes of this section, the term "applicant" shall
5 mean any person making an application for original licensure as a
6 provisional sales associate, sales associate, broker associate, or
7 broker, and shall not apply to any licensee seeking renewal of a
8 current license.

9 ~~E.~~ D. Any applicant with a felony conviction shall not
10 automatically receive a license after the timelines set forth in
11 this section, but may be licensed in accordance with the licensing
12 provisions set forth in the Oklahoma Real Estate License Code and
13 Rules.

14 E. 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 with others in the occupation.
23
24

1 SECTION 31. AMENDATORY 59 O.S. 2011, Section 858-302, as
2 amended by Section 1, Chapter 173, O.S.L. 2013 (59 O.S. Supp. 2018,
3 Section 858-302), is amended to read as follows:

4 Section 858-302. A. Any person ~~of good moral character,~~
5 eighteen (18) years of age or older, ~~and~~ who shall submit to the
6 Commission evidence of successful completion of ninety (90) clock
7 hours or its equivalent as determined by the Commission of basic
8 real estate instruction in a course of study approved by the
9 Commission, may apply to the Commission to take an examination for
10 the purpose of securing a license as a provisional sales associate.
11 The education required in this subsection shall only be valid for a
12 period of three (3) years from the date the school certified
13 successful completion of the course; thereafter, the applicant shall
14 be required to successfully complete an additional ninety (90) clock
15 hours or its equivalent in basic real estate instruction.

16 B. Application shall be made upon forms prescribed by the
17 Commission and shall be accompanied by an examination fee as
18 provided for in this Code and all information and documents the
19 Commission may require.

20 C. The applicant shall appear in person before the Commission
21 for an examination which shall be in the form and inquire into the
22 subjects the Commission shall prescribe.

23 D. If it shall be determined that the applicant shall have
24 passed the examination, received final approval of the application,

1 and paid the appropriate license fee provided for in this Code along
2 with the Oklahoma Real Estate Education and Recovery Fund fee, the
3 Commission shall issue to the applicant a provisional sales
4 associate license.

5 E. Following the issuance of a provisional sales associate
6 license, the licensee shall then submit to the Commission, prior to
7 the expiration of the provisional license, evidence of successful
8 completion of forty-five (45) clock hours or its equivalent as
9 determined by the Commission of postlicense education real estate
10 instruction in a course(s) of study approved by the Commission. A
11 provisional sales associate who fails to submit evidence of
12 compliance with the postlicense education requirement pursuant to
13 this section, prior to the first expiration date of the provisional
14 sales associate license, shall not be entitled to renew such license
15 for another license term. However, the Commission shall promulgate
16 rules for those persons called into active military service for
17 purposes of satisfying the postlicense education requirement.

18 SECTION 32. AMENDATORY 59 O.S. 2011, Section 858-303, as
19 last amended by Section 2, Chapter 248, O.S.L. 2017 (59 O.S. Supp.
20 2018, Section 858-303), is amended to read as follows:

21 Section 858-303. A. Applicants for a broker license who hold a
22 sales associate license or are not currently licensed shall meet the
23 following requirements:
24

1 1. ~~Be persons of good moral character who have had~~ Have two (2)
2 years' licensure within the previous five (5) years or its
3 equivalent;

4 2. Submit to the Commission evidence of successful completion
5 of ninety (90) clock hours or its equivalent as determined by the
6 Commission of advanced real estate instruction in a course of study
7 approved by the Commission and completion of the Broker in Charge
8 course as defined in the Code. The education required in this
9 subsection shall only be valid for a period of three (3) years from
10 the date the school certified successful completion of the course;
11 thereafter, the applicant shall be required to successfully complete
12 an additional ninety (90) clock hours or its equivalent in advanced
13 real estate instruction;

14 3. Provide documentation verifying ten real estate transactions
15 within the past five (5) years or the equivalent as determined by
16 the Commission. For the purposes of this subsection, transaction
17 shall be defined in Section 858-351 of this title and shall be
18 demonstrated on forms developed by the Commission; and

19 4. Apply to the Commission to take an examination for the
20 purpose of securing a license as a broker.

21 B. Application shall be made upon forms prescribed by the
22 Commission and shall be accompanied by fees as provided for in this
23 Code and all information and documents the Commission may require.
24

1 C. If the applicant has passed the examination, received final
2 approval of the application, and paid the appropriate fees provided
3 for in this Code along with the Oklahoma Real Estate Education and
4 Recovery Fund fee, the Commission shall issue to the applicant a
5 broker license.

6 D. Applicants for a broker license who hold a broker associate
7 license shall meet the following requirements:

8 1. ~~Be persons of good moral character who have had~~ Have two (2)
9 years' licensure within the previous five (5) years, or its
10 equivalent;

11 2. Submit to the Commission evidence of successful completion
12 of the Broker in Charge course as defined in the Code; and

13 3. Provide documentation verifying ten real estate transactions
14 within the past five (5) years or the equivalent as determined by
15 the Commission. For the purposes of this subsection, transaction
16 shall be defined in Section 858-351 of this title and shall be
17 demonstrated on forms developed by the Commission.

18 E. Application shall be made upon forms prescribed by the
19 Commission and shall be accompanied by fees as provided for in this
20 Code and all information and documents the Commission may require.

21 F. If the applicant has received final approval of the
22 application, and paid the appropriate fee provided for in this Code
23 along with the Oklahoma Real Estate Education and Recovery Fund fee,
24 the Commission shall issue to the applicant a broker license.

SECTION 33. AMENDATORY Section 3, Chapter 248, O.S.L.

2017 (59 O.S. Supp. 2018, Section 858-303A), is amended to read as follows:

Section 858-303A. A. Applicants for a broker associate license shall meet the following requirements:

1. ~~Be persons of good moral character who held~~ Hold a renewable broker associate or sales associate license and ~~who have had~~ two (2) years' licensure within the previous five (5) years as a sales associate or provisional sales associate, or its equivalent;

2. Submit to the Commission evidence of successful completion of ninety (90) clock hours, or its equivalent as determined by the Commission, of advanced real estate instruction in a course of study approved by the Commission. The education required in this subsection shall only be valid for a period of three (3) years from the date the school certified successful completion of the course; thereafter, the applicant shall be required to successfully complete an additional ninety (90) clock hours or its equivalent in advanced real estate instruction; and

3. Apply to the Commission to take an examination for the purpose of securing a license as a broker associate.

B. Application shall be made upon forms prescribed by the Commission and shall be accompanied by fees as provided for in this Code and all information and documents the Commission may require.

1 C. The applicant shall appear in person for an examination
2 which shall be prescribed by the Commission.

3 D. If the applicant has passed the examination, received final
4 approval of the application, and paid the appropriate fees provided
5 for in this Code along with the Oklahoma Real Estate Education and
6 Recovery Fund fee, the Commission shall issue to the applicant a
7 broker associate license.

8 SECTION 34. AMENDATORY 59 O.S. 2011, Section 858-629, is
9 amended to read as follows:

10 Section 858-629. A. Any individual ~~of good moral character~~
11 eighteen (18) years of age or older who has successfully completed
12 ninety (90) clock hours of home inspection training or its
13 equivalent as determined by the Committee of Home Inspector
14 Examiners may apply to take a home inspector examination.
15 Application shall be made on forms prescribed by the Construction
16 Industries Board, shall contain information as required by the
17 Construction Industries Board upon advisement of the Committee, and
18 shall be accompanied by evidence of successful completion of the
19 required training. Examinations may be held in vocational and
20 technical schools or in other locations as determined by rule.

21 B. If, from the application filed, answers to inquiries,
22 complaints, or information received, or investigation, it appears to
23 the Board that the applicant is not qualified, the Committee shall
24

1 deny approval of the application and shall give notice of that fact
2 to the applicant.

3 C. Upon approval of the application and the payment of the
4 applicant of an examination fee, the applicant shall be scheduled to
5 appear in person for an examination on the subjects prescribed by
6 the Committee.

7 D. If the Board determines that the applicant has successfully
8 passed the examination or an equivalent examination as determined by
9 the Committee, the Board shall, upon the payment of the license fee
10 and submission of other documents as required by the Home Inspection
11 Licensing Act or rules promulgated pursuant to the Home Inspection
12 Licensing Act, issue to the applicant a license which shall
13 authorize the applicant to perform home inspections.

14 SECTION 35. AMENDATORY 59 O.S. 2011, Section 887.6, is
15 amended to read as follows:

16 Section 887.6 A. Except as otherwise provided by law, to be
17 eligible for licensure as a physical therapist or physical therapist
18 assistant pursuant to the provisions of the Physical Therapy
19 Practice Act an applicant shall:

20 ~~1. Be of good moral character; and~~

21 ~~2. Pass~~ pass an examination based on standards promulgated by
22 the State Board of Medical Licensure and Supervision pursuant to the
23 Physical Therapy Practice Act which shall include a written
24 examination testing the knowledge of the applicant on:

1 ~~a. the~~

2 1. The basic and clinical sciences as they relate to physical
3 therapy theory and physical therapy procedures~~ti~~ and

4 ~~b. such~~

5 2. Such other subjects as the Board may deem necessary to test
6 the applicant's fitness to practice physical therapy or as a
7 physical therapist assistant. Examinations shall be held within
8 this state at least once per year, at such time and place as the
9 Board shall determine.

10 B. 1. In addition to the requirements provided by subsection A
11 of this section, and except as provided in paragraph 2 of this
12 subsection or subsection D of this section, an applicant for a
13 license to practice as a physical therapist shall have graduated
14 from a school of physical therapy approved by a national accrediting
15 body which has been recognized by the Board.

16 2. An applicant for a license to practice as a physical
17 therapist who has been educated through a program or school of
18 physical therapy which is or has been sponsored by a branch of the
19 armed forces of the United States may be licensed as a physical
20 therapist if the Board determines that the education of the
21 applicant is substantially equivalent to, or exceeds, the
22 requirements of accredited educational programs.

23 C. 1. In addition to the requirements provided by subsection A
24 of this section, and except as provided in paragraph 2 of this

subsection, an applicant for a license to practice as a physical therapist assistant shall have graduated from an approved program for physical therapist assistants consisting of at least a two-year program approved by a national accrediting body which has been recognized by the Board. An approved course of study shall include such elementary and intermediate courses in the anatomical, biological, and physical sciences as may be determined by the Board.

2. An applicant for a license to practice as a physical therapist assistant who has been educated through a program for physical therapist assistants which is or has been sponsored by a branch of the armed forces of the United States may be licensed as a physical therapist assistant if the Board determines that the education of the applicant is substantially equivalent to, or exceeds, the requirements of accredited educational programs.

D. 1. Except as otherwise provided by paragraph 2 of this subsection, an applicant for licensure as a physical therapist who has been educated in physical therapy outside the United States shall meet the following qualifications:

~~a. be of good moral character,~~

~~b.~~ have completed the application process,

~~e.~~ b. provide satisfactory evidence that their education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs as determined by the Board. If the Board

determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process,

~~d.~~ c. provide written proof that the school of physical therapy education is recognized by its own ministry of education,

~~e.~~ d. provide written proof of authorization to practice as a physical therapist without limitations in the country where the professional education occurred,

~~f.~~ e. provide proof of legal authorization to reside and seek employment in the United States or its territories,

~~g.~~ f. have their educational credentials evaluated by a Board-approved credential evaluation agency,

~~h.~~ g. have passed the Board-approved English proficiency examinations if their native language is not English,

~~i.~~ h. have participated in an interim supervised clinical practice period prior to licensure, which may be waived at the discretion of the Board, if:

- (1) the applicant for licensure is able to verify the successful completion of one (1) year of clinical practice in the United States or the District of Columbia, or

1 (2) the applicant is able to document exceptional
2 expertise acceptable to the Board in the fields
3 of research, education, or clinical practice, and
4 ~~j.~~ i. have successfully passed the national examination
5 approved by the Board.

6 2. If the foreign-educated physical therapist applicant is a
7 graduate of a CAPTE-accredited physical therapy education program,
8 requirements in subparagraphs ~~e~~ b, ~~d~~ c, ~~g~~ f and ~~h~~ g of paragraph 1
9 of this subsection may be waived.

10 E. When a foreign-educated applicant satisfies the
11 qualifications for licensure set forth in subparagraphs a through ~~h~~
12 g of paragraph 1 of subsection D of this section, prior to licensure
13 the Board shall issue an interim permit to the applicant for the
14 purpose of participating in a supervised clinical practice period.
15 The time period of an interim permit shall not be less than ninety
16 (90) days nor more than six (6) months. An interim permit holder,
17 to the satisfaction of the Board, shall complete a period of
18 clinical practice under the continuous and immediate supervision of
19 a physical therapist who holds an unrestricted license issued
20 pursuant to the Physical Therapy Practice Act in a facility approved
21 by the Board.

22 SECTION 36. AMENDATORY 59 O.S. 2011, Section 887.13, as
23 last amended by Section 6, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
24 2018, Section 887.13), is amended to read as follows:

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

7 1. Practiced physical therapy for workers' compensation claims
8 other than under the referral of a physician, surgeon, dentist,
9 chiropractor or podiatrist duly licensed to practice medicine or
10 surgery, a physician assistant, or in the case of practice as a
11 physical therapist assistant, has practiced other than under the
12 direction of a licensed physical therapist;

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

16 3. Failed to refer patients to other health care providers if
17 symptoms are known to be present for which physical therapy
18 treatment is inadvisable or if symptoms indicate conditions for
19 which treatment is outside the standards of practice as specified in
20 the rules and regulations promulgated by the Board pursuant to the
21 provisions of the Physical Therapy Practice Act;

22 4. Used drugs, narcotics, medication, or intoxicating liquors
23 to an extent which affects the professional competency of the
24 applicant or licensee;

1 5. Been convicted of a felony crime that substantially relates
2 to the occupation of physical therapy ~~or~~ and poses a reasonable
3 threat to public safety ~~or of a misdemeanor crime involving moral~~
4 ~~turpitude;~~

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

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

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

11 9. Been guilty of conduct unbecoming a person licensed as a
12 physical therapist or physical therapist assistant or guilty of
13 conduct detrimental to the best interests of the public or the
14 profession;

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

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

18 B. As used in this section:

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

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

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

3 SECTION 37. AMENDATORY 59 O.S. 2011, Section 888.6, is
4 amended to read as follows:

5 Section 888.6 An applicant applying for a license as an
6 occupational therapist or as an occupational therapy assistant shall
7 file written application on forms provided by the Board, as
8 recommended by the Committee, showing to the satisfaction of the
9 Board that he meets the following requirements:

10 1. Residence: Applicants need not be a resident of this state;

11 2. ~~Character: Applicants shall be of good moral character;~~

12 ~~3.~~ Education: Applicants shall present evidence satisfactory

13 to the Board of having successfully completed the academic

14 requirements of an educational program in occupational therapy

15 recognized by the Board, with concentration in biological or

16 physical science, psychology and sociology, and with education in

17 selected manual skills. For an occupational therapist the

18 educational program shall be accredited by the Committee on Allied

19 Health Education and Accreditation/American Medical Association in

20 collaboration with the American Occupational Therapy Association.

21 For an occupational therapy assistant, such a program shall be

22 approved by the American Occupational Therapy Association;

23 ~~4.~~ 3. Experience: Applicants shall submit to the Board

24 evidence of having successfully completed a period of supervised

1 field work experience at a recognized educational institution or a
2 training program approved by the educational institution where he
3 met the academic requirements. For an occupational therapist, a
4 minimum of six (6) months of supervised field work experience is
5 required. For an occupational therapy assistant, a minimum of two
6 (2) months of supervised field work experience is required;

7 ~~5.~~ 4. Examination: Applicants shall submit to the Board
8 evidence of having successfully completed an examination as provided
9 for in Section ~~7~~ 888.7 of this ~~act~~ title.

