An Act

ENROLLED HOUSE
BILL NO. 1467

By: Murphey and Turner of the House

and

Griffin and Johnson (Constance) of the Senate

An Act relating to health; amending 10A O.S. 2011, Section 1-9-102, which relates to the Oklahoma Children's Code; transferring duties from the Child Abuse Training and Coordination Council to the Oklahoma Commission on Children and Youth; amending 47 O.S. 2011, Section 1135.3, which relates to special license plates; requiring organ, eye and tissue license plate to be designed in consultation with the State Department of Health; transferring powers, duties, property, and rules related to certain acts to the State Board of Examiners of Licensed Counselors; creating the State Board of Examiners of Licensed Counselors; providing appointing authority; providing standards for meetings; authorizing the Governor to appoint Board members; providing procedures related to recommendations of the Board; providing jurisdictional area of the Board; requiring compliance with certain acts; providing for reimbursement of certain expenses by Board members; providing authorization of certain acts by Board; amending 59 O.S. 2011, Sections 1902, 1905, 1906, 1907, 1908, 1909, 1911, 1912, 1913.1, 1916.1, 1917, 1918, as amended by Section 288, Chapter 304, O.S.L. 2012, and 1919 (59 O.S. Supp. 2012, Section 1918), which relate to the Licensed Professional Counselors Act; modifying definitions; clarifying language; transferring certain powers and duties from the State Board and State Commissioner of Health, respectively, to the State Board of Examiners of Licensed Counselors and the Executive Director of the State

Board of Examiners of Licensed Counselors, respectively; amending 59 O.S. 2011, Sections 1925.2, 1925.5, 1925.6, 1925.7, 1925.8, 1925.9, 1925.15, 1925.17, as amended by Section 289, Chapter 304, O.S.L. 2012, and 1925.18 (59 O.S. Supp. 2012, Section 1925.17), which relate to the Marital and Family Therapist Licensure Act; modifying definitions; clarifying language; transferring certain powers and duties from the State Board and State Commissioner of Health, respectively, to the State Board of Examiners of Licensed Counselors and the Executive Director of the State Board of Examiners of Licensed Counselors, respectively; amending 59 O.S. 2011, Sections 1931, 1934, 1935, 1936, 1937, 1938, 1940, 1941, 1942, 1944, 1945, 1946, as amended by Section 290, Chapter 304, O.S.L. 2012, 1947, 1948, and 1949 (59 O.S. Supp. 2012, Section 1946), which relate to the Licensed Behavioral Practitioner Act; modifying definitions; clarifying language; transferring certain powers and duties from the State Board and State Commissioner of Health, respectively, to the State Board of Examiners of Licensed Counselors and the Executive Director of the State Board of Examiners of Licensed Counselors, respectively; amending 62 O.S. 2011, Section 155, as amended by Section 446, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 155), which relates to revolving funds; deleting revolving fund for the State Barber Advisory Board; creating the Oklahoma Public Health Advisory Council Modernization Act; establishing five advisory councils to assist and advise the State Department of Health; providing for meetings; providing for appointments to each advisory council; providing for jurisdictional areas of each advisory council; providing for powers and duties of advisory councils; providing for reimbursement expenses; amending 63 O.S. 2011, Section 1-114.1, which relates to the Comprehensive Childhood Lead Poisoning Prevention Program; directing consideration of recommendations by the Infant and Children's Health Advisory Council; eliminating Childhood Lead Poisoning Prevention Advisory Council; amending 63 O.S. 2011, Sections 1-227.1, 1-227.2 and 1-227.4, which relate to the Child Abuse Prevention Act; deleting terms; directing consideration of recommendations by the Infant and Children's Health

Advisory Council; eliminating the interagency child abuse prevention task force; transferring certain duty of task force to the State Department of Health; deleting certain requirement of Commissioner; amending 63 O.S. 2011, Sections 1-229.2, 1-229.5 and 1-229.6, which relate to the Oklahoma Tobacco Use Prevention and Cessation Act; deleting and modifying terms; directing consideration of recommendations by the Advancement of Wellness Advisory Council; eliminating the Tobacco Use Prevention and Cessation Committee; transferring certain duties to the State Department of Health; deleting certain requirements of the state plan; deleting certain requirements concerning invitations to bid; amending 63 O.S. 2011, Section 1-1923.1, which relates to the Residents and Family State Council; directing consideration of recommendations by the Long-Term Care Facility Advisory Board; amending 63 O.S. 2011, Sections 1-260.2 and 1-260.4, which relate to the Osteoporosis Prevention and Treatment Education Act; directing consideration of recommendations by the Advancement of Wellness Council; eliminating Interagency Council on Osteoporosis; amending 63 O.S. 2011, Sections 1-556 and 1-557, as amended by Section 480, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2012, Section 1-557), which relate to breast cancer; eliminating the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee; transferring certain duties to the State Department of Health; directing consideration of recommendations by the Advancement of Wellness Council; amending 63 O.S. 2011, Section 1-860.14, which relates to the Hospice Advisory Board; transferring certain authority of Board to State Department of Health; amending 63 O.S. 2011, Sections 1-564, 1-567 and 1-569, which relate to genetic counselors; directing consideration of recommendations by the Counseling Advisory Council; deleting references to the Genetics Counseling Advisory Committee; providing that State Board of Health rules shall include requirements for maintaining and renewal of genetic counselor license; amending 63 O.S. 2011, Section 1-706.12, which relates to the Emergency Medical Services for Children Resource Center; removing requirement that certain items be submitted to State Department of

Health Emergency Medical Services Advisory Council prior to Department action; amending 63 O.S. 2011, Sections 1-1453 and 1-1455, which relate to the Oklahoma Medical Micropigmentation Regulation Act; directing consideration of recommendations by the Consumer Protection Licensing Advisory Council; deleting reference to the Medical Micropigmentation Advisory Committee; amending 63 O.S. 2011, Section 1-1505, which relates to the Diagnostic X-Ray Facility Act; directing consideration of recommendations by the Consumer Protection Licensing Advisory Council; amending 63 O.S. 2011, Sections 1-2503, as amended by Section 1 of Enrolled House Bill No. 1083 of the 1st Session of the 54th Oklahoma Legislature, 1-2506, 1-2511, as amended by Section 7 of Enrolled House Bill No. 1083 of the 1st Session of the 54th Oklahoma Legislature, 1-2512, 1-2530.2, 1-2530.3, 1-2530.5 and 1-2530.8, which relate to the Oklahoma Emergency Response Systems Development Act and the Oklahoma Trauma Systems Improvement and Development Act; modifying definition; directing consideration of recommendations by the Trauma and Emergency Response Advisory Council; deleting references to the Oklahoma Emergency Response Systems Development Advisory Council; removing power of State Commissioner of Health to create Medical Direction Subcommittee; modifying term; amending 63 O.S. 2011, Section 2060, which relates to the Oklahoma Certified Healthy Communities Act; eliminating the Oklahoma Healthy Communities Advisory Committee; directing consideration of recommendations by the Advancement of Wellness Advisory Council; amending 63 O.S. 2011, Section 2061, which relates to the Oklahoma Certified Healthy Schools Act; eliminating the Oklahoma Healthy Schools Advisory Committee; directing consideration of recommendations by the Advancement of Wellness Advisory Council; amending 63 O.S. 2011, Sections 2220.2, 2220.3, as amended by Section 511, Chapter 304, O.S.L. 2012, 2220.5 and 2220.6 (63 O.S. Supp. 2012, Section 2220.3), which relate to organ donations; eliminating the Organ Donor Education and Awareness Program Advisory Council; authorizing State Department of Health and State Department of Education to take certain actions regarding organ donations; amending 70 O.S. 2011, Section 1210.284,

as amended by Section 1 of Enrolled House Bill No. 1117 of the 1st Session of the 54th Oklahoma Legislature, which relates to vision screening; eliminating advisory committee concerning vision screening; directing consideration of recommendation by the Health Care Advisory Council; transferring powers, duties, property, and rules related to certain acts from the State Department of Health, State Board of Health, and State Commissioner of Health, respectively, to the State Board of Cosmetology and Barbering; amending 59 O.S. 2011, Sections 61.1, 61.2 and 61.3, which relate to authorities, powers, and duties of the State Board of Health; transferring certain duties to State Board of Cosmetology and Barbering; amending 59 O.S. 2011, Sections 199, 199.1, 199.2, 199.3, 199.4, 199.5, 199.6, 199.7, 199.8, 199.9, 199.10, 199.11, 199.13, 199.14 and 199.15, as amended by Section 262, Chapter 304, O.S.L. 2012 (59 O.S. Supp. 2012, Section 199.15), which relate to the Oklahoma Cosmetology and Barbering Act; creating the State Board of Cosmetology and Barbering; modifying definitions; clarifying language; modifying composition of Board; authorizing Board to promulgate rules for examination and licensure of certain professions; repealing 59 O.S. 2011, Sections 61.4, 1904, 1925.4 and 1933, which relate to the State Barber Advisory Board, the Oklahoma Licensed Professional Counselors Advisory Board, the Oklahoma Licensed Marital and Family Therapist Advisory Board, and the Oklahoma Licensed Behavioral Practitioners Advisory Board; repealing 63 O.S. 2011, Sections 1-229.4, 1-232.2, 1-260.4, 1-555, 1-860.13, 1-860.14, 1-1456, 1-1504.1, 1-1753, 1-1970, 1-2516, as amended by Section 1, Chapter 74, O.S.L. 2012, 1-2530.4, 1-2530.6 and 1-2530.7 (63 O.S. Supp. 2012, Section 1-2516), which relate to the Tobacco Use Prevention and Cessation Advisory Committee, the Shaken Baby Prevention Education Initiative Task Force, the Interagency Council on Osteoporosis, the Oklahoma Breast and Cervical Cancer Prevention Advisory Committee, the Hospice Advisory Board, the Medical Micropigmentation Advisory Committee, the Radiation Advisory Committee, the Hearing Aid Advisory Council, the Home Health Advisory Board, the Oklahoma Emergency Response Systems Development

Advisory Council, and the Oklahoma Trauma Systems Improvement and Development Advisory Council; providing for codification; providing for noncodification; and providing an effective date.

SUBJECT: Health

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-9-102, is amended to read as follows:

Section 1-9-102. A. 1. In coordination with the ~~Child Abuse Training and Coordination Council~~ Oklahoma Commission on Children and Youth, each district attorney shall develop a multidisciplinary child abuse team in each county of the district attorney or in a contiguous group of counties.

2. The lead agency for the team shall be chosen by the members of the team. The team shall intervene in reports involving child sexual abuse or child physical abuse or neglect.

B. The multidisciplinary child abuse team members shall include, but not be limited to:

1. Mental health professionals licensed pursuant to the laws of this state or licensed professional counselors;

2. Police officers or other law enforcement agents with a role in, or experience or training in child abuse and neglect investigation;

3. Medical personnel with experience in child abuse and neglect identification;

4. Child protective services workers within the Department of Human Services;

5. Multidisciplinary child abuse team coordinators, or Child Advocacy Center personnel; and

6. The district attorney or assistant district attorney.

C. 1. To the extent that resources are available to each of the various multidisciplinary child abuse teams throughout the state, the functions of the team shall include, but not be limited to, the following specific functions:

a. whenever feasible, law enforcement and child welfare staff shall conduct joint investigations in an effort to effectively respond to child abuse reports,

b. develop a written protocol for investigating child sexual abuse and child physical abuse or neglect cases and for interviewing child victims. The purpose of the protocol shall be to ensure coordination and cooperation between all agencies involved so as to increase the efficiency in handling such cases and to minimize the stress created for the allegedly abused child by the legal and investigatory process. In addition, each team shall develop confidentiality statements and interagency agreements signed by member agencies that specify the cooperative effort of the member agencies to the team,

c. freestanding multidisciplinary child abuse teams shall be approved by the ~~Child Abuse Training and Coordination Council~~ Commission. The ~~Council~~ Commission shall conduct an annual review of freestanding multidisciplinary teams to ensure that the teams are functioning effectively. Teams not meeting the minimal standards as promulgated by the ~~Council~~ Commission shall be removed from the list of functioning teams in the state,

d. increase communication and collaboration among the professionals responsible for the reporting, investigation, prosecution and treatment of child abuse and neglect cases,

e. eliminate duplicative efforts in the investigation and the prosecution of child abuse and neglect cases,

f. identify gaps in service or all untapped resources within the community to improve the delivery of services to the victim and family,

g. encourage the development of expertise through training. Each team member and those conducting child abuse investigations and interviews of child abuse victims shall be trained in the multidisciplinary team approach, conducting legally sound and age-appropriate interviews, effective investigation techniques and joint investigations as provided through the ~~Child Abuse Training and Coordination Council~~ State Department of Health, the Commission on Children and Youth, or other resources,

h. formalize a case review process and provide data as requested to the ~~Child Abuse Training and Coordination Council~~ Commission for freestanding teams, and

i. standardize investigative procedures for the handling of child abuse and neglect cases.

2. All investigations of child sexual abuse and child physical abuse or neglect and interviews of child abuse or neglect victims shall be carried out by appropriate personnel using the protocols and procedures specified in this section.

3. If trained personnel are not available in a timely fashion and, in the judgment of a law enforcement officer or the Department of Human Services, there is reasonable cause to believe a delay in investigation or interview of the child victim could place the child in jeopardy of harm or threatened harm to a child's health or welfare, the investigation may proceed without full participation of all personnel. This authority applies only for as long as reasonable danger to the child exists. A reasonable effort to find and provide a trained investigator or interviewer shall be made.

D. 1. A multidisciplinary child abuse team may enter into an agreement with the Child Death Review Board within the Oklahoma Commission on Children and Youth and, in accordance with rules promulgated by the Oklahoma Commission on Children and Youth, conduct case reviews of deaths and near deaths of children within the geographical area of that multidisciplinary child abuse team.

2. Any multidisciplinary child abuse team reviewing deaths and near deaths of children shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the team relating to the review of the deaths and near deaths of children and a summary of the extent to which the state

child protection system is coordinated with foster care and adoption programs and whether the state is efficiently discharging its child protection responsibilities. The report shall be completed no later than December 31 of each year.

E. Nothing in this section shall preclude the use of hospital team reviews for client-specific purposes and multidisciplinary teams, either of which were in existence prior to July 1, 1995; provided, however, such teams shall not be subject to the provisions of paragraph 1 of subsection A of this section.

F. 1. Child advocacy centers shall be classified, based on the child population of a district attorney's district, as follows:

a. nonurban centers in districts with child populations that are less than sixty thousand (60,000),

b. midlevel nonurban centers in districts with child populations equal to or greater than sixty thousand (60,000), but not including Oklahoma and Tulsa Counties, and

c. urban centers in Oklahoma and Tulsa Counties.

2. The multidisciplinary child abuse team used by the child advocacy center for its accreditation shall meet the criteria required by a national association of child advocacy centers and, in addition, the team shall:

a. choose a lead agency for the team,

b. intervene in reports involving child sexual abuse and may intervene in child physical abuse or neglect,

c. promote the joint investigation of child abuse reports between law enforcement and child welfare staff, and

d. formalize standardized investigative procedures for the handling of child abuse and neglect cases.

G. Multidisciplinary child abuse teams and child advocacy centers shall have full access to any service or treatment plan and any personal data known to the Department which is directly related to the implementation of this section.

SECTION 2. AMENDATORY 47 O.S. 2011, Section 1135.3, is amended to read as follows:

Section 1135.3 A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons wishing to demonstrate support, interest, or membership to or for an organization, occupation, cause or other subject as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

If fewer than one hundred of any type of special license plates authorized prior to January 1, 2004, are issued prior to January 1, 2006, the Tax Commission shall discontinue issuance and renewal of that type of special license plate. Any such authorized special license plate registrant shall be allowed to display the license plate upon the designated vehicle until the registration expiration date. After such time the expired special license plate shall be removed from the vehicle.

Except as otherwise provided in this section, for special license plates authorized on or after July 1, 2004, no special license plates shall be developed or issued by the Tax Commission until the Commission receives one hundred (100) prepaid applications therefor. The prepaid applications must be received by the Tax Commission within one hundred and eighty (180) days of the effective date of the authorization or the authority to issue shall be null and void. In the event one hundred (100) prepaid applications are not received by the Tax Commission within such prescribed time period any payment so received shall be refunded accordingly.

B. The special license plates provided by this section are as follows:

1. Round and Square Dance License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for round and square dancing;

2. National Association for the Advancement of Colored People License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the NAACP, and issued to any person wishing to demonstrate support for the NAACP;

3. National Rifle Association License Plates - such plates shall be designed, subject to the criteria to be presented to the Tax Commission by the National Rifle Association, and issued to any person wishing to demonstrate support for the National Rifle Association;

4. Masonic Fraternity License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Masonic Fraternity of Oklahoma. Such persons may apply for a Masonic Fraternity license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Masonic Fraternity membership or upon the presentment of an application for a Masonic Fraternity license plate authorized and approved by the Grand Lodge of Oklahoma. The license plates shall be designed in consultation with the Masonic Fraternities of Oklahoma and shall contain the Masonic emblem;

5. Shriner's Hospitals for Burned and Crippled Children License Plates - such plates shall be designed to demonstrate support for Shriner's Hospitals for Burned and Crippled Children and shall be issued to any resident of this state who is a member of a Shriner's Temple in Oklahoma. The license plate shall be designed in

consultation with the Shriner's Temples in Oklahoma and shall contain the Shriner's emblem;

6. Balloonists License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for hot air ballooning in this state;

7. Order of the Eastern Star License Plates - such plates shall be designed and issued to any resident of this state who is a member of an Order of the Eastern Star. Such persons may apply for an Order of the Eastern Star license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of an Order of the Eastern Star membership or upon the presentment of an application for an Order of the Eastern Star license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Order of the Eastern Star and shall contain the Order of the Eastern Star emblem;

8. Knights of Columbus License Plates - such plates shall be designed and issued to any resident of this state who is a member of the Knights of Columbus. Such persons may apply for a Knights of Columbus license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Knights of Columbus membership or upon the presentment of an application for a Knights of Columbus license plate authorized and approved by the organization. The license plate shall be designed in consultation with the Knights of Columbus and shall contain the Knights of Columbus emblem;

9. Jaycees License Plates - such plates shall be designed and issued to members of the Jaycees. Persons applying for such license plate must show proof of membership in the Jaycees. The license plates shall be designed in consultation with the Jaycees;

10. Ducks Unlimited License Plates - such plates shall be designed and issued to members of Ducks Unlimited. Persons applying for and renewing such license plates must show proof of tag membership in Ducks Unlimited. The license plates shall be designed in consultation with Ducks Unlimited;

11. Kiwanis International License Plates - such plates shall be designed and issued to members of Kiwanis International. Persons applying for such license plate must show proof of membership in Kiwanis International. The license plates shall be designed in consultation with Kiwanis International;

12. Certified Public Accountants License Plates - such plates shall be designed and issued to any resident of this state who is a Certified Public Accountant. Such persons may apply for a Certified Public Accountant license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of status as a Certified Public Accountant. The license plates shall be designed in consultation with the Oklahoma Society of Certified Public Accountants;

13. Civil Emergency Management License Plates - such plates shall be designed and issued to persons wishing to demonstrate support for the state civil emergency management system;

14. Civilian Conservation Corps License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Civilian Conservation Corps Association, and issued to any person wishing to demonstrate support of the Civilian Conservation Corps;

15. Rotarian License Plates - such plates shall be designed and issued to any resident of this state who is a member of a Rotarian Club of Oklahoma. Such persons may apply for a Rotarian license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of a Rotarian Club membership or upon the presentment of an application for a Rotarian license plate authorized and approved by a Rotarian Club of Oklahoma. The license plates shall be designed in consultation with the five Rotarian District Governors and shall contain the Rotarian emblem;

16. Benevolent Protective Order of Elks - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the Benevolent Protective Order of Elks, and issued to any resident of this state who is a member of the Benevolent Protective Order of Elks;

17. Humane Society License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the Humane Society of the United States. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The plate shall contain the official Humane Society logo;

18. Oklahoma Mustang Club - such plates shall be designed, subject to criteria to be presented to the Tax Commission, by the

Oklahoma Mustang Club, and issued to any resident of this state who is a member of the Oklahoma Mustang Club. Such persons may apply for an Oklahoma Mustang Club license plate upon presentment of proof of membership in the Oklahoma Mustang Club. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates;

19. American Business Clubs (AMBUCS) License Plates - such plates shall be designed and issued to members of American Business Clubs. Persons applying for such license plate must show proof of membership in AMBUCS. The license plates shall be designed in consultation with American Business Clubs;

20. West Point 200th Anniversary License Plates - such plates shall be designed and issued to any person wishing to commemorate the Two Hundredth Anniversary of the founding of the United States Military Academy at West Point, New York. The license plates shall be designed in consultation with the West Point Society of Central Oklahoma;

21. Oklahoma Aquarium License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Oklahoma Aquarium. The license plates shall be designed in consultation with the Oklahoma Aquarium;

22. The Pride of Broken Arrow License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for The Pride of Broken Arrow marching band. The plates shall be designed in consultation with the Broken Arrow Public School System;

23. Fellowship of Christian Athletes License Plates - such plates shall be designed in consultation with the Fellowship of Christian Athletes and issued to members and supporters of the Fellowship of Christian Athletes;

24. Parrothead Club License Plates - such plates shall be designed and issued to members and supporters of the Parrothead Club. The license plate shall be issued to any person in any combination of numbers and letters from one to a maximum of seven as for personalized license plates;

25. Oklahoma Bicycling Coalition License Plates - such plates shall be designed and issued to any person who is a member of the

Oklahoma Bicycling Coalition. The license plates shall be designed in consultation with the Oklahoma Bicycling Coalition;

26. Electric Lineman License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Oklahoma's electric linemen. The license plates shall be designed in consultation with the Oklahoma Electric Superintendent's Association;

27. Alpha Kappa Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Kappa Alpha Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Kappa Alpha Sorority;

28. The National Pan-Hellenic Council Incorporated License Plate - such plates shall be designed and issued to any person wishing to demonstrate support to any of the nine sororities and fraternities recognized by the National Pan-Hellenic Council Incorporated. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Pan-Hellenic Council Incorporated;

29. Organ, Eye and Tissue License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for organ, eye and tissue donation. The license plates shall be designed in consultation with the ~~Oklahoma Organ Donor Education and Awareness Program Advisory Council~~ State Department of Health;

30. Central Oklahoma Habitat for Humanity License Plate - such plates shall be designed and issued to persons wishing to demonstrate support and increase awareness for Habitat for Humanity. The license plate shall be designed in consultation with Central Oklahoma Habitat for Humanity;

31. Family Career and Community Leaders of America Incorporated License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for Family Career and Community Leaders of America Incorporated. The license plates shall be designed in consultation with Family Career and Community Leaders of America Incorporated;

32. Delta Sigma Theta License Plate - such plates shall be designed and issued to any person who is a member of Delta Sigma

Theta Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority Incorporated;

33. Omega Psi Phi License Plate - such plates shall be designed and issued to any person who is a member of Omega Psi Phi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

34. Alpha Phi Alpha License Plate - such plates shall be designed and issued to any person who is a member of Alpha Phi Alpha Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Alpha Phi Alpha Fraternity Incorporated;

35. 50th Anniversary of the Interstate System of Highways License Plate - such plates shall be designed and issued to persons wishing to commemorate the 50th Anniversary of the Interstate System of Highways. The license plates shall be designed in consultation with the American Association of State Highway and Transportation Officials;

36. Kappa Alpha Psi License Plate - such plates shall be designed and issued to any person who is a member of Kappa Alpha Psi Fraternity. The license plates shall be designed in consultation with the Oklahoma Chapter of Kappa Alpha Psi Fraternity Incorporated;

37. Sigma Gamma Rho License Plate - such plates shall be designed and issued to any person who is a member of Sigma Gamma Rho Sorority. The license plates shall be designed in consultation with the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated;

38. Multiple Sclerosis License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for and increase awareness of multiple sclerosis. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Multiple Sclerosis Society;

39. Frederick Douglass High School License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for Frederick Douglass High School located in Oklahoma City. The plates shall be designed in consultation with representatives of Frederick Douglass High School National Alumni Association;

40. United States Air Force Academy License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the United States Air Force Academy;

41. In God We Trust License Plate - such plates shall be designed to include the motto, "In God We Trust", and shall be issued to any person wishing to demonstrate support for the motto;

42. National Weather Center License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the National Weather Center in Norman. The plates shall be designed in consultation with representatives of the National Weather Center Directors;

43. Make-A-Wish Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the Make-A-Wish Foundation. The license plates shall be designed in consultation with the Oklahoma Chapter of the National Make-A-Wish Foundation;

44. South Central Section PGA Foundation License Plate - such plates shall be designed and issued to persons wishing to demonstrate support for the South Central Section PGA Foundation. The license plates shall be designed in consultation with the South Central Section PGA Foundation;

45. Putnam City High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Putnam City High School. The plates shall be designed in consultation with representatives of Putnam City High School Alumni Association, Inc.;

46. Autism Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of autism. The license plate shall be designed in consultation with the Oklahoma Autism Network;

47. Oklahoma Blood Institute License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Blood Institute. The license plates shall be designed in consultation with the Oklahoma Blood Institute;

48. Zeta Phi Beta and Phi Beta Sigma License Plate - such plates shall be designed and issued to any person who is a member of Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license

plates shall be designed in consultation with the Oklahoma chapters of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity Incorporated;

49. Star Spencer High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Star Spencer High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Star Spencer High School Alumni Association;

50. Northeast High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Northeast High School located in Oklahoma City. The plates shall be designed in consultation with representatives of the Northeast High School Alumni Association;

51. Oklahoma City Central High School License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Central High School Alumni Association. The plates shall be designed in consultation with representatives of the Oklahoma City Central High School Alumni Association;

52. Historic Greenwood District License Plate - such plates shall be issued to persons wishing to demonstrate support for music festivals held in the Historic Greenwood District in Tulsa, Oklahoma. The license plates shall be designed in consultation with the Greenwood Cultural Center;

53. Oklahoma Rifle Association License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Rifle Association. The plates shall be designed in consultation with representatives of the Oklahoma Rifle Association;

54. Oklahoma City Thunder License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma City Thunder. The license plate shall be designed in consultation with the Oklahoma City Thunder organization;

55. Ovarian Cancer Awareness License Plate - such plates shall be designed and issued to any person wishing to increase awareness of ovarian cancer. The license plate shall be designed in consultation with the HOPE in Oklahoma organization;

56. BMW Car Club of America License Plate - such plates shall be designed and issued to any resident of this state who is a member of the BMW Car Club of America. Such persons may apply for an BMW Car Club of America license plate upon presentment of proof of membership in the BMW Car Club of America. The plates shall be issued to any person in any combination of numbers and letters from one to a maximum of seven, as for personalized license plates. The license plate shall be designed in consultation with the Sunbelt Chapter of the BMW Car Club of America;

57. Deer Creek School District License Plates - such plates shall be designed and issued to any person wishing to demonstrate support for the Deer Creek School District. The plates shall be designed in consultation with representatives of the Deer Creek School District; and

58. Don't Tread On Me License Plate - such plates shall be designed to include the yellow background and rattlesnake emblem above the motto "DON'T TREAD ON ME" as found on the historic Gadsden flag, and shall be issued to any person wishing to demonstrate support for the freedom and liberty of the Republic.

