# OKLAHOMA STATUTES
# TITLE 59. PROFESSIONS AND OCCUPATIONS

## §59-15.1. Short title - Declaration of policy.

Section 15.1 et seq. of this title shall be known and may be cited as the "Oklahoma Accountancy Act".

In order to protect the citizens of this state, the Legislature hereby declares that it is the policy of this state, and the purpose of this act, to promote the reliability of information that is used for guidance in financial transactions or for accounting for or

assessing the financial status or performance of commercial, noncommercial and governmental enterprises. The public interest requires that persons professing special competence in accountancy or offering assurance as to the reliability or fairness of presentation of such information shall have demonstrated their qualifications to do so, that persons who have not demonstrated and maintained such qualifications, not be permitted to represent themselves as having such special competence or to offer such assurance, that the conduct of registrants as having special competence in accountancy be regulated in all aspects of their professional work, that a public authority competent to prescribe and assess the qualifications and to regulate the conduct of registrants be established, and that the use of titles that have a capacity or tendency to deceive the public as to the status or competence of the persons using such titles be prohibited.
Added by Laws 1965, c. 188, § 1, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 1, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 1, eff. Sept. 1, 1992; Laws 2002, c. 312, § 1, eff. Nov. 1, 2002; Laws 2004, c. 125, § 1, eff. Nov. 1, 2004.

§59-15.1A. Definitions.

As used in the Oklahoma Accountancy Act:

1. "Accountancy" means the profession or practice of accounting;

2. "AICPA" means the American Institute of Certified Public Accountants;

3. "Applicant" means an individual or entity that has made application to the Board for a certificate or permit and the application has not been approved;

4. "Assurance" means independent professional services that improve the quality of information, or its context, for decision makers;

5. "Attest" means providing the following services:

   a. any audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS),

   b. any review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS),

   c. any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE),

   d. any engagement to be performed in accordance with the Auditing Standards of the Public Company Accounting Oversight Board (PCAOB), and

   e. any engagements, review, or agreed upon procedures engagement to be performed in accordance with the

SSAE, other than the exceptions described in subparagraph c of paragraph 34 of this section.

The statements on standards specified in this definition shall be adopted by reference by the Board pursuant to rulemaking and shall be those developed for general application by recognized national accountancy organizations, such as the AICPA, IFAC and the PCAOB;

6. "Audit" can only be performed by an individual or entity who is registered with the Board and holding a valid permit issued pursuant to the Oklahoma Accountancy Act, or an entity that is exempt from registration under paragraph 3 of subsection A of Section 15.15 of this title or an individual granted practice privileges under Section 15.12A of this title, and means a systematic investigation or appraisal of information, procedures, or operations performed in accordance with generally accepted auditing standards in the United States, for the purpose of determining conformity with established criteria and communicating the results to interested parties;

7. "Board" means the Oklahoma Accountancy Board;

8. "Candidate" means an individual who has been qualified and approved by the Board to take the examination for a certificate;

9. "Certificate" means the Oklahoma document issued by the Board to a candidate upon successful completion of the certified public accountant examination designating the holder as a certified public accountant pursuant to the laws of Oklahoma. Certificate shall also mean the Oklahoma document issued by reciprocity to an individual who has previously been certified in another jurisdiction;

10. "Certified public accountant" means any person who has received a certificate from the Board or other jurisdictions;

11. "Client" means the individual or entity which retains a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title, which also is exempt from the registration requirement of paragraph 3 of subsection A of Section 15.15 of this title, to perform professional services;

12. "Compilation" when used with reference to financial statements, means presenting information in the form of financial statements which is the representation of management or owners without undertaking to express any assurance on the statements;

13. "CPA" or "C.P.A." means certified public accountant;

14. "Designated manager" means the Oklahoma certified public accountant or public accountant appointed by the firm partners or shareholders to be responsible for the administration of the office;

15. "Designee" means the National Association of State Boards of Accountancy (NASBA) or other entities so designated by the Board;

16. "Entity" means an organization whether for profit or not, recognized by this state to conduct business;

17. "Examination" means all or any part of the Uniform Certified Public Accountant Examination developed and scored by the American Institute of Certified Public Accountants as approved or designated by the Board;

18. "Executive director" means the chief administrative officer of the Board;

19. "Financial statements" means statements and footnotes related thereto that undertake to present an actual or anticipated financial position as of a point in time, or results of operations, cash flow, or changes in financial position for a period of time, in conformity with generally accepted accounting principles or another comprehensive basis of accounting. The term does not include incidental financial data included in management advisory service reports to support recommendations to a client; nor does it include tax returns and supporting schedules;

20. "Firm" means an entity that is either a sole proprietorship, partnership, professional limited liability company, professional limited liability partnership, limited liability partnership or professional corporation, or any other professional form of organization organized under the laws of this state or the laws of another jurisdiction and issued a permit in accordance with Section 15.15A of this title or exempt from the permit requirement under Section 15.15C of this title, which also is exempt from the registration requirement of paragraph 3 of subsection A of Section 15.15 of this title, including individual partners or shareholders, that is engaged in accountancy;

21. "Holding out" means any representation by an individual that he or she holds a certificate or license and a valid permit, or by an entity that it holds a valid permit. Any such representation is presumed to invite the public to rely upon the professional skills implied by the certificate or license and valid permit in connection with the services or products offered;

22. "Home office" means the location specified by the client as the address to which a service described in Section 15.12A of this title is directed;

23. "IFAC" means the International Federation of Accountants;

24. "Individual" means a human being;

25. "Jurisdiction" means any state or territory of the United States and the District of Columbia;

26. "License" means the Oklahoma document issued by the Board to a candidate upon successful completion of the public accountant examination designating the holder as a public accountant pursuant to the laws of this state. License shall also mean the Oklahoma document issued by the Board by reciprocity to a public accountant

who has previously been licensed by examination in another jurisdiction;

27. "Management advisory services", also known as "management consulting services", "management services", "business advisory services" or other similar designation, hereinafter collectively referred to as "MAS", means the function of providing advice and/or technical assistance, performed in accordance with standards for MAS engagements and MAS consultations such as those issued by the American Institute of Certified Public Accountants, where the primary purpose is to help the client improve the use of its capabilities and resources to achieve its objectives including but not limited to:

a. counseling management in analysis, planning, organizing, operating, risk management and controlling functions,

b. conducting special studies, preparing recommendations, proposing plans and programs, and providing advice and technical assistance in their implementation,

c. reviewing and suggesting improvement of policies, procedures, systems, methods, and organization relationships, and

d. introducing new ideas, concepts, and methods to management.