10 SECTION 38. AMENDATORY Section 6, Chapter 202, O.S.L.
11 2016 (59 O.S. Supp. 2018, Section 889.5), is amended to read as
12 follows:

13 Section 889.5 A. Except as otherwise provided by law, the
14 State Board of Medical Licensure and Supervision shall issue a
15 license to an applicant for a music therapy license when such
16 applicant has completed and submitted an application upon a form and
17 in such manner as the Board prescribes, accompanied by applicable
18 fees, and evidence satisfactory to the Board that the applicant:

19 1. Is at least eighteen (18) years of age;

20 2. ~~Is of good moral character;~~

21 ~~3.~~ Holds a bachelor's degree or higher in music therapy, or its
22 equivalent, from a program approved by the American Music Therapy
23 Association or any successor organization within an accredited
24 college or university;

1 ~~4.~~ 3. Successfully completed a minimum of one thousand two
2 hundred (1,200) hours of clinical training, with at least fifteen
3 percent (15%) or one hundred eighty (180) hours in preinternship
4 experiences, and at least seventy-five percent (75%) or nine hundred
5 (900) hours in internship experiences. Internship programs may be
6 approved by an academic institution, the American Music Therapy
7 Association, or both;

8 ~~5.~~ 4. Is in good standing based on a review of the applicant's
9 music therapy licensure history in other jurisdictions, including a
10 review of any alleged misconduct or neglect in the practice of music
11 therapy on the part of the applicant; and

12 ~~6.~~ 5. Passed the examination for board certification offered by
13 the Certification Board for Music Therapists or any successor
14 organization or provides proof of being transitioned into board
15 certification, and the applicant is currently a board-certified
16 music therapist.

17 B. The Board shall issue a music therapy license to an
18 applicant when such applicant has completed and submitted an
19 application upon a form and in such manner as the Board prescribes,
20 accompanied by applicable fees, and evidence satisfactory to the
21 Board that the applicant is licensed and in good standing as a music
22 therapist in another jurisdiction where the qualifications required
23 are equal to or greater than those required in this act at the date
24 of application.

1 C. The Board shall waive the examination requirement until
2 January 1, 2020, for an applicant who is designated as a registered
3 music therapist, certified music therapist or advanced certified
4 music therapist and in good standing with the National Music Therapy
5 Registry.

6 D. The State Board of Medical Licensure and Supervision may,
7 upon notice and opportunity for a hearing, deny an application for
8 reinstatement of a license or reinstate the license with conditions.
9 Conditions imposed may include a requirement for continuing
10 education, practice under the supervision of a licensed music
11 therapy specialist, or any other conditions deemed appropriate by
12 the Board.

13 SECTION 39. AMENDATORY Section 12, Chapter 202, O.S.L.
14 2016 (59 O.S. Supp. 2018, Section 889.11), is amended to read as
15 follows:

16 Section 889.11 A. The State Board of Medical Licensure and
17 Supervision may refuse to issue or renew, or may suspend or revoke a
18 license to any person, after notice and hearing in accordance with
19 rules promulgated pursuant to the Music Therapy Practice Act and the
20 provisions of the Administrative Procedures Act who has:

21 1. Treated or attempted to treat ailments or other health
22 conditions of human beings other than by music therapy as authorized
23 by the Music Therapy Practice Act;

1 2. Failed to refer patients to other health care providers if
2 symptoms are known to be present for which music therapy treatment
3 is inadvisable or if symptoms indicate conditions for which
4 treatment is outside the scope of music therapy practice as
5 specified by the American Music Therapy Association and the
6 Certification Board for Music Therapists;

7 3. Used drugs, narcotics, medication or intoxicating liquors to
8 an extent which affects the professional competency of the applicant
9 or licensee;

10 4. Been convicted of a felony crime that substantially relates
11 to the occupation of music therapy ~~or~~ and poses a reasonable threat
12 to public safety ~~or of a misdemeanor crime involving moral~~
13 ~~turpitude;~~

14 5. Obtained or attempted to obtain a license as a music
15 therapist by fraud or deception;

16 6. Been grossly negligent in the practice of music therapy;

17 7. Been adjudged mentally incompetent by a court of competent
18 jurisdiction and has not subsequently been lawfully declared sane;

19 8. Been guilty of conduct unbecoming a person licensed as a
20 music therapist or guilty of conduct detrimental to the best
21 interests of the public or the profession;

22 9. Been guilty of any act in conflict with the ethics of the
23 profession of music therapy; or

24 10. Had a license suspended or revoked in another state.

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 40. AMENDATORY 59 O.S. 2011, Section 1212, as amended by Section 11, Chapter 118, O.S.L. 2013 (59 O.S. Supp. 2018, Section 1212), is amended to read as follows:

Section 1212. ~~(A)~~ No person shall qualify as a registered forester unless the person graduated from a university or college with a curriculum in forestry acceptable to the Oklahoma Department of Agriculture, Food, and Forestry, including one three-credit course in each of the following subjects: silviculture, forest protection, forest management, forest economics, and forest utilization, and who has a record of an additional two (2) years or more of experience in forestry work of a character satisfactory to the Department, and indication that the applicant is competent to practice professional forestry.

~~(B) No person shall be eligible for registration as a registered forester who is not of good character and reputation.~~

SECTION 41. AMENDATORY 59 O.S. 2011, Section 1261.1, as last amended by Section 2, Chapter 310, O.S.L. 2018 (59 O.S. Supp. 2018, Section 1261.1), is amended to read as follows:

Section 1261.1 A. To obtain a license under the Social Worker's Licensing Act, an applicant shall:

1. Submit a written application in a form prescribed by the State Board of Licensed Social Workers;

2. Have attained the age of majority;

3. ~~Be of good moral character;~~

~~4.~~ Have graduated and received a degree in social work from an approved social work program;

~~5.~~ 4. Have completed any necessary post graduate experience and supervision in the practice of social work;

~~6.~~ 5. Have passed the necessary examination and paid all fees required by the Board; and

~~7.~~ 6. Submit to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes. The costs associated with the national criminal history record check shall be paid by the applicant and submitted to the Board at the time of application. With the required fee, the applicant shall provide to the Board two classifiable sets of fingerprints to be provided to the Oklahoma State Bureau of Investigation.

B. If the results of the national criminal history record check required by subsection A of this section reveal that the applicant

1 has been convicted of, or pled guilty or nolo contendere to, any
2 ~~felony, or to any misdemeanor involving moral turpitude~~ crime that
3 substantially relates to the occupation of a social worker and poses
4 a reasonable threat to public safety, the individual's application
5 for licensure may be disapproved and no further action shall be
6 taken on the application.

7 C. Upon certification by the Board, the Board shall authorize
8 the issuance of social work licenses to persons who qualify as
9 follows:

10 1. As a licensed social work associate (LSWA) who has a
11 baccalaureate degree in social work from an accredited institution
12 or an approved social work program or both and has passed the
13 examination provided for under these provisions or who has a
14 doctoral or master's degree in social work from an institution with
15 a program accredited by an approved social work program and has
16 passed the examination provided for under these provisions;

17 2. As a licensed master's social worker (LMSW) who has a
18 master's degree in social work from an accredited institution or an
19 approved social work program or both and has passed the examination
20 provided for under the Social Worker's Licensing Act;

21 3. As a licensed social worker (LSW) who has a master's degree
22 in social work from an accredited institution or an approved social
23 work program or both and has two (2) years of full-time postgraduate
24 experience in the practice of social work under professional

1 supervision of a person licensed under those provisions, and who has
2 passed the examination provided for under the provisions of the
3 Social Worker's Licensing Act;

4 4. As a licensed clinical social worker (LCSW) who has a
5 master's degree in social work from an accredited institution or an
6 approved social work program or both and has two (2) years of full-
7 time postgraduate experience in the practice of clinical social work
8 under professional supervision of a person licensed by the Social
9 Worker's Licensing Act, and who has passed the examination provided
10 for under the Social Worker's Licensing Act; and

11 5. As a licensed social worker with administration specialty
12 (LSW-ADM) who has a master's degree in social work from an
13 accredited institution or an approved social work program or both
14 and has two (2) years of full-time postgraduate experience in the
15 practice of administrative social work under professional
16 supervision of a person licensed by the Social Worker's Licensing
17 Act, and who has passed the examination provided for under the
18 Social Worker's Licensing Act.

19 D. Applicants who have been licensed as an LSWA, LMSW, LSW,
20 LCSW or LSW-ADM in good standing in another state for a minimum of
21 three (3) years continually since the time of initial full licensure
22 post-provisional term and comply with all other state requirements
23 shall be licensed by the Board.

1 E. No person may engage in the private practice of clinical
2 social work unless that person:

3 1. Is licensed under the Social Worker's Licensing Act as a
4 licensed clinical social worker (LCSW); and

5 2. Continues to meet continuing education requirements set by
6 the Board.

7 F. No person may engage in an independent social work practice
8 unless that person:

9 1. Is licensed under the Social Worker's Licensing Act as a
10 licensed clinical social worker (LCSW), licensed social worker with
11 administration specialty (LSW-ADM) or licensed social worker (LSW).
12 This specifically and intentionally excludes licensed social work
13 associates (LSWA) and licensed masters social workers (LMSW); and

14 2. Continues to meet continuing education requirements set by
15 the Board.

16 G. Any qualified person who files by February 1, 2012, a sworn
17 statement with the Board stating that the person has met the
18 definition of a qualified person under this section shall, upon
19 approval of the statement by the Board, be entitled to engage in the
20 independent practice of social work without having to meet the two-
21 year postgraduate supervision requirement specified in paragraphs 3,
22 4 and 5 of subsection C of this section.

23 H. Any person seeking to pursue postgraduate supervision for
24 the licensed social worker (LSW), licensed social worker with

1 administration specialty (LSW-ADM), or licensed clinical social
2 worker (LCSW) must hold licensure status of licensed social work
3 associate (LSWA) or licensed masters social worker (LMSW) prior to
4 board approval of postgraduate supervision for licensure as
5 specified in paragraphs 3, 4 and 5 of subsection C of this section.

6 I. As used in this section, "qualified person" means a person
7 who:

8 1. Currently holds an active social worker license from the
9 Board; and

10 2. Has held a social worker license from the Board continuously
11 during the ten-year period immediately prior to November 1, 2011.

12 J. 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 with others in the occupation.

21 SECTION 42. AMENDATORY 59 O.S. 2011, Section 1261.4, is
22 amended to read as follows:

23 Section 1261.4 A. Any person who becomes a resident of this
24 state and who is or has been, immediately preceding the person's

1 residency in this state, licensed to practice social work by another
2 state which grants a like privilege of reciprocity and who meets the
3 educational and work experience qualifications for licensure in this
4 state may, upon payment of the necessary fee and submission of
5 documentation as required by the Board, be licensed under the
6 provisions of the Social Worker's Licensing Act.

7 B. In cases where reciprocity does not exist the Oklahoma State
8 Board of Licensed Social Workers may endorse the actions of another
9 state licensing board upon receipt of information by that board
10 documenting that the applicant has met the educational and
11 supervisory requirements of the Oklahoma State Board in another
12 state, and has passed the same examination or a more stringent
13 examination than that used by the Oklahoma State Board of Licensed
14 Social Workers.

15 C. 1. For a social worker currently licensed in another
16 jurisdiction to obtain a license as a social worker by reciprocity
17 in this state, an applicant shall:

- 18 a. submit a written application in the form prescribed by
19 the Board,
- 20 b. have attained the age of majority,
- 21 c. ~~be of good moral character,~~
- 22 ~~d.~~ have a social work degree at the designation for which
23 the applicant is seeking licensure,

1 ~~e.~~ d. possess, at the time of initial licensure as a social
2 ~~worker, any qualifications necessary, as determined by~~
3 ~~the Board, to have been eligible for licensure at that~~
4 time in this state,

5 ~~f.~~ e. present to the Board a passing score on the designated
6 licensure examination,

7 ~~g.~~ f. present to the Board proof that the transferring
8 social work license is current and in good standing,

9 ~~h.~~ g. present to the Board proof that any social work or any
10 other professional license or other credential granted
11 to the applicant by any other state has not been
12 suspended, revoked, or otherwise restricted for any
13 reason except nonrenewal or for the failure to obtain
14 the required continuing education credits in any
15 jurisdiction where the applicant is or has been
16 licensed, and

17 ~~i.~~ h. pay the fees specified by the Board.

18 2. Applicants for license transfer under this section shall
19 only be eligible for licensure at the equivalent designation
20 recognized in the currently licensed jurisdiction.

21 SECTION 43. AMENDATORY 59 O.S. 2011, Section 1266.1, as
22 amended by Section 2, Chapter 40, O.S.L. 2015 (59 O.S. Supp. 2018,
23 Section 1266.1), is amended to read as follows:
24

1 Section 1266.1 A. The State Board of Licensed Social Workers
2 may refuse to issue or renew the license of, or may suspend, revoke,
3 censure, reprimand, restrict or limit the license of, or fine, any
4 person pursuant to the Administrative Procedures Act or the
5 procedures set forth in the Social Worker's Licensing Act upon one
6 or more of the following grounds as determined by the Board:

7 1. Unprofessional conduct as determined by the Board;

8 2. Practicing outside the scope of practice authorized by the
9 Social Worker's Licensing Act;

10 3. Conduct which violates any of the provisions of the Social
11 Worker's Licensing Act or rules adopted pursuant to the Social
12 Worker's Licensing Act;

13 4. Incapacity or impairment that prevents a licensee from
14 engaging in the practice of social work with reasonable skill,
15 competence, and safety to the public;

16 5. Conviction of or a plea of guilty or nolo contendere to a
17 felony in a court of competent jurisdiction of any state or federal
18 court of the United States if the acts involved would have
19 constituted a felony under the laws of this state;

20 6. ~~Any act involving moral turpitude or gross immorality;~~

21 7. Violations of the laws of this state, or rules pertaining
22 thereto, or of laws, rules and regulations of any other state, or of
23 the federal government pertaining to any aspect of the practice of
24 social work;

~~8.~~ 7. Misrepresentation of a material fact by an applicant or licensee in securing or attempting to secure the issuance or renewal of a license, or in statements regarding the applicant or licensee's skills or the efficiency or value of any treatment provided or to be provided, or using any false, fraudulent, or deceptive statement connected with the practice or social work including, but not limited to, false or misleading advertising;

~~9.~~ 8. Fraud by a licensee in connection with the practice of social work including engaging in improper or fraudulent billing practices or violating Medicare and Medicaid laws or state medical assistance laws;

~~10.~~ 9. Engaging or aiding and abetting an individual to engage in the practice of social work without a license, or falsely using the title of social worker;

~~11.~~ 10. Failing to comply with any stipulation or agreement involving probation or settlement of any disciplinary matter with the Board or with any order entered by the Board;

~~12.~~ 11. Being found by the Board to be in violation of any of the provisions of the Social Worker's Licensing Act or rules adopted pursuant to the Social Worker's Licensing Act;

~~13.~~ 12. Conduct which violates the security of any licensure examination materials;

~~14.~~ 13. Being the subject of the revocation, suspension, surrender or other disciplinary sanction of a social worker or

1 related license or of other adverse action related to a social
2 worker or related license issued by this state, in another
3 jurisdiction or country including the failure to report such adverse
4 action to the Board; or

5 ~~15.~~ 14. Being adjudicated by a court of competent jurisdiction,
6 within or without this state, as incapacitated, mentally
7 incompetent, chemically dependent, mentally ill and dangerous to the
8 public, or a psychopathic personality.

9 B. 1. The Board may defer action with regard to an impaired
10 licensee who voluntarily signs an agreement, in a form satisfactory
11 to the Board, agreeing not to practice social work and to enter an
12 approved treatment and monitoring program in accordance with this
13 section; provided, however, that this section shall not apply to a
14 licensee who has been convicted of, pleads guilty to, or enters a
15 plea of nolo contendere to a felonious act prohibited by Oklahoma
16 law or a conviction relating to a controlled substance in a court of
17 law of the United States or any other jurisdiction or a conviction
18 related to sexual misconduct.