C. The fee for such plates shall be Fifteen Dollars ($15.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Unless otherwise provided in this section, the fee shall be apportioned as follows: Eight Dollars ($8.00) of the special license plate fee shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act and the remaining Seven Dollars ($7.00) of the special license plate fee shall be apportioned as provided in Section 1104 of this title.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. All powers, duties, responsibilities, equipment and records of the State Board of Health, the State Department of Health, and the State Commissioner of Health relating exclusively to the regulation of Licensed Professional Counselors, Licensed Marital and Family Therapists and Licensed Behavioral Practitioners are hereby transferred and shall be placed under the authority of the State Board of Behavioral Health Licensure. To the extent practicable, this shall include all computer hardware and software used in regulating the functions listed in this subsection. The State

Commissioner of Health, the Executive Director of the State Board of Behavioral Health Licensure, and the Director of the Office of Management and Enterprise Services may contract for additional legal and administrative services as necessary to effectuate the transfer.

B. All unexpended funds, property, furnishings, equipment, supplies, records, and outstanding financial obligations and encumbrances relating to the designated transfer of the Licensed Professional Counselors Act, the Marital and Family Therapist Licensure Act and the Licensed Behavioral Practitioner Act are hereby transferred to the State Board of Behavioral Health Licensure for the continuing performance of duties relating to the Licensed Professional Counselors Act, the Marital and Family Therapist Licensure Act and the Licensed Behavioral Practitioner Act. No funds, property, furnishings, equipment, supplies, or records may be expended or used for any purpose other than the performance of duties and responsibilities as directed and required in this act.

C. The State Board of Health, the State Department of Health, and the State Commissioner of Health shall not enter into any contract or agreement relating to the regulation of Licensed Professional Counselors, Licensed Marital and Family Therapists and Licensed Behavioral Practitioners extending beyond the effective date of the transfer without approval by the Executive Director of the State Board of Behavioral Health Licensure and the Office of Management and Enterprise Services.

D. All licenses, registrations, certifications and accreditations subject to the transfer provided in subsection A of this section shall remain in full force and effect upon transfer to the State Board of Behavioral Health Licensure.

E. The Director of the Office of Management and Enterprise Services is hereby directed to coordinate the transfer of funds, allotments, purchase orders, and outstanding financial obligations and encumbrances relating to the Licensed Professional Counselors Act, the Marital and Family Therapist Licensure Act, and the Licensed Behavioral Practitioner Act subject to transfer pursuant to the provisions of this act.

F. Upon the effective date of this act, all administrative rules promulgated by the State Board of Health relating to the Licensed Professional Counselors Act, the Marital and Family Therapist Licensure Act and the Licensed Behavioral Practitioner Act shall be transferred to and become a part of the administrative

rules of the State Board of Behavioral Health Licensure. The Office of Administrative Rules in the Secretary of State's office shall provide adequate notice in "The Oklahoma Register" of the transfer of such rules, and shall place the transferred rules under the Administrative Code section of the State Board of Behavioral Health Licensure. Such rules shall continue in full force and effect as rules of the State Board of Behavioral Health Licensure from and after the effective date of this act, and any amendment, repeal or addition to the transferred rules shall be under the jurisdiction of the State Board of Behavioral Health Licensure.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5001 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created the State Board of Behavioral Health Licensure to continue until July 1, 2019, in accordance with the provisions of the Oklahoma Sunset Law.

2. Members of the Board shall serve at the pleasure of and may be removed from office by the appointing authority. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Four members shall constitute a quorum.

3. The Board shall meet at least twice a year, but no more than four (4) times a year and shall elect a chair and a vice-chair from among its members. The Board shall only meet as required for:

a. election of officers,

b. establishment of meeting dates and times,

c. rule development,

d. review and recommendation, and

e. adoption of nonbinding resolutions to the Board concerning matters brought before the Board.

4. Special meetings may be called by the chair or by concurrence of any three members.

B. 1. All members of the Board shall be knowledgeable of counseling issues. The Board shall be appointed by the Governor with the advice and consent of the Senate:

a. four members who are licensed professional counselors,

b. three members who are licensed family and marital therapists,

c. two members who are licensed behavioral practitioners, and

d. two members representing the public and possessing knowledge of counseling issues.

2. Members of the Board shall serve for a period of three (3) years and may be removed at any time by the appointing authority. Vacancies on the Board shall be filled by the appointing authority. A majority of the Board shall constitute a quorum for the transaction of business.

3. All appointees who are licensed professional counselors shall be selected from a list of qualified candidates submitted by the Executive Committee of the Oklahoma Counseling Association acting in conjunction with the executive committees of all state professional counseling associations which represent a specialty recognized pursuant to the Licensed Professional Counselors Act. Appointees who are licensed marital and family therapists shall be selected from a list of qualified candidates submitted by the Oklahoma Association for Marriage and Family Therapy and who represent a specialty recognized by the Marital and Family Therapist Licensure Act. Appointees who are licensed behavioral therapists shall be selected from a list of qualified candidates submitted by the National Association for Masters in Psychology and who represent a specialty recognized by the Licensed Behavioral Practitioner Act.

4. The members of the Board from each professional area of behavioral health counseling shall comprise separate committees and shall consult on professional issues within their respective areas of behavioral health counseling. Each committee shall recommend to the Board approval or disapproval of all licenses to be issued within its specialty. Each committee shall be authorized to recommend approval or disapproval of the examination requirements for all applicants for licensure in the respective area of behavioral health counseling, provide grading standards for

examinations, and provide for other matters relating to licensure in that area of behavioral health counseling. Each committee may create advisory committees to consult on professional duties and responsibilities pursuant to the provisions of this act.

5. Any and all recommendations, approvals, or disapprovals made by a committee pursuant to the provisions of this section shall not become effective without the approval of a majority of members of the Board.

6. The jurisdictional areas of the Board shall include professional counseling licensing and practice issues, marital and family therapist licensing and practice issues, behavioral practitioner licensing and practice issues and such other areas as authorized by the Licensed Professional Counselors Act.

C. The Board shall not recommend rules for promulgation unless all applicable requirements of the Administrative Procedures Act have been followed, including but not limited to notice, rule impact statements and rule-making hearings.

D. Members of the Board shall serve without compensation but may be reimbursed for expenses incurred in the performance of their duties, as provided in the State Travel Reimbursement Act. The Board is authorized to utilize the conference rooms of and obtain administrative assistance from the State Board of Medical Licensure and Supervision as required.

E. The Board is authorized and empowered to:

1. Establish and maintain a system of licensure and certification pursuant to the provisions of the Licensed Professional Counselors Act;

2. Adopt and enforce standards governing the professional conduct of persons licensed pursuant to the provisions of the Licensed Professional Counselors Act;

3. Lease office space for the purpose of operating and maintaining a state office, and pay rent thereon; provided, however, such state office shall not be located in or directly adjacent to the office of any person licensed pursuant to the provisions of the Licensed Professional Counselors Act;

4. Purchase office furniture, equipment, and supplies;

5. Employ such office personnel as may be necessary, and fix and pay their salaries or wages;

6. Contract with state agencies for the purposes of investigating written complaints regarding the conduct of persons licensed pursuant to the provisions of the Licensed Professional Counselors Act and obtaining administrative assistance as deemed necessary by the Executive Director; and

7. Make such other expenditures as may be necessary in the performance of its duties.

F. The Board shall employ an Executive Director. The Executive Director shall be authorized to:

1. Employ and maintain an office staff;

2. Enter into contracts on behalf of the Board; and

3. Perform other duties on behalf of the Board as needed or directed.

G. All employees and positions shall be placed in unclassified status, exempt from the provisions of the Oklahoma Personnel Act.

SECTION 5. AMENDATORY 59 O.S. 2011, Section 1902, is amended to read as follows:

Section 1902. For the purpose of the Licensed Professional Counselors Act:

1. "Licensed professional counselor" or "LPC" means any person who offers professional counseling services for compensation to any person and is licensed pursuant to the provisions of the Licensed Professional Counselors Act. The term shall not include those professions exempted by Section 1903 of this title;

2. "Board" means the State Board of ~~Health~~ <u>Behavioral Health Licensure</u>;

3. ~~"Department" means the State Department of Health;~~

~~4. "Advisory Board" means the Oklahoma Licensed Professional Counselors Advisory Board appointed by the Commissioner~~;

~~5. "Commissioner" means the State Commissioner of Health;~~

~~6.~~ "Counseling" means the application of mental health and developmental principles in order to:

a. facilitate human development and adjustment throughout the life span,

b. prevent, diagnose or treat mental, emotional or behavioral disorders or associated distress which interfere with mental health,

c. conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and

d. plan, implement or evaluate treatment plans using counseling treatment interventions;

~~7.~~ 4. "Counseling treatment interventions" means the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Such interventions are specifically implemented in the context of a professional counseling relationship;

~~8.~~ 5. "Consulting" means interpreting or reporting scientific fact or theory in counseling to provide assistance in solving current or potential problems of individuals, groups or organizations;

~~9.~~ 6. "Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;

~~10.~~ 7. "Research activities" means reporting, designing, conducting or consulting on research in counseling;

~~11.~~ 8. "Specialty" means the designation of a subarea of counseling practice that is recognized by a national certification agency or by the Board;

~~12.~~ 9. "Supervisor" means a person who meets the requirements established by the Board and who is licensed pursuant to the Licensed Professional Counselors Act; ~~and~~

~~13.~~ 10. "Licensed professional counselor candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section 1906 of this title; and

11. "Executive Director" means the Executive Director of the State Board of Behavioral Health Licensure.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 1905, is amended to read as follows:

Section 1905. A. The State Board of ~~Health~~ Behavioral Health Licensure shall~~, giving regard to the recommendations of the Oklahoma Licensed Professional Counselors Advisory Board~~:

1. Prescribe, adopt and promulgate rules to implement and enforce the provisions of the Licensed Professional Counselors Act, including the adoption of the State Department of Health rules by reference;

2. Adopt and establish rules of professional conduct; and

3. Set license and examination fees as required by the Licensed Professional Counselors Act.

B. The ~~State Department of Health~~ Board shall~~, giving regard to the recommendations of the Advisory Board,~~ have the authority to:

1. Seek injunctive relief;

2. Request the district attorney to bring an action to enforce the provisions of the Licensed Professional Counselors Act;

3. Receive fees and deposit said fees into the Licensed Professional Counselors Revolving Fund as required by the Licensed Professional Counselors Act;

4. Issue, renew, revoke, deny, suspend and place on probation licenses to practice professional counseling pursuant to the provisions of the Licensed Professional Counselors Act;

5. Examine all qualified applicants for licenses to practice professional counseling;

6. ~~Investigate~~ Request assistance from the State Board of Medical Licensure and Supervision for the purposes of investigating complaints and possible violations of the Licensed Professional Counselors Act;

7. Accept grants and gifts from various foundations and institutions; and

8. Make such expenditures and employ such personnel as the ~~Commissioner~~ Executive Director may deem necessary for the administration of the Licensed Professional Counselors Act.

SECTION 7. AMENDATORY 59 O.S. 2011, 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 ~~Department of Health~~ Board of Behavioral Health Licensure in writing. Such applications shall be on a form and in a manner prescribed by the ~~Commissioner of Health~~ Board. The application shall be accompanied by the fee required by the Licensed Professional Counselors Act, which shall be retained by the ~~Department~~ Board and not returned to the applicant.

B. Each applicant for a license to practice as a licensed professional counselor shall:

1. Be possessed of good moral character;

2. Pass an examination based on standards promulgated by the ~~State~~ Board ~~of Health~~ pursuant to the Licensed Professional Counselors Act;

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

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 this title; and

5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Professional Counselors Act.

C. In addition to the qualifications specified by the provisions of subsection B of this section, an applicant for a license to practice as a licensed professional counselor shall have:

1. Successfully completed at least sixty (60) graduate semester hours (ninety (90) graduate quarter hours) of counseling-related course work. These sixty (60) hours shall include at least a master's degree in a counseling field. All courses and degrees shall be earned from a regionally accredited college or university. The ~~State~~ Board ~~of Health~~ shall define what course work qualifies as "counseling-related" and what degrees/majors qualify as a "counseling field"; and

2. Three (3) years of supervised full-time experience in professional counseling subject to the supervision of a licensed professional counselor pursuant to conditions established by the Board. One (1) or two (2) years of experience may be gained at the rate of one (1) year for each thirty (30) graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of counseling and are acceptable to the Board. The applicant shall have no less than one (1) year of supervised full-time experience in counseling.

SECTION 8. AMENDATORY 59 O.S. 2011, Section 1907, is amended to read as follows:

Section 1907. A. 1. Examinations shall be held at such times, at such place and in such manner as the ~~Commissioner of Health~~ State Board of Behavioral Health Licensure directs. An examination shall be held at least annually. The ~~State Department of Health~~ Board shall determine the acceptable grade on examinations. The examination shall cover such technical, professional and practical subjects as relate to the practice of professional counseling.

2. If an applicant fails to pass the examinations, the applicant may reapply.

B. The ~~Commissioner~~ Board shall preserve answers to any examination, and the applicant's performance on each section, as part of the records of the ~~Department~~ Board for a period of two (2) years following the date of the examination.

SECTION 9. AMENDATORY 59 O.S. 2011, Section 1908, is amended to read as follows:

Section 1908. A. An applicant who meets the requirements for licensure pursuant to the provisions of the Licensed Professional Counselors Act, has paid the required license fees and has otherwise complied with the provisions of the Licensed Professional Counselors Act shall be licensed by the State ~~Department of Health~~ Board of Behavioral Health Licensure.

B. Each initial license issued pursuant to the Licensed Professional Counselors Act shall expire twenty-four (24) months from the date of issuance unless revoked. A license may be renewed annually upon application and payment of fees. The application for renewal shall be accompanied by evidence satisfactory to the ~~Department~~ Board that the applicant has completed relevant professional or continued educational experience during the previous twenty-four (24) months. Failure to renew a license shall result in forfeiture of the rights and privileges granted by the license. A person whose license has expired may make application within one (1) year following the expiration in writing to the ~~Department~~ Board requesting reinstatement in a manner prescribed by the ~~Department~~ Board and payment of the fees required by the provisions of the Licensed Professional Counselors Act. The license of a person whose license has expired for more than one (1) year shall not be reinstated. A person may reapply for a new license as provided in Section 1906 of this title.

C. A licensed professional counselor whose license is current and in good standing, who wishes to retire the license, may do so by informing the ~~Department~~ Board in writing and returning the license to the Office of Licensed Professional Counselors. A license so retired shall not be reinstated but does not prevent a person from applying for a new license at a future date.

SECTION 10. AMENDATORY 59 O.S. 2011, Section 1909, is amended to read as follows:

Section 1909. The ~~Commissioner of Health~~ State Board of Behavioral Health Licensure shall have the power to issue a license by endorsement to an applicant licensed in another state to practice as a licensed professional counselor if the ~~Commissioner~~ Board deems such applicant to have qualifications comparable to those required under the Licensed Professional Counselors Act and if the ~~Commissioner~~ Board finds the applicant meets the standards, provided by rules, for license by endorsement.

SECTION 11. AMENDATORY 59 O.S. 2011, Section 1911, is amended to read as follows:

Section 1911. A. Any person who:

1. Represents himself or herself by the title "Licensed Professional Counselor" or "LPC" without having first complied with the provisions of the Licensed Professional Counselors Act;

2. Otherwise offers to perform counseling services;

3. Uses the title of Licensed Professional Counselor or any other name, style or description denoting that the person is licensed as a licensed professional counselor; or

4. Practices counseling,

upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by imposition of a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense and in addition may be imprisoned for a term not to exceed six (6) months in the county jail or by both such fine and imprisonment.

B. It shall be unlawful for any person who is not licensed or supervised pursuant to or specifically exempt from the provisions of the Licensed Professional Counselors Act to:

1. Advertise or otherwise offer to perform counseling services;

2. Use the title of Licensed Professional Counselor or any other name, style or description denoting that the person is licensed as a licensed professional counselor; or

3. Practice counseling.

Such action shall be subject to injunctive action by the ~~Commissioner of Health~~ State Board of Behavioral Health Licensure.

SECTION 12. AMENDATORY 59 O.S. 2011, Section 1912, is amended to read as follows:

Section 1912. A. The State ~~Department of Health~~ Board of Behavioral Health Licensure may deny, revoke, suspend or place on probation any license or specialty designation issued pursuant to

the provisions of the Licensed Professional Counselors Act to a licensed professional counselor, if the person has:

1. Been convicted of a felony;

2. Been convicted of a misdemeanor determined to be of such a nature as to render the person convicted unfit to practice counseling;

3. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of this act;

4. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself as a licensed professional counselor in this state;

5. Engaged in unprofessional conduct as defined by the rules established by the Board;

6. Engaged in negligence or wrongful actions in the performance of his or her duties; or

7. Misrepresented any information required in obtaining a license.

B. If the ~~Department~~ Board determines that a felony conviction of an applicant renders the convicted applicant unfit to practice counseling, the ~~Commissioner~~ Board shall provide notice and opportunity to the applicant, by certified mail at the last-known address, for an administrative hearing to contest such determination before the ~~Department~~ Board may deny the application. The request shall be made by the applicant within fifteen (15) days of receipt of the notice.

C. No license or specialty designation shall be suspended or revoked, nor a licensed professional counselor placed on probation until notice is served upon the licensed professional counselor and a hearing is held in conformity with Article II of the Administrative Procedures Act.

SECTION 13. AMENDATORY 59 O.S. 2011, Section 1913.1, is amended to read as follows:

Section 1913.1 A. The State Board of ~~Health~~ Behavioral Health Licensure shall promulgate rules governing any licensure action to be taken pursuant to the Licensed Professional Counselors Act which shall be consistent with the requirements of notice and hearing under the Administrative Procedures Act. No action shall be taken without prior notice unless the ~~State Commissioner of Health~~ Board determines that there exists a threat to the health and safety of the residents of Oklahoma.

B. 1. Any person who is determined by the ~~State Department of Health~~ Board to have violated any provision of the Licensed Professional Counselors Act, or any rule promulgated or order issued pursuant thereto, may be subject to an administrative penalty.

2. The maximum administrative penalty shall not exceed Ten Thousand Dollars ($10,000.00).

3. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

4. All administrative penalties collected shall be deposited into the Licensed Professional Counselors Revolving Fund.

SECTION 14. AMENDATORY 59 O.S. 2011, Section 1916.1, is amended to read as follows:

Section 1916.1 All licensed professional counselors, except those employed by federal, state, or local governmental agencies, shall, prior to the performance of service, furnish the client with a copy of the Statement of Professional Disclosure as promulgated by rule of the State Board of ~~Health~~ Behavioral Health Licensure. A current copy shall be on file with the ~~State Department of Health~~ Board at all times.

SECTION 15. AMENDATORY 59 O.S. 2011, Section 1917, is amended to read as follows:

Section 1917. A. A professional specialty designation area may be established by the State ~~Department of Health~~ Board of Behavioral Health Licensure upon receipt of a petition signed by fifteen qualified persons who are currently licensed as licensed professional counselors, and who meet the recognized minimum standards as established by appropriate nationally recognized certification agencies; provided, if a nationally recognized

certification does not exist, the ~~Department~~ Board may establish minimum standards for specialty designations.

B. Upon receipt of credentials from the appropriate certification agency, the ~~Department~~ Board may grant the licensed professional counselor the appropriate specialty designation. The licensed professional counselor may attain specialty designation through examination. A licensed professional counselor shall not claim or advertise a counseling specialty and shall not incorporate the specialty designation into the professional title of such licensed professional counselor, unless the qualifications and certification requirements of that specialty have been met and have been approved by the ~~Department~~ Board and the appropriate certification agency.

SECTION 16. AMENDATORY 59 O.S. 2011, Section 1918, as amended by Section 288, Chapter 304, O.S.L. 2012 (59 O.S. Supp. 2012, Section 1918), is amended to read as follows:

Section 1918. There is hereby created in the State Treasury a revolving fund for the ~~Oklahoma~~ State Board of ~~Licensed Professional Counselors~~ Behavioral Health Licensure, to be designated the "Licensed Professional Counselors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to this act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the ~~State Department of Health~~ Executive Director to meet expenses necessary for carrying out the purpose of the Licensed Professional Counselors Act. Expenditures from said fund shall be approved by the ~~Commissioner~~ Board and shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 17. AMENDATORY 59 O.S. 2011, Section 1919, is amended to read as follows:

Section 1919. A. The licensing fee and the annual renewal fee shall be amounts fixed by the State Board of ~~Health~~ Behavioral Health Licensure upon recommendations of the Oklahoma Licensed Professional Counselors Advisory Board.

B. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Licensed Professional Counselors

Act and so that there are no unnecessary surpluses in the Licensed Professional Counselors Revolving Fund.

C. The Board shall not fix a license fee at an amount in excess of Three Hundred Dollars ($300.00) and a renewal fee at an amount in excess of Two Hundred Dollars ($200.00).

D. 1. The fee for the issuance of a license to replace a license which was lost, destroyed or mutilated shall be Twenty-five Dollars ($25.00).

2. The fee shall accompany the application for a replacement license.

3. The fee for specialty designation shall not exceed One Hundred Fifty Dollars ($150.00).

4. The fee for an examination required pursuant to the Licensed Professional Counselors Act shall not exceed the ~~Department~~ Board's actual costs for holding and grading the examination.

SECTION 18. AMENDATORY 59 O.S. 2011, Section 1925.2, is amended to read as follows:

Section 1925.2 For purposes of the Marital and Family Therapist Licensure Act:

1. "Advertise" means, but is not limited to, the issuing or causing to be distributed any card, sign, or device to any person; or the causing, permitting or allowing any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or on radio or television, or by advertising by any other means designed to secure public attention;

2. "Board" means the State Board of ~~Health~~ Behavioral Health Licensure;

3. ~~"Commissioner" means the State Commissioner of Health;~~

~~4. "Advisory Board" means the Oklahoma Licensed Marital and Family Therapist Advisory Board appointed by the State Board of Health~~;

~~5. "Department" means the State Department of Health;~~

~~6.~~ "Licensed marital and family therapist" means a person holding a current license issued pursuant to the provisions of the Marital and Family Therapist Licensure Act;

~~7.~~ 4. "Marital and family therapy" means the assessment, diagnosis and treatment of disorders, whether cognitive, affective, or behavioral, within the context of marital and family systems. Marital and family therapy involves the professional application of family systems theories and techniques in the delivery of services to individuals, marital pairs, and families for the purpose of treating such disorders;

~~8.~~ 5. "Person" means any individual, firm, corporation, partnership, organization or body politic;

~~9.~~ 6. "Practice of marital and family therapy" means the rendering of professional marital and family therapy services to individuals, family groups and marital pairs, singly or in groups, whether such services are offered directly to the general public or through organizations either public or private, for a fee, monetary or otherwise;

~~10.~~ 7. "Recognized educational institution" means a regionally accredited college or university recognized by the United States Department of Education;

~~11.~~ 8. "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification; ~~and~~

~~12.~~ 9. "Licensed marital and family therapist candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as set forth in Section 1925.6 of this title; and

10. "Executive Director" means the Executive Director of the State Board of Behavioral Health Licensure.