MAS shall not include recommendations and comments prepared as a direct result of observations made while performing an audit, review, or compilation of financial statements or while providing tax services including tax consultations;

28. "NASBA" means the National Association of State Boards of Accountancy;

29. "PA" or "P.A." means public accountant;

30. "Partnership" means a contractual relationship based upon a written, oral, or implied agreement between two or more individuals who combine their resources and activities in a joint enterprise and share in varying degrees and by specific agreement in the management and in the profits or losses. A partnership may be general or limited as the laws of this state define those terms;

31. "PCAOB" means the Public Company Accounting Oversight Board;

32. "Peer review" means a review performed pursuant to a set of peer review rules established by the Board. The term peer review also encompasses the term "quality review";

33. "Permit" means the written authority granted annually by the Board to individuals or firms to practice public accounting in this state, which is issued pursuant to the Oklahoma Accountancy Act;

34. a. "Practice of public accounting", also known as "practice public accounting", "practice" and "practice

accounting", refers to the activities of a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title in reference to accountancy. An individual or firm shall be deemed to be engaged in the practice of public accounting if the individual or firm holds itself out to the public in any manner as one skilled in the knowledge, science, and practice of accounting and auditing, taxation and management advisory services and is qualified to render such professional services as a certified public accountant or public accountant, and performs the following:

(1) maintains an office for the transaction of business as a certified public accountant or public accountant,

(2) offers to prospective clients to perform or who does perform on behalf of clients professional services that involve or require an audit, verification, investigation, certification, presentation, or review of financial transactions and accounting records or an attestation concerning any other written assertion,

(3) prepares or certifies for clients reports on audits or investigations of books or records of account, balance sheets, and other financial, accounting and related schedules, exhibits, statements, or reports which are to be used for publication or for the purpose of obtaining credit, or for filing with a court of law or with any governmental agency, or for any other purpose,

(4) generally or incidentally to the work described herein, renders professional services to clients in any or all matters relating to accounting procedure and to the recording, presentation, or certification of financial information or data,

(5) keeps books, or prepares trial balances, financial statements, or reports, all as a part of bookkeeping services for clients,

(6) prepares or signs as the tax preparer, tax returns for clients, consults with clients on tax matters, conducts studies for clients on tax matters and prepares reports for clients on tax matters, unless the services are uncompensated and are limited solely to the registrant's, or

the registrant's spouse's lineal and collateral heirs,

(7) prepares personal financial or investment plans or provides to clients products or services of others in implementation of personal financial or investment plans, or

(8) provides management advisory services to clients.

b. Except for an individual granted practice privileges under Section 15.12A of this title or a firm exempt from the permit and registration requirements under Section 15.15C of this title, an individual or firm not holding a certificate, license or permit shall not be deemed to be engaged in the practice of public accounting if the individual or firm does not hold itself out, solicit, or advertise for clients using the certified public accountant or public accountant designation and engages only in the following services:

(1) keeps books, or prepares trial balances, financial statements, or reports, provided such instruments do not use the terms "audit", "audited", "exam", "examined", "review" or "reviewed" or are not exhibited as having been prepared by a certified public accountant or public accountant. Except for an individual granted practice privileges under Section 15.12A of this title or a firm exempt from the permit and registration requirements under Section 15.15C of this title, nonregistrants may use the following disclaimer language in connection with financial statements and be in compliance with the Oklahoma Accountancy Act: "I (we) have not audited, examined or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.",

(2) prepares or signs as the tax preparer, tax returns for clients, consults with clients on tax matters, conducts studies for clients on tax matters and prepares reports for clients on tax matters,

(3) prepares personal financial or investment plans or provides to clients products or services of others in implementation of personal financial or investment plans, or

(4) provides management advisory services to clients.

c. Only permit holders, individuals granted practice privileges under Section 15.12A of this title, or firms exempt from the permit and registration requirements under Section 15.15C of this title, who also meet the requirements of paragraph 3 of subsection A of Section 15.15 of this title, may render or offer to render any attest service, as defined herein, or issue a report on financial statements which purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS). This restriction shall not prohibit any act of a public official or public employee in the performance of that person's duties. This restriction shall not be construed to prohibit the performance by any unlicensed individual of other services as set out in subparagraph b of this paragraph.

d. A person is not deemed to be practicing public accounting within the meaning of this section solely by displaying an Oklahoma CPA certificate or a PA license in an office, identifying himself or herself as a CPA or PA on letterhead or business cards, or identifying himself or herself as a CPA or PA. However, the designation of CPA or PA on such letterheads, business cards, public signs, advertisements, publications directed to clients or potential clients, financial or tax documents of a client, performance of any attest service or issuance of a report constitutes the practice of public accounting and requires a permit, practice privileges under Section 15.12A of this title, or an exemption from the permit and registration requirements under Section 15.15C of this title;

35. "Preissuance review" means a review preformed pursuant to a set of procedures that include review of engagement document, report, and clients' financial statements in order to permit the reviewer to assess compliance with all applicable professional standards;

36. "Principal place of business" means the office location designated by the licensee for the purposes of substantial equivalency and reciprocity;

37. "Professional corporation" means a corporation organized pursuant to the laws of this state;

38. "Professional" means arising out of or related to the specialized knowledge or skills associated with CPAs or PAs;

39. "Public accountant" means any individual who has received a license from the Board;

40. "Public interest" means the collective well-being of the community of people and institutions the profession serves;

41. "Qualification applicant" means an individual who has made application to the Board to qualify to become a candidate for examination;

42. "Registrant" means a CPA, PA, or firm composed of certified public accountants or public accountants or combination of both currently registered with the Board pursuant to the authority of the Oklahoma Accountancy Act;