19 2. A licensee who is physically or mentally impaired due to
20 mental illness or addiction to drugs or alcohol may qualify as an
21 impaired social worker and have disciplinary action deferred and
22 ultimately waived subject to the following conditions:

- 23 a. the Board is satisfied that such action will not
24 endanger the public,

1 b. the licensee enters into an agreement with the Board
2 for a treatment and monitoring plan approved by the
3 Board,

4 c. the licensee progresses satisfactorily in such
5 treatment and monitoring program, and

6 d. the licensee complies with all terms of the agreement
7 and all other applicable terms of this section.

8 3. Failure to enter such agreement or to comply with the terms
9 and make satisfactory progress in the treatment and monitoring
10 program shall disqualify the licensee from the provisions of this
11 section and the Board may activate an immediate investigation and
12 disciplinary proceeding. Upon completion of the rehabilitation
13 program in accordance with the agreement signed by the Board, the
14 licensee may apply for permission to resume the practice of social
15 work upon such conditions as the Board determines necessary.

16 4. The Board may require a licensee to enter into an agreement,
17 pursuant to this subsection, which includes, but is not limited to,
18 the following provisions:

19 a. the licensee agrees that the license shall be
20 suspended or revoked indefinitely under this section,

21 b. the licensee agrees to enroll in a treatment and
22 monitoring program approved by the Board,

23 c. the licensee agrees that failure to satisfactorily
24 progress in such treatment and monitoring program

1 shall be reported to the Board by the treating
2 professional who shall be immune from any liability
3 for such reporting made in good faith, and
4 d. the licensee consents to the reports of the treating
5 physician or professional of the approved treatment
6 and monitoring program to the Board on the progress of
7 licensee at such intervals as the Board deems
8 necessary.

9 5. The ability of an impaired social worker to practice shall
10 only be restored and charges dismissed when the Board is satisfied
11 by the reports it has received from the approved treatment program
12 that the licensee can resume practice without danger to the public.

13 6. The impaired licensee shall consent, in accordance with
14 applicable law, to the release of any treatment information to the
15 Board from anyone within the approved treatment program.

16 7. The impaired licensee who has enrolled in an approved
17 treatment and monitoring program and entered into an agreement with
18 the Board in accordance with this subsection shall have his or her
19 license suspended or revoked but enforcement of this suspension or
20 revocation shall be stayed by the length of time the licensee
21 remains in the program and makes satisfactory progress, complies
22 with the terms of the agreement, and adheres to any limitations on
23 the practice imposed by the Board to protect the public. The
24 licensee may petition the Board for reinstatement pursuant to

1 subsection D of this section. Failure to enter into such agreement
2 or to comply with the terms and make satisfactory progress in the
3 treatment and monitoring program shall disqualify the licensee from
4 the provisions of this section and the Board shall activate an
5 immediate investigation and disciplinary proceedings.

6 C. Any social worker who has substantial evidence that a
7 licensee has an active addiction for which the licensee is not
8 receiving treatment under a program approved by the Board pursuant
9 to an agreement entered into under this section, is diverting a
10 controlled substance, or is mentally or physically incompetent to
11 carry out the duties of the license, shall make or cause to be made
12 a report to the Board. Any person who makes a report pursuant to
13 this section in good faith and without malice shall be immune from
14 any civil or criminal liability arising from such reports. Failure
15 to provide such a report within a reasonable time from receipt of
16 knowledge may be considered grounds for disciplinary action against
17 the licensee.

18 D. Any person whose license to practice social work in this
19 state has been suspended or restricted pursuant to the Social
20 Worker's Licensing Act, whether voluntarily or by action of the
21 Board, shall have the right to petition the Board for reinstatement
22 of such license. Such a petition shall be made in writing and in
23 the form prescribed by the Board. Upon investigation and hearing,
24 the Board may grant or deny such petition, or it may modify its

1 original finding to reflect any circumstances which have changed
2 sufficiently to warrant such modifications. The Board may also
3 require such person to pass an examination or examinations for
4 reentry into the practice of social work.

5 E. The Board may issue a cease and desist order to stop an
6 individual from engaging in an unauthorized practice or violating or
7 threatening to violate a statute, rule, or order which the Board has
8 issued or is empowered to enforce. The cease and desist order must
9 state the reason for its issuance and give notice of the
10 individual's right to request a hearing under the Administrative
11 Procedures Act. Nothing herein shall be construed as barring
12 criminal prosecutions for violations of the Social Worker's
13 Licensing Act.

14 F. All final decisions by the Board shall be subject to
15 judicial review pursuant to the Administrative Procedures Act.

16 G. Any individual whose license to practice social work is
17 revoked, suspended, or not renewed shall return such license to the
18 offices of the Board within ten (10) days after notice of such
19 action.

20 SECTION 44. AMENDATORY 59 O.S. 2011, Section 1305, as
21 last amended by Section 1, Chapter 161, O.S.L. 2017 (59 O.S. Supp.
22 2018, Section 1305), is amended to read as follows:

23 Section 1305. A. The application for license to serve as a
24 bail bondsman shall affirmatively show that the applicant:

1 1. Is a person who has reached the age of twenty-one (21)
2 years;

3 ~~2. Is competent, trustworthy, financially responsible, and is~~
4 ~~of good personal and business reputation and character;~~

5 ~~3.~~ Has not been previously convicted of, or pled guilty or nolo
6 contendere to, any felony, ~~or to a misdemeanor involving moral~~
7 ~~turpitude or dishonesty~~ crime that substantially relates to the
8 occupation of a bail bondsman and poses a reasonable threat to
9 public safety;

10 ~~4.~~ 3. Is a citizen of the United States;

11 ~~5.~~ 4. Has been a bona fide resident of the state for at least
12 one (1) year;

13 ~~6.~~ 5. Will actively engage in the bail bond business;

14 ~~7.~~ 6. Has knowledge or experience, or has received instruction
15 in the bail bond business; and

16 ~~8.~~ 7. Has a high school diploma or its equivalent; provided,
17 however, the provisions of this paragraph shall apply only to
18 initial applications for license submitted on or after November 1,
19 1997, and shall not apply to renewal applications for license.

20 B. The applicant shall apply electronically on forms approved
21 by the Insurance Commissioner, and the Commissioner may propound any
22 reasonable interrogatories to an applicant for a license pursuant to
23 Sections 1301 through 1341 of this title, or on any renewal thereof,
24 relating to qualifications, residence, prospective place of business

1 and any other matters which, in the opinion of the Commissioner, are
2 deemed necessary or expedient in order to protect the public and
3 ascertain the qualifications of the applicant. The Commissioner may
4 also conduct any reasonable inquiry or investigation relative to the
5 determination of the fitness of the applicant to be licensed or to
6 continue to be licensed including, but not limited to, requiring a
7 national criminal history record check as defined by Section 150.9
8 of Title 74 of the Oklahoma Statutes. The Commissioner may require
9 any documents reasonably necessary to verify the information in the
10 application.

11 C. An applicant shall furnish to the Commissioner a license fee
12 of Two Hundred Fifty Dollars (\$250.00) with the application, two
13 complete sets of the fingerprints of the applicant and a recent
14 credential-size full face photograph of the applicant. The
15 fingerprints of the applicant shall be certified by an authorized
16 law enforcement officer. The applicant shall provide with the
17 application an investigative fee of One Hundred Dollars (\$100.00)
18 with which the Commissioner will conduct an investigation of the
19 applicant. All fees shall be nonrefundable.

20 D. In addition to the license fee set forth in subsection C of
21 this section, an applicant for a multicounty agent bondsman license
22 shall furnish to the Commissioner a license fee of Seven Hundred
23 Fifty Dollars (\$750.00).

24

1 E. Failure of the applicant to secure approval of the
2 Commissioner shall not preclude the applicant from reapplying, but a
3 second application shall not be considered by the Commissioner
4 within three (3) months after denial of the last application.

5 F. The fee for a duplicate pocket license shall be Twenty-five
6 Dollars (\$25.00).

7 G. As used in this section:

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

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

16 SECTION 45. AMENDATORY 59 O.S. 2011, Section 1310, as
17 last amended by Section 5, Chapter 203, O.S.L. 2016 (59 O.S. Supp.
18 2018, Section 1310), is amended to read as follows:

19 Section 1310. A. The Insurance Commissioner may deny, censure,
20 suspend, revoke, or refuse to renew any license issued under
21 Sections 1301 through 1341 of this title for any of the following
22 causes:

23 1. For any cause for which issuance of the license could have
24 been refused;

1 2. Violation of any laws of this state or any lawful rule,
2 regulation, or order of the Commissioner relating to bail;

3 3. Material misstatement, misrepresentation, or fraud in
4 obtaining the license;

5 4. Misappropriation, conversion, or unlawful withholding of
6 monies or property belonging to insurers, insureds, or others
7 received in the conduct of business under the license;

8 5. Conviction of, or having entered a plea of guilty or nolo
9 contendere to, any felony ~~or to a misdemeanor involving moral~~
10 ~~turpitude or dishonesty~~ crime that substantially relates to the
11 occupation of a bail bondsman and poses a reasonable threat to
12 public safety;

13 6. Fraudulent or dishonest practices or demonstrating financial
14 irresponsibility in conducting business under the license;

15 7. Failure to comply with, or violation of any proper order,
16 rule, or regulation of the Commissioner;

17 8. Recommending any particular attorney-at-law to handle a case
18 in which the bail bondsman has caused a bond to be issued under the
19 terms of Sections 1301 through 1341 of this title;

20 9. When, in the judgment of the Commissioner, the licensee has,
21 in the conduct of affairs under the license, demonstrated
22 incompetency, or untrustworthiness, or conduct or practices
23 rendering the licensee unfit to carry on the bail bond business or
24

1 making continuance in the business detrimental to the public
2 interest;

3 10. When the licensee is no longer in good faith carrying on
4 the bail bond business;

5 11. When the licensee is guilty of rebating, or offering to
6 rebate, or dividing with someone other than a licensed bail
7 bondsman, or offering to divide commissions in the case of limited
8 surety agents, or premiums in the case of professional bondsmen, and
9 for this conduct is found by the Commissioner to be a source of
10 detriment, injury, or loss to the public;

11 12. For any materially untrue statement in the license
12 application;

13 13. Misrepresentation of the terms of any actual or proposed
14 bond;

15 14. For forging the name of another to a bond or application
16 for bond;

17 15. Cheating on an examination for licensure;

18 16. Soliciting business in or about any place where prisoners
19 are confined, arraigned, or in custody;

20 17. For paying a fee or rebate, or giving or promising anything
21 of value to a jailer, trustee, police officer, law enforcement
22 officer, or other officer of the law, or any other person who has
23 power to arrest or hold in custody, or to any public official or
24 public employee in order to secure a settlement, compromise,

1 remission, or reduction of the amount of any bail bond or
2 estreatment thereof, or to secure delay or other advantage. This
3 shall not apply to a jailer, police officer, or officer of the law
4 who is not on duty and who assists in the apprehension of a
5 defendant;

6 18. For paying a fee or rebating or giving anything of value to
7 an attorney in bail bond matters, except in defense of an action on
8 a bond;

9 19. For paying a fee or rebating or giving or promising
10 anything of value to the principal or anyone in the behalf of the
11 principal;

12 20. Participating in the capacity of an attorney at a trial or
13 hearing for one on whose bond the licensee is surety;

14 21. Accepting anything of value from a principal, other than
15 the premium; provided, the bondsman shall be permitted to accept
16 collateral security or other indemnity from the principal which
17 shall be returned immediately upon final termination of liability on
18 the bond and upon satisfaction of all terms, conditions, and
19 obligations contained within the indemnity agreement; provided,
20 however, a bondsman shall not refuse to return collateral or other
21 indemnity because of nonpayment of premium. Collateral security or
22 other indemnity required by the bondsman shall be reasonable in
23 relation to the amount of the bond;

24

1 22. Willful failure to return collateral security to the
2 principal when the principal is entitled thereto;

3 23. For failing to notify the Commissioner of a change of legal
4 name, residence address, business address, mailing address, e-mail
5 address, or telephone number within five (5) days after a change is
6 made, or failing to respond to a properly mailed notification within
7 a reasonable amount of time;

8 24. For failing to file a report as required by Section 1314 of
9 this title;

10 25. For filing a materially untrue monthly report;

11 26. For filing false affidavits regarding cancellation of the
12 appointment of an insurer;

13 27. Forcing the Commissioner to withdraw deposited monies to
14 pay forfeitures or any other outstanding judgments;

15 28. For failing to pay any fees to a district court clerk as
16 are required by this title or failing to pay any fees to a municipal
17 court clerk as are required by this title or by Section 28-127 of
18 Title 11 of the Oklahoma Statutes;

19 29. For uttering an insufficient or uncollected check or
20 electronic funds transfer to the Insurance Commissioner for any
21 fees, fines or other payments received by the Commissioner from the
22 bail bondsman;

23 30. For failing to pay travel expenses for the return of the
24 defendant to custody once having guaranteed the travel expenses;

1 31. The Commissioner may also refuse to renew a licensed
2 bondsman for failing to file all outstanding monthly bail reports,
3 pay any outstanding fines, pay any outstanding monthly report
4 reviewal fees owed to the Commissioner, or respond to a current
5 order issued by the Commissioner;

6 32. For failing to accept or claim a certified mailing from the
7 Insurance Department or from any district or municipal court clerk
8 addressed to the mailing address of the bondsman on file with the
9 Insurance Department; and

10 33. For posting a bond for any defendant without first
11 obtaining a written or oral agreement with the defendant or cosigner
12 of the bond.

13 B. In addition to any applicable denial, censure, suspension,
14 or revocation of a license, any person violating any provision of
15 Sections 1301 through 1341 of this title may be subject to a civil
16 penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor
17 more than Two Thousand Five Hundred Dollars (\$2,500.00) for each
18 occurrence. This fine may be enforced in the same manner in which
19 civil judgments may be enforced. Any order for civil penalties
20 entered by the Commissioner or authorized decision-maker for the
21 Insurance Department which has become final may be filed with the
22 court clerk of Oklahoma County and shall then be enforced by the
23 judges of Oklahoma County.

1 C. No bail bondsman or bail bond agency shall advertise as or
2 hold itself out to be a surety company.

3 D. If any bail bondsman is convicted by any court of a
4 violation of any of the provisions of this act, the license of the
5 individual shall therefore be deemed to be immediately revoked,
6 without any further procedure relative thereto by the Commissioner.

7 E. For one (1) year after notification by the Commissioner of
8 an alleged violation, or for two (2) years after the last day the
9 person was licensed, whichever is the lesser period of time, the
10 Commissioner shall retain jurisdiction as to any person who cancels
11 his bail bondsman's license or allows the license to lapse, or
12 otherwise ceases to be licensed, if the person while licensed as a
13 bondsman allegedly violated any provision of this title. Notice and
14 opportunity for hearing shall be conducted in the same manner as if
15 the person still maintained a bondsman's license. If the
16 Commissioner or a hearing examiner determines that a violation of
17 the provisions of Sections 1301 through 1341 of this title occurred,
18 any order issued pursuant to the determination shall become a
19 permanent record in the file of the person and may be used if the
20 person should request licensure or reinstatement.

21 F. Any law enforcement agency, district attorney's office,
22 court clerk's office, or insurer that is aware that a licensed bail
23 bondsman has been convicted of or has pleaded guilty or nolo
24

1 contendere to any crime shall notify the Insurance Commissioner of
2 that fact.

