An Act

ENROLLED HOUSE
BILL NO. 2168

By: McCullough, Matthews, Osborn, Denney, Sherrer, Hoskin and Shelton of the House

and

Newberry of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 46.14, as amended by Section 9, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2014, Section 46.14), which relates to the State Architectural and Registered Interior Designers Act; modifying license and certificate qualifications; defining terms; amending 59 O.S. 2011, Section 199.11, as last amended by Section 9, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2014, Section 199.11), which relates to the Oklahoma Cosmetology and Barbering Act; modifying license and certificate qualifications; defining terms; amending 59 O.S. 2011, Section 475.18, as amended by Section 7, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2014, Section 475.18), which relates to engineering and land surveying; modifying license and certificate qualifications; defining terms; amending 59 O.S. 2011, Section 532, which relates to the Oklahoma Athletic Trainers Act; modifying license qualifications; defining terms; amending 59 O.S. 2011, Section 858-723, which relates to the Oklahoma Certified Real Estate Appraisers Act; modifying license and certificate qualifications; defining terms; amending 59 O.S. 2011, Section 887.13, as amended by Section 2, Chapter 324, O.S.L. 2014 (59 O.S. Supp. 2014, Section 887.13), which relates to the Physical Therapy Practice Act; modifying license qualifications; defining terms; amending 59 O.S. 2011, Section 888.9, which relates to the Occupational Therapy Practice Act; modifying license;

defining terms; amending 59 O.S. 2011, Section 1370, which relates to the Psychologists Licensing Act; modifying license qualifications; defining terms; amending 59 O.S. 2011, Section 1503A, which relates to the Oklahoma Pawnshop Act; modifying license qualifications; defining terms; amending 59 O.S. 2011, Section 1619, which relates to the Speech-Language Pathology and Audiology Licensing Act; modifying license qualifications; defining terms; amending 59 O.S. 2011, Section 1912, as amended by Section 12, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1912), which relates to the Licensed Professional Counselors Act; modifying license qualifications; defining terms; amending 59 O.S. 2011, Section 1925.15, as amended by Section 24, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1925.15), which relates to the Marital and Family Therapist Licensure Act; modifying license qualifications; defining terms; amending 59 O.S. 2011, Section 1941, as amended by Section 34, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1941), which relates to the Licensed Behavioral Practitioner Act; modifying license qualifications; defining terms; and providing an effective date.

SUBJECT: Professions and occupations license and certificate qualifications

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 46.14, as amended by Section 9, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2014, Section 46.14), is amended to read as follows:

Section 46.14 A. The Board shall have power to suspend, to revoke or refuse to renew a license, registration, certificate of authority or certificate of title issued by it, pursuant to the provisions of the State Architectural and Registered Interior Designers Act, when the holder thereof:

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

2. Has been guilty of fraud or misrepresentation;

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

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

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

6. Gives false or forged evidence to the Board;

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

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

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

B. As used in this section:

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

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

SECTION 2. AMENDATORY 59 O.S. 2011, Section 199.11, as last amended by Section 9, Chapter 260, O.S.L. 2014 (59 O.S. Supp. 2014, Section 199.11), is amended to read as follows:

Section 199.11 A. 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~~ crime that substantially relates to the practice of cosmetology or poses a reasonable threat to public safety;

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 a Board licensee in a cosmetology or barber establishment wherein violations of the rules of the Board are being committed within the knowledge of the licensee;

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 establishment 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;

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

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

13. Unsanitary operating practices of a licensee.

B. As used in this section:

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

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

SECTION 3. AMENDATORY 59 O.S. 2011, Section 475.18, as amended by Section 7, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2014, Section 475.18), is amended to read as follows:

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

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure, or a certificate of authorization or in taking the examinations administered by the Board or its authorized representatives;