43. "Report", when used with reference to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or complied financial statements, and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term report includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to and/or special competence on the part of the person or firm issuing such language; and it includes any other form of language that is conventionally understood to imply such assurance and/or such special knowledge or competence. This definition is not intended to include a report prepared by a person not holding a certificate or license or not granted practice privileges under Section 15.12A of this title. However, such report shall not refer to "audit", "audited", "exam", "examined", "review" or "reviewed", nor use the language "in accordance with standards established by the American Institute of Certified Public Accountants" or successor of this entity, or governmental agency approved by the Board, except for the Internal Revenue Service. Except for an individual granted practice privileges under Section 15.12A of this title or a firm exempt from the permit and registration requirements under Section 15.15C of this title, nonregistrants may use the following disclaimer language in connection with financial statements not to be in violation of the Oklahoma Accountancy Act: "I (we) have not audited, examined, or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.";

44. "Representation" means any oral or written communication including but not limited to the use of title or legends on letterheads, business cards, office doors, advertisements, and listings conveying the fact that an individual or entity holds a certificate, license or permit;

45. "Review", when used with reference to financial statements, means a registrant or an individual granted practice privileges under Section 15.12A of this title, which also meets the requirements of paragraph 3 of subsection A of Section 15.15 of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title performing inquiry and analytical procedures that provide the registrant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the statements in order for them to be in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting; and

46. "Substantial equivalency" is a determination by the Oklahoma Accountancy Board or its designee that:

a. the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to, or exceed, the education, examination and experience requirements contained in the AICPA/NASBA Uniform Accountancy Act, or

b. that an individual certified public accountant's or public accountant's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements contained in the Oklahoma Accountancy Act and rules of the Board.

In ascertaining substantial equivalency as used in the Oklahoma Accountancy Act, the Board or its designee shall take into account the qualifications without regard to the sequence in which experience, education, or examination requirements were attained. Added by Laws 1992, c. 272, § 2, eff. Sept. 1, 1992. Amended by Laws 1994, c. 293, § 15, eff. July 1, 1994; Laws 2002, c. 312, § 2, eff. Nov. 1, 2002; Laws 2004, c. 125, § 2, eff. Nov. 1, 2004; Laws 2009, c. 45, § 1, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 1, eff. July 1, 2010; Laws 2015, c. 60, § 1, eff. Nov. 1, 2015; Laws 2019, c. 327, § 1, eff. July 1, 2019; Laws 2022, c. 26, § 1, eff. Nov. 1, 2022; Laws 2023, c. 26, § 1, eff. Nov. 1, 2023; Laws 2024, c. 452, § 118, emerg. eff. June 14, 2024.

§59-15.2. Oklahoma Accountancy Board - Membership - Qualifications - Terms.

A. There is hereby re-created, to continue until July 1, 2028, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Accountancy Board. The Oklahoma Accountancy Board shall have the responsibility for administering and enforcing the Oklahoma Accountancy Act. The Oklahoma Accountancy Board shall be composed of seven (7) members, who shall have professional or practical

experience in the use of accounting services and financial matters, so as to be qualified to make judgments about the qualifications and conduct of persons and firms subject to regulation under the Oklahoma Accountancy Act to be appointed by the Governor and confirmed by the Senate. The number of registrant members shall not be more than five, not including a firm, who shall serve terms of five (5) years. No member who has served two successive complete terms shall be eligible for reappointment, but an appointment to fill an unexpired term shall not be considered a complete term for this purpose. One public member shall serve coterminously with the Governor appointing the public member. The other public member shall serve a term of five (5) years.

B. Five members shall be certified public accountants holding certificates and four shall hold permits issued pursuant to the provisions of the Oklahoma Accountancy Act, at least four of whom shall have been engaged in the practice of public accounting as a certified public accountant continuously for not less than five (5) out of the last fifteen (15) years immediately preceding their appointments. A list of qualified persons shall be compiled and submitted to the Governor by the Oklahoma Society of Certified Public Accountants from time to time as appointments of the certified public accountant Board members are required. A list of three names shall be submitted for each single appointment from which the Governor may make the appointment.

C. Two members shall be public members who are not certified public accountants. One public member shall be appointed by the Governor to a term coterminous with the Governor, to serve at his or her pleasure. The other public member shall serve a term of five (5) years and have professional or practical experience in the use of accounting services and financial matters. A list of qualified persons shall be compiled and submitted to the Governor by the Oklahoma Society of Public Accountants, Oklahoma Society of Certified Public Accountants, or successor organizations from time to time as appointment of the Board member is required. A list of three (3) names shall be submitted for each single appointment from which the Governor may make the appointment.

D. Upon the expiration of the term of office, a member shall continue to serve until a qualified successor has been appointed. Confirmation by the Senate is required during the next regular session of the Senate for the member to continue to serve.
Added by Laws 1965, c. 188, § 2, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 2, emerg. eff. April 30, 1968; Laws 1980, c. 274, § 1, eff. July 1, 1980; Laws 1986, c. 79, § 1, eff. July 1, 1986; Laws 1992, c. 272, § 3, eff. Sept. 1, 1992; Laws 1998, c. 38, § 1; Laws 2004, c. 125, § 3, eff. Nov. 1, 2004; Laws 2005, c. 1, § 85, emerg. eff. March 15, 2005; Laws 2010, c. 30, § 1; Laws 2010, c. 85, § 2, eff. July 1, 2010; Laws 2014, c. 55, § 1; Laws 2019, c.

327, § 2, eff. July 1, 2019; Laws 2020, c. 116, § 6, eff. July 1, 2020; Laws 2022, c. 26, § 2, eff. Nov. 1, 2022; Laws 2023, c. 33, § 1, eff. July 1, 2023.
NOTE: Laws 1992, c. 10, § 1 repealed by Laws 1992, c. 343, § 4, eff. July 1, 1992. Laws 2004, c. 27, § 1 repealed by Laws 2005, c. 1, § 86, emerg. eff. March 15, 2005.

§59-15.3. Vacancies - Disqualification - Removal.