3 G. 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 with others in the occupation.

12 SECTION 46. AMENDATORY Section 10, Chapter 407, O.S.L.
13 2013, as amended by Section 5, Chapter 373, O.S.L. 2014 (59 O.S.
14 Supp. 2018, Section 1350.9), is amended to read as follows:

15 Section 1350.9 A. Except as prohibited by Section 4 1350.3 of
16 this act title, a bail enforcer license or an armed bail enforcer
17 license may be issued to an applicant meeting the following
18 qualifications. The applicant shall:

19 1. Be a citizen of the United States or an alien legally
20 residing in the United States and have a minimum of six (6) months
21 legal residence documented in this state;

22 2. Be at least twenty-one (21) years of age;

23 3. Have a high school diploma or GED, or offer proof sufficient
24 to CLEET of equivalent GED qualifications, and have successfully

1 completed the training and psychological evaluation requirements for
2 the license applied for, as prescribed by the Council on Law
3 Enforcement Education and Training;

4 ~~4. Be of good moral character;~~

5 ~~5.~~ Have no final victim protection orders issued in any state
6 as a defendant;

7 ~~6.~~ 5. Have no record of a felony conviction or any expungement
8 or a deferred judgment or suspended sentence for a felony offense,
9 unless at least fifteen (15) years ~~has~~ have passed since the
10 completion of the sentence and no other convictions have occurred or
11 are pending. Provided, no person convicted of a felony offense
12 shall be eligible for an armed bail enforcer license;

13 ~~7.~~ 6. Have no record of conviction for assault or battery,
14 aggravated assault or battery, larceny, theft, false pretense,
15 fraud, embezzlement, false personation of an officer, ~~any offense~~
16 ~~involving moral turpitude,~~ any offense involving a minor as a
17 victim, any nonconsensual sex offense, any offense involving the
18 possession, use, distribution, or sale of a controlled dangerous
19 substance, any offense of driving while intoxicated or driving under
20 the influence of intoxicating substance, any offense involving a
21 firearm, or any other offense as prescribed by the Council.

22 a. If any conviction which disqualifies an applicant
23 occurred more than five (5) years prior to the
24 application date and the Council is convinced the

1 offense constituted an isolated incident and the
2 applicant has been rehabilitated, the Council may, in
3 its discretion, waive the conviction disqualification
4 as provided for in this paragraph and issue an unarmed
5 bail enforcer license, but shall not issue an armed
6 bail enforcer license if the offense involved the use
7 of a firearm, was violent in nature, or was a felony
8 offense other than a driving offense.

9 b. Under oath, the applicant shall certify that he or she
10 has no disqualifying convictions as specified in the
11 Bail Enforcement and Licensing Act or by rule of the
12 Council, or that more than five (5) years have lapsed
13 since the completion of the sentence for a
14 disqualifying conviction.

15 c. The applicant shall further meet all other
16 qualifications, including, but not limited to, the
17 requirement to provide CLEET and the Oklahoma State
18 Bureau of Investigation with individual fingerprints
19 for a state and national criminal history records
20 search and a current individual photograph with the
21 completed CLEET application for a bail enforcer
22 license.

23 d. If upon completion of the required background
24 investigation it is discovered that a disqualifying

conviction exists, the Council shall immediately
revoke or deny the bail enforcer license of the
applicant;

~~8.~~ 7. Make a statement that the applicant is not currently
undergoing treatment for a mental illness, condition, or disorder,
make a statement whether the applicant has ever been adjudicated
incompetent or committed to a mental institution, and make a
statement regarding any history of illegal drug use or alcohol
abuse. Upon presentation by the Council of the name, gender, date
of birth, and address of the applicant to the Department of Mental
Health and Substance Abuse Services, the Department of Mental Health
and Substance Abuse Services shall notify the Council within ten
(10) days whether the computerized records of the Department
indicate the applicant has ever been involuntarily committed to an
Oklahoma state mental institution. For purposes of this subsection,
"currently undergoing treatment for a mental illness, condition, or
disorder" means the person has been diagnosed by a licensed
physician or psychologist as being afflicted with a substantial
disorder of thought, mood, perception, psychological orientation, or
memory that significantly impairs judgment, behavior, capacity to
recognize reality, or ability to meet the ordinary demands of life
and such condition continues to exist;

~~9.~~ 8. Make a statement regarding any misdemeanor domestic
violence charges;

1 ~~10.~~ 9. Provide proof of liability insurance or an individual
2 bond in a minimum amount established by the Bail Enforcement and
3 Licensing Act; and

4 ~~11.~~ 10. Provide a statement of self-employment as a sole
5 proprietor bail enforcer.

6 B. 1. A bail enforcer shall be required to maintain a physical
7 address and phone number publically available and published in the
8 city or county where the physical address is located. Only a
9 licensed bail enforcer may accept a client contract to perform the
10 services of a bail enforcer.

11 2. A licensed bail enforcer shall be required to maintain
12 complete records of all clients, defendants and apprehensions, and
13 agree such records shall be available to CLEET for inspection at any
14 time during regular business hours.

15 C. 1. All bail enforcers shall obtain and maintain either a
16 liability insurance policy or a surety bond that allows persons to
17 recover for actionable injuries, loss, or damage as a result of the
18 willful, or wrongful acts or omissions of the licensee and protects
19 this state, its agents, officers and employees from judgments
20 against the licensee, and is further conditioned upon the faithful
21 and honest conduct of the licensee.

22 2. The liability insurance policy or surety bond required in
23 this subsection shall be in the minimum amount of Ten Thousand
24 Dollars (\$10,000.00).

1 3. Liability insurance policies or bonds issued pursuant to
2 this subsection shall not be modified or canceled unless ten (10)
3 days' prior written notice is given to the Council. All persons
4 insured or bonded pursuant to this subsection shall be insured by an
5 insurance carrier or bonded by a surety company licensed and
6 authorized to do business in the state. Failure to obtain and
7 maintain sufficient liability insurance or bond as provided in the
8 Bail Enforcement and Licensing Act shall be grounds for revocation
9 of a license.

10 D. Upon written notice, any license may be placed on inactive
11 status.

12 SECTION 47. AMENDATORY Section 12, Chapter 407, O.S.L.
13 2013, as amended by Section 2, Chapter 138, O.S.L. 2016 (59 O.S.
14 Supp. 2018, Section 1350.11), is amended to read as follows:

15 Section 1350.11 A. A bail enforcer license or armed bail
16 enforcer license shall be subject to denial, suspension, or
17 revocation and/or disciplinary action or administrative fine by the
18 Council on Law Enforcement Education and Training subject to the
19 Administrative Procedures Act for, but not limited to, the following
20 reasons by clear and convincing evidence:

21 1. Falsification or a willful misrepresentation of information
22 in an employment application, application to the Council on Law
23 Enforcement Education and Training, records of evidence or in
24 testimony under oath;

1 2. Failure to successfully complete any prescribed phase or
2 course of training as required by the Council;

3 3. Violation of any provision of the Bail Enforcement and
4 Licensing Act or any rule promulgated pursuant thereto;

5 4. A conviction, entry of a plea of guilty or nolo contendere
6 or an "Alford" plea or any plea other than a not guilty plea for
7 assault or battery, aggravated assault or battery, larceny, theft,
8 false pretense, fraud, embezzlement, false personation of an
9 officer, ~~any offense involving moral turpitude,~~ any offense
10 involving a minor as a victim, any nonconsensual sex offense, any
11 offense involving the possession, use, distribution, or sale of a
12 controlled dangerous substance, any offense of driving while
13 intoxicated or driving under the influence of intoxicating
14 substance, any offense involving a firearm, any felony or any other
15 offense as proscribed by the Council;

16 5. Use of beverages containing alcohol while armed with a
17 firearm;

18 6. Knowingly impersonating a law enforcement officer;

19 7. Improper use of force pursuant to the Bail Enforcement and
20 Licensing Act;

21 8. Failure to carry and possess proper license, identification
22 or documents required by the Bail Enforcement and Licensing Act or
23 any rules promulgated pursuant thereto;

1 9. Improper apparel or vehicle pursuant to the Bail Enforcement
2 and Licensing Act;

3 10. Improper carry, display or use of a firearm, weapon or
4 noxious substance;

5 11. Unlawful entry into a dwelling house, structure, property
6 or vehicle or improper detention of any person;

7 12. Employing, authorizing, or permitting an unlicensed person
8 to perform or engage in services as a bail enforcer;

9 13. Permitting a person to perform or engage in services as a
10 bail enforcer knowing the person has committed any offense
11 prohibited by the Bail Enforcement and Licensing Act;

12 14. Revocation or voluntary surrender of police or peace
13 officer certification, private security guard license, private
14 investigator license, or bail enforcer license in another state for
15 a violation of any law or rule or in settlement of any disciplinary
16 action in such state; or

17 15. If an applicant is the defendant in a criminal prosecution
18 that is pending, no license will be issued until final resolution of
19 the criminal prosecution. If an applicant is the subject of an
20 order deferring imposition of judgment and sentence, no license will
21 be issued until completion of the deferred sentence and dismissal of
22 the criminal prosecution without a finding of guilt.

23 B. Upon the effective date of suspension or revocation of any
24 license pursuant to the Bail Enforcement and Licensing Act, the

1 licensee shall have the duty to surrender the license and any
2 identification card issued pursuant thereto to the Council.

3 SECTION 48. AMENDATORY 59 O.S. 2011, Section 1362, as
4 amended by Section 4, Chapter 169, O.S.L. 2016 (59 O.S. Supp. 2018,
5 Section 1362), is amended to read as follows:

6 Section 1362. An applicant is qualified to take the examination
7 to be licensed when the applicant has met the following criteria:

8 1. Applicants for licensure shall possess a doctoral degree in
9 psychology from an institution of higher education. The degree
10 shall be obtained from a recognized program of graduate study in
11 psychology as defined by the rules and regulations of the Board.
12 Applicants for licensure who graduated before January 1, 1997, shall
13 have completed a doctoral program in psychology that meets
14 recognized acceptable professional standards as determined by the
15 Board. Applicants for licensure who graduated on or after January
16 1, 1997, shall have completed a doctoral program in psychology that
17 is accredited by the American Psychological Association (APA). In
18 areas where no accreditation exists, applicants for licensure shall
19 have completed a doctoral program in psychology that meets
20 recognized acceptable professional standards as determined by the
21 Board. When a new specialty of professional psychology is
22 recognized as being within the accreditation scope of the APA,
23 doctoral programs within that specialty will be afforded a
24 transition period of eight (8) years from their first class of

1 students to the time of their accreditation. During that transition
2 period, graduates of such programs may sit for licensure examination
3 whether or not the program has been accredited. This also applies
4 to new doctoral programs of specialties previously recognized within
5 the scope of APA accreditation. Applicants trained in institutions
6 outside the United States shall meet requirements established by the
7 Board-;

8 2. For admission to the licensure examination, applicants shall
9 demonstrate that they have completed two (2) years of supervised
10 professional experience, one (1) year of which shall be
11 postdoctoral. In accordance with the rules and regulations
12 promulgated by the Board, applicants may be allowed to sit for
13 examination during the applicant's second year of experience. The
14 criteria for appropriate supervision shall be in accordance with
15 regulations which shall be promulgated by the Board. Postdoctoral
16 experience shall be compatible with the knowledge and skills
17 acquired during formal doctoral or postdoctoral education in
18 accordance with professional requirements and relevant to the
19 intended area of practice-; and

20 3. Applicants shall be required to show ~~evidence of good~~
21 ~~character; that is,~~ that they have not been convicted of a criminal
22 offense that bears directly on the fitness of the individual to be
23 licensed. Each applicant shall submit to a national criminal
24 history record check, as defined in Section 150.9 of Title 74 of the

Oklahoma Statutes. The costs associated with the national criminal history record check shall be paid by the applicant.

SECTION 49. AMENDATORY 59 O.S. 2011, Section 1458, is amended to read as follows:

Section 1458. A. The following shall be considered as minimum evidence satisfactory to the Polygraph Examiners Board that the applicant is qualified for registration as a polygraph examiner:

1. Attainment of at least twenty-one (21) years of age;

2. Citizenship of the United States;

3. ~~Be a person of honesty, truthfulness, integrity, and moral fitness;~~

4. ~~Never have been convicted of a felony or a misdemeanor involving moral turpitude~~ crime that substantially relates to the occupation of a polygraph examiner and poses a reasonable threat to public safety; and

~~5.~~ 4. a. hold a baccalaureate degree from a college or university accredited by the American Association of Collegiate Registrars and Admissions Officers, or, in lieu thereof, be a graduate of an accredited high school and have five (5) consecutive years of active investigative experience of a character satisfactory to the Board,

- b. be a graduate of a polygraph examiners course approved by the Board and have satisfactorily completed not less than six (6) months of internship training, and
- c. have passed an examination conducted by and to the satisfaction of the Board, or under its supervision, to determine his competency to obtain a license to practice as an examiner.

B. Beginning July 1, 1996, employees of the Oklahoma State Bureau of Investigation (OSBI) who are employed on that date by the OSBI as polygraphers shall become licensed pursuant to the Polygraph Examiners Act without undergoing the testing and training requirements provided for in subparagraphs b and c of paragraph 5 4 of subsection A of this section. Any person who is employed as a polygrapher for the OSBI after July 1, 1996, shall be required to meet the testing and training requirements prior to licensure.

C. 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 with others in the occupation.

1 SECTION 50. AMENDATORY 59 O.S. 2011, Section 1468, is
2 amended to read as follows:

3 Section 1468. A. The Polygraph Examiners Board may refuse to
4 issue or may suspend or revoke a license on any one or more of the
5 following grounds:

6 1. For failing to inform a subject to be examined as to the
7 nature of the examination;

8 2. For failing to inform a subject to be examined that his
9 participation in the examination is voluntary, unless the subject is
10 an employee of a governmental body which has a policy or rules and
11 regulations requiring mandatory polygraph examinations as a part of
12 internal investigations;

13 3. Material misstatement in the application for original
14 license or in the application for any renewal license under this
15 act;

16 4. Willful disregard or violation of this act or any regulation
17 or rule issued pursuant thereto, including, but not limited to,
18 willfully making a false report concerning an examination for
19 polygraph examination purposes;

20 5. If the holder of any license has been adjudged guilty of the
21 commission of a felony ~~or misdemeanor involving moral turpitude~~ that
22 substantially relates to the occupation of a polygraph examiner and
23 poses a reasonable threat to public safety;
24

1 6. Making any willful misrepresentation or false promises or
2 causing to be printed any false or misleading advertisement for the
3 purpose of directly or indirectly obtaining business or trainees;

4 7. Having demonstrated unworthiness or incompetency to act as a
5 polygraph examiner as defined by this act;

6 8. Allowing one's license under this act to be used by any
7 unlicensed person in violation of the provisions of this act;

8 9. Willfully aiding or abetting another in the violation of
9 this act or any regulation or rule issued pursuant thereto;

10 10. If the license holder has been adjudged an habitual
11 drunkard or mentally incompetent as provided in the Probate Code;

12 11. Failing, within a reasonable time, to provide information
13 requested by the secretary as the result of a formal complaint to
14 the Board which would indicate a violation of this act; or

15 12. Failing to inform the subject of the results of the
16 examination if so requested.

17 B. As used in this section:

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

22 2. "Poses a reasonable threat" means the nature of criminal
23 conduct for which the person was convicted involved an act or threat
24

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

3 SECTION 51. AMENDATORY 59 O.S. 2011, Section 1503A, as
4 amended by Section 9, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2018,
5 Section 1503A), is amended to read as follows:

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

8 1. ~~Be of good moral character;~~

9 ~~2.~~ Have net assets of at least Twenty-five Thousand Dollars
10 (\$25,000.00); and

11 ~~3.~~ 2. Show that the pawnshop will be operated lawfully and
12 fairly within the purpose of the Oklahoma Pawnshop Act.

13 B. The Administrator shall find ineligible an applicant who has
14 a conviction for a felony crime that substantially relates to the
15 occupation of a pawnbroker or poses a reasonable threat to public
16 safety.