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

3. Conviction of or entry of a plea of guilty or nolo contendere to ~~any crime under the laws of the United States, or any state or territory thereof, which is~~ a felony~~, whether related~~ crime that substantially relates to the practice ~~or not~~ of engineering or land surveying or poses a reasonable threat to public safety; ~~and~~ or conviction of or entry of a plea of guilty or nolo contendere to ~~any crime, whether~~ a ~~felony,~~ misdemeanor~~, or otherwise~~, an essential element of which is dishonesty or ~~which is related to~~ is a violation of the practice of engineering or land surveying;

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

5. Violation of the laws or rules of another state, territory, the District of Columbia, a foreign country, the United States government, or any other governmental agency, if at least one of the violations is the same or substantially equivalent to those contained in this section;

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

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

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

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

10. Signing, affixing the professional engineer's or land surveyor's seal, or permitting the professional engineer's or land surveyor's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, calculations, other documents, or revisions thereof, which have not been prepared by, or under the direct control and personal supervision of the professional engineer or land surveyor in responsible charge;

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

12. Providing false testimony or information to the Board;

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

14. Performing engineering or surveying services outside any of the licensee's areas of competence; and

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

B. The Board shall prepare and adopt Rules of Professional Conduct for Professional Engineers and Land Surveyors as provided for in Section 475.8 of this title, which shall be made available in writing to every licensee and applicant for licensure under Section 475.1 et seq. of this title. The Board may revise and amend these Rules of Professional Conduct for Professional Engineers and Land Surveyors from time to time and shall notify each licensee, in writing, of such revisions or amendments.

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

D. As used in this section:

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

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

SECTION 4. AMENDATORY 59 O.S. 2011, Section 532, is amended to read as follows:

Section 532. A. The Board may refuse to issue a license to an applicant or may suspend or revoke the license of any ~~licensee~~ athletic trainer or apprentice if he or she has:

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

2. Secured the license by fraud or deceit; or

3. Violated or conspired to violate the provisions of this act or rules and regulations issued pursuant to this act.

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

C. As used in this section:

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

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

SECTION 5. AMENDATORY 59 O.S. 2011, Section 858-723, is amended to read as follows:

Section 858-723. A. The Real Estate Appraiser Board, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, may issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a certificate holder has violated any provision of the Oklahoma Certified Real Estate Appraisers Act, or rules promulgated pursuant thereto:

1. Revocation of the certificate with or without the right to reapply;

2. Suspension of the certificate for a period not to exceed five (5) years;

3. Probation, for a period of time and under such terms and conditions as deemed appropriate by the Board;

4. Stipulations, limitations, restrictions, and conditions relating to practice;

5. Censure, including specific redress, if appropriate;

6. Reprimand, either public or private;

7. Satisfactory completion of an educational program or programs;

8. Administrative fines as authorized by the Oklahoma Certified Real Estate Appraisers Act; and

9. Payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including, but not limited to, administrative costs, witness fees and attorney fees.

B. 1. Any administrative fine imposed as a result of a violation of the Oklahoma Certified Real Estate Appraisers Act or the rules of the Board promulgated pursuant thereto shall not:

a. be less than Fifty Dollars ($50.00) and shall not exceed Two Thousand Dollars ($2,000.00) for each violation of this act or the rules of the Board, or

b. exceed Five Thousand Dollars ($5,000.00) for all violations resulting from a single incident or transaction.

2. All administrative fines shall be paid within thirty (30) days of notification of the certificate holder by the Board of the order of the Board imposing the administrative fine, unless the certificate holder has entered into an agreement with the Board extending the period for payment.

3. The certificate may be suspended until any fine imposed upon the licensee by the Board is paid.

4. Unless the certificate holder has entered into an agreement with the Board extending the period for payment, if fines are not paid in full by the licensee within thirty (30) days of the notification by the Board of the order, the fines shall double and

the certificate holder shall have an additional thirty-day period. If the double fine is not paid within the additional thirty-day period, the certificate shall automatically be revoked.

5. All monies received by the Board as a result of the imposition of the administrative fine provided for in this section shall be deposited in the Oklahoma Certified Real Estate Appraisers Revolving Fund created pursuant to Section 858-730 of this title.