A. Vacancies on the Board due to death, resignation, or removal as defined in subsections C and D of this section occurring during a term shall be filled by the Governor for the unexpired portion of said term in a manner as provided for appointments to the Board. Members filling the remainder of a term of a member who has died, resigned, or been removed shall assume office immediately upon appointment by the Governor and shall serve until confirmation or denial of confirmation by the Senate.

B. A member of the Board shall become disqualified from serving if that member:

1. Is a registrant member whose certificate, license, or permit pursuant to the laws of this state has become void or has been revoked or suspended;

2. Is a registrant member or public member who has moved from this state;

3. Has been convicted, pled guilty or nolo contendere to a felony pursuant to the laws of the United States or any jurisdiction;

4. Has become medically incapacitated as determined in writing by a medical doctor upon request by the Board; or

5. Has been absent from three meetings, or is absent for more than one-half (1/2) the number of minutes for which a meeting is conducted of three meetings as determined by the Board during any twelve-month period, unless such absence is determined to be unavoidable in the opinion of a majority of the remaining members.

C. Removal pursuant to the provisions of this section shall be accomplished by a majority vote of the remaining members. Upon said vote, a written notification shall be sent to the Governor setting out the dates of absences or other grounds for removal and the fact of the disqualification of the member. Upon receipt of the written notification, the Governor shall appoint another member in the manner provided for appointments to the Board.

D. The Governor may, after a hearing conducted in accordance with the provisions of the Administrative Procedures Act, remove any member of the Board for misconduct regarding responsibilities and duties of the member, incompetence, or neglect of duty. Removal pursuant to the provisions of this subsection shall occur upon the Governor filing a written statement of findings after the hearing as

to the reasons and basis for removal of the member with the Secretary of the Board.
Laws 1965, c. 188, § 3, emerg. eff. June 8, 1965; Laws 1980, c. 274, § 2, eff. July 1, 1980; Laws 1986, c. 79, § 3, eff. July 1, 1986; Laws 1992, c. 272, § 4, eff. Sept. 1, 1992; Laws 2004, c. 125, § 4, eff. Nov. 1, 2004.

§59-15.4. Officers - Meetings - Duties.

A. The Oklahoma Accountancy Board shall elect from its membership a chair, a vice-chair and a secretary. The officers of the Board shall be elected each May, to take office on July 1 following the election, and shall hold office for a term of one (1) year.

B. The chair shall preside at all meetings of the Board, call special meetings of the Board as are necessary, sign all certificates and licenses and perform such other duties as the Board shall direct.

C. The vice-chair shall exercise the powers of and perform the duties of the chair in the absence or disability of the chair, and perform such other duties as the Board shall direct.

D. The secretary shall preside at any meeting in the absence of the chair and vice-chair, validate minutes of all of the meetings of the Board, in the manner prescribed in the rules of the Board, supervise the maintenance of the records of the Board, including the register of individuals and firms authorized to practice public accounting in this state, and a record of all examination grades. The secretary shall perform such other duties as the Board shall direct.

E. At any regular or special meeting at which none of the officers are in attendance, the members of the Board in attendance shall elect a member to preside at that meeting.
Added by Laws 1965, c. 188, § 4, emerg. eff. June 8, 1965. Amended by Laws 1992, c. 272, § 5, eff. Sept. 1, 1992; Laws 2002, c. 312, § 3, eff. Nov. 1, 2002.

§59-15.5. Quorum - Seal - Records - Staff - Expenditures - Rules and regulations – Delegation of authority.

A. The Oklahoma Accountancy Board shall be responsible for the administration and enforcement of the Oklahoma Accountancy Act. A majority of the Board shall constitute a quorum for the transaction of business.

B. In addition to the other duties imposed on the Board by law, the Board shall:

1. Have a seal that shall be judicially noticed and shall be affixed to all certificates and licenses, and such other documents as the Board deems appropriate;

2. Keep correct records of all official proceedings including minutes of meetings, applications and related documents of applicants, registry of the names and addresses of registrants, official documents filed in any hearings conducted by the Board and in any proceeding in any court arising out of any provision of the Oklahoma Accountancy Act or the rules and regulations adopted by the Board. Copies of said records certified by the secretary under the seal of the Board shall, if material, be admissible in evidence;

3. Employ such executive staff as may be necessary to implement and administer the Oklahoma Accountancy Act, to fix and pay their salaries or fees. Such executive staff shall include an Executive Director, Deputy Director and legal counsel. The Board shall have the authority to employ other staff and contract with or hire special prosecutors, investigators, expert witnesses, hearing examiners and clerical personnel in furtherance of its duties under the Oklahoma Accountancy Act;

4. Lease office space and pay the rent thereon, purchase office equipment and supplies, and make such other expenditures as are necessary for the administration and enforcement of the provisions of the Oklahoma Accountancy Act;

5. Pay the costs of such research programs in accounting and other subjects as in the determination of the Board would be beneficial to registrants; and

6. Adopt rules and regulations for the implementation of the provisions of the Oklahoma Accountancy Act in accordance with the procedures prescribed in the Administrative Procedures Act.

C. The Board may delegate to the executive director the authority to employ other staff and clerical personnel.

Added by Laws 1965, c. 188, § 5, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 3, emerg. eff. April 30, 1968; Laws 1986, c. 79, § 4, eff. July 1, 1986; Laws 1992, c. 272, § 6, eff. Sept. 1, 1992; Laws 2004, c. 125, § 5, eff. Nov. 1, 2004; Laws 2009, c. 45, § 2, emerg. eff. April 14, 2009.

§59-15.6A. Confidentiality of investigations - Use as evidence – Disclosure of information.

A. The Oklahoma Accountancy Board, its employees, independent contractors, appointed committee members or other agents shall keep confidential all information obtained during an investigation into allegations of violations of the Oklahoma Accountancy Act, including any review or investigation made to determine whether to allow an applicant to take an examination, or whether the Board shall grant a certificate, license, or permit. All information obtained in the course of conducting a peer review, including peer review reports provided to the Board by a registrant, examinations and test scores shall also be held confidential by the Board, its employees and independent contractors.