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

24 D. 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 52. AMENDATORY 59 O.S. 2011, Section 1605, as
10 amended by Section 3, Chapter 230, O.S.L. 2018 (59 O.S. Supp. 2018,
11 Section 1605), is amended to read as follows:

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

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

20 2. Submit evidence of completion of supervised clinical
21 practicum experience that meets or exceeds prevailing national
22 standards from a regionally accredited educational institution or
23 its cooperating programs, the content of which shall be approved by
24 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. Obtain a passing score on examinations approved by the
5 Board. The Board shall determine the score required to pass an
6 examination. An applicant who fails the examination may retake the
7 examination in accordance with the timeline and procedures of the
8 approved testing organization, and the rules promulgated by the
9 Board;

10 5. Attest to their status as either a United States citizen, a
11 United States noncitizen national or a qualified alien; and

12 6. Have not committed any acts described in Section 1619 of
13 this title for which disciplinary action may be justified;

14 ~~7. Be of good moral character;.~~

15 ~~8.~~ The applicant shall make application to the Board upon a
16 form prescribed by the Board and pay to the Board the application
17 fee.

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

20 1. Hold not less than a post-baccalaureate residential or post-
21 masters' distance education professional Doctor of Audiology (AuD)
22 degree, a Doctor of Philosophy (PhD) degree with an emphasis in
23 audiology or its equivalent as determined by the Board;

1 2. If applying with a Doctor of Audiology (AuD) professional
2 degree, demonstrate preparation that includes three (3) years of
3 didactic coursework and clinical education equivalent to a twelve-
4 month full-time rotation or externship;

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

14 4. Obtain a passing score on examinations approved by the
15 Board. The Board shall determine the score required to pass an
16 examination. An applicant who fails the examination may retake the
17 examination in accordance with the timeline and procedures of the
18 approved testing organization, and the rules promulgated by the
19 Board;

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

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

24 7. ~~Be of good moral character; and~~

1 ~~8.~~ Make application to the Board upon a form prescribed by the
2 Board and pay to the Board the application fee.

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

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

22 E. To be eligible for licensure by the Board as a speech-
23 language pathologist, audiologist, speech-language clinical fellow
24 or speech-language pathology assistant, the applicant must meet all

1 the requirements specified in this section. The Board may authorize
2 the executive secretary to issue a temporary license upon
3 verification that the applicant meets all applicable requirements of
4 licensure. A temporary license shall authorize the applicant to
5 practice speech-language pathology or audiology for the time period
6 between the submission of the application and the applicant's
7 approval for licensure by the Board. A temporary license shall
8 expire upon the Board's approval of a permanent license, or ten (10)
9 calendar days following the Board's denial of an application for a
10 permanent license.

11 SECTION 53. AMENDATORY 59 O.S. 2011, Section 1619, as
12 last amended by Section 7, Chapter 230, O.S.L. 2018 (59 O.S. Supp.
13 2018, Section 1619), is amended to read as follows:

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

23 1. Has been guilty of fraud or deceit in connection with the
24 licensee's speech-language pathology or audiology services;

1 2. Has aided or abetted a person who is not a licensed speech-
2 language pathologist or audiologist and who is under the supervision
3 of a licensed speech-language pathologist or audiologist and subject
4 to the rules of the Board, in illegally engaging in the practice of
5 speech-language pathology or audiology within this state;

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

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

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

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

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

21 8. Has been convicted of or has pled guilty or nolo contendere
22 to a felony crime that substantially relates to the business
23 practices of speech-language pathology or audiology ~~or~~ and poses a
24

1 reasonable threat to public safety or to a crime involving moral
2 turpitude.

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

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

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

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

22 C. 1. The Board, through its chairman or vice-chairman, may
23 administer oaths and may compel the attendance of witnesses and the
24 production of physical evidence before it from witnesses upon whom

1 process is served anywhere within the state, as in civil cases in
2 the district court, by subpoena issued over the signature of the
3 chairman or vice-chairman and the seal of the Board.

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

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

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

20 D. 1. Any person who feels aggrieved by reason of the
21 imposition of disciplinary action may appeal to the Board for a
22 review of the case or may seek judicial review pursuant to the
23 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 54. AMENDATORY 59 O.S. 2011, Section 1738, as
18 amended by Section 2, Chapter 368, O.S.L. 2016 (59 O.S. Supp. 2018,
19 Section 1738), is amended to read as follows:

20 Section 1738. A. The State Board of Medical Licensure and
21 Supervision shall revoke or suspend a license, probate a license
22 suspension, or reprimand a licensee on proof of:

23 1. Any violation of the provisions of the Licensed Dietitian
24 Act; ~~or~~

1 2. Any violation of a rule adopted by the Advisory Committee on
2 Dietetic Registration of the State Board of Medical Examiners;

3 3. Failure to refer patients to other health care providers if
4 symptoms indicate conditions for which treatment is outside the
5 standards of practice as specified in the rules and regulations
6 promulgated by the Board pursuant to the provisions of the Licensed
7 Dietitian Act;

8 4. Use of drugs, narcotics, medication or intoxicating liquors
9 to an extent which affects the professional competency of the
10 applicant or licensee;

11 5. Conviction of a felony ~~or a crime involving moral turpitude~~
12 crime that substantially relates to the occupation of a licensed
13 dietician and poses a reasonable threat to public safety;

14 6. Obtaining or attempting to obtain a license as a dietitian
15 by fraud or deception;

16 7. Gross negligence in the practice of nutrition;

17 8. A finding of mental incompetence by a court of competent
18 jurisdiction and the licensee has not subsequently been lawfully
19 declared sane;

20 9. Engagement in conduct contrary to the Standards of
21 Professional Conduct established by the Board, whether in the course
22 of his or her professional capacity or otherwise, which conduct
23 would reasonably be found to bring discredit to the profession of
24 dietetics;

1 10. Engagement in any act in conflict with the Code of Ethics
2 established by the Board; or

3 11. A license suspended or revoked in another state.

4 B. If the Board proposes to suspend or revoke a person's
5 license, the person is entitled to a hearing before the Board.

6 C. Proceedings for the suspension or revocation of a license
7 are governed by rules and regulations of the Board.

8 D. Conviction in a criminal proceeding shall not be a condition
9 precedent to the imposition of discipline.

10 E. As used in this section:

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

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

19 SECTION 55. AMENDATORY 59 O.S. 2011, Section 1750.5, as
20 last amended by Section 11, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
21 2018, Section 1750.5), is amended to read as follows:

22 Section 1750.5 A. Licenses authorized to be issued by the
23 Council on Law Enforcement Education and Training (CLEET) shall be
24 as follows:

1. Security Agency License;
2. Investigative Agency License;
3. Private Investigator License (unarmed);
4. Security Guard License (unarmed);
5. Armed Security Guard License;
6. Special Event License (unarmed);
7. Armed Private Investigator License;
8. Bail Enforcer License; and
9. Armed Bail Enforcer License.

B. Any qualified applicant meeting the requirements for more than one of the positions of private investigator, security guard~~—~~, armed security guard, bail enforcer, or armed bail enforcer may be issued a separate license for each position for which qualified, or in the discretion of the Council, a combination license provided the required license fees are paid.

C. 1. A private investigator may carry a firearm, if the private investigator also performs the functions of an armed security guard, under the authority of the armed security guard license.

2. If the private investigator performs no functions of an armed security guard, the Council may issue an armed private investigator license. If a person has been issued an armed private investigator license, the Council may issue an armed bail enforcer license if the applicant is otherwise eligible and qualified. The

1 applicant for an armed private investigator license must complete
2 Phase I, III and IV training and pass the psychological examination
3 and state test; provided however, active certified peace officers
4 and retired certified peace officers shall be exempt from the
5 psychological examination as provided in Section 1750.3A of this
6 title, and active certified peace officers of any state, county or
7 municipal law enforcement agency in this state shall be exempt from
8 the Phase I, III and IV training and state test for an armed private
9 investigator. The Council will charge the same fee for the armed
10 private investigators license as the cost of the armed security
11 guard license; provided however, an active certified peace officer
12 who is an applicant for an armed private investigator or armed
13 security guard license shall be charged only twenty percent (20%) of
14 the required fee.

15 3. Any person issued an armed private investigator license may
16 carry a concealed or unconcealed firearm when on and off duty,
17 provided the person is in possession of a valid driver license and a
18 valid armed private investigator license.

19 4. Any person issued an armed bail enforcer license may carry a
20 concealed approved pistol, or may open-carry an approved pistol with
21 a visible bail enforcer badge affixed to the holster or belt
22 immediately next to the firearm while wearing clearly marked apparel
23 designating the person as a "Bail Enforcer" or "Bail Enforcement"
24 when actively engaged in the recovery of a defendant, subject to all

1 rules for use and conduct of firearms promulgated by the Council.

2 An armed bail enforcer shall be permitted to carry a concealed
3 pistol when not actively engaged in the recovery of a defendant
4 provided the bail enforcer badge authorized or issued by CLEET and a
5 state-issued driver license or identification card are in the
6 possession of the person while carrying the firearm.

7 D. Any identification card or badge issued to a person meeting
8 the license requirements for an armed security guard , an armed
9 private investigator or armed bail enforcer shall be distinct and
10 shall explicitly state that the person is authorized to carry a
11 firearm pursuant to the provisions of the Oklahoma Security Guard
12 and Private Investigator Act or the Bail Enforcement and Licensing
13 Act. Upon receipt of the license and identification card, the armed
14 security guard, armed private investigator or armed bail enforcer is
15 authorized to carry a firearm subject to the respective provisions
16 of the Oklahoma Security Guard and Private Investigator Act or the
17 Bail Enforcement and Licensing Act and the rules promulgated by the
18 Council.

19 E. The Council may issue a conditional license to a person
20 employed by a security or investigative agency as a trainee for a
21 security guard, armed security guard, or private investigator
22 position, when the person has submitted a properly completed
23 application, made under oath, subject to the following conditions:

1 1. A conditional license shall authorize employees to perform
2 the same functions that regular licensees perform, but subject to
3 supervision by the employing agency as the Council may prescribe;

4 2. The holder of a conditional license shall complete the
5 necessary training requirements within one hundred eighty (180) days
6 from the effective date of the conditional license, after which the
7 conditional license shall expire;

8 3. The holder of a conditional license as an armed security
9 guard shall not carry a firearm in the performance of duties until
10 after completing a course of firearms training as prescribed by the
11 Council, and having been issued a regular license by the Council;

12 4. A conditional license may be renewed at the discretion of
13 the Council, if necessary to allow an applicant to complete any
14 training required for a regular license;

15 5. When the Council finds that a conditional license holder has
16 completed the required training and is otherwise qualified for a
17 license pursuant to the provisions of the Oklahoma Security Guard
18 and Private Investigator Act, the Council shall issue a regular
19 license; and

20 6. The Council shall be prohibited from issuing a conditional
21 license to a bail enforcer under the Bail Enforcement and Licensing
22 Act.
23
24

1 F. A Security Agency License may be issued to an individual,
2 corporation, or other legal entity meeting the following
3 qualifications:

4 1. If the license is to be issued in the name of a legal entity
5 other than a natural person, the applicant must furnish proof that
6 the entity is legally recognized, such as the issuance of a
7 corporate charter; and

8 2. The executive officer, manager, or other person in charge of
9 supervising security guards in the performance of their duties shall
10 be a licensed security guard.

11 G. An Investigative Agency License may be issued to an
12 individual, corporation, or other legal entity meeting the following
13 qualifications:

14 1. If the license is to be issued in the name of a legal entity
15 other than a natural person, the applicant must furnish proof that
16 the entity is legally recognized, such as the issuance of a
17 corporate charter;

18 2. Any person, otherwise qualified, may own a private
19 investigation agency; and

20 3. A self-employed private investigator who employs no other
21 investigators shall also be licensed as an investigative agency, but
22 shall only be required to be insured or bonded as a self-employed
23 private investigator.

1 H. A Security Guard License, Armed Security Guard License,
2 Private Investigator License, Armed Private Investigator License, or
3 combination thereof may be issued to an applicant meeting the
4 following qualifications. The applicant shall:

5 1. Be a citizen of the United States or an alien legally
6 residing in the United States;

7 2. Be at least eighteen (18) years of age, except that an
8 applicant for an Armed Security Guard License shall be at least
9 twenty-one (21) years of age;

10 3. Have successfully completed training requirements for the
11 license applied for, as prescribed by the Council;

12 4. ~~Be of good moral character;~~

13 ~~5.~~ Not have a record of ~~a felony~~ conviction for a felony crime
14 that substantially relates to the occupation of a security guard or
15 private investigator and poses a reasonable threat to public safety;

16 ~~6.~~ 5. Not have a record of conviction for larceny, theft, false
17 pretense, fraud, embezzlement, false personation of an officer, ~~any~~
18 ~~offense involving moral turpitude~~, any offense involving a minor as
19 a victim, any nonconsensual sex offense, any offense involving the
20 possession, use, distribution, or sale of a controlled dangerous
21 substance, any offense involving a firearm, or any other offense as
22 prescribed by the Council, as provided herein.

23 a. If any conviction which disqualifies an applicant
24 occurred more than five (5) years prior to the

1 application date and the Council is convinced the
2 offense constituted an isolated incident and the
3 applicant has been rehabilitated, the Council may, in
4 its discretion, waive the conviction disqualification
5 as provided for in this paragraph and issue an unarmed
6 security guard license or a private investigator
7 license, but shall not issue an armed guard license to
8 the applicant if the felony involved the use of a
9 firearm or was violent in nature.

10 b. If an Oklahoma State Bureau of Investigation records
11 check and a local records check reveal that there are
12 no felony convictions, ~~criminal convictions involving~~
13 ~~moral turpitude,~~ or any other disqualifying
14 convictions as specified in the Oklahoma Security
15 Guard and Private Investigator Act or prescribed by
16 the Council, then the Council may conditionally issue
17 an armed security guard license pending completion of
18 the criminal history and background check.

19 c. Under oath, the applicant shall certify that he or she
20 has no disqualifying convictions as specified in the
21 Oklahoma Security Guard and Private Investigator Act
22 or by the Council.

23 d. The applicant shall further meet all other
24 qualifications.

e. If upon completion of the required background investigation it is discovered that a disqualifying conviction exists, the Council shall immediately revoke the armed guard license of the applicant;

7. Make a statement that the applicant is not currently undergoing treatment for a mental illness, condition, or disorder, make a statement whether the applicant has ever been adjudicated incompetent or committed to a mental institution, and make a statement regarding any history of illegal drug use or alcohol abuse. Upon presentation by the Council on Law Enforcement Education and Training of the name, gender, date of birth, and address of the applicant to the Department of Mental Health and Substance Abuse Services, the Department of Mental Health and Substance Abuse Services shall notify the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. For purposes of this subsection, "currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist; and

1 8. Make a statement regarding misdemeanor domestic violence
2 charges.

3 I. A special event license may be issued to an employee of a
4 security agency who is hired on a temporary basis as an unarmed
5 security guard for a particular event. An application for a special
6 event license shall be made by the agency employing the applicant.
7 The agency shall certify to the Council that the applicant meets the
8 qualifications for security guards, pursuant to subsection H of this
9 section.

10 J. 1. All persons and agencies shall obtain and maintain
11 liability coverage in accordance with the following minimum
12 standards:

- 13 a. general liability insurance coverage for bodily
14 injury, personal injury, and property damage, with
15 endorsements for personal injury including false
16 arrest, libel, slander, and invasion of privacy, or
- 17 b. a surety bond that allows persons to recover for
18 actionable injuries, loss, or damage as a result of
19 the willful, or wrongful acts or omissions of the
20 principal and protects this state, its agents,
21 officers and employees from judgments against the
22 principal or insured licensee, and is further
23 conditioned upon the faithful and honest conduct of
24 the principal's business.