C. The rights of any holder under a certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser may be revoked or suspended, or the holder of the certificate may be otherwise disciplined pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, upon any of the grounds set forth in this section. The Board may investigate the actions of a trainee, state licensed, state certified residential or state certified general real estate appraiser, and may revoke or suspend the rights of a certificate holder or otherwise discipline a trainee, state licensed, state certified residential or state certified general real estate appraiser for any of the following acts or omissions:

1. Procuring or attempting to procure a certificate pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act by knowingly making a false statement, knowingly submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation;

2. Failing to meet the minimum qualifications established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

3. Paying money other than provided for by the Oklahoma Certified Real Estate Appraisers Act to any member or employee of the Board to procure a certificate pursuant to the Oklahoma Certified Real Estate Appraisers Act;

4. A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a felony ~~which is~~ crime that substantially ~~related~~ relates to the ~~qualifications, functions, and duties of a person developing~~ practice of real estate appraisals ~~and communicating real estate appraisals to others~~ or poses a reasonable threat to public safety;

5. An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person;

6. Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act;

7. Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

8. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

9. Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act;

10. Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

11. Violating the confidential nature of governmental records to which the appraiser gained access through employment or engagement as an appraiser by a governmental agency;

12. Entry of a final civil judgment against the person on grounds of deceit, fraud, or willful or knowing misrepresentation in the making of any appraisal of real property;

13. Violating any of the provisions in the code of ethics set forth in this act; or

14. Failing to at any time properly identify themselves according to the specific type of certification held.

D. In a disciplinary proceeding based upon a civil judgment, the trainee, state licensed, state certified residential or state certified general real estate appraiser shall be afforded an

opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

E. 1. A complaint may be filed with the Board against a trainee or state licensed or state certified appraiser for any violations relating to a specific transaction of the Oklahoma Certified Real Estate Appraisers Act by any person who is the recipient of, relies upon or uses an appraisal prepared for a federally related transaction or real-estate-related financial transaction as described in Section 858-701 of this title.

2. Any person with knowledge of any circumstances surrounding an act or omission by a trainee or state licensed or state certified appraiser involving fraud, dishonesty or misrepresentation in any real property valuation-related activity, not limited to federally related transactions, may file a complaint with the Board setting forth all facts surrounding the act or omission.

3. A complaint may be filed against a trainee or state licensed or state certified appraiser directly by the Board, if reasonable cause exists for violations of the code of ethics set forth in this act.

4. Any complaint filed pursuant to this subsection shall be in writing and signed by the person filing same and shall be on a form approved by the Board. The trainee or state licensed or state certified appraiser shall be entitled to any hearings or subject to any disciplinary proceedings provided for in the Oklahoma Certified Real Estate Appraisers Act based upon any complaint filed pursuant to this subsection.

F. As used in this section:

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

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

SECTION 6. AMENDATORY 59 O.S. 2011, Section 887.13, as amended by Section 2, Chapter 324, O.S.L. 2014 (59 O.S. Supp. 2014, Section 887.13), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

B. As used in this section:

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

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

SECTION 7. AMENDATORY 59 O.S. 2011, Section 888.9, is amended to read as follows:

Section 888.9 A. The Board may deny or refuse to renew a license, or may suspend or revoke a license, or may censure a licensee, publicly or otherwise, or may impose probationary conditions where the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes:

1. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;

2. Engaging in unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board;

3. Being convicted of ~~any federal or state law, excepting any misdemeanor, traffic law or municipal ordinance~~ a felony crime that

substantially relates to the occupation of occupational therapy or poses a reasonable threat to public safety;

4. Violating any lawful order, rule, or regulation rendered or adopted by the Board; and

5. Violating any provisions of this act.

B. Such denial, refusal to renew, suspension, revocation, censure, or imposition of probationary conditions upon a license may be ordered by the Board in a decision made after a hearing in the manner provided by the rules and regulations adopted by the Board. One (1) year from the date of the revocation, refusal of renewal, suspension, or probation of the license, application may be made to the Board for reinstatement. The Board shall have discretion to accept or reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

C. As used in this section:

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

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

SECTION 8. AMENDATORY 59 O.S. 2011, Section 1370, is amended to read as follows:

Section 1370. A. A psychologist and any other persons under the supervision of the psychologist shall conduct their professional activities in conformity with ethical and professional standards promulgated by the State Board of Examiners of Psychologists by rule.

