

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 14, 2019

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 101

By: Scott of the Senate and Ortega of the House

Title: Professions and occupations; Massage Therapy Practice Act; repealers.
Emergency.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

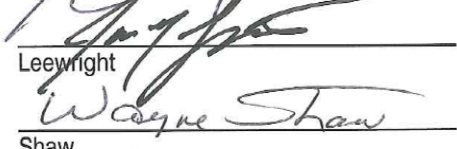
Respectfully submitted,
SENATE CONFEREES



Scott



Smalley



Leewright



Shaw



Pugh



Brooks

Young

HOUSE CONFEREES:

Conference Committee on Rules

Senate Action _____ Date _____ House Action _____ Date _____

epc

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 101

By: Scott of the Senate

and

Ortega of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to licenses issued by the State Board of Cosmetology and Barbering; amending 59 O.S. 2011, Section 199.13, as last amended by Section 3, Chapter 62, O.S.L. 2018 (59 O.S. Supp. 2018, Section 199.13), which relates to reciprocity licenses; modifying reciprocity for foreign country or territory education, training and experience; expanding reciprocity authority; clarifying master instructor requirements for reciprocity; construing recognition of certain schools and training for purpose of reciprocity; amending Section 5, Chapter 292, O.S.L. 2016 (59 O.S. Supp. 2018, Section 4200.1), which relates to massage therapy license; modifying language; deleting language; expanding period to apply for certain license; modifying qualification for certain applicants for certain licensure within certain time period; modifying dates for application for certain licensure; setting date for application of certain qualifications for licensure; defining terms; authorizing promulgation of certain rules and standards; authorizing adoption of certain examination standards; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 59 O.S. 2011, Section 199.13, as
2 last amended by Section 3, Chapter 62, O.S.L. 2018 (59 O.S. Supp.
3 2018, Section 199.13), is amended to read as follows:

4 Section 199.13. A. The State Board of Cosmetology and
5 Barbering may issue a reciprocity license without examination to an
6 applicant if:

7 1. The applicant has complied with the requirements of another
8 state, territory or province and ~~applicant~~ holds a current license
9 from such state, territory or province as verified by certification;
10 and

11 2. The applicant is at least eighteen (18) years of age prior
12 to the date of such application; and

13 3. The applicant successfully passes Oklahoma's state rules,
14 regulations and law test administered by the Board.

15 B. The Board may issue a reciprocity license without
16 examination to an applicant from a foreign country or territory or
17 whose education, training or experience is from a foreign country or
18 territory if:

19 1. ~~The~~ For purposes of a barber license, the applicant:

20 a. has complied with the requirements of the foreign
21 country or territory and has been issued a certificate
22 or license to practice barbering in that foreign
23 country or territory,

1 b. has at least three (3) years of continuous practice in
2 the occupation of barbering immediately prior to such
3 application, or

4 c. has received a diploma of completion from a foreign
5 barber school or training program with at least three
6 hundred (300) hours of classroom training in basic
7 barber skills, provided such diploma was issued within
8 ten (10) years prior to the date of such application,
9 and

10 d. is at least eighteen (18) years of age prior to the
11 date of such application;

12 2. For purposes of other licenses under the authority of the
13 Board, the applicant is:

14 a. is otherwise qualified and possesses a current license
15 issued in that foreign country or territory~~+~~, or

16 ~~2. The applicant is~~

17 b. is otherwise qualified and does not possess a current
18 license issued in that foreign country or territory or
19 diploma of completion from a foreign training school
20 or program, but can show he or she has continuously
21 engaged in the practices or occupation for which a
22 reciprocity license is applied for at least (3) years
23 immediately prior to such application, and

1 c. is at least eighteen (18) years of age prior to the
2 date of such application.

3 The applicant from a foreign country or territory or whose
4 education, training or experience is from a foreign country or
5 territory and who is applying for a cosmetology, manicurist,
6 facialist or barber license shall successfully pass Oklahoma's state
7 rules, regulations and law test administered by the Board and shall
8 possess the equivalent of at least an eighth-grade education. The
9 applicant from a foreign country or territory or whose education,
10 training or experience is from a foreign country or territory may be
11 required to provide evidence that documents have been verified as
12 valid by a creditable agency as recognized by the Board.

13 C. The applicant from a foreign country or territory or whose
14 education, training or experience is from a foreign country or
15 territory who is applying for a master instructor's license shall
16 successfully:

17 1. Successfully pass Oklahoma's state rules, regulations and
18 law test administered by the Board and shall possess the equivalent
19 of a high school education.

