

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1880

By: Dahm

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6 AS INTRODUCED

7 An Act relating to natural healing arts; defining
8 terms; stating legislative intent; providing certain
9 allowances without license or certification;
10 prohibiting false representation; providing for
11 certain compliance; requiring certain disclosure;
12 requiring certain acknowledgment; providing
13 penalties; requiring certain education prior to
14 imposition of penalties; providing for codification;
15 and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 4300 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 A. As used in this act:

21 1. "Licensed practitioner" means an allopathic physician,
22 osteopathic physician, podiatric physician, dentist, veterinarian or
23 optometrist licensed to practice within the scope of practice of
24 such practitioner; and

25 2. "Natural healing arts" means and includes, but is not
26 limited to, Native American healing, naturopathy, massage therapy,

1 homeopathy, herbology, nutrition, iridology, and the oriental
2 healing arts.

3 B. The Legislature intends, by its enactment of this act, to
4 allow and to protect by this state, unfettered public access to all
5 natural healing arts practitioners and services and to protect the
6 right to practice and provide services according to this act.

7 C. Notwithstanding any other previously established law or
8 rule, an individual who does not hold a license, permit,
9 certification, or registration as a health care professional issued
10 by this state is not in violation of any law or rule, if that
11 individual or agent provides care or treatment in compliance with
12 this section and does not falsely represent himself or herself as a
13 licensed practitioner or use any title or degree appertaining to the
14 practice thereof.

15 D. A person is considered in compliance with this section for
16 the care or treatment of individuals if the person does not:

- 17 1. Perform surgery or any other procedure that harmfully
18 punctures the skin, excluding acupuncture and finger prick screening
19 purposes;
- 20 2. Set fractures;
- 21 3. Prescribe or administer X-ray radiation;
- 22 4. Prescribe or administer a prescription drug, a prescription
23 device, or a controlled substance;

1 5. Diagnose or treat a mental or physical condition and as a
2 direct result of that service knowingly and willfully cause
3 significant and discernable physical or mental injury; and

4 6. State, advertise, or otherwise falsely represent to any
5 individual that the person is licensed, certified, or registered to
6 practice as a licensed practitioner.

7 E. An individual caring for or treating according to this
8 section shall, prior to providing the services, disclose to the
9 consumer of these services in a plainly worded written statement:

10 1. The individual's name, business address, and telephone
11 number;

12 2. Whether the individual is a health care practitioner
13 licensed by this state;

14 3. The nature of the health care services to be provided; and

15 4. The degrees, training, experience, credentials, or other
16 qualifications, if any, of the individual regarding the care or
17 treatments to be provided.

18 F. Before the individual provides care or treatment for the
19 first time, the provider of services must obtain a signed
20 acknowledgment stating that the individual has agreed to the
21 services or treatments and has been provided with the information
22 required under subsection E of this section.

23 G. A person who violates the provisions of this act is no
24 longer exempt from current laws regarding the unlicensed practice of
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1 a health care profession and may be subject to the penalties
2 specified in the relevant practice acts. However, before
3 enforcement proceedings begin regarding disclosure compliance, a
4 notification of education of this act shall be utilized by the state
5 or any state regulatory board and a mediation approach must be
6 utilized by the state to bring the unlicensed practitioner into
7 compliance with this section.

8 SECTION 2. This act shall become effective November 1, 2020.

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