B. The Board shall have the power and duty to suspend, place on probation, require remediation, or revoke any license to practice psychology or to take any other action specified in the rules whenever the Board shall find by clear and convincing evidence that the psychologist has engaged in any of the following acts or offenses:

1. Fraud in applying for or procuring a license to practice psychology;

2. Immoral, unprofessional, or dishonorable conduct as defined in the rules promulgated by the Board;

3. Practicing psychology in a manner as to endanger the welfare of clients or patients;

4. Conviction of a felony~~. A copy of the record of conviction, certified by the clerk of the court entering the conviction shall be conclusive evidence of conviction~~ crime that substantially relates to the business practices of psychology or poses a reasonable threat to public safety;

5. ~~Conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;~~

~~6.~~ Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;

~~7.~~ 6. Engaging in sexual intercourse or other sexual contact with a client or patient;

~~8.~~ 7. Use of repeated untruthful, deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including practicing outside of the psychologist's professional competence established by education, training, and experience;

~~9.~~ 8. Gross malpractice or repeated malpractice or gross negligence in the practice of psychology;

~~10.~~ 9. Aiding or abetting the practice of psychology by any person not approved by the Board or not otherwise exempt from the provisions of Section 1351 et seq. of this title;

~~11.~~ 10. Conviction of or pleading guilty or nolo ~~contendre~~ contendere to fraud in filing Medicare or Medicaid claims or in filing claims with any third-party payor. A copy of the record of plea or conviction, certified by the clerk of the court entering the plea or conviction, shall be conclusive evidence of the plea or conviction;

~~12.~~ 11. Exercising undue influence in a manner to exploit the client, patient, student, or supervisee for financial advantage beyond the payment of professional fees or for other personal advantage to the practitioner or a third party;

~~13.~~ 12. The suspension or revocation by another state of a license to practice psychology. A certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof;

~~14.~~ 13. Refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;

~~15.~~ 14. Making any fraudulent or untrue statement to the Board;

~~16.~~ 15. Violation of the code of ethics adopted in the rules and regulations of the Board; and

~~17.~~ 16. Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

C. No license shall be suspended or revoked nor the licensee placed on probation or reprimanded until the licensee has been given an opportunity for a hearing before the Board pursuant to the provisions of subsection D of this section. Whenever the Board determines that there has been a violation of any of the provisions of the Psychologists Licensing Act or of any order of the Board, it shall give written notice to the alleged violator specifying the cause of complaint. The notice shall require that the alleged violator appear before the Board at a time and place specified in the notice and answer the charges specified in the notice. The notice shall be delivered to the alleged violator in accordance with the provisions of subsection E of this section not less than ten (10) days before the time set for the hearing.

D. On the basis of the evidence produced at the hearing, the Board shall make findings of fact and conclusions of law and enter an order thereon in writing or stated in the record. A final order adverse to the alleged violator shall be in writing. An order stated in the record shall become effective immediately, provided the Board gives written notice of the order to the alleged violator

and to the other persons who appeared at the hearing and made written request for notice of the order. If the hearing is held before any person other than the Board itself, such person shall transmit the record of the hearing together with recommendations for findings of fact and conclusions of law to the Board, which shall thereupon enter its order. The Board may enter its order on the basis of such record or, before issuing its order, require additional hearings or further evidence to be presented. The order of the Board shall become final and binding on all parties unless appealed to the district court as provided for in the Administrative Procedures Act.

E. Except as otherwise expressly provided for by law, any notice, order, or other instrument issued by or pursuant to the authority of the Board may be served on any person affected, by publication or by mailing a copy of the notice, order, or other instrument by registered mail directed to the person affected at the last-known post office address of such person as shown by the files or records of the Board. Proof of the service shall be made as in case of service of a summons or by publication in a civil action. Proof of mailing may be made by the affidavit of the person who mailed the notice. Proof of service shall be filed in the office of the Board.