1 2. Liability coverages and bonds outlined in this section shall
2 be in the minimum amounts of One Hundred Thousand Dollars
3 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
4 armed security guards and armed private investigators, or
5 combination armed license; and Five Thousand Dollars (\$5,000.00) for
6 unarmed security guards and self-employed unarmed private
7 investigators who employ no other investigators.

8 3. Security agencies and investigative agencies shall ensure
9 that all employees of these agencies have met the minimum liability
10 coverages as prescribed in this section.

11 4. Insurance policies and bonds issued pursuant to this section
12 shall not be modified or canceled unless ten (10) days' prior
13 written notice is given to the Council. All persons and agencies
14 insured or bonded pursuant to this section shall be insured or
15 bonded by an insurance carrier or a surety company licensed in the
16 state in which the insurance or bond was purchased, or in this
17 state.

18 5. In lieu of the requirements of this subsection, the Council
19 may accept a written statement from a corporation which is
20 registered with the Oklahoma Secretary of State attesting that the
21 corporation self-insures the general operation of business for the
22 types of liability set out in paragraphs 1 and 2 of this subsection.

23 K. Upon written notice, any license may be placed on inactive
24 status.

1 L. Similar or duplicate agency names will not be issued. Each
2 agency name must be distinguishably different.

3 M. 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 with others in the occupation.

12 SECTION 56. AMENDATORY 59 O.S. 2011, Section 1750.7, is
13 amended to read as follows:

14 Section 1750.7 A. A Security Guard License, Armed Security
15 Guard License, Private Investigator License, and any conditional
16 license shall be subject to denial, suspension, or revocation and/or
17 disciplinary penalty or fine by the Council on Law Enforcement
18 Education and Training subject to the Administrative Procedures Act
19 for, but not limited to, the following reasons by clear and
20 convincing evidence:

21 1. Any erroneous or false statement in an application for a
22 license submitted pursuant to Section 1750.1 et seq. of this title;

23 2. Failure to successfully complete any prescribed course of
24 training as required by the Council;

1 3. Violation of a provision of the Oklahoma Security Guard and
2 Private Investigator Act or a rule promulgated pursuant to the act;

3 4. A conviction for larceny, theft, embezzlement, false
4 pretense, fraud, any nonconsensual sex offense, any offense
5 involving a minor as a victim, any offense involving the possession,
6 use, distribution or sale of a controlled dangerous substance, any
7 offense involving a firearm, or any felony crime that substantially
8 relates to the occupation of a security guard or private
9 investigator and poses a reasonable threat to public safety;

10 5. Use of beverages containing alcohol while armed with a
11 firearm;

12 6. Knowingly impersonating a law enforcement officer; or

13 7. Failure to obtain or maintain liability insurance coverage
14 or a surety bond pursuant to subsection J of Section 1750.5 of this
15 title.

16 B. A Security Agency License or Investigative Agency License
17 shall be subject to denial, suspension, or revocation and/or
18 disciplinary penalty or fine by the Council subject to the
19 Administrative Procedures Act for, but not limited to, the following
20 reasons by clear and convincing evidence:

21 1. A false statement in a license application;

22 2. Violation of any provision of the Oklahoma Security Guard
23 and Private Investigator Act or a rule adopted pursuant thereto;

1 3. Employing, authorizing, or permitting an unlicensed,
2 uninsured or unbonded person to perform a security guard, armed
3 security guard or private investigator function; or

4 4. Permitting a person to perform a security guard, armed
5 security guard or private investigator function, knowing the person
6 has committed any offense enumerated in subsection A of this
7 section.

8 C. Upon the effective date of suspension or revocation of any
9 license, the licensee shall have the duty to surrender the license
10 and any identification card issued pursuant thereto to the Council.

11 D. As used in this section:

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

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

20 SECTION 57. AMENDATORY 59 O.S. 2011, Section 1800.7, as
21 last amended by Section 3, Chapter 22, O.S.L. 2013 (59 O.S. Supp.
22 2018, Section 1800.7), is amended to read as follows:

23 Section 1800.7 A. Any person applying for a license to engage
24 in an alarm or locksmith industry business pursuant to the Alarm and

1 Locksmith Industry Act shall provide evidence to the Alarm and
2 Locksmith Industry Committee that the individual within this state
3 having direct supervision over the function and local operations of
4 such alarm or locksmith industry business or a branch thereof has
5 the following qualifications:

6 1. Is at least eighteen (18) years of age;

7 2. Has not been declared by any court of competent jurisdiction
8 incompetent by reason of mental defect or disease, and has not been
9 restored to competency;

10 3. Is not a habitual user of intoxicating liquors or a user of
11 any illegal or illicit drug or controlled substance, including, but
12 not limited to, the non-medical use of any prescription drug or
13 other intoxicating substance;

14 4. Has not been discharged from the Armed Services of the
15 United States under dishonorable conditions; and

16 5. ~~Is of good moral character; and~~

17 ~~6.~~ Meets such other standards as may be established by the
18 Commissioner of Labor relating to experience or knowledge of the
19 alarm or locksmith industry.

20 B. The applicant shall advise the Committee and furnish full
21 information on each individual described in subsection A of this
22 section of any conviction of a felony ~~or any crime involving moral~~
23 ~~turpitude~~ crime which relates to the occupation of an individual in
24 an alarm or locksmith industry business and poses a reasonable

1 threat to public safety for which a full pardon has not been granted
2 and furnish a recent photograph of a type prescribed by the
3 Commissioner and two classifiable sets of fingerprints of such
4 individual.

5 C. As used in this section:

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

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

14 SECTION 58. AMENDATORY 59 O.S. 2011, Section 1820.11, as
15 amended by Section 8, Chapter 111, O.S.L. 2013 (59 O.S. Supp. 2018,
16 Section 1820.11), is amended to read as follows:

17 Section 1820.11 A. Any person applying for a license to engage
18 in a fire extinguisher industry business pursuant to the Fire
19 Extinguisher Licensing Act shall provide evidence to the Fire
20 Extinguisher Industry Committee that the individual within this
21 state having direct supervision over the function and local
22 operations of the fire extinguisher industry business or a branch
23 thereof has the following qualifications:

24 1. The individual is at least twenty-one (21) years of age;

1 2. The individual has not been declared by any court of
2 competent jurisdiction incompetent by reason of mental defect or
3 disease;

4 3. The individual is not a habitual user of intoxicating
5 liquors or habit-forming drugs;

6 4. The individual has not been discharged from the Armed
7 Services of the United States under other than honorable conditions;
8 and

9 5. ~~The individual is of good moral character; and~~

10 6. The individual meets such other standards as may be
11 established by the State Fire Marshal Commission relating to
12 experience or knowledge of the fire extinguisher industry.

13 B. The applicant shall advise the Committee and furnish full
14 information on each individual described in subsection A of this
15 section of any conviction of a felony ~~offense or any crime involving~~
16 ~~moral turpitude~~ crime which substantially relates to the occupation
17 of an individual in a fire extinguisher industry business and poses
18 a reasonable threat to public safety for which a full pardon has not
19 been granted. The applicant shall furnish a recent photograph of a
20 type prescribed by the Committee and two classifiable sets of
21 fingerprints of such individual.

22 C. As used in this section:

23 1. "Substantially relates" means the nature of criminal conduct
24 for which the person was convicted has a direct bearing on the

1 fitness or ability to perform one or more of the duties or
2 responsibilities necessarily related to the occupation; and

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

7 SECTION 59. AMENDATORY 59 O.S. 2011, Section 1876, as
8 last amended by Section 1, Chapter 367, O.S.L. 2014 (59 O.S. Supp.
9 2018, Section 1876), is amended to read as follows:

10 Section 1876. A. Unless exempt pursuant to Section 1872 of
11 this title, any person wishing to practice alcohol and drug
12 counseling in this state shall obtain a certificate or license to
13 practice pursuant to the provisions of the Licensed Alcohol and Drug
14 Counselors Act.

15 B. An application for a certificate or license to practice as a
16 certified or licensed alcohol and drug counselor shall be made to
17 the Oklahoma Board of Licensed Alcohol and Drug Counselors in
18 writing. Such application shall be on a form and in a manner
19 prescribed by the Board. The application shall be accompanied by
20 the fee required by the Licensed Alcohol and Drug Counselors Act,
21 which shall be retained by the Board and not returned to the
22 applicant.

23 C. Each applicant for a certificate or license to practice as a
24 certified or licensed alcohol and drug counselor shall:

1 1. ~~Be possessed of good moral character;~~

2 ~~2.~~ Pass an examination based on standards established by the
3 International Certification and Reciprocity Consortium, any
4 successor organization to the International Certification and
5 Reciprocity Consortium or another national or international
6 organization recognized by the Board to have similar standards equal
7 to or higher than the International Certification and Reciprocity
8 Consortium;

9 ~~3.~~ 2. Be at least twenty-one (21) years of age;

10 ~~4.~~ 3. Not have engaged in, nor be engaged in, any practice or
11 conduct which would be grounds for denying, revoking or suspending a
12 license pursuant to the provisions of the Licensed Alcohol and Drug
13 Counselors Act; and

14 ~~5.~~ 4. Otherwise comply with the rules promulgated by the Board
15 pursuant to the provisions of the Licensed Alcohol and Drug
16 Counselors Act.

17 D. In addition to the qualifications specified by the
18 provisions of subsection C of this section, an applicant for a
19 license to practice as a licensed alcohol and drug counselor shall:

20 1. Have at least a master's degree in alcohol and substance
21 abuse counseling or other clinical counseling field recognized by
22 the Oklahoma Board of Licensed Alcohol and Drug Counselors that
23 includes, at a minimum, the following knowledge areas and graduate
24

1 credit hours from a college or university accredited by an agency
2 recognized by the United States Department of Education:

- 3 a. three courses in foundational knowledge, including one
4 course in alcohol and drug addiction, one course in
5 drug and alcohol counseling theory, and one course in
6 the pharmacology of drugs and abuse,
- 7 b. three courses in assessment and treatment of
8 behavioral health problems, which may include group
9 dynamics, individual and family counseling skills,
10 specific counseling approaches, assessment methods,
11 community resources and referral, or other courses
12 primarily related to the assessment and treatment of
13 behavioral health problems,
- 14 c. one course in human development,
- 15 d. one course in psychopathology,
- 16 e. one course in multicultural and cultural competency
17 issues,
- 18 f. one course in family systems theory,
- 19 g. one course in addiction in the family theory,
- 20 h. one course in addiction in the family counseling,
- 21 i. one course in ethics, which includes established
22 ethical conduct for alcohol and drug counselors,
- 23 j. one course in research methods, and

1 k. one three-hour practicum/internship in the field of
2 drug and alcohol counseling of at least three hundred
3 (300) clock hours.

4 All courses shall be graduate level courses and shall be three
5 (3) semester hours or four (4) quarter credit hours which shall
6 include a minimum of forty-five (45) class hours for each course;

7 2. Have successfully completed at least one (1) year of full-
8 time supervised work experience providing behavioral health
9 services. For the purpose of the Licensed Alcohol and Drug
10 Counselors Act, one (1) year of full-time work experience shall mean
11 two thousand (2,000) hours of work experience, of which at least one
12 thousand (1,000) hours shall consist of direct client contact; or

13 3. Be a licensed mental health professional as defined in
14 Section 1-103 of Title 43A of the Oklahoma Statutes and have
15 completed a minimum of fifteen (15) hours in master's level
16 substance abuse specific coursework, including, but not limited to,
17 chemical addiction, counseling, alcohol/drug counseling theory,
18 pharmacology of drugs and abuse, assessment and treatment of alcohol
19 and drug problems, theories in family addiction, and/or family
20 addiction counseling.

21 E. The scope of practice of a licensed alcohol and drug
22 counselor who meets the educational requirements set forth in
23 paragraph 1 of subsection D of this section may include the
24 assessment, diagnosis, and treatment of mental health disorders.

1 Licensees who have been determined by the Board to meet these
2 requirements shall have the designation "licensed alcohol and drug
3 counselor/mental health" or "LADC/MH" noted on their license and
4 wallet card.

5 F. The scope of practice of a licensed alcohol and drug
6 counselor who made application for license or who was licensed prior
7 to the effective date of the educational requirements set forth in
8 paragraph 1 of subsection D of this section shall not include the
9 assessment, diagnosis, and treatment of mental health disorders
10 unless:

11 1. The licensed alcohol and drug counselor holds a master's
12 degree that meets the educational requirements for licensure in the
13 following behavioral health professions:

- 14 a. licensed professional counselor as defined in Section
15 1902 of this title,
- 16 b. licensed clinical social worker as defined in Section
17 1250.1 of this title,
- 18 c. licensed marital and family therapist as defined in
19 Section 1925.2 of this title, or
- 20 d. licensed behavioral practitioner as defined in Section
21 1931 of this title; or

22 2. The licensed alcohol and drug counselor holds a valid Co-
23 Occurring Disorders Certification based on standards established by
24 the International Certification and Reciprocity Consortium, any

1 successor organization to the International Certification and
2 Reciprocity Consortium, or any other national or international
3 organization recognized by the Board to have similar standards equal
4 to or higher than the International Certification and Reciprocity
5 Consortium.

6 G. In addition to the qualifications specified in subsection C
7 of this section, each applicant for a certificate to practice as a
8 certified alcohol and drug counselor shall have:

9 1. At a minimum, a bachelor's degree in a behavioral science
10 field that is recognized by the Oklahoma Board of Licensed Alcohol
11 and Drug Counselors as appropriate to practice as a certified drug
12 and alcohol counselor in this state;

13 2. Successfully completed at least two (2) years of full-time
14 supervised work experience. For the purpose of the Licensed Alcohol
15 and Drug Counselors Act, "two years of full-time work experience"
16 shall be defined as four thousand (4,000) hours of work experience
17 of which at least two thousand (2,000) hours shall consist of
18 providing alcohol and drug counseling services to an individual
19 and/or the individual's family;

20 3. Successfully completed at least two hundred seventy (270)
21 clock hours of education related to alcohol and drug counseling
22 subjects, theory, practice or research;

23 4. Successfully completed, as part of or in addition to the
24 education requirements established in paragraph 3 of this

subsection, a minimum of forty-five (45) clock hours of specialized training approved by the Board in identifying co-occurring disorders and making appropriate referrals for treatment of co-occurring disorders; and

5. Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.

H. Any licensed or certified alcohol and drug counselor wishing to be certified for co-occurring disorders in this state may obtain such certification pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

I. An application by a licensed or certified alcohol and drug counselor for certification for co-occurring disorders shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by Section 1884 of this title, which shall be retained by the Board and not returned to the applicant.

J. Each applicant for certification for co-occurring disorders shall:

~~1. Be possessed of good moral character;~~

~~2.~~ Be a licensed or certified alcohol and drug counselor in good standing with the Board;

~~3.~~ 2. Meet the requirements promulgated by the Board to establish the applicant's competency to include treatment of co-occurring disorders within his or her scope of practice;

~~4.~~ 3. Be at least twenty-one (21) years of age;

~~5.~~ 4. Not have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act; and

~~6.~~ 5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

K. Applicants with degrees from schools outside the United States may qualify with Board approval by providing the Board with an acceptable comprehensive evaluation of the degree performed by a foreign credential evaluation service that is acceptable to the Board, and any other requirement the Board deems necessary.

SECTION 60. AMENDATORY 59 O.S. 2011, Section 1906, as last amended by Section 3, Chapter 310, O.S.L. 2018 (59 O.S. Supp. 2018, Section 1906), is amended to read as follows:

Section 1906. A. Applications for a license to practice as a licensed professional counselor shall be made to the State Board of Behavioral Health Licensure in writing. Such applications shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by the Licensed

1 Professional Counselors Act, which shall be retained by the Board
2 and not returned to the applicant.

3 B. Each applicant for a license to practice as a licensed
4 professional counselor shall:

5 1. ~~Be possessed of good moral character;~~

6 ~~2.~~ Pass an examination based on standards promulgated by the
7 Board pursuant to the Licensed Professional Counselors Act;

8 ~~3.~~ 2. Be at least twenty-one (21) years of age;

9 ~~4.~~ 3. Not have engaged in, nor be engaged in, any practice or
10 conduct which would be grounds for denying, revoking or suspending a
11 license pursuant to this title; and

12 ~~5.~~ 4. Otherwise comply with the rules promulgated by the Board
13 pursuant to the provisions of the Licensed Professional Counselors
14 Act.