B. To ensure the confidentiality of such information for the protection of the affected individual or entity, the information obtained shall not be deemed to be a "record" as that term is defined in the Oklahoma Open Records Act.

C. Rules adopted to implement the provisions of this subsection shall assure the privacy of the information obtained. Such rules shall include but not be limited to:

1. Assuring availability of the information for inspection by the individual or entity affected or their designated representatives during the normal business hours of the Board;

2. A method for obtaining a written release for the affected individual or entity to allow inspection of their confidential records to the public at large; and

3. A method for making available to the public all final written orders of the Board concerning an individual or entity.

D. Information obtained by the Board or any of its agents as set out in subsection A of this section shall be considered competent evidence in a court of competent jurisdiction only in matters directly related to actions of the Board and the affected individual or entity as a result of the Board obtaining the information. Such information shall not be admissible as evidence in any other type of civil or criminal action.

E. The Board may disclose information concerning investigations into allegations of violations of the Oklahoma Accountancy Act under this section to another governmental, regulatory, or law enforcement agency engaged in an enforcement action. The provisions of this subsection shall not apply to information concerning whether to allow an applicant to take an examination, peer review or test scores.

Added by Laws 1992, c. 272, § 7, eff. Sept. 1, 1992. Amended by Laws 2002, c. 312, § 4, eff. Nov. 1, 2002; Laws 2004, c. 125, § 6, eff. Nov. 1, 2004; Laws 2009, c. 45, § 3, emerg. eff. April 14, 2009.

§59-15.7. Disbursement of fees and monies.

All fees and other monies except the fines as provided in Section 15.24 of this title received by the Board pursuant to the provisions of the Oklahoma Accountancy Act shall be expended solely for effectuating the purposes of the Oklahoma Accountancy Act and shall be deposited to the credit of the Board with the Oklahoma State Treasurer. After the close of each fiscal year the Board shall file with the Governor a report of all fees charged, collected and received and all disbursements during the previous fiscal year. The Board shall pay into the General Revenue Fund of the state ten percent (10%) of all annual registration fees so charged, collected and received, and no other portion shall ever revert to the General Revenue Fund or any other fund of the state.

All salaries, fees, and other expenses incurred by the Board in the performance of the duties imposed by the provisions of the Oklahoma Accountancy Act shall be paid from the Board's Revolving Fund and none of said expenses shall be a charge against the general funds of this state.
Laws 1965, c. 188, § 7, emerg. eff. June 8, 1965; Laws 1992, c. 272, § 8, eff. Sept. 1, 1992; Laws 2004, c. 125, § 7, eff. Nov. 1, 2004.

§59-15.8. Application to take examination - Format - Fees - Qualifications.

A. A qualification applicant to qualify as a candidate for examination shall file an application for qualification in a format approved by the Oklahoma Accountancy Board. The fee for the qualification application shall be determined by the Board and shall not exceed Three Hundred Dollars ($300.00). Every qualification applicant to qualify as a candidate for the certificate of certified public accountant shall submit to a national criminal history record search, must be a resident of this state immediately prior to making application and, except as otherwise provided in this section, shall meet the education and experience requirements provided in this section. The costs associated with the national criminal history records search shall be paid by the applicant.

B. On or after the effective date of this act, every qualification applicant to qualify as a candidate for examination for the certificate of certified public accountant shall have at least one hundred twenty (120) semester hours, or the equivalent thereof, of college education including a baccalaureate or higher degree, or the equivalent thereof, conferred by a college or university acceptable to the Board from an accredited four-year college or university in this state or any other accredited four-year college or university recognized by the Board. The total educational program of the applicant for examination shall include an accounting concentration or its equivalent as determined acceptable by the Board which shall include not less than twenty-four (24) semester hours, or the equivalent thereof, in accounting courses above principles of accounting or introductory accounting, with at least one course in auditing or assurance; the remaining accounting courses shall be selected from financial accounting, accounting theory, cost/managerial accounting, federal income tax, governmental, not-for-profit accounting, accounting information systems, accounting history and other accounting electives; at least nine (9) semester hours shall be from any or all of the subjects of economics, statistics, business law, finance, business management, marketing, business communication, risk management, insurance, management information systems, or computer science at the upper-division level of college or above or the equivalent of such

subjects as determined by the Board; all the remaining semester hours, if any, shall be elective.

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

Added by Laws 1965, c. 188, § 8, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 5, emerg. eff. April 30, 1968; Laws 1986, c. 79, § 5, eff. July 1, 1986; Laws 1992, c. 272, § 9, eff. Sept. 1, 1992; Laws 1998, c. 52, § 1, eff. Nov. 1, 1998; Laws 2002, c. 312, § 5, eff. Nov. 1, 2002; Laws 2004, c. 125, § 8, eff. Nov. 1, 2004; Laws 2009, c. 45, § 4, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 3, eff. July 1, 2010; Laws 2019, c. 363, § 2, eff. Nov. 1, 2019; Laws 2022, c. 26, § 3, eff. Nov. 1, 2022; Laws 2023, c. 25, § 1, eff. Nov. 1, 2023.

§59-15.9. Issuance of certificate.

A. Upon payment of appropriate fees, the Oklahoma Accountancy Board shall grant a certificate to any individual of good character who meets the applicable education, experience and testing requirements provided for in this section and in Sections 15.8 and 15.10 of this title. For purposes of this subsection, good character means an individual who does not have a history of dishonest acts as demonstrated by documented evidence and has not been convicted, pled guilty, or pled nolo contendere to a felony charge. The Board may refuse to grant a certificate to an applicant for failure to satisfy the requirement of good character. The Board shall provide to the denied applicant written notification specifying grounds for denial of a certificate including failure to meet the good character criterion. Appeal of the action of the Board may be made in accordance with the provisions of the Administrative Procedures Act.

B. The Board shall issue certificates as certified public accountants to those applicants who have met the qualifications required by the provisions of the Oklahoma Accountancy Act and the applicable rules of the Board, and have passed an examination in accounting, auditing and related subjects as the Board determines appropriate with such grades that satisfy the Board that each applicant is competent to practice as a certified public accountant.

C. The Board may make use of all or any part of the Uniform Certified Public Accountant Examination and any organization that assists in providing the examination.