F. Every certificate or affidavit of service made and filed as provided for in this section shall be prima facie evidence of the facts stated therein, and a certified copy thereof shall have same force and effect as the original certificate or affidavit of service.

G. If the psychologist fails or refuses to appear, the Board may proceed to hearing and determine the charges in his or her absence. If the psychologist pleads guilty, or if upon hearing the charges, a majority of the Board finds them to be true, the Board may enter an order suspending or revoking the license of the psychologist, reprimanding the psychologist, or placing the psychologist on probation or any combination of penalties authorized by the provisions of this section.

H. The secretary of the Board shall preserve a record of all proceedings of the hearings and shall furnish a transcript of the hearings to the defendant upon request. The defendant shall prepay the actual cost of preparing the transcript.

I. Upon a vote of four of its members, the Board may restore a license which has been revoked, reduce the period of suspension or probation, or withdraw a reprimand.

J. As used in this section:

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

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

SECTION 9. AMENDATORY 59 O.S. 2011, Section 1503A, is amended to read as follows:

Section 1503A. A. To be eligible for a pawnshop license, an applicant shall:

1. Be of good moral character;

2. Have net assets of at least Twenty-five Thousand Dollars ($25,000.00); and

3. Show that the pawnshop will be operated lawfully and fairly within the purpose of the Oklahoma Pawnshop Act~~, Section 1501 et seq. of Title 59 of the Oklahoma Statutes~~.

B. The Administrator shall find ineligible an applicant who has a ~~felony~~ conviction ~~which directly~~ for a felony crime that substantially relates to the ~~duties and responsibilities of the~~ occupation of a pawnbroker or poses a reasonable threat to public safety.

C. If the Administrator is unable to verify that the applicant meets the net assets requirement for a pawnshop license, the Administrator may require a finding, including the presentation of a current balance sheet, by an accounting firm or individual holding a permit to practice public accounting in this state, that the accountant has reviewed the books and records of the applicant and that the applicant meets the net assets requirement.

D. As used in this section:

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

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

SECTION 10. AMENDATORY 59 O.S. 2011, Section 1619, is amended to read as follows:

Section 1619. A. The Board of Examiners for Speech-Language Pathology and Audiology may impose separately, or in combination, any of the following disciplinary actions on a licensee after formal disciplinary action as provided in the Speech-Language Pathology and Audiology Licensing Act: suspend or revoke a license, issue a letter of reprimand, impose probationary conditions, impose an administrative fine not to exceed Ten Thousand Dollars ($10,000.00), and assess reasonable costs. Disciplinary actions may be taken by the Board upon proof that the licensee:

1. Has been guilty of fraud or deceit in connection with the person's services rendered as a speech-language pathologist and/or audiologist;

2. Has aided or abetted a person who is not a licensed speech-language pathologist and/or audiologist and who is not an employee of and under the supervision of a licensed speech-language pathologist or audiologist and subject to the rules of the Board, in illegally engaging in the practice of speech-language pathology or audiology within this state;

3. Has been guilty of unprofessional conduct as defined by the rules established by the Board or has violated the code of ethics made and published by the Board;

4. Has used fraud or deception in applying for a license or in passing an examination provided for in the Speech-Language Pathology and Audiology Licensing Act;

5. Has been grossly negligent in the practice of the person's profession;

6. Has willfully violated any of the provisions of the Speech-Language Pathology and Audiology Licensing Act or any rules promulgated pursuant thereto;

7. Has violated federal, state or local laws relating to the profession. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of conviction; or

8. Has been convicted of or has pled guilty or nolo contendere to a felony crime that substantially relates to the business practices of speech-language pathology or audiology or poses a reasonable threat to public safety or to a crime involving moral turpitude~~, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence of conviction~~.