SECTION 19. AMENDATORY 59 O.S. 2011, Section 1925.5, is amended to read as follows:

Section 1925.5 A. The State Board of ~~Health, giving regard to the recommendations of the Oklahoma Licensed Marital and Family Therapist Advisory Board,~~ Behavioral Health Licensure shall:

1. Prescribe, adopt and promulgate rules to implement and enforce the provisions of the Marital and Family Therapist Licensure Act;

2. Set license and examination fees as required by the Marital and Family Therapist Licensure Act, including the adoption of the State Department of Health rules by reference; and

3. Adopt and establish rules of professional conduct.

B. The ~~Department~~ Board shall have the authority to:

1. Seek injunctive relief;

2. Receive fees and deposit said fees into the Licensed Marital and Family Therapist Revolving Fund as required by the Marital and Family Therapist Licensure Act;

3. Issue, renew, revoke, deny, suspend and place on probation licenses to practice marital and family therapy pursuant to the provisions of the Marital and Family Therapist Licensure Act;

4. Examine all qualified applicants for licenses to practice marital and family therapy;

5. Accept grants and gifts from various foundations and institutions;

6. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Marital and Family Therapist Licensure Act;

7. Request the district attorney to bring an action to enforce the provisions of the Marital and Family Therapist Licensure Act; and

8. ~~Investigate~~ Request assistance from the State Board of Medical Licensure and Supervision for the purposes of investigating complaints and possible violations of the Marital and Family Therapist Licensure Act.

SECTION 20. AMENDATORY 59 O.S. 2011, Section 1925.6, is amended to read as follows:

Section 1925.6 A. Applications for a license to practice as a licensed marital and family therapist shall be made to the State ~~Department of Health~~ Board of Behavioral Health Licensure in writing. Such applications shall be on a form and in a manner prescribed by the ~~Commissioner~~ Board. The application shall be accompanied by the fee required by Section 1925.18 of this title which shall be retained by the ~~State Department of Health~~ Board and not returned to the applicant.

B. Each applicant for a license to practice as a licensed marital and family therapist shall:

1. Be possessed of good moral character;

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

3. Not have engaged in, nor be engaged in, any practice or conduct which would be a grounds for revoking, suspending or placing on probation a license under Section 1925.15 of this title; and

4. Otherwise comply with the rules and regulations promulgated by the Board pursuant to the provisions of the Marital and Family Therapist Licensure Act.

C. In addition to the qualifications specified by the provisions of subsection B of this section any person applying for a license after September 1, 1991, to practice as a licensed marital and family therapist shall have the following educational and experience qualifications:

1. A master's degree or a doctoral degree in marital and family therapy, or a content-equivalent degree as defined by the Board~~.~~;

2. Successful completion of two (2) calendar years of work experience in marital and family therapy following receipt of a qualifying degree, under supervision in accordance with standards established by the Board~~.~~; and

3. An applicant applying for a license after September 1, 1991, shall also be required to pass a written or oral examination or both written and oral examination administered by the Board if, at the discretion of the ~~Department~~ Board, such examination is deemed

necessary in order to determine the applicant's qualifications for the practice of marital and family therapy.

SECTION 21. AMENDATORY 59 O.S. 2011, Section 1925.7, is amended to read as follows:

Section 1925.7 A. Examinations shall be held at such times, at such place and in such manner as the State ~~Department of Health~~ Board of Behavioral Health Licensure directs. An examination shall be held at least annually. Examinations may be written or oral or both written and oral. In any written examination each applicant shall be designated so that such applicant's name shall not be disclosed to the ~~Department~~ Board until the examinations have been graded. Examinations shall include questions in such theoretical and applied fields as the ~~Department~~ Board deems most suitable to test an applicant's knowledge and competence to engage in the practice of marital and family therapy.

B. The ~~Department~~ Board shall determine the acceptable grade on examinations. If an applicant fails to pass the examinations, the applicant may reapply.

C. The ~~Department~~ Board shall preserve answers to any examination, and the applicant's performance on each section, as part of the records of the ~~Department~~ Board for a period of two (2) years following the date of the examination.

SECTION 22. AMENDATORY 59 O.S. 2011, Section 1925.8, is amended to read as follows:

Section 1925.8 A. An applicant who meets the requirements for licensure required by the provisions of the Marital and Family Therapist Licensure Act, has paid the required license fees and has otherwise complied with the provisions of the Marital and Family Therapist Licensure Act, shall be licensed by the ~~Department~~ State Board of Behavioral Health Licensure.

B. Each initial license issued pursuant to the Marital and Family Therapist Licensure Act shall expire twenty-four (24) months from the date of issuance. A license may be renewed annually upon application and payment of fees. Failure to timely renew a license shall result in expiration of the license and forfeiture of the rights and privileges granted by the license. A person whose license has expired may within one (1) year following the expiration request reinstatement in a manner prescribed by the ~~State~~ Board ~~of~~

~~Health~~. The license of a person whose license has expired pursuant to this section for more than one (1) year shall not be reinstated.

SECTION 23. AMENDATORY 59 O.S. 2011, Section 1925.9, is amended to read as follows:

Section 1925.9 The ~~Commissioner of Health~~ State Board of Behavioral Health Licensure shall have the power to issue, upon application and payment of fees, a license by endorsement for an applicant licensed in another state to practice as a licensed marital and family therapist if the ~~Commissioner~~ Board deems such applicant to have qualifications equivalent to or which exceed those required pursuant to the provisions of the Marital and Family Therapist Licensure Act and if the ~~Commissioner~~ Board finds the applicant meets the standards, provided by rule, for license by endorsement.

SECTION 24. AMENDATORY 59 O.S. 2011, Section 1925.15, is amended to read as follows:

Section 1925.15 A. The State ~~Department of Health~~ Board of Behavioral Health Licensure may deny, revoke, suspend or place on probation any license issued subject to the provisions of the Marital and Family Therapist Licensure Act, if the person has:

1. Been convicted of a felony;

2. Been convicted of a crime the ~~Commissioner~~ Board determines after a hearing to be of such a nature as to render the person convicted unfit to practice marital and family therapy;

3. Violated ethical standards of such a nature as to render the person found by the ~~Commissioner~~ Board to have engaged in such violation unfit to practice marital and family therapy;

4. Misrepresented any information required in obtaining a license;

5. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of the Marital and Family Therapist Licensure Act;

6. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself or herself as a licensed marital and family therapist in this state;

7. Engaged in unprofessional conduct as defined by the rules promulgated by the ~~State~~ Board ~~of Health~~; or

8. Engaged in negligence or wrongful actions in the performance of the duties of such person.

B. If the ~~Department~~ Board determines that a felony conviction of an applicant renders the convicted applicant unfit to practice counseling, the ~~Commissioner~~ Board shall provide notice and opportunity to the applicant, by certified mail at the last-known address, for an administrative hearing to contest such determination before the ~~Department~~ Board may deny the application. The request shall be made by the applicant within fifteen (15) days of receipt of the notice.

C. No license shall be suspended, revoked or placed on probation until notice is served upon the licensed marital and family therapist and a hearing is held in such manner as is required by the Marital and Family Therapist Licensure Act.

D. Any person who is determined by the ~~Department~~ Board to have violated any of the provisions of the Marital and Family Therapist Licensure Act or any rule promulgated or order issued pursuant thereto may be subject to an administrative penalty. The maximum fine shall not exceed Ten Thousand Dollars ($10,000.00). All administrative penalties collected pursuant to the Marital and Family Therapist Licensure Act shall be deposited into the Licensed Marital and Family Therapist Revolving Fund. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

SECTION 25. AMENDATORY 59 O.S. 2011, Section 1925.17, as amended by Section 289, Chapter 304, O.S.L. 2012 (59 O.S. Supp. 2012, Section 1925.17), is amended to read as follows:

Section 1925.17 There is hereby created in the State Treasury a revolving fund for the State ~~Department of Health~~ Board of Behavioral Health Licensure, to be designated the "Licensed Marital and Family Therapist Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the provisions of the Marital and Family Therapist Licensure Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the ~~State Department of Health~~ Executive Director to

meet expenses necessary for carrying out the purpose of the Marital and Family Therapist Licensure Act. Expenditures from said fund shall be approved by the ~~Commissioner~~ Board and shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 26. AMENDATORY 59 O.S. 2011, Section 1925.18, is amended to read as follows:

Section 1925.18 A. The licensing fee and the annual renewal fee shall be amounts fixed by the State Board of ~~Health upon recommendations of the Licensed Marital and Family Therapist Advisory Board~~ Behavioral Health Licensure.

B. 1. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Marital and Family Therapist Licensure Act and so that there are no unnecessary surpluses in the Licensed Marital and Family Therapist Revolving Fund.

2. The Board shall not fix a license fee at an amount in excess of Three Hundred Dollars ($300.00) and a renewal fee at an amount in excess of Two Hundred Dollars ($200.00).

3. The fee for the issuance of a license to replace a license which was lost, destroyed or mutilated shall be Twenty-five Dollars ($25.00).

4. The fee shall accompany the application for a replacement license.

5. The fee for an examination required pursuant to the Marital and Family Therapist Licensure Act shall not exceed the actual costs incurred by the ~~Department~~ Board for holding and grading the examinations.

SECTION 27. AMENDATORY 59 O.S. 2011, Section 1931, is amended to read as follows:

Section 1931. For the purpose of the Licensed Behavioral Practitioner Act:

1. ~~"Advisory Board" means the Oklahoma Licensed Behavioral Practitioners Advisory Board appointed by the State Commissioner of Health;~~

~~2.~~ "Behavioral health services" means the application of the scientific components of psychological and mental health principles in order to:

a. facilitate human development and adjustment throughout the life span,

b. prevent, diagnose, or treat mental, emotional, or behavioral disorders or associated distress which interfere with mental health,

c. conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and

d. plan, implement, or evaluate treatment plans using behavioral treatment interventions;

~~3.~~ 2. "Behavioral treatment interventions" means the application of empirically validated treatment modalities, including, but not limited to, operant and classical conditioning techniques, adherence/compliance methods, habit reversal procedures, cognitive behavior therapy, biofeedback procedures and parent training. Such interventions are specifically implemented in the context of a professional therapeutic relationship;

~~4.~~ 3. "Board" means the State Board of ~~Health~~ Behavioral Health Licensure;

~~5. "Commissioner" means the Commissioner of Health;~~

~~6.~~ 4. "Consulting" means interpreting or reporting scientific fact or theory in behavioral health to provide assistance in solving current or potential problems of individuals, groups, or organizations;

~~7. "Department" means the State Department of Health;~~

~~8.~~ 5. "Licensed behavioral practitioner" or "LBP" means any person who offers professional behavioral health services to any person and is licensed pursuant to the provisions of the Licensed

Behavioral Practitioner Act. The term shall not include those professions exempted by Section 1932 of this title;

~~9.~~ 6. "Licensed behavioral practitioner candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section 1935 of this title;

~~10.~~ 7. "Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;

~~11.~~ 8. "Research activities" means reporting, designing, conducting, or consulting on research in behavioral health services;

~~12.~~ 9. "Specialty" means the designation of a subarea of behavioral practice that is recognized by a national certification agency or by the Board; ~~and~~

~~13.~~ 10. "Supervisor" means a person who meets the requirements established by the Board; and

11. "Executive Director" means the Executive Director of the State Board of Behavioral Health Licensure.

SECTION 28. AMENDATORY 59 O.S. 2011, Section 1934, is amended to read as follows:

Section 1934. A. The State Board of ~~Health~~ Behavioral Health Licensure shall~~, giving regard to the recommendations of the Oklahoma Licensed Behavioral Practitioners Advisory Board~~:

1. Prescribe, adopt, and promulgate rules to implement and enforce the provisions of the Licensed Behavioral Practitioner Act, including the adoption of State Department of Health rules by reference;

2. Adopt and establish rules of professional conduct; and

3. Set license and examination fees as required by the Licensed Behavioral Practitioner Act.

B. The ~~State Department of Health~~ Board shall~~, giving regard to the recommendations of the Advisory Board,~~ have the authority to:

1. Seek injunctive relief;

2. Request the district attorney to bring an action to enforce the provisions of the Licensed Behavioral Practitioner Act;

3. Receive fees and deposit the fees into the Licensed Behavioral Practitioners Revolving Fund as required by the Licensed Behavioral Practitioner Act;

4. Issue, renew, revoke, deny, suspend and place on probation licenses to practice behavioral health pursuant to the provisions of the Licensed Behavioral Practitioner Act;

5. Examine all qualified applicants for licenses to practice behavioral health;

6. Investigate complaints and possible violations of the Licensed Behavioral Practitioner Act;

7. Accept grants and gifts from various foundations and institutions; ~~and~~

8. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Licensed Behavioral Practitioner Act; and

9. Request assistance from the State Board of Medical Licensure and Supervision for the purposes of investigating complaints and violations of the Licensed Behavioral Practitioner Act.

SECTION 29. AMENDATORY 59 O.S. 2011, Section 1935, is amended to read as follows:

Section 1935. A. Applications for a license to practice as a licensed behavioral practitioner shall be made to the State ~~Department of Health~~ Board of Behavioral Health Licensure in writing. Such applications shall be on a form and in a manner prescribed by the ~~State Commissioner of Health~~ Board. The application shall be accompanied by the fee required by the Licensed Behavioral Practitioner Act, which shall be retained by the ~~State Department of Health~~ Board and not returned to the applicant.

B. Each applicant for a license to practice as a licensed behavioral practitioner shall:

1. Be possessed of good moral character;

2. Pass an examination based on standards promulgated by the ~~State~~ Board ~~of Health~~ pursuant to the Licensed Behavioral Practitioner Act;

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

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 Licensed Behavioral Practitioner Act; and

5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Behavioral Practitioner Act.

C. In addition to the qualifications specified by the provisions of subsection B of this section, an applicant for a license to practice as a licensed behavioral practitioner shall have:

1. Successfully completed at least forty-five (45) graduate semester hours (sixty (60) graduate quarter hours) of behavioral science-related course work. These forty-five (45) hours shall include at least a master's degree from a program in psychology. All course work and degrees shall be earned from a regionally accredited college or university. The ~~State~~ Board ~~of Health~~ shall define what course work qualifies as "behavioral science-related";

2. On or after January 1, 2008, successfully completed at least sixty (60) graduate semester hours (ninety (90) graduate quarter hours) of behavioral science-related course work. These sixty (60) hours shall include at least a master's degree from a program in psychology. All courses shall be earned from a regionally accredited college or university.

The Board shall define what course work qualifies as "behavioral science-related"; and

3. Three (3) years of supervised full-time experience in professional behavioral health services subject to the supervision of a licensed mental health professional pursuant to conditions established by the Board. One (1) or two (2) years of experience may be gained at the rate of one (1) year for each thirty (30) graduate semester hours earned beyond the master's degree, provided

that such hours are clearly related to the field of psychology or behavioral sciences and are acceptable to the Board. The applicant shall have no less than one (1) year of supervised full-time experience in behavioral science.

SECTION 30. AMENDATORY 59 O.S. 2011, Section 1936, is amended to read as follows:

Section 1936. A. Examinations for licensure shall be held at such times, at such place, and in such manner as the ~~Commissioner of Health~~ State Board of Behavioral Health Licensure directs. The examination shall be held at least annually. The ~~State Department of Health~~ Board shall determine the acceptable grade on examinations. The examination shall cover such technical, professional, and practical subjects as relate to the practice of behavioral science. If an applicant fails to pass the examination, the applicant may reapply.

B. The ~~Commissioner~~ Board shall preserve answers to any examination, and the applicant's performance on each section, for a period of two (2) years following the date of the examination.

SECTION 31. AMENDATORY 59 O.S. 2011, Section 1937, is amended to read as follows:

Section 1937. A. An applicant who meets the requirements for licensure pursuant to the provisions of the Licensed Behavioral Practitioner Act, has paid the required license fees, and has otherwise complied with the provisions of the Licensed Behavioral Practitioner Act shall be licensed by the State ~~Department of Health~~ Board of Behavioral Health Licensure.

B. Each initial license issued pursuant to the Licensed Behavioral Practitioner Act shall expire twenty-four (24) months from the date of issuance unless revoked. A license may be renewed upon application and payment of fees. The application for renewal shall be accompanied by evidence satisfactory to the ~~Department~~ Board that the licensed behavioral practitioner has completed relevant professional or continued educational experience during the previous twenty-four (24) months. Failure to renew a license shall result in forfeiture of the rights and privileges granted by the license. A person whose license has expired may make application within one (1) year following the expiration in writing to the ~~Department~~ Board requesting reinstatement in a manner prescribed by the ~~Department~~ Board and payment of the fees required by the

provisions of Licensed Behavioral Practitioner Act. The license of a person whose license has expired for more than one (1) year shall not be reinstated. A person may apply for a new license as provided in Section 1935 of this title.

C. A licensed behavioral practitioner whose license is current and in good standing, who wishes to retire the license, may do so by informing the ~~Department~~ Board in writing and returning the license to the ~~Department~~ Board. A license so retired shall not be reinstated but retirement of the license shall preclude a person from applying for a new license at a future date.

SECTION 32. AMENDATORY 59 O.S. 2011, Section 1938, is amended to read as follows:

Section 1938. The ~~Commissioner of Health~~ State Board of Behavioral Health Licensure shall have the power to issue a license by endorsement for an applicant licensed in another state to practice as a behavioral practitioner or under similar title if the ~~Commissioner~~ Board deems such applicant to have qualifications comparable to those required under the Licensed Behavioral Practitioner Act and if the ~~Commissioner~~ Board finds the applicant meets the standards, provided by rule, for license by endorsement.

SECTION 33. AMENDATORY 59 O.S. 2011, Section 1940, is amended to read as follows:

Section 1940. A. Any person who represents himself or herself by the title "Licensed Behavioral Practitioner" or "LBP" without having first complied with the provisions of the Licensed Behavioral Practitioner Act, or who otherwise offers to perform behavioral health services, or who uses the title of Licensed Behavioral Practitioner or any other name, style, or description denoting that the person is licensed as a behavioral practitioner, or who practices behavioral science, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by imposition of a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense and in addition may be imprisoned for a term not to exceed six (6) months in the county jail or by both such fine and imprisonment.

B. It shall be unlawful for any person not licensed or supervised pursuant to or specifically exempt from the Licensed Behavioral Practitioner Act to advertise or otherwise offer to perform behavioral health services or to use the title of Licensed

Behavioral Practitioner or any other name, style, or description denoting that the person is licensed as a licensed behavioral practitioner, or to practice behavioral science. Such action shall be subject to injunctive action by the State ~~Commissioner of Health~~ Board of Behavioral Health Licensure.

SECTION 34. AMENDATORY 59 O.S. 2011, Section 1941, is amended to read as follows:

Section 1941. A. The State ~~Department of Health~~ Board of Behavioral Health Licensure may deny, revoke, suspend, or place on probation any license or specialty designation issued pursuant to the provisions of the Licensed Behavioral Practitioner Act to a licensed behavioral practitioner, if the person has:

1. Been convicted of a felony;

2. Been convicted of a misdemeanor determined to be of such a nature as to render the person convicted unfit to practice behavioral health;

3. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of this act;

4. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself or herself as a licensed behavioral practitioner in this state;

5. Engaged in unprofessional conduct as defined by the rules established by the ~~State~~ Board ~~of Health~~;

6. Engaged in negligence or wrongful actions in the performance of the licensee's duties; or

7. Misrepresented any information required in obtaining a license.

B. If the ~~Department~~ Board determines that a felony conviction of an applicant renders the convicted applicant unfit to practice counseling, the ~~Commissioner~~ Board shall provide notice and opportunity to the applicant, by certified mail at the last-known address, for an administrative hearing to contest such determination before the ~~Department~~ Board may deny the application. The request

shall be made by the applicant within fifteen (15) days of receipt of the notice.

C. No license or specialty designation shall be suspended or revoked, nor a licensed behavioral practitioner placed on probation, until notice is served upon the licensed behavioral practitioner and a hearing is held in conformity with Article II of the Administrative Procedures Act.

SECTION 35. AMENDATORY 59 O.S. 2011, Section 1942, is amended to read as follows:

Section 1942. A. The State Board of ~~Health~~ Behavioral Health Licensure shall promulgate rules governing any licensure action to be taken pursuant to the Licensed Behavioral Practitioner Act which shall be consistent with the requirements of notice and hearing under the Administrative Procedures Act. No action shall be taken without prior notice unless the ~~State Commissioner of Health~~ Board determines that there exists a threat to the health and safety of the residents of this state.

B. 1. Any person who is determined by the ~~State Department of Health~~ Board to have violated any provision of the Licensed Behavioral Practitioner Act, or any rule promulgated or order issued pursuant thereto, may be subject to an administrative penalty.

2. The maximum administrative penalty shall not exceed Ten Thousand Dollars ($10,000.00).

3. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

4. All administrative penalties collected shall be deposited into the Licensed Behavioral Practitioner Revolving Fund.

SECTION 36. AMENDATORY 59 O.S. 2011, Section 1944, is amended to read as follows:

Section 1944. All licensed behavioral practitioners, except those employed by federal, state, or local governmental agencies, shall, prior to the performance of service, furnish the client with a copy of the Statement of Professional Disclosure as promulgated by rule of the State Board of ~~Health~~ Behavioral Health Licensure. A current copy of the document shall be on file with the ~~Department of Health~~ Board at all times.

SECTION 37. AMENDATORY 59 O.S. 2011, Section 1945, is amended to read as follows:

Section 1945. A. A professional specialty designation area may be established by the State ~~Department of Health~~ Board of Behavioral Health Licensure upon receipt of a petition signed by fifteen qualified persons who are currently licensed as licensed behavioral practitioners, who have acquired at least sixty (60) semester hours, to increase to seventy-five (75) semester hours on and after January 1, 2008, of graduate credit in behavioral science or psychology-related course work from a regionally accredited college or university, and who meet the recognized minimum standards as established by appropriate nationally recognized certification agencies; provided, however, if a nationally recognized certification does not exist, the ~~Department~~ Board may establish minimum standards for specialty designations.

B. Upon receipt of credentials from the appropriate certification agency, the ~~Department~~ Board may grant the licensed behavioral practitioner the appropriate specialty designation. The licensed behavioral practitioner may attain specialty designation through examination. A licensed behavioral practitioner shall not claim or advertise a behavioral health specialty and shall not incorporate the specialty designation into the professional title of such licensed behavioral practitioner unless the qualifications and certification requirements of that specialty have been met and have been approved by the ~~Department~~ Board and the appropriate certification agency.

SECTION 38. AMENDATORY 59 O.S. 2011, Section 1946, as amended by Section 290, Chapter 304, O.S.L. 2012 (59 O.S. Supp. 2012, Section 1946), is amended to read as follows:

Section 1946. There is hereby created in the State Treasury a revolving fund for the ~~Oklahoma~~ State Board of ~~Licensed Behavioral Practitioners~~ Behavioral Health Licensure, to be designated the "Licensed Behavioral Practitioners Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to this act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the ~~State Department of Health~~ Executive Director to meet expenses necessary for carrying out the purpose of the Licensed Behavioral Practitioner Act. Expenditures from the fund shall be approved by the ~~State Commissioner of Health~~

Board and shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 39. AMENDATORY 59 O.S. 2011, Section 1947, is amended to read as follows:

Section 1947. A. Licensing fees and annual renewal fees shall be amounts fixed by the State Board of ~~Health upon recommendations of the Oklahoma Licensed Behavioral Practitioners Advisory Board~~ Behavioral Health Licensure. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Licensed Behavioral Practitioner Act and so that excess funds do not accumulate from year to year in the Licensed Behavioral Practitioners Revolving Fund.

B. 1. The Board shall not fix a license fee at an amount in excess of Three Hundred Dollars ($300.00) and a renewal fee at an amount in excess of Two Hundred Dollars ($200.00).

2. The fee for the issuance of a license to replace a license which was lost, destroyed, or mutilated shall be Twenty-five Dollars ($25.00).

3. The fee shall accompany the application for a replacement license.

4. The fee for specialty designation shall not exceed One Hundred Fifty Dollars ($150.00).

5. The fee for an examination required pursuant to the Licensed Behavioral Practitioner Act shall not exceed the actual costs incurred by the Department for holding and grading examinations.

SECTION 40. AMENDATORY 59 O.S. 2011, Section 1948, is amended to read as follows:

Section 1948. All licensed behavioral practitioners licensed pursuant to the Licensed Behavioral Practitioner Act shall be required to satisfactorily complete ten (10) hours of continuing education credits annually. The State ~~Department of Health~~ Board of Behavioral Health Licensure shall provide forms and require verification of such credits. Such credits shall be earned from

courses on empirically validated procedures, taught by instructors certified by the North American Association of Masters in Psychology, its designees or successors.