15 C. In addition to the qualifications specified by the
16 provisions of subsection B of this section, an applicant for a
17 license to practice as a licensed professional counselor shall have:

18 1. Successfully completed at least sixty (60) graduate semester
19 hours (ninety (90) graduate quarter hours) of counseling-related
20 course work. These sixty (60) hours shall include at least a
21 master's degree in a counseling field. All courses and degrees
22 shall be earned from a regionally accredited college or university.
23 The Board shall define what course work qualifies as "counseling-
24

1 related" and what degrees/majors qualify as a "counseling field";
2 and

3 2. Three (3) years of supervised full-time experience in
4 professional counseling subject to the supervision of a licensed
5 professional counselor pursuant to conditions established by the
6 Board. One (1) or two (2) years of experience may be gained at the
7 rate of one (1) year for each thirty (30) graduate semester hours
8 earned beyond the master's degree, provided that such hours are
9 clearly related to the field of counseling and are acceptable to the
10 Board. The applicant shall have no less than one (1) year of
11 supervised full-time experience in counseling.

12 D. Applicants with degrees from schools outside the United
13 States may qualify with Board approval by providing the Board with
14 an acceptable comprehensive evaluation of the degree performed by a
15 foreign credential evaluation service that is acceptable to the
16 Board, and any other requirement the Board deems necessary.

17 E. Applicants licensed in other states shall be licensed by the
18 Board if the candidate is in good standing in the other state, has
19 maintained a minimum of three (3) years of licensure since the time
20 of initial full licensure post-provisional term and submits proof of
21 licensure in the other state.

22 SECTION 61. AMENDATORY 59 O.S. 2011, Section 1912, as
23 last amended by Section 11, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
24 2018, Section 1912), is amended to read as follows:

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

6 1. Been convicted of a felony crime that substantially relates
7 to the practice of counseling ~~or~~ and poses a reasonable threat to
8 public safety;

9 2. ~~Been convicted of a misdemeanor involving moral turpitude;~~

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

13 ~~4.~~ 3. Knowingly aided or abetted a person not licensed pursuant
14 to these provisions in representing himself as a licensed
15 professional counselor in this state;

16 ~~5.~~ 4. Engaged in unprofessional conduct as defined by the rules
17 established by the Board;

18 ~~6.~~ 5. Engaged in negligence or wrongful actions in the
19 performance of his or her duties; or

20 ~~7.~~ 6. Misrepresented any information required in obtaining a
21 license.

22 B. If the Board determines that a felony conviction of an
23 applicant renders the convicted applicant unfit to practice
24 counseling, the Board shall provide notice and opportunity to the

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

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

10 D. As used in this section:

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

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

19 SECTION 62. AMENDATORY 59 O.S. 2011, Section 1925.6, as
20 amended by Section 20, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2018,
21 Section 1925.6), is amended to read as follows:

22 Section 1925.6 A. Applications for a license to practice as a
23 licensed marital and family therapist shall be made to the State
24 Board of Behavioral Health Licensure in writing. Such applications

1 shall be on a form and in a manner prescribed by the Board. The
2 application shall be accompanied by the fee required by Section
3 1925.18 of this title which shall be retained by the Board and not
4 returned to the applicant.

5 B. Each applicant for a license to practice as a licensed
6 marital and family therapist shall:

- 7 1. ~~Be possessed of good moral character;~~
- 8 ~~2.~~ Be at least twenty-one (21) years of age;
- 9 ~~3.~~ 2. Not have engaged in, nor be engaged in, any practice or
10 conduct which would be a grounds for revoking, suspending or placing
11 on probation a license under Section 1925.15 of this title; and
- 12 ~~4.~~ 3. Otherwise comply with the rules and regulations
13 promulgated by the Board pursuant to the provisions of the Marital
14 and Family Therapist Licensure Act.

15 C. In addition to the qualifications specified by the
16 provisions of subsection B of this section any person applying for a
17 license after September 1, 1991, to practice as a licensed marital
18 and family therapist shall have the following educational and
19 experience qualifications:

- 20 1. A master's degree or a doctoral degree in marital and family
21 therapy, or a content-equivalent degree as defined by the Board;
- 22 2. Successful completion of two (2) calendar years of work
23 experience in marital and family therapy following receipt of a
24

1 qualifying degree, under supervision in accordance with standards
2 established by the Board; and

3 3. An applicant applying for a license after September 1, 1991,
4 shall also be required to pass a written or oral examination or both
5 written and oral examination administered by the Board if, at the
6 discretion of the Board, such examination is deemed necessary in
7 order to determine the applicant's qualifications for the practice
8 of marital and family therapy.

9 SECTION 63. AMENDATORY 59 O.S. 2011, Section 1925.15, as
10 last amended by Section 12, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
11 2018, Section 1925.15), is amended to read as follows:

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

16 1. Been convicted of a felony crime that substantially relates
17 to the practice of counseling ~~or~~ and poses a reasonable threat to
18 public safety;

19 ~~2. Been convicted of a misdemeanor crime involving moral~~
20 ~~turpitude;~~

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

1 ~~4.~~ 3. Misrepresented any information required in obtaining a
2 license;

3 ~~5.~~ 4. Engaged in fraud or deceit in connection with services
4 rendered or in establishing needed qualifications pursuant to the
5 provisions of the Marital and Family Therapist Licensure Act;

6 ~~6.~~ 5. Knowingly aided or abetted a person not licensed pursuant
7 to these provisions in representing himself or herself as a licensed
8 marital and family therapist in this state;

9 ~~7.~~ 6. Engaged in unprofessional conduct as defined by the rules
10 promulgated by the Board; or

11 ~~8.~~ 7. Engaged in negligence or wrongful actions in the
12 performance of the duties of such person.

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

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

1 D. Any person who is determined by the Board to have violated
2 any of the provisions of the Marital and Family Therapist Licensure
3 Act or any rule promulgated or order issued pursuant thereto may be
4 subject to an administrative penalty. The maximum fine shall not
5 exceed Ten Thousand Dollars (\$10,000.00). All administrative
6 penalties collected pursuant to the Marital and Family Therapist
7 Licensure Act shall be deposited into the Licensed Marital and
8 Family Therapist Revolving Fund. Administrative penalties imposed
9 pursuant to this subsection shall be enforceable in the district
10 courts of this state.

11 E. As used in this section:

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

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

20 SECTION 64. AMENDATORY 59 O.S. 2011, Section 1935, as
21 last amended by Section 3, Chapter 367, O.S.L. 2014 (59 O.S. Supp.
22 2018, Section 1935), is amended to read as follows:

23 Section 1935. A. Applications for a license to practice as a
24 licensed behavioral practitioner shall be made to the State Board of

1 Behavioral Health Licensure in writing. Such applications shall be
2 on a form and in a manner prescribed by the Board. The application
3 shall be accompanied by the fee required by the Licensed Behavioral_
4 Practitioner Act, which shall be retained by the Board and not
5 returned to the applicant.

6 B. Each applicant for a license to practice as a licensed
7 behavioral practitioner shall:

8 1. ~~Be possessed of good moral character;~~

9 ~~2.~~ Pass an examination based on standards promulgated by the
10 Board pursuant to the Licensed Behavioral Practitioner Act;

11 ~~3.~~ 2. Be at least twenty-one (21) years of age;

12 ~~4.~~ 3. Not have engaged in, nor be engaged in, any practice or
13 conduct which would be grounds for denying, revoking, or suspending
14 a license pursuant to the Licensed Behavioral Practitioner Act; and

15 ~~5.~~ 4. Otherwise comply with the rules promulgated by the Board
16 pursuant to the provisions of the Licensed Behavioral Practitioner
17 Act.

18 C. In addition to the qualifications specified by the
19 provisions of subsection B of this section, an applicant for a
20 license to practice as a licensed behavioral practitioner shall
21 have:

22 1. Successfully completed at least forty-five (45) graduate
23 semester hours (sixty (60) graduate quarter hours) of behavioral_
24 science-related course work. These forty-five (45) hours shall

1 include at least a master's degree from a program in psychology.
2 All course work and degrees shall be earned from a regionally
3 accredited college or university. The Board shall define what
4 course work qualifies as "behavioral_science-related";

5 2. On or after January 1, 2008, successfully completed at least
6 sixty (60) graduate semester hours (ninety (90) graduate quarter
7 hours) of behavioral_science-related course work. These sixty (60)
8 hours shall include at least a master's degree from a program in
9 psychology. All courses shall be earned from a regionally
10 accredited college or university.

11 The Board shall define what course work qualifies as
12 "behavioral_science-related"; and

13 3. Three (3) years of supervised full-time experience in
14 professional behavioral health services subject to the supervision
15 of a licensed mental health professional pursuant to conditions
16 established by the Board. One (1) or two (2) years of experience
17 may be gained at the rate of one (1) year for each thirty (30)
18 graduate semester hours earned beyond the master's degree, provided
19 that such hours are clearly related to the field of psychology or
20 behavioral sciences and are acceptable to the Board. The applicant
21 shall have no less than one (1) year of supervised full-time
22 experience in behavioral science.

23 D. Applicants with degrees from schools outside the United
24 States may qualify with Board approval by providing the Board with

1 an acceptable comprehensive evaluation of the degree performed by a
2 foreign credential evaluation service that is acceptable to the
3 Board, and any other requirement the Board deems necessary.

4 SECTION 65. AMENDATORY 59 O.S. 2011, Section 1941, as
5 last amended by Section 13, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
6 2018, Section 1941), is amended to read as follows:

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

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

15 ~~2. Been convicted of a misdemeanor involving moral turpitude;~~

16 ~~3.~~ Engaged in fraud or deceit in connection with services
17 rendered or in establishing needed qualifications pursuant to the
18 provisions of this act;

19 ~~4.~~ 3. Knowingly aided or abetted a person not licensed pursuant
20 to these provisions in representing himself or herself as a licensed
21 behavioral practitioner in this state;

22 ~~5.~~ 4. Engaged in unprofessional conduct as defined by the rules
23 established by the Board;

1 ~~6.~~ 5. Engaged in negligence or wrongful actions in the
2 performance of the licensee's duties; or

3 ~~7.~~ 6. Misrepresented any information required in obtaining a
4 license.

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

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

17 D. As used in this section:

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

22 2. "Poses a reasonable threat" means the nature of criminal
23 conduct for which the person was convicted involved an act or threat
24

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

3 SECTION 66. AMENDATORY 59 O.S. 2011, Section 2059, as
4 amended by Section 1, Chapter 19, O.S.L. 2017 (59 O.S. Supp. 2018,
5 Section 2059), is amended to read as follows:

6 Section 2059. A. Except as otherwise provided in the Oklahoma
7 Licensed Perfusionists Act, on and after January 1, 1997, no person
8 shall practice perfusion in this state unless licensed pursuant to
9 the provisions of the Oklahoma Licensed Perfusionists Act.

10 B. No person shall be licensed to practice perfusion in this
11 state except upon a finding by the State Board of Examiners of
12 Perfusionists that such person:

13 1. Has fully complied with all applicable licensure
14 requirements of the Oklahoma Licensed Perfusionists Act; and

15 ~~2. Is of good moral character; and~~

16 ~~3.~~ Has produced satisfactory evidence to the Board of the
17 ability of the applicant to practice perfusion with reasonable skill
18 and safety.

19 C. An applicant for a perfusionist license must submit a sworn
20 application accompanied by an application fee specified in Section
21 2071 of this title in an amount set by rule of the Board.

22 D. The Board shall prescribe the form of the application and by
23 rule may establish dates by which applications and fees must be
24 received. These rules must not be inconsistent with present rules

1 of the State Board of Medical Licensure and Supervision related to
2 application dates of other licenses. The Board may review and
3 verify medical credentials and screen applicant records through
4 recognized national information services.

5 E. To qualify for the examination for licensure, the applicant
6 must have successfully completed a perfusion education program
7 approved by the Board.

8 F. In approving perfusion education programs necessary for
9 qualification for examination, the Board shall approve only a
10 program that has educational standards that are at least as
11 stringent as those established by the Accreditation Committee for
12 Perfusion Education and approved by the Committee on Allied Health
13 Education and Accreditation of the American Medical Association or
14 their successors.

15 G. Not later than the forty-fifth day after the date of receipt
16 of a properly submitted and timely application and not later than
17 the thirtieth day before the next examination date, the Board shall
18 notify an applicant in writing that the applicant's application and
19 any other relevant evidence pertaining to applicant qualifications
20 established by the Board by rule have been received and
21 investigated. The notice shall state whether the application and
22 other evidence submitted have qualified the applicant for
23 examination. If the applicant has not qualified for examination,
24 the notice shall state the reasons for lack of qualification.

1 SECTION 67. AMENDATORY 59 O.S. 2011, Section 2095.7, as
2 amended by Section 5, Chapter 98, O.S.L. 2013 (59 O.S. Supp. 2018,
3 Section 2095.7), is amended to read as follows:

4 Section 2095.7 A. The Administrator of Consumer Credit shall
5 not issue a mortgage loan originator license unless the
6 Administrator makes at a minimum the following findings:

7 1. The applicant has never had a mortgage loan originator
8 license revoked in any governmental jurisdiction, except that a
9 subsequent formal vacation of such revocation shall not be deemed a
10 revocation;

11 2. The applicant has not been convicted of, or pled guilty or
12 nolo contendere to a felony crime that substantially relates to the
13 occupation of a mortgage loan originator and poses a reasonable
14 threat to public safety in a domestic, foreign or military court:

- 15 a. during the seven-year period preceding the date of the
16 application for licensing and registration, or
17 b. at any time preceding such date of application, if
18 such felony involved an act of fraud, dishonesty, a
19 breach of trust or money laundering.

20 Provided, that any pardon of a conviction shall not be a
21 conviction for purposes of this paragraph;

22 3. The applicant has demonstrated financial responsibility,
23 ~~character~~ and general fitness such as to command the confidence of
24 the community and to warrant a determination that the mortgage loan

1 originator will operate honestly, fairly and efficiently within the
2 purposes of the Oklahoma Secure and Fair Enforcement for Mortgage
3 Licensing Act. For purposes of this paragraph, an individual has
4 shown that he or she is not financially responsible when he or she
5 has shown a disregard in the management of his or her own financial
6 condition. A determination that an individual has not shown
7 financial responsibility may include, but not be limited to:

- 8 a. current outstanding judgments, except judgments solely
9 as a result of medical expenses,
- 10 b. current outstanding tax liens or other government
11 liens and filings,
- 12 c. foreclosures within the past three (3) years, or
- 13 d. pattern of seriously delinquent accounts within the
14 past three (3) years;

15 4. The applicant has completed the prelicensing education
16 requirement described in Section 2095.8 of this title;

17 5. The applicant has passed a written test that meets the test
18 requirement described in Section 2095.9 of this title;

19 6. The applicant has paid into the Oklahoma Mortgage Broker and
20 Mortgage Loan Originator Recovery Fund as required by paragraph ~~6~~ 5
21 of subsection ~~M~~ K of Section 2095.6 of this title; and

22 7. The applicant is sponsored by a licensed mortgage broker or
23 mortgage lender. The Administrator of Consumer Credit may authorize
24 an entity exempt from the requirements of this act to sponsor an

1 applicant that is an independent contractor of the exempt entity.

2 The Administrator of Consumer Credit may promulgate administrative
3 rules, subject to approval of the Commission on Consumer Credit, to
4 implement sponsorship procedures and requirements.