D. An applicant for initial issuance of a certificate pursuant to this section shall show that the applicant has at least one hundred fifty (150) semester hours, or the equivalent thereof, of college education including a baccalaureate or higher degree, or the equivalent thereof, conferred by a college or university acceptable to the Board from an accredited four-year college or university in this state or any other accredited four-year college or university

recognized by the Board. Of the one hundred fifty (150) semester hours, not less than thirty (30) semester hours, or the equivalent thereof, shall be in accounting courses above principles of accounting or introductory accounting. These education requirements shall have been completed prior to submitting an application to the Board and within the time frame outlined in this section. A qualified applicant may take the certified public accountant examination as allowed in Section 15.8 of this title but shall not be issued a certificate until the education requirements pursuant to this section and Section 15.8 of this title have been met.

E. An applicant for initial issuance of a certificate under this section shall show that the applicant has had one (1) year of experience. Experience shall be defined by the Board by rule and shall include providing a type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax or consulting skills, and be satisfied through work experience in government, industry, academia or public practice, all of which shall be verified by a certificate or license holder or an individual approved by the Board. Upon completion of the requirements of Section 15.8 of this title, a qualified applicant for the examination may take the certified public accountant or public accountant examination prior to earning the experience required in this subsection, but shall not be issued a certificate until the experience requirement has been met.

F. Every applicant for the certificate of certified public accountant shall provide evidence of successful completion of an ethics examination prescribed by the Board.

G. Every applicant for the certificate of certified public accountant shall submit to a national criminal history record check. The costs associated with the national criminal history record check shall be paid by the applicant.

H. An individual applying for a certificate as a certified public accountant must make application for the certificate within five (5) years of the date the Board notifies the candidate that the candidate has successfully passed all sections of the C.P.A. Examination. If the candidate fails to make application for the certificate within five (5) years, the candidate must provide documentation showing he or she has completed at least one hundred twenty (120) hours of qualifying continuing public accountancy education completed within the three-year period immediately preceding the date the individual applies for certification. The Board shall establish rules whereby time limits set for application pursuant to this provision may, upon written application to the Board, be waived or reduced if the candidate is called to active military service or becomes incapacitated as a result of illness or injury or for such other good causes as determined by the Board on a case-by-case basis.

Added by Laws 1965, c. 188, § 9, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 6, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 10, eff. Sept. 1, 1992; Laws 2002, c. 312, § 6, eff. July 1, 2003; Laws 2004, c. 125, § 9, eff. Nov. 1, 2004; Laws 2009, c. 45, § 5, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 4, eff. July 1, 2010; Laws 2022, c. 26, § 4, eff. Nov. 1, 2022; Laws 2023, c. 25, § 2, eff. Nov. 1, 2023.

§59-15.10. Examinations.

A. The Board shall provide an examination for candidates to obtain a certificate as a certified public accountant at least once each year. Additional examinations may be held at such times and places as the Board may deem advisable.

B. Each candidate allowed to sit at the examination shall file a written application on a form prescribed by the Board.

C. In addition to the requirement of confidentiality of examination results, the Board shall take such action as necessary to assure the confidentiality of the examination prior to their being administered to candidates.

Laws 1965, c. 188, § 10; Laws 1968, c. 271, § 7, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 11, eff. Sept. 1, 1992; Laws 2004, c. 125, § 10, eff. Nov. 1, 2004; Laws 2022, c. 26, § 5, eff. Nov. 1, 2022.

§59-15.10A. Fees – Application and test.

Each candidate shall pay fees, to be determined by the Oklahoma Accountancy Board, not to exceed One Thousand Dollars ($1,000.00) for each examination.

An application fee, payable to the Board, shall be paid by the candidate at the time the application for the examination is filed. The application fee shall be nonrefundable. Also, each candidate shall pay test fees to the organizations designated by the Board to provide a computer-based examination. In no event shall the total fees paid by a candidate for each examination exceed One Thousand Dollars ($1,000.00).

Added by Laws 1965, c. 188, § 18, emerg. eff. June 8, 1965. Amended by Laws 1982, c. 160, § 1, eff. July 1, 1982; Laws 1992, c. 272, § 12, eff. Sept. 1, 1992. Renumbered from § 15.18 of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992. Amended by Laws 2004, c. 125, § 11, eff. Nov. 1, 2004; Laws 2009, c. 45, § 6, emerg. eff. April 14, 2009; Laws 2019, c. 327, § 3, eff. July 1, 2019.

§59-15.11. Use of titles or abbreviations.

A. No individual, other than as described in subparagraph d of paragraph 34 of Section 15.1A of this title, shall assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words,

letters, abbreviation, sign, card, or device tending to indicate or represent that such individual is a certified public accountant, unless such individual has received a certificate as a certified public accountant and holds a valid permit issued pursuant to the provisions of the Oklahoma Accountancy Act or is granted practice privileges under Section 15.15C of this title, which also meets the requirements of paragraph 3 of subsection A of Section 15.15 of this title. All offices in this state for the practice of public accounting by such individual shall be maintained and registered as required by the Oklahoma Accountancy Act.

B. No entity shall assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate or represent that such entity is composed of certified public accountants unless such entity is registered as a firm of certified public accountants and holds a valid permit issued pursuant to the provisions of the Oklahoma Accountancy Act or is exempt from the registration and permit requirements under Section 15.15C of this title. All offices in this state for the practice of public accounting by such entity shall be maintained and registered as required by the Oklahoma Accountancy Act.

C. No individual, other than as described in subparagraph d of paragraph 34 of Section 15.1A of this title, shall assume or use the title or designation "public accountant" or the abbreviation "P.A." or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate or represent that such individual is a public accountant, unless such individual is licensed as a public accountant, or is a certified public accountant and holds a valid permit issued pursuant to the provisions of the Oklahoma Accountancy Act. All offices in this state for the practice of public accounting by such individual shall be maintained and registered as required by the Oklahoma Accountancy Act.