SECTION 41. AMENDATORY 59 O.S. 2011, Section 1949, is amended to read as follows:

Section 1949. A. Until January 1, 2002, the State Board of ~~Health~~ Behavioral Health Licensure, upon receipt of an applicant's proper application, completion of examination, and payment of fees, shall issue licenses to persons who, prior to January 1, 2002:

1. Have practiced full time as a behavioral practitioner for at least two (2) years and possess a master's degree from a program in psychology from a college or university accredited by an agency recognized by the United States Department of Education;

2. Are currently practicing as a behavioral practitioner;

3. Have satisfactorily completed ten (10) hours of continuing education pursuant to Section 1948 of this title; and

4. Otherwise comply with the licensure requirements of the Licensed Behavioral Practitioner Act.

B. The ~~Commissioner of Health~~ Board shall consider experience of the applicant prior to application for licensure pursuant to the provisions of this section as a waiver of all or part of the supervised experience requirement required by paragraph 3 of subsection C of Section 1935 of this title.

C. The ~~Commissioner~~ Board shall require applicants for licensure pursuant to the provisions of this section to file a Statement of Professional Disclosure as provided by Section 1944 of this title.

SECTION 42. AMENDATORY 62 O.S. 2011, Section 155, as amended by Section 446, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 155), is amended to read as follows:

Section 155. A. There is hereby created in the State Treasury a revolving fund for each of the following state boards, commissions and departments:

1. The Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma;

2. ~~The State Barber Advisory Board;~~

~~3.~~ Oklahoma Funeral Board;

~~4.~~ 3. Board of Podiatric Medical Examiners;

~~5.~~ 4. Board of Chiropractic Examiners;

~~6.~~ 5. State Board of Registration for Foresters;

~~7.~~ 6. State Board of Medical Licensure and Supervision;

~~8.~~ 7. Oklahoma Board of Nursing;

~~9.~~ 8. State Board of Osteopathic Examiners;

~~10.~~ 9. State Board of Pharmacy;

~~11.~~ 10. State Board of Licensed Social Workers;

~~12.~~ 11. Oklahoma Motor Vehicle Commission;

~~13.~~ 12. Oklahoma Peanut Commission;

~~14.~~ 13. Oklahoma Real Estate Commission;

~~15.~~ 14. Santa Claus Commission; and

~~16.~~ 15. Wheat Utilization, Research and Market Development Commission.

B. Each revolving fund shall consist of all monies received by the boards, commissions and departments, pursuant to statutory authority, but not including appropriated funds. These revolving funds shall be continuing funds, not subject to fiscal year limitations and shall be under the control and management of the administrative authorities of the respective boards, commissions or departments.

C. Expenditures from ~~said~~ the revolving funds shall be made pursuant to the laws of the state and the statutes relating to said boards, commissions and departments, and without legislative

appropriation. Warrants for expenditures from said revolving funds shall be drawn by the State Treasurer, based on claims signed by an authorized employee or employees of the respective boards, commissions or departments and approved for payment by the Director of the Office of Management and Enterprise Services.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-103a of Title 63, unless there is created a duplication in numbering, reads as follows:

Section 44 of this act shall be known and may be cited as the "Oklahoma Public Health Advisory Council Modernization Act".

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-103a.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. To assist and advise the State Board of Health and the State Department of Health, there are hereby created:

1. The Consumer Protection Licensing Advisory Council;

2. The Trauma and Emergency Response Advisory Council;

3. The Infant and Children's Health Advisory Council;

4. The Advancement of Wellness Advisory Council; and

5. The Home Care and Hospice Advisory Council.

B. 1. Each Public Health Advisory Council (Advisory Council) created pursuant to subsection A of this section shall consist of seven (7) members. Two members shall be appointed by the Governor, two members shall be appointed by the Speaker of the House of Representatives, two members shall be appointed by the President Pro Tempore of the Senate, and one member shall be appointed by the State Board of Health. Appointments shall be for three-year terms. Members of the Advisory Councils shall serve at the pleasure of and may be removed from office by the appointing authority. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Four members shall constitute a quorum.

2. Each Advisory Council shall meet at least twice a year, but no more than four times a year and shall elect a chair, a vice-chair

and a secretary from among its members. Each Advisory Council shall only meet as required for election of officers, establishment of meeting dates and times; rule development, review and recommendation; and adoption of nonbinding resolutions to the State Department of Health or the State Board of Health concerning matters brought before the Advisory Council. Special meetings may be called by the chair or by the concurrence of any three members.

C. 1. All members of the Consumer Protection Licensing Advisory Council shall be knowledgeable of certain consumer issues as specified below. The Consumer Protection Licensing Advisory Council shall be composed as follows:

a. the Governor shall appoint:

(1) one member who is a licensed radiologist assistant, and

(2) one member who is a licensed audiologist,

b. the President Pro Tempore of the Senate shall appoint:

(1) one member who is a licensed radiologist, and

(2) one member representing the hearing aid fitting industry,

c. the Speaker of the House of Representatives shall appoint:

(1) one member representing the medical micropigmentation industry, and

(2) one member representing the hearing-impaired public, and

d. the State Board of Health shall appoint one member representing a diagnostic x-ray facility.

2. The jurisdiction areas of the Consumer Protection Licensing Advisory Council shall include the hearing-aid-fitting industry, the medical micropigmentation industry, the radiation industry and such other areas as designated by the State Board of Health.

D. 1. All members of the Trauma and Emergency Response Advisory Council shall be knowledgeable of issues that arise in a hospital setting and issues that arise concerning emergency response. The Trauma and Emergency Response Advisory Council shall be composed as follows:

a. the Governor shall appoint:

(1) one member who is an administrative director of a licensed ambulance service, and

(2) one member who is a Board Certified Emergency Physician,

b. the President Pro Tempore of the Senate shall appoint:

(1) one member who is a representative from a hospital with trauma and emergency services, and

(2) one member who is a trauma surgeon with privileges at a hospital with trauma and emergency operative services,

c. the Speaker of the House of Representatives shall appoint:

(1) one member representing the trauma registrar of a licensed hospital that is classified as providing trauma and emergency operative services, and

(2) one member who is an Emergency Medical Technician, and

d. the State Board of Health shall appoint one member who is a critical care nurse.

2. The jurisdictional areas of the Trauma and Emergency Response Advisory Council shall include emergency response systems development, injury prevention, catastrophic health emergency, trauma systems improvement and development and such other areas designated by the State Board of Health.

E. 1. All members of the Infant and Children's Health Advisory Council shall be knowledgeable of issues that arise in the area of

infant and children's health care. The Infant and Children's Health Advisory Council shall be composed as follows:

a. the Governor shall appoint:

(1) one member who works for the state or for a political subdivision on child abuse issues, and

(2) one member who is knowledgeable about childhood immunizations,

b. the President Pro Tempore of the Senate shall appoint:

(1) one member who is knowledgeable about newborn screening issues, and

(2) one member licensed by the state as an optometrist who has knowledge of vision screening for children,

c. the Speaker of the House of Representatives shall appoint:

(1) one member who is licensed by the state as a physician and works as a pediatrician, and

(2) one member who is licensed by the state as a genetic counselor, and

d. the State Board of Health shall appoint one member who is a physician licensed by the state who specializes in the diagnosis and treatment of childhood injuries in a trauma setting.

2. The jurisdictional areas of the Infant and Children's Health Advisory Council shall include all issues that arise in the area of health care for infants and children and such other areas as designated by the State Board of Health.

F. 1. All members of the Advancement of Wellness Advisory Council shall be knowledgeable of issues that arise in the area of advancing the health of all Oklahomans. The Advancement of Wellness Advisory Council shall be composed as follows:

a. the Governor shall appoint:

(1) one member who is knowledgeable about breast and cervical cancer issues, and

(2) one member who is knowledgeable about organ donor issues,

b. the President Pro Tempore of the Senate shall appoint:

(1) one member who is mayor of a city or town that has been designated a certified healthy community in an urban setting, and

(2) one member who is the president or chief operating officer of a business that has been designated a certified healthy business,

c. the Speaker of the House of Representatives shall appoint:

(1) one member who is the mayor of a city or town that has been designated a certified healthy community in a rural setting, and

(2) one member who is the president or chief operating officer of a business that has been designated a certified healthy business in an urban setting, and

d. the State Board of Health shall appoint one member who is the Executive Director of the Tobacco Settlement Endowment Trust.

2. The jurisdictional areas of the Advancement of Wellness Advisory Council shall include all issues that arise in the areas of tobacco usage and cessation, organ and tissue donation, the requirements for a city or town in the state to be designated as a certified healthy community, the requirements for a business to be designated as a certified healthy business and such other areas as designated by the State Board of Health.

G. 1. All members of the Home Care and Hospice Advisory Council shall be knowledgeable of issues that arise in the administration and practice of home care and hospice services. The Home Care and Hospice Advisory Council shall be composed as follows:

a. the Governor shall appoint:

(1) one member who is the owner or administrator of an entity licensed in accordance with the Oklahoma Hospice Licensing Act, and

(2) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Home Care Act,

b. the President Pro Tempore of the Senate shall appoint:

(1) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Hospice Licensing Act, and

(2) one member who is an owner or administrator of an entity licensed in accordance with the Oklahoma Home Care Act,

c. the Speaker of the House of Representatives shall appoint:

(1) one member representing the public who is or was a legal guardian of a recipient of hospice services, and

(2) one member representing the public who is a recipient or legal guardian of a recipient of services from a home health agency, and

d. the State Board of Health shall appoint one member representing an association which advocates on behalf of home care or hospice issues.

2. The jurisdictional areas of the Home Care and Hospice Advisory Council shall include all issues that arise in the areas of home care or hospice services, and such other areas as designated by the State Board of Health.

H. In addition to other powers and duties assigned to each Advisory Council pursuant to this section, each Advisory Council, within its jurisdictional area, shall:

1. Have authority to recommend to the State Board of Health rules on behalf of the State Department of Health. The State Department of Health shall not have standing to recommend to the State Board of Health permanent rules or changes to such rules within the jurisdiction of an Advisory Council which have not been submitted previously to the appropriate Advisory Council for action;

2. Before recommending any permanent rules to the State Board of Health, give public notice, offer an opportunity for public comment and conduct a public rulemaking hearing when required by the Administrative Procedures Act;

3. Have the authority to make nonbinding written recommendations to the State Board of Health and/or to the State Department of Health which have been concurred upon by at least a majority of the membership of the Advisory Council;

4. Have the authority to provide a public forum for the discussion of issues it considers relevant to its area of jurisdiction, and to:

a. pass nonbinding resolutions expressing the sense of the Advisory Council, and

b. make recommendations to the State Board of Health or the State Department of Health concerning the need and the desirability of conducting meetings, workshops and seminars; and

5. Cooperate with each other Advisory Council, the public, the State Board of Health and the Commissioner of Health in order to coordinate the rules within their respective jurisdictional areas and to achieve maximum efficiency and effectiveness in furthering the objectives of the State Department of Health.

I. The Advisory Councils shall not recommend rules for promulgation by the State Board of Health unless all applicable requirements of the Administrative Procedures Act have been followed, including but not limited to notice, rule-impact statement and rulemaking hearings.

J. Members of the Advisory Councils shall serve without compensation but may be reimbursed expenses incurred in the performance of their duties, as provided in the State Travel Reimbursement Act. The Advisory Councils are authorized to utilize

the conference rooms of the State Department of Health and obtain administrative assistance from the State Department of Health, as required.

SECTION 45. AMENDATORY 63 O.S. 2011, Section 1-114.1, is amended to read as follows:

Section 1-114.1 A. There is hereby established the Comprehensive Childhood Lead Poisoning Prevention Program to be administered by the State Department of Health.

B. The State Board of Health, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 44 of this act, shall promulgate rules for:

1. Lead toxicity screening of children ages six (6) months to seventy-two (72) months;

2. The performance of verbal risk assessments on children ages six (6) months to seventy-two (72) months;

3. The performance of blood lead tests when screening eligible children for lead poisoning, provided that screening and testing for Medicaid-eligible children shall be conducted in accordance with existing federal law;

4. Setting standards for any developmental assessments for a child identified as being lead poisoned;

5. Identifying as statewide screening requirements the minimum laboratory tests or analysis for childhood lead poisoning to be performed by medical providers for particular age or population groups;

6. The determination of risk for each child tested;

7. Detailing the diagnosis, treatment and follow-up services needed pursuant to the provisions of this act;

8. Providing for health education and counseling related to childhood lead poisoning to parents and children; and

9. Assessments and lead hazard control as part of the treatment and follow-up for a child identified as being lead poisoned.

~~C. To assist the State Board of Health in establishing criteria, standards and rules necessary to effectuate the provisions of this section, there is hereby created the Childhood Lead Poisoning Prevention Advisory Council. The Council shall consist of fifteen (15) members to be appointed as follows:~~

~~1. Eleven members shall be appointed by the State Commissioner of Health as follows: a representative of a local housing authority, a representative of a housing industry organization, a local housing code official, a representative of a local housing project, an environmental professional, a public health nurse, a representative of the Oklahoma Chapter of the American Academy of Pediatrics, a representative of the State Medicaid Program, a clinical laboratory director, and two parents; and~~

~~2. The following four ex officio members or their designees: the State Commissioner of Health, the Executive Director of the Department of Environmental Quality, the Director of the Oklahoma Commission on Children and Youth, and the Director of the Oklahoma Housing Finance Authority.~~

~~The terms of office of the appointed members shall be three (3) years. Members shall serve at the pleasure of the appointing authority. The Council shall recommend to the Board rules for the Comprehensive Childhood Lead Poisoning Prevention Program. The Council is authorized to utilize the conference rooms of the State Department of Health and to obtain administrative assistance from the Department.~~

SECTION 46. AMENDATORY 63 O.S. 2011, Section 1-227.1, is amended to read as follows:

Section 1-227.1 As used in the Child Abuse Prevention Act:

1. "Child abuse prevention" means services and programs designed to prevent the occurrence or recurrence of child abuse and neglect as defined in Section ~~7102~~ 1-1-105 of Title ~~10~~ 10A of the Oklahoma Statutes but as limited by Section 844 of Title 21 of the Oklahoma Statutes. Except for the purpose of planning and coordination pursuant to the provisions of the Child Abuse Prevention Act, the services and programs of the Department of Human Services which are mandated by state law or which are a requirement for the receipt of federal funds with regard to deprived, destitute or homeless children shall not be subject to the provisions of the Child Abuse Prevention Act;

2. ~~"Child Abuse Training and Coordination Council" or "Training Council" means the council responsible for the development of training curricula established by Section 1-227.9 of this title;~~

~~3.~~ "Primary prevention" means programs and services designed to promote the general welfare of children and families;

~~4.~~ 3. "Secondary prevention" means the identification of children who are in circumstances where there is a high risk that abuse will occur and assistance, as necessary and appropriate, to prevent abuse or neglect from occurring;

~~5.~~ 4. "Tertiary prevention" means those services provided after abuse or neglect has occurred which are designed to prevent the recurrence of abuse or neglect;

~~6.~~ 5. "Department" means the State Department of Health;

~~7.~~ 6. "Director" means the Director of the Office of Child Abuse Prevention;

~~8.~~ 7. "Office" means the Office of Child Abuse Prevention;

~~9. "Interagency child abuse prevention task force" means the state child abuse prevention planning and coordinating body established pursuant to the provisions of Section 1-227.4 of this title;~~

~~10.~~ 8. "Commission" means the Oklahoma Commission on Children and Youth; and

~~11.~~ 9. "Child Abuse Prevention Fund" means the revolving fund established pursuant to Section 1-227.8 of this title.

SECTION 47. AMENDATORY 63 O.S. 2011, Section 1-227.2, is amended to read as follows:

Section 1-227.2 A. The Office of Child Abuse Prevention, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 44 of this act, is hereby authorized and directed to:

1. Prepare and implement a comprehensive state plan for the planning and coordination of child abuse prevention programs and

services and for the establishment, development and funding of such programs and services, and to revise and update said plan pursuant to the provisions of Section 1-227.3 of this title;

2. Monitor, evaluate and review the development and quality of services and programs for the prevention of child abuse and neglect, publish and distribute an annual report of its findings on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and to the chief administrative officer of each agency affected by the report. The report shall include:

a. activities of the Office,

b. a summary detailing the demographic characteristics of families served including, but not limited to, the following:

(1) age and marital status of parent(s),

(2) number and age of children living in the household,

(3) household composition of families served,

(4) number of families accepted into the program by grantee site and average length of time enrolled,

(5) number of families not accepted into the program and the reason therefor, and

(6) average actual expenditures per family during the most recent state fiscal year,

c. recommendations for the further development and improvement of services and programs for the prevention of child abuse and neglect, and

d. budget and program needs; and

3. Conduct or otherwise provide for or make available continuing professional education and training in the area of child abuse prevention.

B. For the purpose of implementing the provisions of the Child Abuse Prevention Act, the State Department of Health is authorized to:

1. Accept appropriations, gifts, loans and grants from the state and federal government and from other sources, public or private;

2. Enter into agreements or contracts for the establishment and development of:

a. programs and services for the prevention of child abuse and neglect,

b. training programs for the prevention of child abuse and neglect, and

c. multidisciplinary and discipline specific training programs for professionals with responsibilities affecting children, youth and families; and

3. Secure necessary statistical, technical, administrative and operational services by interagency agreement or contract.

C. For the purpose of implementing the provisions of the Child Abuse Prevention Act, the State Board of Health, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 44 of this act, is authorized to promulgate rules and regulations as necessary to implement the duties and responsibilities assigned to the Office of Child Abuse Prevention.

SECTION 48. AMENDATORY 63 O.S. 2011, Section 1-227.4, is amended to read as follows:

Section 1-227.4 A. ~~The Oklahoma Commission on Children and Youth shall appoint an interagency child abuse prevention task force which shall be composed of seventeen (17) members as follows:~~

~~1. One representative of the child welfare services division of the Department of Human Services;~~

~~2. One representative of the maternal and child health services of the State Department of Health;~~

~~3. One representative of the child guidance services of the State Department of Health;~~

~~4. One representative of the State Department of Education;~~

~~5. Two representatives of the Department of Mental Health and Substance Abuse Services, one with expertise in the treatment of mental illness and one with expertise in the treatment of substance abuse;~~

~~6. One representative of the Office of the Attorney General with expertise in the area of domestic abuse;~~

~~7. One representative of the Oklahoma Commission on Children and Youth's Community Partnership Board;~~

~~8. One representative of the Oklahoma Chapter of the American Academy of Pediatrics;~~

~~9. One representative of the judiciary, the legal profession, or law enforcement;~~

~~10. Two representatives who have expertise in the delivery of child abuse prevention services and who do not receive funds from the Child Abuse Prevention Fund as provided in Section 1-227.8 of this title; one of whom shall have experience providing child abuse prevention services pursuant to Section 1-9-108 of Title 10A of the Oklahoma Statutes;~~

~~11. One representative of the Oklahoma Partnership for School Readiness Board;~~

~~12. Three parents participating in a child abuse prevention program; and~~

~~13. One representative of the faith community.~~

~~B. Each member of the interagency child abuse prevention task force is authorized to have one designee.~~

~~C.~~ The ~~Office of Child Abuse Prevention and the interagency child abuse prevention task force of the Oklahoma Commission on Children and Youth~~ State Department of Health shall prepare the comprehensive state plan for prevention of child abuse and neglect for the approval of the Oklahoma Commission on Children and Youth.

The development and preparation of the plan shall include, but not be limited to, adequate opportunity for appropriate local private and public agencies and organizations and private citizens to participate in the development of the state plan at the local level.

~~D.~~ B. 1. The ~~interagency child abuse prevention task force and the~~ Office of Child Abuse Prevention shall review and evaluate all proposals submitted for grants or contracts for child abuse prevention programs and services. Upon completion of such review and evaluation, the ~~interagency child abuse prevention task force and the~~ Office of Child Abuse Prevention shall make the final recommendations as to which proposals should be funded pursuant to the provisions of the Child Abuse Prevention Act and shall submit its findings to the Oklahoma Commission on Children and Youth. The Commission shall review the findings of the interagency child abuse prevention task force and the Office of Child Abuse Prevention for compliance of such approved proposals with the comprehensive state plan prepared pursuant to the provisions of the Child Abuse Prevention Act.

2. Upon ascertaining compliance with the plans, the Commission shall deliver the findings of the ~~interagency child abuse prevention task force and the~~ Office of Child Abuse Prevention to the State Commissioner of Health.

3. The Commissioner shall authorize the Office of Child Abuse Prevention to use the Child Abuse Prevention Fund to fund such grants or contracts for child abuse prevention programs and services which are approved by the Commissioner.

4. ~~Whenever the Commissioner approves a grant or contract which was not recommended by the interagency task force and the Office of Child Abuse Prevention, the Commissioner shall state in writing the reason for such decision.~~

~~5.~~ Once the grants or contracts have been awarded by the Commissioner, the Office of Child Abuse Prevention~~, along with the interagency child abuse prevention task force,~~ shall annually review the performance of the awardees and determine if funding should be continued.

SECTION 49. AMENDATORY 63 O.S. 2011, Section 1-229.2, is amended to read as follows:

Section 1-229.2 As used in the Oklahoma Tobacco Use Prevention and Cessation Act:

1. ~~"Committee" means the Tobacco Use Prevention and Cessation Advisory Committee established pursuant to Section 4 of this act to review and recommend a State Plan for Tobacco Use Prevention and Cessation, to periodically review progress towards meeting the objectives of the State Plan, and to approve of all Invitations To Bid prior to issuance and make final recommendations for award of contracts from the Fund for the purpose of reducing tobacco use;~~

~~2.~~ "Contractor" means any public entity, private entity, or private nonprofit entity to which the State Department of Health, after recommendation by the ~~Tobacco Use Prevention and Cessation~~ Advancement of Wellness Advisory ~~Committee~~ Council created in Section 44 of this act, has awarded monies from the Fund for qualified tobacco use prevention or cessation programs;

~~3.~~ 2. "Department" means the State Department of Health;

~~4.~~ 3. "Fund" means the Tobacco Use Reduction Fund established pursuant to Section ~~3~~ 1-229.3 of this ~~act~~ title;

~~5.~~ 4. "Qualified tobacco use prevention or cessation program" means a program for the prevention or cessation of tobacco use that meets the criteria set forth in the State Plan for Tobacco Use Prevention and Cessation;

~~6.~~ 5. "State Plan" means the State Plan for Tobacco Use Prevention and Cessation adopted pursuant to Section ~~5~~ 1-229.5 of this ~~act~~ title; and

~~7.~~ 6. "Tobacco use" means the consumption of tobacco products by burning, chewing, inhalation or other forms of ingestion.

SECTION 50. AMENDATORY 63 O.S. 2011, Section 1-229.5, is amended to read as follows:

Section 1-229.5 A. On or before January 1, 2002, the ~~Tobacco Use Prevention and Cessation~~ Department, giving consideration to the recommendations of the Advancement of Wellness Advisory ~~Committee~~ Council created in Section 44 of this act, shall review and recommend a State Plan for Tobacco Use Prevention and Cessation that is in compliance with nationally recognized guidelines or scientific evidence of effectiveness. On or before January 1 of each

~~subsequent~~ year, the ~~Committee~~ State Department of Health may propose amendments to the plan. The ~~Committee~~ Department shall submit its proposed State Plan or any proposed amendments thereto to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Attorney General. The Governor, members of the Legislature, and the Attorney General ~~may submit comments to the Committee on the State Plan on or before March 1, 2002, and~~ may submit comments to the ~~Committee~~ Department on its proposed amendments to the State Plan on or before March 1 of each ~~subsequent~~ year. ~~On or before May 1, 2002, the Committee shall adopt a final State Plan and shall submit such plan to the State Department of Health.~~ On or before May 1 of each ~~subsequent~~ year, the ~~Committee~~ Department shall ~~recommend any amendments to the State Plan to the Department and shall~~ make such amended State Plan public.

B. The State Plan shall set out the criteria by which Invitations To Bid and applications for contract proposals are considered ~~by the Committee~~. Such plan shall also describe the types of tobacco use prevention or cessation programs that shall be eligible for consideration for contracts from the Fund utilizing only those programs that are in compliance with nationally recognized guidelines, or scientific evidence of effectiveness. Such eligible programs shall include, but not be limited to:

1. Media campaigns directed to youth to prevent underage tobacco use;

2. School-based education programs to prevent youth tobacco use;

3. Community-based youth programs involving tobacco use prevention through general youth development;

4. Enforcement and administration of the Prevention of Youth Access to Tobacco Act, and related retailer education and compliance efforts;

5. Cessation programs for youth; and

6. Prevention or cessation programs for adults.

C. The State Plan shall provide that no less than seventy percent (70%) of the dollar value of the contracts awarded in each

year shall be dedicated to programs described in paragraphs 1 through 5 of subsection B of this section.

D. The State Plan shall provide for the evaluation of all funded programs to determine their overall effectiveness in preventing or reducing tobacco use according to the program's stated goals.