5 B. As used in this section:

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

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

14 SECTION 68. AMENDATORY 59 O.S. 2011, Section 2095.11, is
15 amended to read as follows:

16 Section 2095.11 A. The Administrator of Consumer Credit shall
17 not issue a mortgage broker license unless the Administrator makes
18 at a minimum the following findings:

19 1. The applicant or any owner, officer, director or partner has
20 never had a mortgage broker or mortgage loan originator license
21 revoked in any governmental jurisdiction, except that a subsequent
22 formal vacation of such revocation shall not be deemed a revocation;

23 2. Any owner, officer, director or partner of the applicant has
24 not been convicted of, or pled guilty or nolo contendere to, a

1 felony crime that substantially relates to the occupation of a
2 mortgage broker and poses a reasonable threat to public safety in a
3 domestic, foreign or military court:

- 4 a. during the seven-year period preceding the date of the
5 application for licensing and registration, or
- 6 b. at any time preceding such date of application, if
7 such felony involved an act of fraud, dishonesty, a
8 breach of trust or money laundering.

9 Provided, that any pardon of a conviction shall not be a
10 conviction for purposes of this paragraph;

11 3. The applicant's owners, officers, directors or partners have
12 demonstrated financial responsibility, ~~character~~ and general fitness
13 such as to command the confidence of the community and to warrant a
14 determination that the mortgage broker will operate honestly, fairly
15 and efficiently within the purposes of this act. For purposes of
16 this paragraph, an applicant's owners, officers, directors or
17 partners have shown they are not financially responsible when they
18 have shown a disregard in the management of their own financial
19 condition. A determination that an owner, officer, director or
20 partner has not shown financial responsibility may include, but not
21 be limited to:

- 22 a. current outstanding judgments, except judgments solely
23 as a result of medical expenses,

b. current outstanding tax liens or other government
liens and filings,

c. foreclosures within the past three (3) years, or

d. a pattern of seriously delinquent accounts within the
past three (3) years;

4. The applicant has paid into the Oklahoma Mortgage Broker and
Mortgage Loan Originator Recovery Fund as required by paragraph ~~6~~ 5
of subsection ~~M~~ K of Section ~~9~~ 2095.6 of this ~~act~~ title; and

5. The applicant has paid all required fees for issuance of the
license.

B. Each mortgage broker applicant shall designate and maintain
a principal place of business for the transaction of business. The
applicant shall specify the address of the principal place of
business and designate a licensed mortgage loan originator to
oversee the operations of the principal place of business. If an
applicant wishes to maintain one or more locations for the
transaction of business in addition to a principal place of
business, the applicant shall first obtain a branch office license
from the Administrator and designate a licensed mortgage loan
originator for each branch office to oversee the operations of that
branch office. The applicant shall submit a fee as set forth in
paragraph 3 of subsection ~~M~~ K of Section ~~9~~ 2095.6 of this ~~act~~ title
for each branch office license issued. If the Administrator of
Consumer Credit determines that the applicant is qualified, the

1 Administrator shall issue a branch office license indicating the
2 address of the branch office. If the address of the principal place
3 of business or of any branch office is changed, the licensee shall
4 immediately notify the Administrator of the change and the
5 Administrator shall endorse the change of address on the license for
6 a fee as prescribed in paragraph ~~5~~ 4 of subsection ~~M~~ K of Section ~~9~~
7 2095.6 of this ~~act~~ title.

8 C. 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 with others in the occupation.

17 SECTION 69. AMENDATORY Section 6, Chapter 98, O.S.L.
18 2013 (59 O.S. Supp. 2018, Section 2095.11.1), is amended to read as
19 follows:

20 Section 2095.11.1 The Administrator of Consumer Credit shall
21 not issue a mortgage lender license unless the Administrator makes
22 at a minimum the following findings:

23 1. The applicant or any owner, officer, director or partner has
24 never had a mortgage lender, mortgage broker or mortgage loan

1 originator license revoked in any governmental jurisdiction, except
2 that a subsequent formal vacation of such revocation shall not be
3 deemed a revocation;

4 2. Any owner, officer, director or partner of the applicant has
5 not been convicted of, or pled guilty or nolo contendere to a felony
6 crime that substantially relates to the occupation of a mortgage
7 lender and poses a reasonable threat to public safety in a domestic,
8 foreign or military court:

- 9 a. during the seven-year period preceding the date of the
10 application for licensing and registration, or
11 b. at any time preceding such date of application, if
12 such felony involved an act of fraud, dishonesty, a
13 breach of trust or money laundering.

14 Provided, that any pardon of a conviction shall not be a
15 conviction for purposes of this paragraph;

16 3. The applicant and the applicant's owners, officers,
17 directors or partners have demonstrated financial responsibility,
18 ~~character~~ and general fitness such as to command the confidence of
19 the community and to warrant a determination that the mortgage
20 lender will operate honestly, fairly and efficiently within the
21 purposes of this act. For purposes of this paragraph, an
22 applicant's owners, officers, directors or partners have shown they
23 are not financially responsible when they have shown a disregard in
24 the management of their own financial condition. A determination

1 that an owner, officer, director or partner has not shown financial
2 responsibility may include, but not be limited to:

- 3 a. current outstanding judgments, except judgments solely
4 as a result of medical expenses,
- 5 b. current outstanding tax liens or other government
6 liens and filings,
- 7 c. foreclosures within the past three (3) years, or
- 8 d. a pattern of seriously delinquent accounts within the
9 past three (3) years;

10 4. The applicant has filed a bond in the amount of One Hundred
11 Thousand Dollars (\$100,000.00) securing the applicant's or
12 licensee's faithful performance of all duties and obligations of a
13 licensee. The bond shall meet the following requirements:

- 14 a. the bond shall be in a form acceptable to the
15 Administrator,
 - 16 b. the bond shall be issued by an insurance company
17 authorized to conduct business in the State of
18 Oklahoma,
 - 19 c. the bond shall be payable to the Oklahoma Department
20 of Consumer Credit,
 - 21 d. the bond is continuous in nature and shall be
22 maintained at all times as a condition of licensure,
- 23
24

- 1 e. the bond may not be terminated without thirty (30)
2 days prior written notice to the Administrator and
3 approval of the Administrator,
- 4 f. the bond shall be available for the recovery of
5 expenses, civil penalties and fees assessed pursuant
6 to the Oklahoma Secure and Fair Enforcement for
7 Mortgage Licensing Act and for losses or damages which
8 are determined by the Administrator to have been
9 incurred by any borrower or consumer as a result of
10 the applicant's or licensee's failure to comply with
11 the requirements of the Oklahoma Secure and Fair
12 Enforcement for Mortgage Licensing Act,
- 13 g. when an action is commenced on a licensee's bond, the
14 Administrator may require the filing of a new bond,
15 and
- 16 h. whenever the principal sum of the bond is reduced by
17 one or more recoveries or payments thereon, the
18 licensee shall furnish a new or additional bond so
19 that the total or aggregate principal sum of such bond
20 or such bonds shall equal One Hundred Thousand Dollars
21 (\$100,000.00) or shall furnish an endorsement duly
22 executed by the corporate surety reinstating the bond
23 to the required principal sum;
- 24

1 5. The applicant has a net worth of at least Twenty-five
2 Thousand Dollars (\$25,000.00) as reflected by an audited financial
3 statement prepared by a certified public accountant in accordance
4 with generally accepted accounting principles that is accompanied by
5 an opinion acceptable to the Administrator and is dated within
6 fifteen (15) months of the date of application;

7 6. The applicant has paid all required fees for issuance of the
8 license. The license fees for a mortgage lender shall be in the
9 same amount as license fees applicable to a mortgage broker;

10 7. Each mortgage lender applicant shall designate and maintain
11 a principal place of business for the transaction of business. If
12 the mortgage lender applicant engages in activity that satisfies the
13 definition of a mortgage broker, the mortgage lender shall designate
14 a licensed mortgage loan originator to oversee the mortgage loan
15 origination operations of the principal place of business and any
16 branch office location where the mortgage lender applicant engages
17 in activity that satisfies the definition of a mortgage broker. If
18 an applicant wishes to maintain one or more locations for the
19 transaction of business in addition to a principal place of
20 business, the applicant shall first obtain a branch office license
21 from the Administrator. The applicant shall submit a fee as set
22 forth in paragraph 3 of subsection ~~M~~ K of Section 2095.6 of ~~Title 59~~
23 ~~of the Oklahoma Statutes~~ this title for each branch office license
24 issued. If the Administrator of Consumer Credit determines that the

1 applicant is qualified, the Administrator shall issue a branch
2 office license indicating the address of the branch office. If the
3 address of the principal place of business or of any branch office
4 is changed, the licensee shall immediately notify the Administrator
5 of the change and the Administrator shall endorse the change of
6 address on the license for a fee as prescribed in paragraph ~~5~~ 4 of
7 subsection ~~M~~ K of Section 2095.6 of ~~Title 59 of the Oklahoma~~
8 ~~Statutes~~ this title; and

9 8. A separate mortgage broker license is not required for a
10 mortgage lender that engages in activity that satisfies the
11 definition of a mortgage broker as provided in the Oklahoma Secure
12 and Fair Enforcement for Mortgage Licensing Act. A mortgage lender
13 that engages in activity that satisfies the definition of a mortgage
14 broker shall comply with all requirements of the Oklahoma Secure and
15 Fair Enforcement for Mortgage Licensing Act regarding mortgage
16 brokers.

17 SECTION 70. AMENDATORY 59 O.S. 2011, Section 3113, is
18 amended to read as follows:

19 Section 3113. A. To qualify for a license issued pursuant to
20 the Deferred Deposit Lending Act, an applicant shall have:

21 1. A minimum net worth, determined in accordance with generally
22 accepted accounting principles, of at least Twenty-five Thousand
23 Dollars (\$25,000.00) available for operation of each licensed
24 location, with a maximum aggregate net worth requirement of Two

1 Hundred Fifty Thousand Dollars (\$250,000.00) for an owner of
2 multiple locations; and

3 2. The financial responsibility, ~~character~~, experience and
4 general fitness so as to command the confidence of the public and to
5 warrant the belief that the business will be operated lawfully,
6 honestly, fairly and efficiently.

7 B. An application for a license pursuant to the Deferred
8 Deposit Lending Act must be in writing, under oath, and on a form
9 prescribed by the Administrator of Consumer Credit. The application
10 must set forth all of the following:

11 1. The legal name and residence and business addresses of the
12 applicant and, if the applicant is a partnership, association or
13 corporation, of every member, officer, managing employee and
14 director of it;

15 2. The location of the registered office of the applicant;

16 3. The registered agent of the applicant if the applicant is
17 required by other law to have a registered agent;

18 4. The addresses of the locations to be licensed; and

19 5. Other information concerning the financial responsibility,
20 background, experience and activities, such as other partnerships,
21 associations and corporations located at or adjacent to the licensed
22 location of the applicant and its members, officers, managing
23 employees and directors as the Administrator may require.
24

1 C. On receipt of an application in the form prescribed by the
2 Administrator and accompanied by the required license fee, the
3 Administrator shall investigate whether the qualifications for
4 license are satisfied. If the Administrator finds that the
5 qualifications are satisfied, the Administrator shall issue to the
6 applicant a license to engage in the business of making deferred
7 deposit loans. If the Administrator fails to issue a license, the
8 Administrator shall notify the applicant of the denial and the
9 reasons for the denial. The provisions of the Administrative
10 Procedures Act shall apply to the appeal of the denial of a license.

11 D. Each application, regardless of the number of locations to
12 be operated by a single licensee, must be accompanied by payment of
13 an application fee as prescribed by rule of the Commission on
14 Consumer Credit and an investigation fee as prescribed by rule of
15 the Commission on Consumer Credit. These fees shall not be
16 refundable or abatable. If the license is granted, however, payment
17 of the application fee shall satisfy the fee requirement for the
18 first license year or its remainder.

19 E. Each license shall remain in full force and effect until
20 relinquished, suspended, revoked or expired. A license expires
21 annually and may be renewed on payment of a license fee as
22 prescribed by rule of the Commission on Consumer Credit. The annual
23 license renewal fee for an application with more than one location
24

1 shall be as prescribed by rule of the Commission on Consumer Credit
2 for each location.

3 F. The Commission on Consumer Credit shall prescribe by rule a
4 fee for each license change, duplicate license or returned check.

5 G. The Commission on Consumer Credit shall prescribe by rule a
6 late fee if a license is not renewed on or before the expiration of
7 the license.

8 SECTION 71. AMENDATORY Section 5, Chapter 292, O.S.L.
9 2016 (59 O.S. Supp. 2018, Section 4200.5), is amended to read as
10 follows:

11 Section 4200.5 A. Between the effective date of this act and
12 May 1, 2017, the State Board of Cosmetology and Barbering shall
13 issue a license to practice massage therapy to any person who files
14 a completed application, accompanied by the required fees, and who
15 submits satisfactory evidence that the applicant:

16 1. Is at least eighteen (18) years of age;

17 2. Has one or more of the following:

18 a. documentation that the applicant has completed and
19 passed a nationally recognized competency examination
20 in the practice of massage therapy,

21 b. an affidavit of at least five (5) years of work
22 experience in the state, or
23
24

1 c. a certificate and transcript of completion from a
2 massage school with at least five hundred (500) hours
3 of education;

4 3. Provides proof of documentation that the applicant currently
5 maintains liability insurance for practice as a massage therapist;
6 and

7 4. Provides full disclosure to the Board of any criminal
8 proceeding taken against the applicant including, but not limited
9 to:

10 a. ~~pleading guilty, pleading or~~ nolo contendere to, or
11 ~~receiving a conviction of~~ for a felony, crime that
12 substantially relates to the practice of massage
13 therapy and poses a reasonable threat to public safety

14 b. ~~pleading guilty, pleading nolo contendere or receiving~~
15 ~~a conviction of a misdemeanor involving moral~~
16 ~~turpitude, or~~

17 c. ~~pleading guilty, pleading nolo contendere or receiving~~
18 ~~a conviction for violation of federal or state~~
19 ~~controlled dangerous substance laws.~~

20 B. To assist in determining the entry-level competence of an
21 applicant who makes application for a license after May 1, 2017, the
22 Board may adopt rules establishing additional standards or criteria
23 for examination acceptance and may adopt only those examinations
24

1 that meet the standards outlined in Section ~~8~~ 4200.8 of this ~~act~~
2 title.

3 C. 1. After May 1, 2017, except as otherwise provided in the
4 Massage Therapy Practice Act, every person desiring to practice
5 massage therapy in this state shall be required to first obtain a
6 license from the Board.

7 2. After May 1, 2017, the Board may issue a license to an
8 applicant who:

9 a. is at least eighteen (18) years of age,

10 b. provides documentation that the applicant has
11 completed the equivalent of five hundred (500) hours
12 of formal education in massage therapy from a state-
13 licensed school,

14 c. provides documentation that the applicant has passed a
15 nationally recognized competency examination approved
16 by the Board,

17 d. provides proof that the applicant currently maintains
18 liability insurance for practice as a massage
19 therapist, and

20 e. provides full disclosure to the Board of any criminal
21 proceeding taken against the applicant including, ~~but~~
22 ~~not limited to:~~

23 ~~(1)~~ pleading guilty, ~~pleading~~ or nolo contendere to,
24 or receiving a conviction ~~of~~ for a felony, crime

1 that substantially relates to the practice of
2 massage therapy and poses a reasonable threat to
3 public safety

4 ~~(2) pleading guilty, pleading nolo contendere or~~
5 ~~receiving a conviction of a misdemeanor involving~~
6 ~~moral turpitude, or~~

7 ~~(3) pleading guilty, pleading nolo contendere or~~
8 ~~receiving a conviction for violation of federal~~
9 ~~or state controlled dangerous substance laws.~~

10 D. As used in this section:

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

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

19 SECTION 72. This act shall become effective November 1, 2019.

20
21 57-1-7617 LRB 01/14/19