20 ~~The applicant from a foreign country may be required to provide~~
21 ~~evidence that documents have been verified as valid by a creditable~~
22 ~~agency as recognized by the Board.~~

1 ~~C. The applicant from a foreign country or territory who is~~
2 ~~otherwise qualified, but who possesses a current license issued in~~
3 ~~that foreign country or territory must take; and~~

4 2. Be required to take examinations, both practical and
5 written, to be issued a master instructor license if the applicant
6 cannot show that he or she has been continuously engaged in the
7 practices or occupation for which a reciprocity license is applied
8 for at least three (3) years immediately prior to such application
9 ~~and shall successfully pass Oklahoma's state rules, regulations and~~
10 ~~law test administered by the Board.~~

11 D. Payment of the reciprocity fee shall also constitute payment
12 of the first annual license fee.

13 E. Upon request, an applicant requesting a reciprocal license
14 based on education, training or experience from a foreign country or
15 territory may voluntarily sit for examination, both practical and
16 written, to demonstrate competency for licensure notwithstanding any
17 rule or statute to the contrary.

18 F. The Board may establish by rule any administrative or other
19 fees associated with processing reciprocity applications for
20 licensure without examination.

21 G. When a reciprocal license has been issued to any person
22 based upon credentials from a cosmetology or barber school or
23 training program, such school or program shall be recognized by the
24

1 Board as qualified instruction for purposes of issuing other
2 reciprocal licenses to persons from the same school or program.

3 SECTION 2. AMENDATORY Section 5, Chapter 292, O.S.L.
4 2016 (59 O.S. Supp. 2018, Section 4200.5), is amended to read as
5 follows:

6 Section 4200.5. A. ~~Between the effective date of this act~~
7 After August 26, 2016, and May 1, 2017 prior to November 1, 2021,
8 the State Board of Cosmetology and Barbering shall issue a license
9 to practice massage therapy to any person who files a completed
10 application, accompanied by the required fees, and who submits
11 satisfactory evidence that the applicant:

12 1. Is at least eighteen (18) years of age prior to the date of
13 such application;

14 2. Has one or more of the following:

15 a. documentation that the applicant has completed and
16 passed a nationally recognized competency examination
17 in the practice of massage therapy,

18 b. an affidavit of ~~at least five (5) years of work~~
19 experience in the state in the occupation of massage
20 therapy for three (3) or more years prior to the date
21 of application, or

22 c. a certificate and transcript of completion from a
23 massage school with at least ~~five hundred (500)~~ three
24

1 hundred (300) hours of education and training in the
2 practice of massage therapy;

3 3. Provides proof of documentation that the applicant currently
4 ~~maintains~~ has liability insurance for practice as a massage
5 therapist; and

6 4. Provides full disclosure to the Board of any criminal
7 proceeding taken against the applicant including, ~~but not limited~~
8 ~~to:~~

9 ~~a. pleading guilty, pleading or~~ nolo contendere to, or
10 receiving a conviction ~~of~~ for a felony, or

11 ~~b. pleading guilty, pleading nolo contendere or receiving~~
12 ~~a conviction of a misdemeanor involving moral~~
13 ~~turpitude, or~~

14 ~~c. pleading guilty, pleading nolo contendere or receiving~~
15 ~~a conviction for violation of federal or state~~
16 ~~controlled dangerous substance laws~~ crime that
17 substantially relates to the practice of massage
18 therapy and poses a reasonable threat to the public
19 safety.

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 ~~that meet the standards outlined in Section 8 of this act.~~

1 ~~C.~~ 1. ~~After May 1, 2017~~ On and after November 1, 2021, except
2 as otherwise provided in the Massage Therapy Practice Act, every
3 person desiring to practice massage therapy in this state shall be
4 required to first obtain a license from the Board before engaging in
5 the occupation of massage therapy.

6 2. ~~After May 1, 2017~~ On and after November 1, 2021, the Board
7 ~~may~~ shall issue a license to an applicant who:

8 a. is at least eighteen (18) years of age prior to the
9 date of such application,

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 has 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, or

~~(2) pleading guilty, pleading nolo contendere or
receiving a conviction of a misdemeanor involving
moral turpitude, or
(3) pleading guilty, pleading nolo contendere or
receiving a conviction for violation of federal
or state controlled dangerous substance laws
crime that substantially relates to the practice
of massage therapy and poses a reasonable threat
to public safety.~~

C. As used in this section:

1. "Substantially relates" means the nature of the 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 or was an act of prostitution or human
trafficking and has a bearing on the fitness or ability to serve the
public or work with others in the massage therapy occupation.

D. To assist in determining the entry-level competence of an
applicant who makes application for a license on and after November
1, 2021, the Board may adopt rules establishing additional standards
or criteria for examination acceptance and may adopt only those

1 examinations that meet the standards outlined in Section 4200.8 of
2 this title.

3 SECTION 3. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7
8 57-1-2263 NP 5/15/2019 8:57:58 AM
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24