An annual evaluation shall be provided by an independent contractor to determine the effectiveness of the programs by measuring the following:

1. Tobacco consumption;

2. Smoking rates among the population targeted by the programs; and

3. The specific effectiveness of any other program funded.

Such evaluation shall also be compared with initial baseline data collected prior to the creation of this act, and data from previous years if it is a multiyear program.

E. The State Plan further shall provide for administration of the Oklahoma Youth Tobacco Survey to measure tobacco use and behaviors towards tobacco use by individuals in grades six through twelve. Such survey shall:

1. Involve a statistically valid sample of the individuals in each of grades six through twelve;

2. Be made available to the public, along with the resulting data, excluding respondent identities and respondent-identifiable data, within sixty (60) days of completion of the survey; and

3. Be compared with data from previous years, including initial baseline data collected prior to the creation of this act.

~~F. The State Plan shall provide that no more than five percent (5%) of the Fund shall be expended on the administrative costs of the Committee.~~

~~G. The development and adoption of the State Plan shall be subject to the notice and comment provisions of the Administrative Procedures Act, except as otherwise provided in this act.~~

SECTION 51. AMENDATORY 63 O.S. 2011, Section 1-229.6, is amended to read as follows:

Section 1-229.6 A. The ~~Tobacco Use Prevention and Cessation Advisory Committee~~ State Department of Health shall ~~meet at least four times a year to~~ review Invitations To Bid ~~proposed by the Department~~ and applications for contracts and ~~to~~ evaluate the progress and outcomes of tobacco use prevention and cessation programs. The ~~Committee~~ Department shall make final approval ~~to the State Department of Health~~ for the issuance of Invitations To Bid for contracts for tobacco use prevention and cessation programs. ~~No approval of an Invitation To Bid may be forwarded to the Department without the approval of the vote of a majority of the Committee.~~

B. ~~The Invitation To Bid response evaluation teams shall be subcommittees appointed by the Advisory Committee. No subcommittee member shall be an applicant or recipient of funds for the program component proposed.~~

~~C. The subcommittees and Advisory Committee shall make final recommendations to the Department for the award of contracts to qualified bidders. No recommendation may be forwarded to the Department without the approval of a majority of the Committee.~~

~~D. In the case of proposed contracts between the Department and other government agencies, the Advisory Committee shall make final recommendations to the Department for award. No recommendations may be forwarded to the Department without the approval of a majority of the Committee.~~

~~E.~~ An applicant or a bidder that requests funding to initiate, continue or expand a tobacco use prevention or cessation program shall demonstrate, by means of application, letters of recommendation, and such other means as the ~~Committee~~ Department may designate, that the proposed tobacco use prevention or cessation program for which it seeks funds meets the criteria set forth in the State Plan. Previous contractors shall include recent evaluations of their programs with their bids or applications. The ~~Committee~~ Department may not ~~recommend the~~ award ~~of~~ a contract unless it makes a specific finding, as to each applicant or bidder, that the program proposed to be funded meets the criteria set forth in the State Plan.

~~F.~~ C. In developing the State Plan and approving Invitations To Bid and reviewing intergovernmental contracts the ~~Committee~~ Department shall consider:

1. In the case of applications or Invitations To Bid to fund media campaigns directed to youth to prevent underage tobacco use, whether the campaign provides for sound management and periodic evaluation of the campaign's relevance to the intended audience, including audience awareness of the campaign and recollection of the main message;

2. In the case of applications or Invitations To Bid to fund school-based education programs to prevent youth tobacco use, whether there is credible evidence that the program is effective in reducing youth tobacco use;

3. In the case of applications or Invitations To Bid to fund community-based youth programs involving youth tobacco use prevention through general youth development, whether the program:

a. has a comprehensive strategy with a clear mission and goals,

b. has professional leadership,

c. offers a diverse array of youth-centered activities in youth-accessible facilities,

d. is culturally sensitive, inclusive and diverse,

e. involves youth in the planning, delivery, and evaluation of services that affect them, and

f. offers a positive focus including all youth;

4. In the case of applications or Invitations To Bid to fund enforcement and administration of the Prevention of Youth Access to Tobacco Act and related retailer education and compliance efforts, whether such activities and efforts can reasonably be expected to reduce the extent to which tobacco products are available to individuals under eighteen (18) years of age;

5. In the case of applications or Invitations To Bid to fund youth cessation, whether there is credible evidence that the program is effective in long-term tobacco use cessation; and

6. In the case of applications or Invitations To Bid to fund adult programs, whether there is credible evidence that the program is effective in decreasing tobacco use.

~~C.~~ D. State and local government departments and agencies shall be eligible for contracts provided pursuant to this act.

SECTION 52. AMENDATORY 63 O.S. 2011, Section 1-1923.1, is amended to read as follows:

Section 1-1923.1 The State Department of Health shall:

1. Establish a Residents and Family State Council which shall be composed of fifteen (15) members who are, or who have been within the last twelve (12) months, residents, family members, resident volunteer representatives or guardians of residents of nursing facilities licensed pursuant to the Nursing Home Care Act, but shall not include persons representing residents in facilities for the developmentally disabled. The Council shall annually elect a chair and vice-chair, and shall meet at least quarterly. Meetings shall be conducted in the various areas of the state with at least one meeting in each of the four quadrants of the state to allow for participation by family members and residents where possible. The members of the Council shall be reimbursed pursuant to the State Travel Reimbursement Act. The Council may present recommendations to the Long-Term Care Facility Advisory Board created in Section 1-1923 of this title and shall have the power and duty to advise the State Department of Health concerning the development and improvement of services to and care and treatment of residents of facilities subject to the provisions of the Nursing Home Care Act and make recommendations to the Department as necessary and appropriate. The members shall serve at the pleasure of the State Commissioner of Health; and

2. Establish a toll free, twenty-four-hour hotline for filing of complaints against facilities licensed pursuant to the provisions of the Nursing Home Care Act.

SECTION 53. AMENDATORY 63 O.S. 2011, Section 1-260.2, is amended to read as follows:

Section 1-260.2 A. The purposes of this act are:

1. To design and implement a multigenerational, statewide program of public awareness and knowledge about:

a. the causes of osteoporosis,

b. personal risk factors,

c. the value of prevention and early detection, and

d. the options available for treatment;

2. To facilitate and enhance knowledge and understanding of osteoporosis by disseminating educational materials, information about research results, services, and strategies for prevention and treatment to patients, health professionals, and the public;

3. To utilize educational and training resources and services that have been developed by organizations with appropriate expertise and knowledge of osteoporosis, and to use available technical assistance;

4. To evaluate existing osteoporosis services in the community and assess the need for improving the quality and accessibility of community-based services;

5. To provide easy access to clear, complete, and accurate osteoporosis information and referral services;

6. To educate and train service providers, health professionals, and physicians;

7. To heighten awareness about the prevention, detection, and treatment of osteoporosis among state and local health and human service officials, health educators, and policymakers;

8. To coordinate state programs and services to address the issue of osteoporosis;

9. To promote the development of support groups for osteoporosis patients and their families and caregivers;

10. To adequately fund these programs; and

11. To provide lasting improvements in the delivery of osteoporosis health care that affect the quality of life of osteoporosis patients and that contain health care costs.

B. 1. The State Board of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall promulgate rules necessary to enact the provisions of the Osteoporosis Prevention and Treatment Education Act.

2. The State Department of Health, as funds are available, shall:

a. provide sufficient staff to implement the Osteoporosis Prevention and Treatment Education Program,

b. provide appropriate training for staff of the Osteoporosis Prevention and Treatment Education Program,

c. identify the appropriate entities to carry out the program,

d. base the program on the most up-to-date scientific information and findings,

e. work to improve the capacity of community-based services available to osteoporosis patients,

f. work with governmental offices, community and business leaders, community organizations, health care and human service providers, and national osteoporosis organizations to coordinate efforts and maximize state resources in the areas of prevention, education, and treatment of osteoporosis, and

g. identify and, when appropriate, replicate or use successful osteoporosis programs and procure related materials and services from organizations with appropriate expertise and knowledge of osteoporosis.

SECTION 54. AMENDATORY 63 O.S. 2011, Section 1-260.4, is amended to read as follows:

Section 1-260.4 A. ~~There is hereby established within the State Department of Health an Interagency Council on Osteoporosis. The State Commissioner of Health shall chair the interagency council. The council shall be composed of representatives from appropriate state departments and agencies including, but not limited to, the entities with responsibility for aging, health care delivery, education, public welfare, and women's programs, who shall be appointed by the director or chief operating officer of such entity.~~

~~B.~~ The ~~council~~ State Department of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall:

1. Advise ~~the Department~~ regarding coordination of osteoporosis programs conducted by or through the Department;

2. Establish a mechanism for sharing information on osteoporosis among all officials and employees involved in carrying out osteoporosis-related programs;

3. Preview and coordinate the most promising areas of education, prevention, and treatment concerning osteoporosis;

4. Assist ~~the Department and~~ other offices in developing plans for education and health promotion on osteoporosis;

5. Establish mechanisms to use the results of research concerning osteoporosis in the development of relevant policies and programs; and

6. Prepare a report that describes educational initiatives on osteoporosis sponsored by the state and makes recommendations for new educational initiatives on osteoporosis. The ~~council~~ Council shall transmit the report to the State Board of Health for review and forwarding with any necessary comments or recommendations to the Legislature. The report shall also be available to the public.

~~C.~~ B. The ~~Interagency Council on Osteoporosis~~ Department, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall establish and coordinate an Advisory Panel on Osteoporosis which will provide nongovernmental input regarding the Osteoporosis Prevention and Treatment Education Program. Membership on the advisory panel shall be voluntary and shall include, but not be

limited to, persons with osteoporosis, representatives of women's health organizations, public health education, osteoporosis experts, providers of osteoporosis health care, persons knowledgeable in health promotion and education, and representatives of national osteoporosis organizations or their state or regional affiliates.

SECTION 55. AMENDATORY 63 O.S. 2011, Section 1-556, is amended to read as follows:

Section 1-556. A. The ~~Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee~~ State Department of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall be responsible for evaluating and reporting to the Governor and the State Commissioner of Health regarding contracting for statewide services or issues related to breast cancer including, but not limited to:

1. Mammography and pap smear screening of women for breast and cervical cancer as an early detection health care measure, provided by facilities which are accredited by national organizations that have formed coalitions to issue national cancer screening guidelines;

2. Medical referral of screened persons with abnormal breast findings and, to the extent practical, for additional services or assistance for such persons;

3. Education and training programs for health care professionals to improve methods for the detection and control of breast and cervical cancer, and to improve communication with breast and cervical cancer patients after diagnosis;

4. Annual public education and awareness campaigns to improve the knowledge and health care practices of all Oklahomans with respect to breast and cervical cancer;

5. Epidemiological trend studies utilizing the data from the Oklahoma Central Cancer Registry for incidence, prevalence and survival of breast and cervical cancer victims; and

6. Outreach to groups with high proportions of uninsured and underinsured women.

B. The evaluative efforts of the Advisory Committee with respect to contracts for services specified in subsection A of this section shall provide appropriate oversight and requirements that result in:

1. Enhanced quality control standards within facilities which perform diagnostic cancer screening for breast and cervical cancer; and

2. Establishment of a fee schedule for breast and cervical cancer screening and diagnosis that complies with accepted Medicare/Medicaid rates and that incorporates a sliding fee payment system to encourage self-responsibility.

C. The ~~Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee~~ State Department of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall report annually to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Board of Health by October 1 of each year, activities completed pursuant to the Oklahoma Breast and Cervical Cancer Act during the prior fiscal year, including a report of the funding for related activities. The report shall identify populations at highest risk for breast or cervical cancer, priority strategies, and emerging technologies, including newly introduced therapies and preventive vaccines that are effective in preventing and controlling the risk of breast and cervical cancer, and any recommendations for additional funding, if necessary, to provide screenings and treatment for breast and cervical cancer for uninsured and underinsured women. The report shall further recommend strategies or actions to reduce the costs of breast and cervical cancer in the State of Oklahoma.

D. The Advancement of Wellness Advisory ~~Committee~~ Council shall evaluate the prospective termination or continuation of its ongoing duties on October 1, 2008~~, or upon submission of the Advisory Committee's final report to the Governor, the State Commissioner of Health, and the 1st Session of the 51st Oklahoma Legislature, whichever occurs earlier~~. Such evaluation shall be made based on the successful implementation of breast and cervical cancer reduction plans and/or achievement of significant reductions in breast and cervical cancer morbidity and mortality in the state of Oklahoma.

SECTION 56. AMENDATORY 63 O.S. 2011, Section 1-557, as amended by Section 480, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2012, Section 1-557), is amended to read as follows:

Section 1-557. A. 1. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Breast and Cervical Cancer Act Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the fund and gifts or donations to the fund.

2. All monies donated or accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health~~, after consideration of the recommendations from the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee,~~ for the purposes specified in and associated with implementation of the Oklahoma Breast and Cervical Cancer Act.

3. Monies from the fund may be transferred to the Breast and Cervical Cancer Prevention and Treatment Account and shall be used to carry out the purposes specified in Section 1-556 of this title.

4. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. ~~1. All proposals to expend monies from the Breast Cancer Act Revolving Fund shall have been reviewed by the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee, and the Advisory Committee shall advise the Commissioner on the proposed use of monies from the fund.~~

~~2. The Advisory Committee shall subject all research projects awarded using monies from the fund to peer review.~~

~~C.~~ Monies in the Breast and Cervical Cancer Act Revolving Fund may be expended by the State Department of Health~~, subject to review by the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee,~~ for promotional activities to encourage donations to the Breast and Cervical Cancer Act Revolving Fund by individuals and private businesses or foundations.

SECTION 57. AMENDATORY 63 O.S. 2011, Section 1-860.14, is amended to read as follows:

Section 1-860.14 ~~A. The Hospice Advisory Board shall have the power and duty to:~~

~~1. Serve as an advisory body to the Department for the development and improvement of services provided by hospices;~~

~~2. Review, make recommendations regarding, and approve in its advisory capacity the system of standards developed by the Department; and~~

~~3. Evaluate and review the standards, practices and procedures of the Department regarding the administration and enforcement of the provisions of the Oklahoma Hospice Licensing Act and make recommendations to the Department as necessary and appropriate.~~

~~B.~~ The ~~Hospice Advisory Board~~ Department shall publish and distribute an annual report of its activities and any recommendations for the improvement of services and care and treatment to hospice patients on or before January 1 of each year to the Governor and to the Commissioner of Health.

SECTION 58. AMENDATORY 63 O.S. 2011, Section 1-564, is amended to read as follows:

Section 1-564. A. An applicant for licensure as a genetic counselor shall:

1. Submit an application~~, as promulgated by the State Board of Health pursuant to recommendations of the Genetic Counseling Advisory Committee~~ on forms provided by the State Department of Health;

2. Pay a fee, not to exceed Three Hundred Dollars ($300.00), as determined by the State Board of Health;

3. Provide satisfactory evidence of having earned:

a. a master's degree from a genetic counseling training program that is accredited by the American Board of Genetic Counseling or an equivalent entity as determined by the ABGC, or

b. a doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics or an equivalent as determined by the ABMG; and

4. Meet the examination requirement for certification as:

a. a genetic counselor by the ABGC or the ABMG, or

b. a medical geneticist by the ABMG.

B. A temporary license may be issued to an applicant who meets all of the requirements for licensure except the examination provided for in paragraph 4 of subsection A of this section.

SECTION 59. AMENDATORY 63 O.S. 2011, Section 1-567, is amended to read as follows:

Section 1-567. A. The State Board of Health, ~~pursuant to~~ giving consideration to the recommendations ~~from~~ of the ~~Genetics Counseling Advisory Committee~~ Infant and Children's Health Advisory Council created in Section 44 of this act, shall establish continuing education requirements for genetic counselors as a condition of renewal or reinstatement of a license.

B. A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of four (4) years after close of the two-year period to which the records pertain. It shall be the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate that it meets the requirements under this section.

C. A licensee who documents that he or she is subjected to circumstances which prevent the licensee from meeting the continuing professional education requirements established under this section may apply to be excused from the requirement for a period of up to five (5) years. It shall be the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

SECTION 60. AMENDATORY 63 O.S. 2011, Section 1-569, is amended to read as follows:

Section 1-569. The State Board of Health shall promulgate rules, ~~pursuant~~ giving consideration to the recommendations ~~from~~ of the ~~Genetic Counseling Advisory Committee~~ Infant and Children's Health Advisory Council created in Section 44 of this act, establishing licensure requirements for genetic counselors. Such rules shall include, but not be limited to:

1. Policy and budgetary matters related to licensure;

2. Applicant screening, licensing, renewal licensing, license reinstatement and relicensure;

3. Standards for supervision of students or persons training to become qualified to obtain a license in genetic counseling; ~~and~~

4. Requirements for maintaining and renewal of a license; and

5. Procedures for reviewing cases of individuals found to be in violation of the provisions of the Genetic Counseling Licensure Act, including disciplinary actions when necessary.

SECTION 61. AMENDATORY 63 O.S. 2011, Section 1-706.12, is amended to read as follows:

Section 1-706.12 ~~A.~~ The purposes of the Emergency Medical Services for Children Resource Center shall be to:

1. Maximize pediatric emergency care in Oklahoma through expert leadership, education, research and advocacy;

2. Develop guidelines for approval of emergency medical service facilities as Emergency Departments Approved for Pediatrics (EDA-P) and for rating the ability of a facility to provide pediatric emergency medical services;

3. Develop guidelines for equipment and its use for prehospital and hospital pediatric emergency care;

4. Develop guidelines and protocols for prehospital and hospital facilities which encompass all levels of pediatric emergency medical services, including, but not limited to, stabilization, treatment, transfers and referrals;

5. Provide initial and continuing professional education programs and guidelines on pediatric emergency medical care for

emergency medical services personnel and other health care providers;

6. Conduct public education concerning pediatric emergency medical services including, but not limited to, prevention and access to pediatric emergency services;

7. Collect and analyze existing data from prehospital and hospital emergency medical systems related to pediatric emergency and critical care for the purpose of quality improvement;

8. Consult with and advise public and private organizations, including the Emergency Medical Services Division and the Trauma Systems Development Section of the Injury Prevention Service within the State Department of Health, the Oklahoma Highway Safety Office, law enforcement, fire service, ambulance services, educational institutions, professional organizations, business organizations, hospital organizations and any other federally funded projects in pediatric emergency and critical care medical services;

9. Provide other services and activities deemed necessary to maximize pediatric emergency care in the State of Oklahoma; and

10. Solicit and accept funds from the federal government and other public and private sources.

~~B. Equipment, protocols and educational guidelines developed pursuant to paragraphs 3, 4 and 5 of subsection A of this section shall be submitted to the State Department of Health Emergency Medical Services Advisory Council prior to action by the State Department of Health.~~

SECTION 62. AMENDATORY 63 O.S. 2011, Section 1-1453, is amended to read as follows:

Section 1-1453. A. It shall be unlawful for any person to perform medical micropigmentation or to represent himself or herself as a person authorized to perform medical micropigmentation:

1. Without having first complied with the provisions of the Oklahoma Medical Micropigmentation Regulation Act; or

2. Unless otherwise authorized to perform medical micropigmentation pursuant to the Oklahoma Medical Micropigmentation Regulation Act.

B. ~~By November 1, 2001, the~~ The State Board of Health, giving consideration to the recommendations of the Consumer Protection Licensing Advisory Council created in Section 44 of this act, shall ~~have promulgated~~ promulgate rules to implement the provisions of the Oklahoma Medical Micropigmentation Regulation Act. The rules shall include rules of practice for medical micropigmentation training requirements and the establishment of criteria for the certification of persons authorized to perform medical micropigmentation.

C. The ~~Oklahoma~~ State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners and the Board of Dentistry may each promulgate rules relating to the performance of micropigmentation in physician offices by those physicians subject to their licensing authority. Such rules shall comply with the Oklahoma Medical Micropigmentation Regulation Act.

SECTION 63. AMENDATORY 63 O.S. 2011, Section 1-1455, is amended to read as follows:

Section 1-1455. A. The State Board of Health, ~~in cooperation with the Medical Micropigmentation Advisory Committee~~ giving consideration to the recommendations of the Consumer Protection Licensing Advisory Council created in Section 44 of this act, and in cooperation with the Oklahoma Department of Career and Technology Education, may adopt a curriculum of required courses and establish by rule the types of courses to be offered. The complete program of instruction approved by the State Board of Health in theory and clinical training shall consist of at least three hundred (300) hours or the equivalent of competency-based instruction.

B. 1. In order to provide the State Department of Health confirmation of each applicant's competency, written theory and clinical tests shall be administered by the Oklahoma Department of Career and Technology Education.

2. Applicants otherwise qualified to practice medical micropigmentation as determined by the State Department of Health pursuant to the Oklahoma Medical Micropigmentation Regulation Act may be certified to perform medical micropigmentation without taking or completing the program of instruction specified by this section if the applicant obtains a passing score for both the written theory and clinical tests. Not later than January 1, 2002, the State Board of Health shall promulgate rules to implement the provisions of this paragraph.

3. The State Board of Health, giving consideration to the recommendations of the Consumer Protection Licensing Advisory Council created in Section 44 of this act, shall set, by rule, a minimum passing score for both written theory and clinical tests.

C. The Oklahoma Department of Career and Technology Education may provide training and shall provide testing programs required by this section for anyone qualified to apply for a certificate pursuant to the provisions of Section 1-1454 of this title. The training and testing programs shall meet the standards established pursuant to the provisions of this section. The State Department of Health may approve training programs that meet the standards established pursuant to the provisions of this act.

D. After the initial training program offered pursuant to subsection C of this section, the Oklahoma Department of Career and Technology Education may provide a complete curriculum for the training and testing of applicants for certification as deemed needed by the Oklahoma Department of Career and Technology Education.

E. The State Department of Health ~~upon recommendation of the Medical Micropigmentation Advisory Committee~~ may approve applicants for certification by reciprocity. An applicant shall qualify for certification by reciprocity if the applicant:

1. Has qualifications and training comparable to those required under the Oklahoma Medical Micropigmentation Regulation Act;

2. Provides documentation verifying two (2) years of experience and a minimum of two hundred (200) procedures; and

3. Has successfully completed the Oklahoma certification examination.

SECTION 64. AMENDATORY 63 O.S. 2011, Section 1-1505, is amended to read as follows:

Section 1-1505. The State Board of Health shall have the authority, ~~after public hearing~~ giving consideration to the recommendations of the Consumer Protection Licensing Advisory Council created in Section 44 of this act, to adopt reasonable rules for diagnostic x-ray facilities on the following: establishment of standards for safe levels of protection against radiation;

maintenance and submission of records; determination, prevention and control of radiation hazards; reporting of radiation accidents; handling, storage and registration of diagnostic x-ray systems; periodic inspections of diagnostic x-ray facilities; review and approval of plans, and issuance and revocation of permits, for the use of diagnostic x-ray systems; prevention and control of any significant associated harmful effects of exposure to x-rays; and other items deemed necessary for the protection of the public health and safety in diagnostic x-ray facilities. Such rules shall be consistent with nationally recognized standards, which may be included by reference in the promulgated rules.

SECTION 65. AMENDATORY 63 O.S. 2011, Section 1-2503, as amended by Section 1 of Enrolled House Bill No. 1083 of the 1st Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 1-2503. As used in the Oklahoma Emergency Response Systems Development Act:

1. "Ambulance" means any ground, air or water vehicle which is or should be approved by the Commissioner of Health, designed and equipped to transport a patient or patients and to provide appropriate on-scene and en route patient stabilization and care as required. Vehicles used as ambulances shall meet such standards as may be required by the State Board of Health for approval, and shall display evidence of such approval at all times;

2. "Ambulance authority" means any public trust or nonprofit corporation established by the state or any unit of local government or combination of units of government for the express purpose of providing, directly or by contract, emergency medical services in a specified area of the state;

3. "Ambulance patient" or "patient" means any person who is or will be transported in a reclining position to or from a health care facility in an ambulance;

4. "Ambulance service" means any private firm or governmental agency which is or should be licensed by the State Department of Health to provide levels of medical care based on certification standards promulgated by the Board;

5. "Ambulance service district" means any county, group of counties or parts of counties formed together to provide, operate

and finance emergency medical services as provided by Section 9C of Article X of the Oklahoma Constitution or Sections 1201 through 1221 of Title 19 of the Oklahoma Statutes;

6. "Board" means the State Board of Health;

7. "Certified emergency medical responder" means an individual certified by the Department to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Board;

8. "Certified emergency medical response agency" means an organization of any type certified by the Department to provide emergency medical care, but not transport. Certified emergency medical response agencies may utilize certified emergency medical responders or licensed emergency medical personnel; provided, however, that all personnel so utilized shall function under the direction of and consistent with guidelines for medical control;

9. "Classification" means an inclusive standardized identification of stabilizing and definitive emergency services provided by each hospital that treats emergency patients;

10. "CoAEMSP" means the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions;

11. "Commissioner" means the State Commissioner of Health;

12. "Council" means the ~~Oklahoma~~ Trauma and Emergency Response ~~Systems Development~~ Advisory Council created in Section 44 of this act;

13. "Critical care paramedic" or "CCP" means a licensed paramedic who has successfully completed critical care training and testing requirements in accordance with the Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Board;

14. "Department" means the State Department of Health;

15. "Emergency medical services system" means a system which provides for the organization and appropriate designation of personnel, facilities and equipment for the effective and

coordinated local, regional and statewide delivery of health care services primarily under emergency conditions;

16. "Letter of review" means the official designation from CoAEMSP to a paramedic program that is in the "becoming accredited" process;

17. "Licensed emergency medical personnel" means an emergency medical technician (EMT), an intermediate, an advanced emergency medical technician (AEMT), or a paramedic licensed by the Department to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development Act and the rules and standards promulgated by the Board;

18. "Licensure" means the licensing of emergency medical care providers and ambulance services pursuant to rules and standards promulgated by the Board at one or more of the following levels:

a. Basic life support,

b. Intermediate life support,

c. Paramedic life support,

d. Advanced life support,

e. Stretcher aid van, and

f. Specialty care, which shall be used solely for interhospital transport of patients requiring specialized en route medical monitoring and advanced life support which exceed the capabilities of the equipment and personnel provided by paramedic life support.