B. 1. No disciplinary action shall be imposed until after a hearing before the Board. A notice of at least thirty (30) days shall be served, either personally or by certified mail, to the licensee charged, stating the time and place of the hearing, and setting forth the ground or grounds constituting the charges against the licensee. The licensee shall be entitled to be heard in such person's defense either in person or by counsel, and may produce testimony and may testify in the person's own behalf.

2. A record of such hearing shall be taken and preserved.

3. The hearing may be adjourned from time to time. If, after due receipt of notice of a hearing, the licensee shall be unable to appear for good cause shown, then a continuance shall be granted by the Board. The time allowed shall be at the discretion of the Board, but in no instance shall it be less than two (2) weeks from the originally scheduled date of the hearing.

4. If a licensee pleads guilty, or if upon hearing the charges, a majority of the Board finds them to be true, the Board shall impose its disciplinary action against the licensee. The Board shall record its findings and order in writing.

C. 1. The Board, through its chairman or vice-chairman, may administer oaths and may compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the state, as in civil cases in the district court, by subpoena issued over the signature of the chairman or vice-chairman and the seal of the Board.

2. Upon request by an accused speech-language pathologist and/or audiologist, and statement under oath that the testimony or evidence is reasonably necessary to the person's defense, the Board shall use this subpoena power in behalf of the accused speech-language pathologist and/or audiologist.

3. The subpoenas shall be served, and a return of service thereof made, in the same manner as a subpoena is served out of the district courts in this state, and as a return in such case is made.

4. If a person fails and refuses to attend in obedience to such subpoena, or refuses to be sworn or examined or answer any legally proper question propounded by any member of said Board or any attorney or licensee upon permission from said Board, such person shall be guilty of a misdemeanor, and, upon conviction, may be punished by a fine not to exceed Two Hundred Fifty Dollars ($250.00) or by confinement in the county jail not to exceed ninety (90) days, or both.

D. 1. Any person who feels aggrieved by reason of the imposition of disciplinary action may appeal to the Board for a review of the case or may seek judicial review pursuant to the Administrative Procedures Act.

2. The suit shall be filed against the Board as defendant, and service of process shall be upon either the chairman or executive secretary of the Board.

3. The judgment of the district court may be appealed to the Supreme Court of Oklahoma in the same manner as other civil cases.

E. Upon a vote of three of its members, the Board may restore a license which has been revoked or reduce the period of suspension.

F. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the

fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

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

SECTION 11. AMENDATORY 59 O.S. 2011, Section 1912, as amended by Section 12, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1912), is amended to read as follows:

Section 1912. A. The State 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 crime that substantially relates to the practice of counseling or poses a reasonable threat to public safety;

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

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 Board determines that a felony conviction of an applicant renders the convicted applicant unfit to practice

counseling, the 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 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.

D. As used in this section:

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

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

SECTION 12. AMENDATORY 59 O.S. 2011, Section 1925.15, as amended by Section 24, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1925.15), is amended to read as follows:

Section 1925.15 A. The State 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 crime that substantially relates to the practice of counseling or poses a reasonable threat to public safety;

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

3. Violated ethical standards of such a nature as to render the person found by the 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 Board; or

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

B. If the Board determines that a felony conviction of an applicant renders the convicted applicant unfit to practice counseling, the 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 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 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.

E. As used in this section:

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

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

SECTION 13. AMENDATORY 59 O.S. 2011, Section 1941, as amended by Section 34, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1941), is amended to read as follows:

Section 1941. A. The State 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 crime that substantially relates to the practice of behavioral health or poses a reasonable threat to public safety;

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

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 Board;

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 Board determines that a felony conviction of an applicant renders the convicted applicant unfit to practice counseling, the 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 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.

D. As used in this section:

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

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

SECTION 14. This act shall become effective November 1, 2015.

Passed the House of Representatives the 11th day of March, 2015.

Presiding Officer of the House
of Representatives

Passed the Senate the 20th day of April, 2015.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 21st
day of April, 20 15, at 3:17 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 27th
day of April, 20 15, at 1:38 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 27th
day of April, 20 15, at 2:07 o'clock P. M.
By: Chris Benge