D. No entity shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate or represent that such entity is composed of public accountants, unless such entity is registered as a firm of public accountants and holds a valid permit issued pursuant to the provisions of the Oklahoma Accountancy Act. All offices in this state for the practice of public accounting by such entity shall be maintained and registered as required by the Oklahoma Accountancy Act.

E. No individual or entity shall assume or use the title or designation "certified accountant", "chartered accountant", "enrolled accountant", "licensed accountant", "registered accountant" or any other title or designation which could be confused with "certified public accountant" or "public accountant",

or any of the abbreviations "CA", "EA", except as it relates to the term "enrolled agent" as defined by the Internal Revenue Service, "RA", or "LA", or similar abbreviations which could be confused with "CPA" or "PA"; provided, however, that anyone who holds a valid permit and whose offices in this state for the practice of public accounting are maintained and registered as required by the Oklahoma Accountancy Act or is granted practice privileges under Section 15.12A of this title may hold oneself out to the public as an "accountant" or "auditor".

F. No individual or entity not holding a valid permit, not granted practice privileges under Section 15.12A of this title, or not exempt from the permit requirement under Section 15.15C of this title, which also meets the requirements of paragraph 3 of subsection A of Section 15.15 of this title, shall hold oneself or itself out to the public as an "accountant" or "auditor" by use of either or both of such words on any sign, card, letterhead, or in any advertisement or directory, without specifically indicating that such individual or entity does not hold such a permit. The provisions of this subsection shall not be construed to prohibit any officer, employee, partner or principal of any entity from describing oneself by the position, title or office one holds in such organization; nor shall this subsection prohibit any act of public official or public employee in the performance of the duties as such.

G. Any individual or entity who is registered with the Board but does not hold a valid permit issued pursuant to the Oklahoma Accountancy Act may not issue a report on financial statements of any other person, firm, organization recognized by this state, or governmental unit. This prohibition does not apply to an officer, partner, or employee of any firm or organization affixing a signature to any statement or report in reference to the financial affairs of such firm or organization with any wording designating the position, title, or office that is held therein; nor prohibit any act of a public official or employee in the performance of the duties as such.

Added by Laws 1965, c. 188, § 11, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 8, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 13, eff. Sept. 1, 1992; Laws 2004, c. 125, § 12, eff. Nov. 1, 2004; Laws 2009, c. 45, § 7, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 5, eff. July 1, 2010; Laws 2023, c. 26, § 2, eff. Nov. 1, 2023.

§59-15.12. Employees and assistants without certification or permit.

An individual who is not a certified public accountant or public accountant in any jurisdiction may serve as an employee of a firm composed of certified public accountants or public accountants

holding a valid permit. Such employee or assistant shall not issue any accounting or financial statements over the employee's or assistant's name.
Added by Laws 1965, c. 188, § 12, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 9, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 14, eff. Sept. 1, 1992; Laws 2002, c. 312, § 7, eff. Nov. 1, 2002; Laws 2004, c. 125, § 13, eff. Nov. 1, 2004; Laws 2009, c. 45, § 8, emerg. eff. April 14, 2009.

§59-15.12A. Holders of certificate or license from another state - Consent to jurisdiction – Compliance with Board rules - State licensees practicing in another state.

A. 1. An individual whose principal place of business is not in this state and who holds a valid certificate or license as a certified public accountant or public accountant from any jurisdiction which the Oklahoma Accountancy Board's designee has verified to be in substantial equivalence to the certified public accountant and public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges of certificate and license holders of this state without the need to obtain a certificate, license or permit required under Sections 15.9, 15.13, 15.14A, 15.15 and 15.15A of this title. An individual who offers or renders professional services, whether in person or by mail, telephone or electronic means, under this section shall be granted practice privileges in this state and no notice, fee or submission shall be provided by any such individual. Such an individual shall be subject to the requirements in paragraph 3 of this subsection.

2. An individual whose principal place of business is not in this state who holds a valid certificate or license as a certified public accountant or public accountant from any jurisdiction which the Oklahoma Accountancy Board's designee has not verified to be in substantial equivalence to the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges of certificate and license holders of this state without the need to obtain a certificate, license or permit required under Sections 15.9, 15.13, 15.14A, 15.15 and 15.15A of this title. Any individual who passed the Uniform CPA Examination and holds a valid certificate or license issued by any other state prior to January 1, 2012, may be exempt from the education requirement of the Uniform Accountancy Act for purposes of this paragraph. An individual who offers or renders professional services, whether in person, or by mail, telephone or electronic means, under this section, shall be granted practice privileges in this state and no notice, fee or submission

shall be provided by any such individual. Such an individual shall be subject to the requirements in paragraph 3 of this subsection.

3. An individual certificate holder or license holder of another jurisdiction exercising the privilege afforded under this section, and any firm which employs that certificate holder or license holder hereby simultaneously consent, as a condition of the granting of this privilege:

a. to the personal and subject matter jurisdiction and disciplinary authority of the Board,

b. to comply with the Oklahoma Accountancy Act and the Board's rules,

c. that in the event the certificate holder or license holder from the jurisdiction of the individual's principal place of business is no longer valid, the individual will cease offering or rendering professional services in this state individually or on behalf of a firm, and

d. to the appointment of the state board which issued the certificate or license as the agent upon whom process may be served in any action or proceeding by the Board against the certificate or license holder.

4. A certified public accounting or public accounting firm that is not subject to the requirements of paragraph 1 or 2 of subsection A of Section 15.15 of this title may perform services described in subsection 12 of Section 15.1A of this title and other nonattest professional services while using the title "CPA" or "CPA firm" in this state without a firm license, permit, or notice to the Board if the firm's practice in this state is performed by an individual who is licensed in Oklahoma or who has been granted practice privileges under paragraph 1 or 2 of this subsection, and the firm can lawfully do so where the individuals with practice privileges have their principal place of business.

5. An individual who has been granted practice privileges under this section whose attest services described in paragraph 5 of Section 15.1A of this title may only do so through a firm which meets the requirements of paragraph 3 of subsection A of Section 15.15 of this title for exemption from the registration requirements or which has obtained a registration under Section 15.15 of this title and a permit issued under Section 15.15A of this title.