Requirements for each level of care shall be established by the Board. Licensure at any level of care includes a license to operate at any lower level, with the exception of licensure for specialty care; provided, however, that the highest level of care offered by an ambulance service shall be available twenty-four (24) hours each day, three hundred sixty-five (365) days per year.

Licensure shall be granted or renewed for such periods and under such terms and conditions as may be promulgated by the Board;

19. "Medical control" means local, regional or statewide medical direction and quality assurance of health care delivery in an emergency medical service system. On-line medical control is the medical direction given to licensed emergency medical personnel, certified emergency medical responders and stretcher aid van personnel by a physician via radio or telephone. Off-line medical control is the establishment and monitoring of all medical components of an emergency medical service system, which is to include stretcher aid van service including, but not limited to, protocols, standing orders, educational programs, and the quality and delivery of on-line control;

20. "Medical director" means a physician, fully licensed without restriction, who acts as a paid or volunteer medical advisor to a licensed ambulance service and who monitors and directs the care so provided. Such physicians shall meet such qualifications and requirements as may be promulgated by the Board;

21. "Region" or "emergency medical service region" means two or more municipalities, counties, ambulance districts or other political subdivisions exercising joint control over one or more providers of emergency medical services and stretcher aid van service through common ordinances, authorities, boards or other means;

22. "Regional emergency medical services system" means a network of organizations, individuals, facilities and equipment which serves a region, subject to a unified set of regional rules and standards which may exceed, but may not be in contravention of, those required by the state, which is under the medical direction of a single regional medical director, and which participates directly in the delivery of the following services:

a. medical call-taking and emergency medical services dispatching, emergency and routine, including priority dispatching of first response agencies, stretcher aid van and ambulances,

b. emergency medical responder services provided by emergency medical response agencies,

c. ambulance services, both emergency, routine and stretcher aid van including, but not limited to, the transport of patients in accordance with transport

protocols approved by the regional medical director, and

d. directions given by physicians directly via radio or telephone, or by written protocol, to emergency medical response agencies, stretcher aid van or ambulance personnel at the scene of an emergency or while en route to a hospital;

23. "Regional medical director" means a licensed physician, who meets or exceeds the qualifications of a medical director as defined by the Oklahoma Emergency Response Systems Development Act, chosen by an emergency medical service region to provide external medical oversight, quality control and related services to that region;

24. "Registration" means the listing of an ambulance service in a registry maintained by the Department; provided, however, registration shall not be deemed to be a license;

25. "Stretcher aid van" means any ground vehicle which is or should be approved by the State Commissioner of Health, which is designed and equipped to transport individuals on a stretcher or gurney type apparatus. Vehicles used as stretcher aid vans shall meet such standards as may be required by the State Board of Health for approval and shall display evidence of such approval at all times. Stretcher aid van services shall only be permitted and approved by the Commissioner in emergency medical service regions, ambulance service districts, or counties with populations in excess of 300,000 people. Notwithstanding the provisions of this paragraph, stretcher aid van transports may be made to and from any federal or state veterans facility;

26. "Stretcher aid van patient" means any person who is or will be transported in a reclining position on a stretcher or gurney, who is medically stable, nonemergent and does not require any medical monitoring equipment or assistance during transport; and

27. "Transport protocol" means the written instructions governing decision-making at the scene of a medical emergency by ambulance personnel regarding the selection of the hospital to which the patient shall be transported. Transport protocols shall be developed by the regional medical director for a regional emergency medical services system or by the Department if no regional emergency medical services system has been established. Such

transport protocols shall adhere to, at a minimum, the following guidelines:

a. nonemergency, routine transport shall be to the facility of the patient's choice,

b. urgent or emergency transport not involving life-threatening medical illness or injury shall be to the nearest facility, or, subject to transport availability and system area coverage, to the facility of the patient's choice, and

c. life-threatening medical illness or injury shall require transport to the nearest health care facility appropriate to the needs of the patient as established by regional or state guidelines.

SECTION 66. AMENDATORY 63 O.S. 2011, Section 1-2506, is amended to read as follows:

Section 1-2506. Licensed and certified emergency medical personnel, while a duty to act is in effect, shall perform medical procedures to assist patients to the best of their abilities under the direction of a medical director or in accordance with written protocols, which may include standing orders, authorized and developed by the medical director and approved by the State Department of Health when not in conflict with standards ~~recommended by the Medical Direction Subcommittee of the Oklahoma Emergency Response Systems Development Advisory Council and~~ approved by the State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act. Licensure, certification and authorization for emergency medical personnel to perform medical procedures must be consistent with provisions of this act, and rules adopted by the Board. Medical control and medical directors shall meet such requirements as prescribed through rules adopted by the Board.

SECTION 67. AMENDATORY 63 O.S. 2011, Section 1-2511, as amended by Section 7 of Enrolled House Bill No. 1083 of the 1st Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 1-2511. The State Commissioner of Health shall have the following powers and duties with regard to an Oklahoma Emergency Medical Services Improvement Program:

1. Administer and coordinate all federal and state programs, not specifically assigned by state law to other state agencies, which include provisions of the Federal Emergency Medical Services Systems Act and other federal laws and programs relating to the development of emergency medical services in this state. The administration and coordination of federal and state laws and programs relating to the development, planning, prevention, improvement and management of emergency medical services~~, including but not limited to the staffing of the Oklahoma Emergency Response Systems Development Advisory Council,~~ shall be conducted by the Division of Emergency Medical Services, as prescribed by Section 1-2510 of this title;

2. Assist private and public organizations, emergency medical and health care providers, ambulance authorities, district boards and other interested persons or groups in improving emergency medical services at the local, municipal, district or state levels. This assistance shall be through professional advice and technical assistance;

3. Coordinate the efforts of local units of government to establish service districts and set up boards of trustees or other authorities to operate and finance emergency medical services in the state as provided under Section 9C of Article X of the Oklahoma Constitution or under Sections 1201 through 1221 of Title 19 of the Oklahoma Statutes. The Commissioner shall evaluate all proposed district areas and operational systems to determine the feasibility of their economic and health services delivery;

4. Prepare, maintain and utilize a comprehensive plan and program for emergency medical services development throughout the state to be adopted by the State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act, and incorporated within the State Health Plan. The plan shall establish goals, objectives and standards for a statewide integrated system and a timetable for accomplishing and implementing different elements of the system. The plan shall also include, but not be limited to, all components of an emergency medical services system; regional and statewide planning; the establishment of standards and the appropriate criteria for the designation of facilities; data collection and quality assurance; and funding;

5. Maintain a comprehensive registry of all ambulance services operating within the state, to be published annually and maintain a registry of critical care paramedics. All ambulance service providers shall register annually with the Commissioner on forms supplied by the State Department of Health, containing such requests for information as may be deemed necessary by the Commissioner;

6. Develop a standard report form which may be used by local, regional and statewide emergency medical services and emergency medical services systems to facilitate the collection of data related to the provision of emergency medical and trauma care. The Commissioner shall also develop a standardized emergency medical services data set and an electronic submission standard. Each ambulance service shall submit the information required in this section at such intervals as may be prescribed by rules promulgated by the State Board of Health;

7. Evaluate and certify all emergency medical services training programs and emergency medical technician training courses and operational services in accordance with specifications and procedures approved by the Board. Nonaccredited paramedic training programs shall begin their final paramedic training class by December 31, 2012. Only paramedic training programs accredited or receiving a Letter of Review (LOR) by CoAEMSP may enroll new paramedic students after January 1, 2013;

8. Provide an emergency medical personnel and ambulance service licensure program to include a requirement that ambulance services licensed as specialty care ambulance providers shall be used solely for interhospital transport of patients requiring specialized en route medical monitoring and advanced life support which exceeds the capabilities of the equipment and personnel provided by paramedic life support;

9. ~~Create a standing Medical Direction Subcommittee of the Advisory Council to be composed entirely of physicians who are or who have been medical directors or regional medical directors. Members of the Subcommittee shall be appointed by and shall serve at the pleasure of the Commissioner. The Subcommittee shall advise the Commissioner or the Commissioner's designee on the following:~~

~~a. the design of all medical aspects and components of emergency medical services systems,~~

~~b. the appropriateness of all standards for medical and patient care operations or services, treatment procedures and protocols,~~

~~c. the implementation and facilitation of regional EMS Systems, and~~

~~d. such other matters and activities as directed by the Commissioner or the Commissioner's designee;~~

~~10.~~ Employ and prescribe the duties of employees as may be necessary to administer the provisions of the Oklahoma Emergency Response Systems Development Act;

~~11.~~ 10. Apply for and accept public and private gifts, grants, donations and other forms of financial assistance designed for the support of emergency medical services;

~~12.~~ 11. Develop a classification system for all hospitals that treat emergency patients. The classification system shall:

a. identify stabilizing and definitive emergency services provided by each hospital, and

b. require each hospital to notify the regional emergency medical services system control when treatment services are at maximum capacity and that emergency patients should be diverted to another hospital; and

~~13.~~ 12. Develop and monitor a statewide emergency medical services and trauma analysis system designed to:

a. identify emergency patients and severely injured trauma patients treated in Oklahoma,

b. identify the total amount of uncompensated emergency care provided each fiscal year by each hospital and ambulance service in Oklahoma, and

c. monitor emergency patient care provided by emergency medical service and hospitals.

SECTION 68. AMENDATORY 63 O.S. 2011, Section 1-2512, is amended to read as follows:

Section 1-2512. A. The State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council as created in Section 44 of this act, shall promulgate rules to enact the provisions of the Oklahoma Emergency Response Systems Development Act.

B. Such rules shall specify which vehicles of licensed ambulance service providers shall be considered authorized emergency vehicles pursuant to the provisions of Section 1-103 of Title 47 of the Oklahoma Statutes. The rules shall provide that vehicles transporting licensed ambulance service personnel or life saving equipment that meet all other specifications required by the Board shall be considered authorized emergency vehicles.

SECTION 69. AMENDATORY 63 O.S. 2011, Section 1-2530.2, is amended to read as follows:

Section 1-2530.2 As used in the Oklahoma Trauma Systems Improvement and Development Act:

1. "Ambulance" means any ground, air or water vehicle operated by an ambulance service licensed pursuant to the provisions of Section 1-2513 of ~~Title 63 of the Oklahoma Statutes~~ this title;

2. "Ambulance service" means any private firm or governmental agency which is licensed by the State Department of Health to provide levels of medical care based on certification standards promulgated by the State Board of Health;

3. "Board" means the State Board of Health;

4. "Classification" means an inclusive standardized identification of stabilizing and definitive emergency services provided by each hospital that treats emergency patients;

5. "Commissioner" means the State Commissioner of Health;

6. "Council" means the ~~Oklahoma Trauma Systems Improvement and Development~~ Trauma and Emergency Response Advisory Council created in Section 44 of this act;

7. "Department" means the State Department of Health;

8. "Emergency medical care" means bona fide emergency services provided after the sudden onset of a medical or traumatic condition

manifesting itself by acute symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected to result in:

a. a patient's health being placed in serious jeopardy,

b. serious impairment to bodily functions, or

c. serious dysfunction of any bodily organ or part;

9. "Hospital" means a hospital licensed pursuant to the provisions of Section 1-704 of ~~Title 63 of the Oklahoma Statutes~~ this title;

10. "Regional trauma care system" means an arrangement of available resources that are coordinated for the effective delivery of emergency trauma services within a geographic region consistent with an established plan;

11. "Trauma and emergency operative services facility" means a hospital that is classified and recognized by the Department as providing emergency trauma and operative surgical services on a twenty-four-hour basis;

12. "Trauma patient" means a severely or seriously injured person who has been:

a. evaluated by a physician, a registered nurse, or emergency medical services personnel, and

b. found to require medical care in a hospital classified as a trauma and emergency operative services facility; and

13. "Trauma services" includes services provided to a severely or seriously injured patient.

SECTION 70. AMENDATORY 63 O.S. 2011, Section 1-2530.3, is amended to read as follows:

Section 1-2530.3 A. The State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act, shall promulgate rules establishing minimum standards and objectives to implement the development, regulation and improvement of trauma

systems on a statewide basis. Rules shall provide for the classification of trauma and emergency care provided by all hospitals based on the level of service provided and for triage, transport and transfer guidelines. The Board shall consider guidelines developed by the American College of Surgeons in promulgating rules under this section.

B. The rules shall provide specific requirements for the distribution of trauma patients, ensure that trauma care is fully coordinated with all hospitals and emergency medical services in a regional area, and reflect the geographic areas of the state, considering time and distance.

C. The rules shall include:

1. Pre-hospital care management guidelines for triage and transport of trauma patients;

2. Establishment of referral patterns of trauma patients and geographic boundaries regarding trauma patients;

3. Requirements for licensed hospitals providing trauma and emergency operative services to provide quality care to trauma patients referred to these facilities;

4. Minimum requirements for resources and equipment needed by a trauma and emergency operative services facility to treat trauma patients;

5. Minimum standards for the availability and qualifications of health care personnel, including physicians and surgeons, treating trauma patients within a hospital;

6. Minimum requirements for data collection including, but not limited to, trauma incidence reporting, system operation and patient outcome, and continuous quality improvement activities;

7. Minimum requirements for periodic performance evaluation of the system and its components through continuous quality improvement activities;

8. Minimum requirements for reviews of trauma patient transfers ~~by a medical audit committee appointed by the State Commissioner of Health~~;

9. Requirements that hospitals with the capacity and capability to provide care not refuse to accept the transfer of a trauma patient from another facility solely because of the person's inability to pay for services or because of the person's age, sex, race, religion or national origin; and

10. Requirements for transferring hospitals to enter into reciprocal agreements with receiving hospitals that specify that the transferring hospital will accept the return transfer of trauma patients at such time as the hospital has the capability and capacity to provide care; provided, however, such reciprocal agreements shall not incorporate financial provisions for transfers.

SECTION 71. AMENDATORY 63 O.S. 2011, Section 1-2530.5, is amended to read as follows:

Section 1-2530.5 A. Each geographic region identified in the statewide trauma systems plan that has a functioning trauma system~~, as determined by the Oklahoma Trauma Systems Improvement and Development Advisory Council,~~ shall be recognized by the State Department of Health.

B. Licensed hospitals and ambulance service providers in these regions shall establish a regional trauma advisory board to represent the region and conduct continuous quality improvement activities of the system for the region. Licensed hospitals and ambulance service providers in the region shall designate regional trauma advisory board members ~~pursuant to procedures approved by the Oklahoma Trauma Systems Improvement and Development Advisory Council~~. Regional trauma advisory board members shall consist of individuals who provide trauma services in the regional system, or individuals employed by licensed hospitals or ambulance service providers in the region. The maximum number of board members for any region shall be twenty.

C. As funds are available, regional trauma advisory boards may receive funding from the Department to support their administrative and continuous quality improvement activities.

SECTION 72. AMENDATORY 63 O.S. 2011, Section 1-2530.8, is amended to read as follows:

Section 1-2530.8 A. The State Department of Health shall recognize and certify a trauma transfer and referral center in each county and contiguous communities with populations in excess of

three hundred thousand (300,000) persons for the purpose of directing ambulance patients to facilities with the clinical capacity and capability to appropriately care for the emergent medical needs of a patient.

B. The State Board of Health, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act, shall promulgate rules establishing minimum certification standards for such centers which shall include, but not be limited to, staff certification, data management and communications equipment, medical control and oversight, record keeping, quality improvement activities, and such other issues as the State Commissioner of Health deems appropriate.

C. Certified centers shall submit data as required by the Department ~~to the Medical Audit Committee~~ for the purpose of trauma system continuous quality improvement activities. Such reports shall be confidential as provided in Section ~~8~~ 1-2530.7 of this ~~act~~ title.

D. The Board, giving consideration to the recommendations of the Trauma and Emergency Response Advisory Council created in Section 44 of this act, shall promulgate rules requiring emergency medical services providers to contact the appropriate regional trauma transfer and referral center while transporting injured patients into or within that region in order to ensure that patients are directed to the appropriate hospital based on the regional plan and the current capability and capacity of hospitals in the system.

E. As funding is available, the Department may reimburse operators of certified trauma transfer and referral centers for the operations of the centers on an annual basis.

SECTION 73. AMENDATORY 63 O.S. 2011, Section 2060, is amended to read as follows:

Section 2060. A. This section shall be known and may be cited as the "Oklahoma Certified Healthy Communities Act".

B. The State Department of Health shall establish and maintain a program for the voluntary certification of communities that promote wellness, encourage the adoption of healthy behaviors, and establish safe and supportive environments.

C. ~~There is hereby created the Oklahoma Healthy Communities Advisory Committee. The advisory committee shall consist of members as follows:~~

~~1. A representative from a statewide nonprofit and nonpartisan organization that seeks to foster collaboration and encourage community and legislative action in prohealth initiatives, to be appointed by the Speaker of the Oklahoma House of Representatives;~~

~~2. A representative from a statewide nonprofit and nonpartisan organization that seeks to foster collaboration and encourage community and legislative action in prohealth initiatives, to be appointed by the President Pro Tempore of the State Senate;~~

~~3. Two representatives from an organization that seeks to involve communities and consumers in creating a healthier future, to be appointed by the State Commissioner of Health; and~~

~~4. A representative from a statewide business organization, to be appointed by the Governor.~~

~~D. Members of the Committee shall serve at the pleasure of the appointing authority. Vacancies in a position shall be filled in the same manner as the original appointment.~~

~~E. The Committee shall hold an organizational meeting not later than November 30, 2010.~~

~~F. The Committee shall select from among its membership a chair and cochair.~~

~~G. A quorum of the members present at a meeting of the Committee shall be sufficient to conduct any business or to take any action authorized or required.~~

~~H. Travel reimbursement for members of the Committee who are legislators shall be made pursuant to Section 456 of Title 74 of the Oklahoma Statutes. Travel reimbursement for other members of the Committee shall be made by the respective appointing authorities pursuant to the State Travel Reimbursement Act.~~

~~I.~~ The Department~~, in collaboration with the Committee,~~ shall develop criteria for certification. The criteria may include, but shall not be limited to:

1. The development and publication of educational materials that promote health;

2. The development, implementation, and enforcement of local social host policies;

3. The implementation of local ordinances that promote the establishment of sidewalks, walking trails, and bicycle lanes;

4. The development of parks and recreation areas;

5. The establishment of community gardens;

6. Incentives and support for farmers' markets;

7. Incentives and support for community health services, such as free clinics;

8. Incentives and support for community mental health services; and

9. Incentives and support for improved housing, including energy efficiency.

~~J.~~ D. The Department~~, in collaboration with the Committee,~~ shall develop an online scoring system based on the criteria developed pursuant to subsection ~~I~~ C of this section. The program shall recognize three levels of certification based on the online scoring system as follows:

1. Basic certification;

2. Merit certification; and

3. Excellence certification.

~~K.~~ E. The State Board of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, may promulgate rules as necessary to implement the provisions of this section.

~~L. The Committee shall terminate by operation of law on October 31, 2015.~~

SECTION 74. AMENDATORY 63 O.S. 2011, Section 2061, is amended to read as follows:

Section 2061. A. This section shall be known and may be cited as the "Oklahoma Certified Healthy Schools Act".

B. The State Department of Health shall establish and maintain a program for the voluntary certification of schools that promotes wellness, encourages the adoption of healthy behaviors, and establishes safe and supportive environments.

C. ~~There is hereby created the Oklahoma Healthy Schools Advisory Committee. The advisory committee shall consist of the following members:~~

~~1. A representative from a statewide nonprofit and nonpartisan organization that seeks to foster collaboration and encourage prohealth initiatives in schools, to be appointed by the Speaker of the Oklahoma House of Representatives;~~

~~2. A representative from a statewide nonprofit and nonpartisan organization that seeks to foster collaboration and encourage prohealth initiatives in schools, to be appointed by the President Pro Tempore of the State Senate;~~

~~3. Two representatives from an organization that seeks to involve communities and consumers in creating a healthier future, to be appointed by the State Commissioner of Health;~~

~~4. A representative from a statewide business organization, to be appointed by the Governor;~~

~~5. A representative from a statewide association of parents, teachers, and students, to be appointed by the State Superintendent of Public Instruction;~~

~~6. A representative from a statewide association that provides training and information services to school board members, to be appointed by the Speaker of the Oklahoma House of Representatives;~~

~~7. A registered dietician, to be appointed by the President Pro Tempore of the State Senate; and~~

~~8. A school nutritionist, to be appointed by the Governor.~~

~~D. Members of the Committee shall serve at the pleasure of the appointing authority. Vacancies in a position shall be filled in the same manner as the original appointment.~~

~~E. The Committee shall hold an organizational meeting not later than November 30, 2010.~~

~~F. The Committee shall select from among its membership a chair and cochair.~~

~~G. A quorum of the members present at a meeting of the Committee shall be sufficient to conduct any business or to take any action authorized or required.~~

~~H. Travel reimbursement for members of the Committee who are legislators shall be made pursuant to Section 456 of Title 74 of the Oklahoma Statutes. Travel reimbursement for other members of the Committee shall be made by the respective appointing authorities pursuant to the State Travel Reimbursement Act.~~

~~I.~~ The program shall recognize three levels of certification as follows:

1. Basic certification;

2. Merit certification; and

3. Excellence certification.

~~J.~~ D. The Department~~, in collaboration with the Committee,~~ shall develop criteria for certification, which, at a minimum, may include the following for each level of certification:

1. Basic certification: The school shall meet at least two criteria in each of the components of the Center for Disease Control and Prevention's Coordinated School Health Program model;

2. Merit certification: The school shall meet at least three criteria in each of the components of the Center for Disease Control and Prevention's Coordinated School Health Program model; and

3. Excellence certification: The school shall meet at least four criteria in each of the components of the Center for Disease Control and Prevention's Coordinated School Health Program model.

~~K.~~ E. Subject to available funding specifically appropriated for this purpose, the Department may provide a monetary reward to schools that earn certification as follows:

1. Basic certification: Two Thousand Five Hundred Dollars ($2,500.00);

2. Merit certification: Five Thousand Dollars ($5,000.00); and

3. Excellence certification: Ten Thousand Dollars ($10,000.00).

~~L.~~ F. Schools that obtain a reward pursuant to subsection ~~N~~ E of this section shall use the funds for the enhancement of wellness activities and the promotion of healthy environments. Such activities may include, but are not limited to:

1. Improving playgrounds;

2. Purchasing sports equipment; and

3. Equipping school kitchens for healthy cooking.

~~M.~~ G. The Department shall develop an online application form for schools seeking to become an Oklahoma Certified Healthy School.

~~N.~~ H. The State Board of Health, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, may promulgate rules as necessary to implement the provisions of this section.

~~O. The Committee shall terminate by operation of law on October 31, 2015.~~

SECTION 75. AMENDATORY 63 O.S. 2011, Section 2220.2, is amended to read as follows:

Section 2220.2 A. ~~There is hereby established within the State Department of Health the Organ Donor Education and Awareness Program Advisory Council which shall consist of the following members appointed by the Governor, with the advice and consent of the Senate:~~

~~1. One representative from an organ procurement organization in this state that is certified by the United States Department of Health and Human Services;~~

~~2. One representative from a tissue procurement organization in this state that is certified by a national association of tissue banks;~~

~~3. One representative from an Oklahoma eye bank that is certified by a national eye bank enucleation organization;~~

~~4. Four members representing organ, tissue and eye recipients and their relatives, or donors and relatives of donors who are residents of this state; provided, however, such appointments shall be geographically representative of the four regions of the state;~~

~~5. One representative from an Oklahoma transplant center that is a member of a national organ procurement network; and~~

~~6. Three at-large members who have demonstrated an interest in organ donor education and awareness and who are residents of this state.~~

~~B. 1. Of the initial appointments made to the Oklahoma Organ Donor Education and Awareness Program Advisory Council pursuant to the provisions of subsection A of this section, the Governor shall designate four members to serve terms of four (4) years, four members to serve terms of three (3) years, and three members to serve terms of two (2) years. After the initial appointments, members appointed to the Advisory Council shall serve terms of four (4) years. Members shall serve until successors are appointed and qualified. A member may be removed by the Governor for cause. Members may serve no more than two full terms consecutively. A vacancy on the Advisory Council shall be filled in the same manner as the original appointment, for the unexpired portion of the term.~~

~~2. The Advisory Council shall elect from among its membership a chair and a vice-chair and shall adopt procedures for the governance of its operations. The Advisory Council shall meet at least semiannually. Six members shall constitute a quorum for the transaction of business.~~

~~3. Members of the Advisory Council shall receive no compensation for their services but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties~~

~~by the State Department of Health pursuant to the provisions of the State Travel Reimbursement Act.~~

~~4. The State Commissioner of Health may employ such staff as necessary to carry out the provisions of this act; provided, however, the cost of administration of this act shall not exceed twenty percent (20%) of the total funds credited to the Organ Donor Education and Awareness Program Fund created in Section 3 of this act, including administrative fees paid to the Oklahoma Tax Commission and the Commissioner for Public Safety pursuant to the provisions of Sections 4 and 5 of this act.~~

~~C.~~ The ~~Oklahoma Organ Donor Education and Awareness Program Advisory Council shall assist the~~ State Department of Health and the State Department of Education ~~in the development of~~, giving consideration to the recommendations of the Advancement of Wellness Advisory Council created in Section 44 of this act, shall develop organ donor education awareness programs to educate the general public on the importance of organ donation and shall recommend priorities in the expenditures from the Oklahoma Organ Donor Education and Awareness Program Fund.

~~D.~~ B. In administering this act, the ~~Advisory Council is~~ State Department of Health and the State Department of Education are authorized, but not limited to:

1. Develop and implement educational programs and campaigns to increase organ donation in Oklahoma;

2. Make policy recommendations for the promotion of organ donation in Oklahoma;

3. Recommend priorities in the expenditures from the Oklahoma Organ Donor Education Program Fund;

4. Accept and hold property; and

5. Utilize local resources including volunteers when appropriate.

~~E.~~ C. The ~~Advisory Council~~ State Department of Health and the State Department of Education shall annually submit to the Governor and the Legislature a report detailing its expenditures of fund monies, its activities, the status of organ donation in the state,

and any recommendations for legislative changes by the first day of December beginning December 1, 2002.

SECTION 76. AMENDATORY 63 O.S. 2011, Section 2220.3, as amended by Section 511, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2012, Section 2220.3), is amended to read as follows:

Section 2220.3 A. There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Oklahoma Organ Donor Education and Awareness Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from:

1. Any state monies appropriated for the purpose of implementing the provisions of the Oklahoma Organ Donor Education and Awareness Program Act; and

2. Any monies collected pursuant to this section or any other monies available to the State Department of Health to implement the provisions of the Oklahoma Organ Donor Education and Awareness Program Act.

B. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended to promote and encourage organ donor education and awareness.

C. Monies credited to the fund, excluding administrative fees paid to the Oklahoma Tax Commission, may be used for, but are not limited to:

1. Administration of the Oklahoma Organ Donor Education and Awareness Program Act~~, including, but not limited to, personnel and Advisory Council expenses~~;

2. Development and promotion of organ donor public education and awareness programs in cooperation with the Oklahoma Organ Sharing Network including, but not limited to, the American Red Cross and the Oklahoma Lions Eye Bank;

3. To assist in the publication of information pamphlets or booklets by the State Department of Health and the State Superintendent of Public Instruction regarding organ donation and donations to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund. The State Department of Health shall

distribute such informational pamphlets or booklets to the Department of Public Safety for distribution to applicants for original, renewal, or replacement driver licenses and identification cards when making a voluntary contribution pursuant to Section 2220.5 of this title and to the Oklahoma Tax Commission for distribution to individuals when making a voluntary contribution pursuant to the state income tax check off provided for in Section 2220.4 of this title;

4. Implementation of organ donor education and awareness programs in the elementary and secondary schools of this state by the State Department of Education ~~in cooperation with the Oklahoma Organ Donor Education and Awareness Program Advisory Council~~;

5. Grants by the State Department of Health to certified organ procurement organizations for the development and implementation of organ donor education and awareness programs in this state;

6. Encouraging the incorporation of organ donor information into the medical and nursing school curriculums of the state's medical and nursing schools. If funds are provided to a university for this educational purpose, the university shall annually evaluate the extent to which the curriculum has affected the attitudes of its students and graduates with regard to organ donation and shall forward the evaluation results to the ~~Advisory Council~~ State Department of Health; and

7. A reserve fund in an interest-bearing account with five percent (5%) of the monies received by the fund annually to be placed in this account. No funds may be expended from the reserve fund account until the required balance has reached One Hundred Thousand Dollars ($100,000.00) and then these funds may only be used in years when donations do not meet the average normal operating fee incurred by the fund, and funds are expended to meet expenses. Once the balance in the reserve fund account reaches One Hundred Thousand Dollars ($100,000.00), excess funds earned by interest, and yearly allocations may be used at the discretion of the ~~Advisory Council~~ State Department of Health to cover operating costs and to provide additional funds.

D. The fund may accept bequests and grants from individuals, corporations, organizations, associations, and any other source. The fund supplements and augments services provided by state agencies and does not take the place of such services.

E. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 77. AMENDATORY 63 O.S. 2011, Section 2220.5, is amended to read as follows:

Section 2220.5 A. 1. An applicant for an original or replacement driver license or identification card shall be given an opportunity to make a voluntary contribution of One Dollar ($1.00) to be credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund established in Section 2220.3 of this title. Any voluntary contribution shall be added to the driver license or identification card fee and then be referred to the State Treasurer and credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund as provided in Section 2220.3 of this title.

2. An applicant for a vehicle title or transfer of title or for a vehicle license plate shall be given an opportunity to make a minimum voluntary contribution of One Dollar ($1.00) to be credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund established in Section 2220.3 of this title. Any voluntary contribution shall be added to the title or license plate fee and then be referred to the State Treasurer and credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund as provided in Section 2220.3 of this title.

3. The contribution prescribed in this section is voluntary and may be refused by the applicant. The Department of Public Safety and the Oklahoma Tax Commission shall make available an information booklet or other informational sources on the importance of organ donation to applicants for licensure, as designed and provided by the State Department of Health and the State Superintendent of Public Instruction ~~with the assistance of the Oklahoma Organ Donor Education and Awareness Program Advisory Council established in Section 2220.2 of this title~~.

B. The Department of Public Safety and motor license agents shall inquire of each applicant at the time of presentation of a completed application for an original driver license or identification card whether the applicant is interested in making the One Dollar ($1.00) contribution prescribed in subsection A of this section and whether the applicant is interested in being an organ and tissue donor. The Department of Public Safety or motor

license agents shall also specifically inform the applicant of the ability to make an organ and tissue donation. The Department of Public Safety shall notify the State Commissioner of Health of the name, address, date of birth, and driver license number or identification card number of applicants who indicate that they are interested in being an organ donor.

C. The incremental cost of administration of contributions to the fund, not to exceed one percent (1%) of the monies received pursuant to the provisions of this section, shall be paid by the fund to the Department of Public Safety or the Oklahoma Tax Commission, as applicable, from amounts received pursuant to the provisions of this section before funds are expended for the purposes of the fund.

SECTION 78. AMENDATORY 63 O.S. 2011, Section 2220.6, is amended to read as follows:

Section 2220.6 The State Superintendent of Public Instruction shall develop and implement in conjunction with the State Department of Health ~~and the Oklahoma Organ Donor Education and Awareness Program Advisory Council within the State Department of Health~~ an organ donor education and awareness curriculum for use in the elementary and secondary schools of this state. The State Board of Education shall promulgate rules to enact the provisions of this section not later than the 2001-2002 school year.

SECTION 79. AMENDATORY 70 O.S. 2011, Section 1210.284, as amended by Section 1 of Enrolled House Bill No. 1117 of the 1st Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 1210.284 A. 1. The parent or guardian of each student enrolled in kindergarten at a public school in this state shall provide certification to school personnel that the student passed a vision screening within the previous twelve (12) months or during the school year. Such screening shall be conducted by personnel listed on the statewide registry as maintained by the State Department of Health.

2. The parent or guardian of each student enrolled in first or third grade at a public school in this state shall provide within thirty (30) days of the beginning of the school year certification to school personnel that the student passed a vision screening within the previous twelve (12) months. Such screening shall be

conducted by personnel listed on the statewide registry as maintained by the State Department of Health.

3. The parent or guardian of each student who receives a vision screening as required by this section shall receive notification that a vision screening is not the equivalent of a comprehensive eye exam.

B. 1. ~~The State Department of Health shall form an advisory committee comprised of:~~

~~a. one licensed Oklahoma optometrist,~~

~~b. one licensed Oklahoma ophthalmologist,~~

~~c. the State Commissioner of Health, or designee,~~

~~d. the State Superintendent of Public Instruction, or designee,~~

~~e. one representative of a statewide organization for the prevention of blindness; and~~

~~f. one public school nurse.~~

~~2.~~ The ~~advisory committee~~ Infant and Children's Health Advisory Council created in Section 44 of this act shall make recommendations to the State Board of Health on:

a. standards for vision screening and referral,

b. qualifications for initial recognition and renewal of recognition of vision screeners,

c. qualifications for initial recognition and renewal of recognition of vision screener trainers,

d. qualifications for initial recognition and renewal of recognition of trainers of vision screener trainers, and

e. grounds for denial, refusal, suspension or revocation of recognition of vision screeners, vision screener trainers and trainers of vision screener trainers.

~~3. The advisory committee shall provide to the Department a list of:~~

~~a. qualified vision screeners,~~

~~b. qualified vision screener trainers, and~~

~~c. qualified trainers of vision screener trainers which are recognized by another state or national entity involved with vision screening with substantially similar published standards and qualifications.~~

~~4.~~ 2. The Department shall:

a. establish and thereafter maintain a statewide registry, available via the Internet, which shall contain a list of approved vision screeners,

b. maintain a list of approved vision screener trainers and trainers of vision screener trainers, and

c. maintain the standards for vision screening and referral.

~~5.~~ 3. After notice and hearing, the Department may deny, refuse, suspend or revoke approval to an applicant which has a history of:

a. noncompliance or incomplete or partial compliance with the provisions of this section or the rules adopted by the Board to implement the provisions of this section,

b. referring persons to a business in which the applicant has a financial interest or a business which is owned or operated by someone within the third degree of consanguinity or affinity of the applicant, or

c. conduct which demonstrates that the applicant is providing services in a manner which does not warrant public trust.

~~6. The advisory committee may make recommendations to the Board for establishing a requirement for background checks and provide a listing of offenses that disqualify a vision screener, vision~~

~~screener trainer or trainer of vision screener trainers for recognition pursuant to this section.~~

~~7. The advisory committee may also serve as a sports eye safety resource for Oklahoma K-12 public school districts and nonprofit community sports organizations by developing and providing educational materials to the school districts and organizations which detail the risk of eye injuries associated with different types of sports and the availability of protective eyewear that reduces the risk of eye injuries due to sports.~~

~~8.~~ 4. The Board, giving consideration to the recommendations of the Infant and Children's Health Advisory Council created in Section 44 of this act, shall promulgate rules to implement the provisions of this section.

C. 1. The parent or guardian of each student who fails the vision screening required in subsection A of this section shall receive a recommendation to undergo a comprehensive eye examination performed by an ophthalmologist or optometrist.

2. The ophthalmologist or optometrist shall forward a written report of the results of the comprehensive eye examination to the student's school, parent or guardian, and primary health care provider designated by the parent or guardian. The report shall include, but not be limited to:

a. date of report,

b. name, address and date of birth of the student,

c. name of the student's school,

d. type of examination,

e. a summary of significant findings, including diagnoses, medication used, duration of action of medication, treatment, prognosis, whether or not a return visit is recommended and, if so when,

f. recommended educational adjustments for the child, if any, which may include: preferential seating in the classroom, eyeglasses for full-time use in school, eyeglasses for part-time use in school, sight-saving eyeglasses, and any other recommendations, and

g. name, address and signature of the examiner.

D. No student shall be prohibited from attending school for a parent's or guardian's failure to furnish a report of the student's vision screening or an examiner's failure to furnish the results of a student's comprehensive eye examination required by this section.

E. School districts shall notify parents or guardians of students who enroll in kindergarten, first, or third grade for the 2007-08 school year and each year thereafter of the requirements of this section.

F. The State Board of Education shall adopt rules for the implementation of this section except as provided in subsection B of this section. The State Department of Education shall issue a report annually on the impact and effectiveness of this section.

SECTION 80. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. All powers, duties, responsibilities, equipment and records of the State Board of Health, the State Department of Health, the State Commissioner of Health, and the State Barber Advisory Board relating exclusively to the regulation of licensed barbers in this state as provided in Sections 61.1 et seq. of Title 59 of the Oklahoma Statutes shall be placed under the authority of the State Board of Cosmetology and Barbering. To the extent practicable, this shall include all computer hardware and software used in regulating the functions listed in this subsection. The State Commissioner of Health, the Executive Director of the State Board of Cosmetology and Barbering, and the Director of the Office of Management and Enterprise Services may contract for additional legal and administrative services as necessary to effectuate the transfer.

B. All unexpended funds, property, furnishings, equipment, supplies, records, and outstanding financial obligations and encumbrances relating to the provisions of Sections 61.1 et seq. of Title 59 of the Oklahoma Statues are hereby transferred to the State Board of Cosmetology and Barbering for the continuing performance of duties relating to the licensing of barbers in this state. No funds, property, furnishings, equipment, supplies, or records may be expended or used for any purpose other than the performance of duties and responsibilities as directed and required in this act.

C. The State Board of Health, the State Department of Health, and the State Commissioner of Health shall not enter into any contract or agreement relating to the regulation of licensed barbers extending beyond the effective date of the transfer without approval by the Executive Director of the State Board of Cosmetology and Barbering and the Office of Management and Enterprise Services.

D. All licenses, registrations, certifications and accreditations subject to the transfer provided in subsection A of this section shall remain in full force and effect upon transfer to the State Board of Cosmetology and Barbering.

E. The Director of the Office of Management and Enterprise Services is hereby directed to coordinate the transfer of funds, allotments, purchase orders, and outstanding financial obligations and encumbrances relating to the licensing and regulating of barbers subject to transfer pursuant to the provisions of this act.

F. Upon the effective date of this legislation, all administrative rules promulgated by the State Board of Health relating to the licensing and regulating of barbers shall be transferred to and become a part of the administrative rules of the State Board of Cosmetology and Barbering. The Office of Administrative Rules in the Secretary of State's office shall provide adequate notice in "The Oklahoma Register" of the transfer of such rules, and shall place the transferred rules under the Administrative Code section of the State Board of Cosmetology and Barbering. Such rules shall continue in full force and effect as rules of the State Board of Cosmetology and Barbering from and after the effective date of this act, and any amendment, repeal or addition to the transferred rules shall be under the jurisdiction of the State Board of Cosmetology and Barbering.

SECTION 81. AMENDATORY 59 O.S. 2011, Section 61.1, is amended to read as follows:

Section 61.1 A. Except as provided in subsection B of Section 61.4 of this title, the State Board of ~~Health~~ Cosmetology and Barbering is hereby authorized to promulgate rules which govern the examining and licensing of barbers, barber apprentices, barber instructors, and barber colleges; the defining of categories and limitations for such licenses; the sanitary operation and sanitation of barber shops and barber colleges; and the establishment and levying of administrative fines not to exceed Fifty Dollars ($50.00) for those licensed and not to exceed Five Hundred Dollars ($500.00)

for those not licensed. Each day a violation continues shall be a separate offense.

B. Except as provided in subsection B of Section 61.4 of this title, the State ~~Department of Health~~ Board of Cosmetology and Barbering shall have the power and duty ~~to implement the rules of the State Board of Health,~~ to issue and renew annual barber, barber apprentice, barber instructor and barber college licenses, to inspect barber licenses, and to inspect the sanitary operating practices of barbers and the sanitary condition of barber shops and barber colleges.

C. The State ~~Department of Health~~ Board of Cosmetology and Barbering may suspend, revoke, or refuse to issue or renew any barber, barber instructor, barber apprentice, or barber college license for:

1. Unsanitary operating practices or unsanitary conditions of barber shops or barber colleges;

2. Unsanitary practices of barbers, apprentice barbers, or barber instructors;

3. Making a material misstatement in the application for a license, in the renewal of a license, or in the records which are maintained by barber instructors or colleges to comply with Sections 61.1 through 61.6 of this title or the regulations promulgated pursuant thereto; or

4. Employment of an unlicensed person as a barber, barber apprentice, or barber instructor.

SECTION 82. AMENDATORY 59 O.S. 2011, Section 61.2, is amended to read as follows:

Section 61.2 Fees for licenses issued by the State ~~Department of Health~~ Board of Cosmetology and Barbering to practice barbering as adopted by the ~~State~~ Board ~~of Health~~ pursuant to Section 1-106.1 of Title 63 of the Oklahoma Statutes shall not be less than:

Barber College	$200.00 per year
Barber Apprentice	$10.00 per year
Barber Examination Fee	$35.00 per exam

Barber Instructor License Fee	$50.00 per year
Barber Instructor Examination Fee	$50.00 per year
Barber License Fee	$25.00 per year
Barber License Renewal after Expiration	$50.00 per year
Barber Instructor License Renewal After Expiration	$75.00 per year

SECTION 83. AMENDATORY 59 O.S. 2011, Section 61.3, is amended to read as follows:

Section 61.3 There is hereby created in the State Treasury a revolving fund for the State ~~Department of Health~~ Board of Cosmetology and Barbering, to be designated the "Oklahoma ~~Barber Licensing Revolving~~ Cosmetology and Barbering Fund". All unexpended funds within the State Board of Barber Examiners revolving fund provided for in Section 155 of Title 62 of the Oklahoma Statutes shall be transferred to the Oklahoma ~~Barber Licensing Revolving~~ Cosmetology and Barbering Fund. All property, records, and any outstanding financial obligations and encumbrances of the State Board of Barber Examiners are hereby transferred to the State ~~Department of Health~~ Board of Cosmetology and Barbering.

All personnel of the State Board of Barber Examiners shall be transferred to the State ~~Department of Health~~ Board of Cosmetology and Barbering at the same salary such personnel is receiving on June 30, 1985.

SECTION 84. AMENDATORY 59 O.S. 2011, Section 199, is amended to read as follows:

Section 199. Chapter 6 of Title 59 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Cosmetology and Barbering Act".

SECTION 85. AMENDATORY 59 O.S. 2011, Section 199.1, is amended to read as follows:

Section 199.1 As used in the Oklahoma Cosmetology and Barbering Act:

1. "Apprentice" means a person who is engaged in learning the practice of cosmetology in a cosmetology salon;

2. "Barber" means any person who engages in the practice of barbering;

3. "Barbering" means any one or any combination of the following practices, when done upon the upper part of the human body for cosmetic purposes and when done for payment either directly or indirectly for the general public, constitutes the practice of barbering, to wit: Shaving or trimming the beard or cutting the hair; giving facial or scalp massages or treatment with oils, creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing or dyeing the hair or applying hair tonics; applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body; and removing superfluous hair from the face, neck or upper part of the body;

4. "Barber establishment" means an establishment or place of business where one or more persons are engaged in the practice of barbering, but shall not include barber schools or colleges;

5. "Barber instructor" means a person licensed by the Board as a qualified teacher of barbering;

6. "Barber school" or "barber college" means an establishment operated for the purpose of teaching barbering;

7. "Board" means the State Board of Cosmetology and Barbering;

~~3.~~ 8. "Cosmetic studio" means any place or premises where demonstrators give demonstrations, without compensation, for the purpose only of advertising and selling cosmetics;

~~4.~~ 9. "Cosmetician" means a person licensed by the Board to perform patron services limited to hair arranging and application of makeup, including, but not limited to, using hairstyling tools and products. Services must be performed in a licensed establishment limited to photo studios and cosmetic studios;

~~5.~~ 10. "Cosmetology" means any one or combination of practices generally and usually performed by and known as the occupation of beauticians, beauty culturists, beauty operators, cosmeticians, cosmetologists, or hairdressers or of any other person holding

himself or herself out as practicing cosmetology by whatever designation and within the meaning of the Oklahoma Cosmetology and Barbering Act and in or upon whatever place or premises. Cosmetology shall include, but not be limited to, any one or combination of the following practices: bleaching, cleansing, curling, cutting, coloring, dressing, removing, singeing, styling, waving, or similar work upon the hair of any person by any means, whether with hands or mechanical or electrical apparatus or appliances. Nothing in the Oklahoma Cosmetology and Barbering Act shall be construed to prohibit the use of hands or mechanical or electrical apparatus or appliances for the nonpermanent removal of hair from the human body without puncturing of the skin or the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, or massaging, cleansing, stimulating, exercising, beautifying, or similarly working the scalp, face, neck, arms, or the manicuring of the nails of any person, exclusive of such of the foregoing practices as are within the scope of practice of the healing arts as provided by law;

~~6.~~ 11. "Cosmetology salon" means any place or premises where any of the practices of cosmetology are performed. The term "cosmetology salon" shall not include a cosmetology school or a cosmetic studio;

~~7.~~ 12. "Cosmetology school" means any place or premises where instruction in any or all the practices of cosmetology is given. Any person, firm, institution or corporation, who holds himself, herself or itself out as a school to teach and train, or any person, firm, institution or corporation who shall teach and train any other person or persons in any of the practices of cosmetology is hereby declared to be engaged in operating a cosmetology school, and shall be subject to the provisions of the Oklahoma Cosmetology and Barbering Act. Licensed cosmetology schools may offer education to secondary and postsecondary students in this state;

~~8.~~ 13. "Demonstrator" means a person who is not licensed in this state as an operator or instructor and who demonstrates any cosmetic preparation. The person shall be required to obtain a Demonstrator license from the Board before making any such demonstrations;

~~9.~~ 14. "Facial/Esthetics instructor" means a person licensed by the Board as a qualified teacher of the art and science of facial and esthetics theory and practice;

~~10.~~ 15. "Facial operator" means any person who gives facials for compensation;

~~11.~~ 16. "Hairbraiding technician" means a person licensed by the Board to perform hairbraiding, hairweaving techniques, and hair extensions in a licensed cosmetology establishment;

~~12.~~ 17. "Manicurist" means a person who gives manicures, gives pedicures, or applies artificial nails;

~~13.~~ 18. "Manicurist/Nail technician instructor" means a person licensed by the Board as a qualified teacher of the art and science of nail technology theory and practice;

~~14.~~ 19. "Master instructor" means a person who gives instruction in cosmetology or any practices thereof;

~~15.~~ 20. "Operator" means any person who engages in, follows or performs any of the practices of cosmetology;

~~16.~~ 21. "Public school" means any state-supported institution conducting a cosmetology program; and

~~17.~~ 22. "Student" means a person who is enrolled in and attending a cosmetology or barbering school for the purpose of learning the practice of cosmetology or barbering.

SECTION 86. AMENDATORY 59 O.S. 2011, Section 199.2, is amended to read as follows:

Section 199.2 A. 1. There is hereby re-created, to continue until July 1, 2013, in accordance with the provisions of the Oklahoma Sunset Law, a State Board of Cosmetology and Barbering which shall be composed of ~~nine (9)~~ eleven (11) members to be appointed by the Governor and to serve at the pleasure of the Governor.

2. One member shall be appointed from each congressional district and the additional members shall be appointed at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such

modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. One member shall be a barber appointed at-large.

3. At the time of appointment, the members shall be citizens of this state, at least twenty-five (25) years of age, and shall be high school graduates. ~~Six~~ Eight members shall, at the time of appointment, have had at least five (5) years' continuous practical experience in the practice of cosmetology or barbering in this state, one member shall be a lay person, one member shall be an administrator of a licensed private cosmetology school, one member shall be an administrator of a licensed barber school, and one member shall be an administrator of a public school licensed to teach cosmetology.

4. No two members shall be graduates of the same cosmetology school, nor shall they be organizers of or promote the organization of any cosmetic, beauty, or hairdressers' association. Each of the ~~six~~ eight cosmetology appointees shall continue to be actively engaged in the profession of cosmetology while serving. No two members engaged in the profession of barbering shall be organizers of or promote the organization of any barbering association. Each of the four barbering appointees shall continue to be actively engaged in the profession of barbering while serving.

5. If any member retires or ceases to practice his or her profession during the term of membership on the Board, such terms shall automatically cease and the Governor shall appoint a like-qualified person to fulfill the remainder of the term.

B. The terms of office for Board members shall be four (4) years ending June 30.

C. Each member shall serve until a successor is appointed and qualified.

D. ~~Five~~ Six members of the Board shall constitute a quorum for the transaction of business.

E. The Governor may remove any member of the Board at any time at the Governor's discretion. Vacancies shall be filled by appointment by the Governor for the unexpired portion of the term.

F. The Board shall organize by electing from its membership a chair and vice-chair, each to serve for a period of one (1) year. The presiding officer shall not be entitled to vote upon any question except in the case of a tie vote.

Members shall be reimbursed for their actual and necessary traveling expenses as provided by the State Travel Reimbursement Act.

G. Within thirty (30) days after the end of each fiscal year, the Board shall make a full report to the Governor of all its receipts and expenditures, and also a full statement of its work during the year, together with such recommendations as the Board deems expedient.

H. The Board may expend funds for suitable office space for the transaction of its business. The Board shall adopt a common seal for the use of the executive director in authenticating Board documents.

I. The Board shall meet at its office for the transaction of such business as may come before it on the second Monday in January, March, May, July, September, and November and at such other times as it may deem advisable.

SECTION 87. AMENDATORY 59 O.S. 2011, Section 199.3, is amended to read as follows:

Section 199.3 A. In order to safeguard and protect the health and general welfare of the people of the State of Oklahoma, the State Board of Cosmetology and Barbering is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions of the Oklahoma Cosmetology and Barbering Act.

B. The Board shall have the powers and duties to:

1. Promulgate rules pursuant to the Administrative Procedures Act relating to standards of sanitation which must be observed and practiced by all cosmetology schools ~~and~~, cosmetology salons, barbers, barber instructors, barber apprentices, or barber colleges. The Board shall furnish copies of the rules to the owner or manager of each cosmetology school or cosmetology salon operating in this state. It shall be the duty of each owner or manager to post a copy

of the rules in a conspicuous place in each of the establishments or schools;

2. Conduct examinations of applicants for certificates of registration as manicurists, cosmetologists, facial operators, hairbraiding technician, manicurist/nail technician instructor, facial/esthetics instructor, master instructor ~~and~~, cosmetician, barber, barber instructor, or barber apprentice at such times and places determined by the Board. Applications for all examinations shall be made on forms approved by the Board;

3. Keep a record of all its proceedings. The Board shall keep a record of all applicants for certificates, licenses and permits, showing the name of the applicant, the name and location of the place of occupation or business, if any, and the residence address of the applicant, and whether the applicant was granted or refused a certificate, license or permit. The records of the Board shall be valid and sufficient evidence of matters contained therein, shall constitute public records. Records shall be open to public inspection at all reasonable times and subject to the Oklahoma Open Records Act;

4. Issue all certificates of registration, licenses, permits, notices and orders;

5. Establish limited specialty licenses for cosmetician, facial/esthetics instructor, hairbraiding technician ~~and~~, manicurist/nail technician instructor, barber, barber instructor, or barber apprentice within the practice of cosmetology or barbering. The Board shall also promulgate rules for special licenses, including but not limited to reduced curriculum requirements, as the Board may deem appropriate and necessary to further the purposes of the Oklahoma Cosmetology and Barbering Act;

6. Make regular inspections of all cosmetology and barber schools and cosmetology ~~salons~~ and barber establishments licensed to operate in this state, and reports thereof shall be kept and maintained in the office of the Board;

7. Make investigations and reports on all violations of the Oklahoma Cosmetology and Barbering Act;

8. Take samples of beauty supplies for the purpose of chemical analysis; provided, that if the owner demands payment for the sample taken, payment at the regular retail price shall be made;

9. Refuse, revoke, or suspend licenses, certificates of registration or permits after notice and an opportunity for a full hearing, pursuant to Article II of the Administrative Procedures Act, on proof of violation of any of these provisions or the rules established by the Board;

10. Enter into any contracts necessary to implement or enforce the provisions of the Oklahoma Cosmetology and Barbering Act or rules promulgated thereto; and

11. Apply to a court of competent jurisdiction for an order enjoining an unlicensed person from practicing cosmetology or barbering or holding himself or herself out as a practitioner of cosmetology or barbering. Injunctive relief granted by the court shall be without bond.

C. 1. Any person whose license, certificate of registration, or permit has been suspended or revoked may, after the expiration of thirty (30) days, make application to the Board for reinstatement thereof.

2. Reinstatement of any such license, certificate of registration, or permit shall rest in the sound discretion of the Board.

3. Any action of the Board in refusing, revoking, or suspending a license, certificate of registration, or permit may be appealed to the district court of the county of the appellant's residence pursuant to the Administrative Procedures Act.

D. 1. In any case where a licensee becomes a member of the Armed Forces of the United States, such license shall not lapse by reason thereof but shall be considered and held in full force and effect without further payment of license fees during the period of service in the Armed Forces of the United States and for six (6) months after honorable release therefrom. At any time within six (6) months after honorable release from the Armed Forces of the United States the licensee may resume practice pursuant to a license without other or further examination by notifying the Board in writing.

2. The period of time in which the licensee shall have been a member of the Armed Forces of the United States shall not be

computed in arriving at the amount of fee or fees due or to become due by such licensee.

SECTION 88. AMENDATORY 59 O.S. 2011, Section 199.4, is amended to read as follows:

Section 199.4 The State Board of Cosmetology and Barbering shall employ an executive director who shall be in charge of the office of the Board. The executive director shall have such qualifications as shall be established by rules of the Board; provided, the executive director shall not be actively engaged in the practice of cosmetology or barbering while serving as executive director. The executive director shall:

1. Devote his or her entire time to the duties of the office;

2. Receive salary and benefits as provided by law;

3. Keep and preserve all books and records pertaining to the Board;

4. Have authority, in the name of and in behalf of the Board, to issue all licenses, certificates of registration, permits, orders, and notices;

5. Have authority to collect all fees and penalties provided for by the Oklahoma Cosmetology and Barbering Act;

6. Make quarterly reports to the Board of all monies collected and the sources from which derived;

7. Have authority to approve payrolls and all claims for the Board;

8. Have authority to employ staff;

9. Keep a continuous inventory of all properties, excluding supplies, belonging to the Board; and

10. Perform such other duties as may be directed by the Board.

SECTION 89. AMENDATORY 59 O.S. 2011, Section 199.5, is amended to read as follows:

Section 199.5 A. The State Board of Cosmetology and Barbering shall create positions and fix the salaries of officials and employees necessary to carry out the purposes of the Oklahoma Cosmetology and Barbering Act and the administration thereof.

B. The employees shall include not less than five nor more than nine cosmetology and barbering inspectors. Only licensed instructors shall be employed as cosmetology or barbering inspectors by the Board.

SECTION 90. AMENDATORY 59 O.S. 2011, Section 199.6, is amended to read as follows:

Section 199.6 A. The State Board of Cosmetology and Barbering is hereby authorized to promulgate rules for governing the examination and licensure of cosmetologists, manicurists, nail technicians, estheticians, cosmeticians, hair braiding technicians, master instructors, manicurist instructors, esthetics instructors, barbers, and barber instructors. The Board is hereby authorized to govern the sanitary operation of cosmetology and barbering establishments and to administer fines not to exceed Fifty Dollars ($50.00) for those licensed and not to exceed Five Hundred Dollars ($500.00) for those not licensed. Each day a violation continues shall be construed as a separate offense.

B. The State Board of Cosmetology and Barbering shall have the power and duty to implement rules of the Board, to issue and renew licenses, to inspect cosmetology and barbering establishments and schools, and to inspect the sanitary operating practices of cosmetology and barbering licensees, including sanitary conditions of cosmetology and barbering establishments and schools.

C. It shall be unlawful and constitute a misdemeanor, punishable upon conviction by a fine of not less than Fifty Dollars ($50.00), nor more than One Hundred Fifty Dollars ($150.00), or by imprisonment in the county jail for not more than thirty (30) days, or both such fine and imprisonment, for any person, firm, or corporation in this state to:

1. Operate or attempt to operate a cosmetology school ~~or~~, cosmetology salon, or barber college without having obtained a license therefor from the State Board of Cosmetology and Barbering;

2. Give or attempt to give instruction in cosmetology or barbering, without having obtained an instructor's license from the ~~State~~ Board ~~of Cosmetology~~;

3. Practice or offer to practice barbering, cosmetology or manicuring without having obtained a license therefor from the ~~State~~ Board ~~of Cosmetology~~;

4. Operate a cosmetic studio without having obtained a license therefor from the ~~State~~ Board ~~of Cosmetology~~;

5. Demonstrate a cosmetic preparation without having obtained a demonstrator's license from the ~~State~~ Board ~~of Cosmetology~~;

6. Permit any person in one's employ, supervision, or control to practice cosmetology unless that person has obtained an appropriate license from the ~~State~~ Board ~~of Cosmetology~~;

7. Willfully violate any rule promulgated by the ~~State~~ Board ~~of Cosmetology~~ for the sanitary management and operation of a barber shop, cosmetology school or cosmetology salon; or

8. Violate any of the provisions of the Oklahoma Cosmetology and Barbering Act.

~~B.~~ D. The provisions of the Oklahoma Cosmetology and Barbering Act shall not apply to the following persons while such persons are engaged in the proper discharge of their professional duties:

1. Funeral directors;

2. Persons in the Armed Services;

3. Persons authorized to practice the healing arts or nursing; or

4. Regularly employed sales people working in retail establishments engaged in the business of selling cosmetics in sealed packages.

SECTION 91. AMENDATORY 59 O.S. 2011, Section 199.7, is amended to read as follows:

Section 199.7 A. Each cosmetology and barber school shall be licensed annually by the State Board of Cosmetology and Barbering.

Application for the first year's license for a cosmetology school shall be accompanied by a fee of Four Hundred Dollars ($400.00), which shall be retained by the Board if the application is approved and a license is issued. The annual renewal license fee for cosmetology or barber schools shall be One Hundred Twenty-five Dollars ($125.00).

B. 1. No license or renewal thereof for a cosmetology school shall be issued unless the owner thereof furnishes to the Board a good and sufficient surety bond in the principal sum of Two Thousand Dollars ($2,000.00) for the first instructor and an additional One Thousand Dollars ($1,000.00) for each additional instructor, executed by a surety company authorized to do business in this state, and conditioned on the faithful performance of the terms and conditions of all contracts entered into between the owner of ~~said~~ the cosmetology or barber school and all persons enrolling therein.

2. The surety bond shall be in a form approved by the Attorney General and filed in the Office of the Secretary of State. Suit may be brought on ~~said~~ the bond by any person injured by reason of the breach of the conditions thereof.

C. It shall be the duty of the owner or manager of a cosmetology or barber school to enter into a written contract with all students before permitting students to attend any classes. Contracts shall be made out in triplicate, the original copy to be retained by the school, the duplicate to be given to the student, and the triplicate to be filed with the executive director of the Board.

D. No license for a cosmetology or barber school shall be issued unless the owner thereof presents evidence satisfactory to the Board that the school has satisfactory facilities and equipment and has instructors qualified to give a course of study as provided in the Oklahoma Cosmetology and Barbering Act.

E. There shall be included in the curriculum for cosmetology and barber schools, courses of study in the theory of cosmetology and related theory, studies in manipulative practices, sterilization and sanitation, shop management, and such other related subjects as may be approved by the Board.

F. 1. The Board shall adopt a curriculum of required courses of instruction in theory and training of either one thousand five hundred (1,500) clock hours or an equivalent number of credit hours

as recognized by the United States Department of Education or a regional or national accreditation entity recognized by the United States Department of Education in a basic course of cosmetology to be taught in all cosmetology or barbering schools in the state. The basic cosmetology or barbering course shall be designed to qualify students completing the course to take the examination for an operator's license.

2. ~~Students~~ Cosmetology students in vocational, trade, and industrial cosmetology classes in public schools shall qualify by completing one thousand (1,000) hours in a basic course of cosmetology and five hundred (500) hours of approved related subjects to be selected from, but not limited to, the following high school courses in a public school: psychology, biology, general science, American history, art, typing I, typing II, business arithmetic, salesmanship, bookkeeping I, bookkeeping II, related mathematics, English II, English III and English IV.

G. 1. No person shall be eligible to give instruction in cosmetology or barbering unless the person is the holder of a current unrevoked instructor's license issued by the Board.

2. Each cosmetology or barber school shall employ at least one instructor for the first fifteen students registered therein, and at least one additional instructor shall be employed for each additional group of fifteen students, or major fraction thereof.

H. A cosmetology or barbering school may be operated in and as part of an accredited high school.

I. No cosmetology or barber school owner or cosmetology salon or barber establishment owner shall charge students for cosmetic materials, supplies, apparatus, or machines used by them in practice work, but students shall be required to furnish their own books and hand instruments of trade. A reasonable charge may be made by a cosmetology or barber school for clinical work performed by students upon persons who are not students therein. No instructor shall be permitted to do professional or clinical work in a cosmetology or barber school at any time.

J. No cosmetology salon or barber establishment shall ever be operated in or as a part of a cosmetology school.

K. 1. Students shall:

a. have an eighth-grade education or the equivalent thereof,

b. be at least sixteen (16) years of age unless they are public or private school students who will be sixteen (16) years of age by November 1 of the year in which cosmetology or barbering instruction begins, and

c. be of good moral and ethical character.

2. Credit shall not be given to any person by the Board or by a cosmetology or barber school for hours spent in attending a cosmetology or barber school unless the person has registered with the Board as a student prior to the attendance, except that a student who has attended a cosmetology or barber school out of state may receive credit for such attendance for transfer upon proper certification as provided by rule of the Board.

3. No student shall be credited with more than eight (8) hours' attendance in a cosmetology or barber school in any one (1) day.

4. No person shall be eligible to take the Board-issued examination for an operator's license unless such person is at least seventeen (17) years of age or a high school graduate.

L. 1. No student shall be eligible to take the examination for ~~an operator's~~ a Board-issued license without furnishing to the Board the affidavit of the owner of the cosmetology or barber school that ~~said~~ the student has satisfactorily completed the requirements specified in paragraph 1 of subsection F of this section, except public and private school students who will complete the requirements specified in paragraph 2 of subsection F of this section by the close of the current school year may take the examination next preceding the end of the school year.

2. Students who are eligible to take the examination shall be given an oral examination if requested by their instructor.

M. No person shall be eligible to register for the examination for an instructor's license unless such person is a high school graduate, or has obtained a General Equivalency Diploma (GED) as to which the applicant shall qualify by tests to be prescribed by the Board and conducted by qualified examiners selected by the Board, and has:

1. Satisfactorily completed all hours required for the appropriate specialty course and an additional one thousand (1,000) instructor training hours or thirty-three (33) credit hours prescribed by the Board in a cosmetology school in this state; or

2. Completed all hours required for the appropriate specialty course, five hundred (500) instructor training hours, prescribed by the Board in a cosmetology school in this state and has been engaged in the practice of cosmetology for at least the preceding two (2) years.

N. The Board shall have the power to conduct examinations around the state at public locations including, but not limited to, technology center schools.

O. Each cosmetology or barber school shall prominently display in a conspicuous place above or to the side of the entrance thereto a sign bearing the words "BEAUTY SCHOOL" or "BARBER SCHOOL", which words shall be in plain letters at least three (3) inches high and at least one (1) inch wide.

SECTION 92. AMENDATORY 59 O.S. 2011, Section 199.8, is amended to read as follows:

Section 199.8 A. Each person training as an apprentice shall be required to have the same qualifications as a student for admission into a cosmetology or barber school, and shall be registered with the State Board of Cosmetology and Barbering before commencing the training.

B. No apprentice shall engage in any of the practices of cosmetology or barbering except under the immediate supervision of a licensed instructor in a cosmetology ~~salon~~ or barber establishment approved by the Board for apprentice training.

C. All apprentices must wear a badge which designates them as an apprentice and is furnished by the Board with the apprentice registration receipt.

D. Only one apprentice may be registered to receive training in any cosmetology ~~salon~~ or barber establishment at any one time.

E. Completion of three thousand (3,000) hours of apprentice training in a cosmetology ~~salon~~ or barber establishment is the equivalent of one thousand five hundred (1,500) hours' training in a

cosmetology or barber school and shall entitle the apprentice to take an operator's examination.

SECTION 93. AMENDATORY 59 O.S. 2011, Section 199.9, is amended to read as follows:

Section 199.9 A. The State Board of Cosmetology and Barbering shall not issue a license for a cosmetology ~~salon~~ or barber establishment until an inspection has been made of the salon and equipment, including the sanitary facilities thereof. Temporary approval pending inspection may be made upon sworn affidavit by the license applicant that all requirements have been met. No license shall be issued for a cosmetology ~~salon~~ or barber establishment to be operated in a private home or residence unless the salon is located in a room or rooms not used or occupied for residential purposes.

B. 1. Except as otherwise provided in the Oklahoma Cosmetology and Barbering Act, it shall be unlawful for any person to practice cosmetology in any place other than a licensed ~~barbershop~~ barber establishment or a cosmetology ~~salon~~ establishment, or a cosmetology or barber school licensed by the Board.

2. ~~A licensed manicurist may practice in any licensed barbershop, and in~~ In an emergency such as illness, invalidism, or death, a licensed operator may perform cosmetology or barbering services for a person by appointment in a place other than a licensed cosmetology ~~salon~~ or barber establishment or cosmetology or barber school.

C. A person licensed as an operator may perform cosmetology services in a barbershop. A person licensed as a barber may perform barbering services in a cosmetology salon. Any salon which provides both cosmetology and barbering services must obtain a license from the Board.

SECTION 94. AMENDATORY 59 O.S. 2011, Section 199.10, is amended to read as follows:

Section 199.10 A. All licenses issued under the provisions of the Oklahoma Cosmetology and Barbering Act shall be issued for a period of one (1) year. The expiration date of the license shall be the last day of the month in which the applicant's birthday falls.

B. Applications for renewal must be made on or before the last day of the month in which the applicant's birthday falls, and shall be accompanied by the appropriate fees.

C. Any person who fails to renew the license within the required time may make application for renewal at any time within five (5) years from the expiration date of the license by paying the regular renewal license fee and a late fee of Ten Dollars ($10.00), which becomes due two (2) months after the expiration date.

D. Any person who fails to renew within the required time may make application with subsequent renewal and penalty fees.

E. Before a person may take an examination to renew an expired license after a period of five (5) years, such person shall, after registering for examination, register in a cosmetology school for the given number of review hours in accordance with the following timetable and schedule based upon the number of years the license has expired, and upon the type of license held.

License Type	Number of Years License Expired	Review Hours Required
Basic Cosmetologist	5 years	250 hours
	10 years	500 hours
	15 years or more	1,000 hours
Cosmetician	5 years	120 hours
	10 years	200 hours
	15 years or more	250 hours
Manicurist	5 years	120 hours
	10 years	200 hours
	15 years or more	250 hours
Facial Operator	5 years	120 hours
	10 years	200 hours

	15 years or more	250 hours
Hairbraiding Technician	5 years	120 hours
	10 years	200 hours
	15 years or more	250 hours
Master Instructor	5 years	200 hours
	10 years	300 hours
	15 years or more	400 hours
Facial/Esthetics Instructor	5 years	200 hours
	10 years	300 hours
	15 years or more	400 hours
Manicurist/Nail Technician Instructor	5 years	200 hours
	10 years	300 hours
	15 years or more	400 hours

F. Each person holding a license shall notify the Board of any change in the mailing address of such person within thirty (30) days after any change.

SECTION 95. AMENDATORY 59 O.S. 2011, Section 199.11, is amended to read as follows:

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

1. Conviction of a felony as shown by a certified copy of the record of the court;

2. Gross malpractice or gross incompetence;

3. Fraud practiced in obtaining a license or registration;

4. A license or certificate holder's continuing to practice while afflicted with an infectious, contagious, or communicable disease;

5. Habitual drunkenness or addiction to use of habit forming drugs;

6. Advertising by means of statements known to be false or deceptive;

7. Continued or flagrant violation of any rules of the Board, or continued practice by ~~an operator~~ a Board licensee in a cosmetology salon or barber shop wherein violations of the rules of the Board are being committed within the knowledge of the operator;

8. Failure to display license or certificate as required by the Oklahoma Cosmetology and Barbering Act;

9. Continued practice of cosmetology or barbering after expiration of a license therefor;

10. Employment by a salon or barber shop owner or manager of any person to perform any of the practices of cosmetology or barbering who is not duly licensed to perform the services; or

11. Practicing cosmetology or barbering in an immoral or unprofessional manner.

SECTION 96. AMENDATORY 59 O.S. 2011, Section 199.13, is amended to read as follows:

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

1. The applicant has complied with the requirements of another state, territory or foreign country or province;

2. The applicant holds a current license from a state, territory, or foreign country or province whose requirements for

registration are substantially equal to those in force in this state at the time of filing application for a reciprocity license; and

3. The applicant has continuously engaged in the practices or occupation for which a reciprocity license is applied for at least three (3) years immediately prior to such application.

B. The Board may issue a license without examination to an otherwise qualified applicant from a state, territory or foreign country or province that does not license practitioners if the applicant can show adequate proof of having engaged in the practice or occupation for which a license is applied for at least three (3) years immediately prior to such application.

C. An applicant for an instructor's license without examination shall possess the equivalent of a high school education.

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

E. The Board may establish by rule any administrative or other fees associated with processing applications for licensure without examination.

SECTION 97. AMENDATORY 59 O.S. 2011, Section 199.14, is amended to read as follows:

Section 199.14 A. The following fees shall be charged by the State Board of Cosmetology <u>and Barbering</u>:

Registration as an apprentice or student ..... $ 5.00

Examination for Manicurist, Operator,

Instructor, or Facial Operator license 15.00

Cosmetology school license (initial) 400.00

Cosmetology school license (renewal) 125.00

Renewal Advanced Operator license (annual) 25.00

Facial Operator license (annual) 25.00

Operator license (annual) 25.00

Manicurist license (annual) 25.00

Facial/Esthetics Instructor license (annual) 30.00

Cosmetician license (annual) 25.00

Hairbraiding Technician (annual) 25.00

Manicurist/Nail Technician Instructor (annual) 30.00

Demonstrator license (annual) 20.00

Master Instructor license (annual) 30.00

Cosmetology Salon license (initial) 45.00

Cosmetology Salon license (renewal) 30.00

Cosmetic Studio license (initial) 50.00

Cosmetic Studio license (renewal) 30.00

Nail Salon (initial) 45.00

Nail Salon (renewal) 30.00

Reciprocity license (initial) 30.00

Reciprocity processing fee 30.00

Duplicate license (in case of loss or

destruction of original) 5.00

Notary fee 1.00

Certification of Records 10.00

B. In addition to the fees specified in subsection A of this section, the Board shall charge a total penalty of Ten Dollars ($10.00), as provided for in Section 199.10 of this title.

C. Any person licensed as an advanced operator prior to July 1, 1985, may renew the advanced cosmetologist license annually by

payment of the fee required by this section and by being in compliance with the rules promulgated by the State Board of Cosmetology and Barbering.

SECTION 98. AMENDATORY 59 O.S. 2011, Section 199.15, as amended by Section 262, Chapter 304, O.S.L. 2012 (59 O.S. Supp. 2012, Section 199.15), is amended to read as follows:

Section 199.15 A. There is hereby created in the State Treasury for the State Board of Cosmetology and Barbering a revolving fund to be designated the State Cosmetology and Barbering Fund. The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of all fees and penalties collected pursuant to the Oklahoma Cosmetology and Barbering Act or rules promulgated thereto and any other funds obtained or received by the State Board of Cosmetology and Barbering pursuant to the Oklahoma Cosmetology and Barbering Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and shall be expended by the Board for the purposes of implementing, administering and enforcing the Oklahoma Cosmetology and Barbering Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. At the close of each fiscal year the Board shall pay into the General Revenue Fund of the state ten percent (10%) of the gross fees and penalties so charged, collected and received by the Board. Other than the ten percent (10%) all fees and penalties charged and monies collected and received, are hereby dedicated, appropriated and pledged to the accomplishment and fulfillment of the purposes of the Oklahoma Cosmetology and Barbering Act.

C. All expenses, per diem, salaries, wages, travel, rents, printing, supplies, maintenance, and other costs incurred by the Board in the performance of its duty and in accomplishment and fulfillment of the purposes of the Oklahoma Cosmetology and Barbering Act shall be a proper charge against and paid from the State Cosmetology and Barbering Fund. In no event shall any claim or obligation accrue against the State of Oklahoma nor against the Cosmetology and Barbering Fund in excess of the ninety percent (90%) or the amount of fees and penalties collected and paid into the State Treasury pursuant to the provisions of the Oklahoma Cosmetology and Barbering Act.

SECTION 99. REPEALER 59 O.S. 2011, Sections 61.4, 1904, 1925.4 and 1933, and 63 O.S. 2011, Sections 1-229.4, 1-232.2, 1-260.4, 1-555, 1-860.13, 1-860.14, 1-1456, 1-1504.1, 1-1753, 1-1970, 1-2516, as amended by Section 1, Chapter 74, O.S.L. 2012, 1-2530.4, 1-2530.6 and 1-2530.7 (63 O.S. Supp. 2012, Section 1-2516), are hereby repealed.

SECTION 100. This act shall become effective November 1, 2013.

Passed the House of Representatives the 2nd day of May, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 6th
day of May, 20 13, at 2:28 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 10th
day of May, 20 13, at 12:29 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th
day of May, 20 13, at 2:27 o'clock P. M.
By: Chris Morris