B. A registrant of this state offering or rendering services or using the registrant's CPA or PA title in another jurisdiction shall be subject to disciplinary action in this state for an act committed in another jurisdiction which would subject the certificate or license holder to discipline in that jurisdiction. The Board shall be required to investigate any complaint made by the board of accountancy of another jurisdiction.

Added by Laws 2002, c. 312, § 8, eff. Nov. 1, 2002. Amended by Laws 2004, c. 125, § 14, eff. Nov. 1, 2004; Laws 2009, c. 45, § 9, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 6, eff. July 1, 2010; Laws 2011, c. 150, § 1; Laws 2023, c. 26, § 3, eff. Nov. 1, 2023.

§59-15.13. Issuance of certificate to applicant authorized to practice in another jurisdiction - Reciprocity.

A. The Oklahoma Accountancy Board may issue a certificate to an applicant who has been authorized to practice public accounting as a certified public accountant pursuant to the laws of any jurisdiction if the applicant passed a test administered for the purpose of authorizing an individual to practice as a certified public accountant with grades which were equivalent to passing a test for the same purpose in this state as of the date the applicant originally passed the examination, and the applicant:

1. Meets the requirements for issuance of a certificate in this state on the date of making application;

2. Met, on the date the certificate was issued by the other jurisdiction, the requirements in effect on that date for issuance of a certificate in this state; or

3. Met, on the date of becoming a candidate in another jurisdiction, the requirements of becoming a candidate in this state, except for residency.

B. In the event an applicant does not meet the requirements of subsection A of this section, but has passed a test administered for the purpose of authorizing an individual to practice as a certified public accountant with grades which were equivalent to passing a test for the same purpose in this state on the date the applicant passed the examination, the Board may issue a certificate to an applicant if such applicant has four (4) years of experience practicing public accounting as a certified public accountant pursuant to the laws of any jurisdiction. Such experience must have occurred within the ten (10) years immediately preceding the application. Experience acceptable to satisfy the requirements of this subsection shall be determined by standards established by the Board.

C. An applicant who is seeking a permit to practice under this section must also provide satisfactory documentation to the Board that such applicant has met the continuing professional education requirements, as provided in Section 15.35 of this title, in effect on the date of the application.

D. The Board may issue a certificate by reciprocity to the extent required by treaties entered into by the government of the United States.

E. A fee in the amount equal to the registration fee and permit fee, if applicable, plus an administrative fee, the total of which shall not exceed Three Hundred Dollars ($300.00), shall be paid by

an applicant seeking a certificate pursuant to the provisions of this section. The total amount shall be established by Board rule.

F. On or after July 1, 2005, an applicant for the certificate of certified public accountant under this section shall provide evidence of successful completion of an ethics examination prescribed by the Board.

G. As an alternative to the requirements of subsection A, B or C of this section, a certificate holder licensed by another jurisdiction who establishes the certificate holder's principal place of business in this state shall request the issuance of a certificate from the Board prior to establishing such principal place of business. The Board shall issue a certificate to such person who obtains from the NASBA National Qualification Appraisal Service verification that such individual's CPA qualifications are substantially equivalent to the CPA licensure requirements of the AICPA/NASBA Uniform Accountancy Act.

H. An applicant for the certificate of certified public accountant under this section shall submit to a national criminal history record check. The costs associated with the national criminal history record check shall be paid by the applicant. Added by Laws 1965, c. 188, § 13, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 10, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 15, eff. Sept. 1, 1992; Laws 2002, c. 312, § 9, eff. Nov. 1, 2002; Laws 2004, c. 125, § 15, eff. Nov. 1, 2004; Laws 2009, c. 45, § 10, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 7, eff. July 1, 2010; Laws 2022, c. 26, § 6, eff. Nov. 1, 2022.

§59-15.13A. Issuance of certificate to applicant authorized to practice in foreign country - Reciprocity.

A. The Board shall issue a certificate to a holder of a substantially equivalent designation issued by a foreign country, provided that:

1. The foreign authority which granted the designation makes similar provision to allow a registrant who holds a valid certificate issued by this state to obtain such foreign authority's comparable designation;

2. The designation:

   a. was duly issued by an authority of a foreign country which regulates the practice of public accounting and has not expired or been revoked or suspended,

   b. entitles the holder to issue reports upon financial statements, and

   c. was issued upon the basis of substantially equivalent educational, examination and experience requirements established by the foreign authority or by law; and

3. The applicant:

a. received the designation based on educational and examination standards substantially equivalent to those in effect in this state at the time the foreign designation was granted,
b. completed an experience requirement substantially equivalent to the requirement set out under the Oklahoma Accountancy Act in the foreign country which granted the foreign designation or has completed four (4) years of professional experience in this state, or satisfies equivalent requirements prescribed by the Board by rule within the ten (10) years immediately preceding the application,
c. passed a uniform qualifying examination in national standards acceptable to the Board, and
d. is of good character.

An applicant for the certificate of certified public accountant under this section shall submit to a national criminal history record check. The costs associated with the national criminal history record check shall be paid by the applicant.

B. An applicant under subsection A of this section shall in the application list all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accounting, and each holder of a certificate issued under this subsection shall notify the Board in writing, within thirty (30) days after its occurrence, of any issuance, denial, revocation or suspension of a designation or commencement of disciplinary or enforcement action by any jurisdiction.

Added by Laws 2004, c. 125, § 16, eff. Nov. 1, 2004. Amended by Laws 2009, c. 45, § 11, emerg. eff. April 14, 2009; Laws 2022, c. 26, § 7, eff. Nov. 1, 2022.

§59-15.14. Registration - Expiration and renewal - Fee.

A. In addition to obtaining a certificate or license, certified public accountants and public accountants, unless granted practice privileges under Section 15.12A of this title, shall register with the Oklahoma Accountancy Board and pay a registration fee.

B. After the initial registration, renewal of registrations shall be accomplished by registrants in good standing upon filing of the registration and upon payment of the registration fee. Interim registration shall be at full rates.

C. All valid certificates or licenses shall be renewed by the last day of the individuals' birth months. Renewal will be effective for a twelve-month period. The Board shall implement rules for the scheduling of expiration and renewal of certificates and licenses, including the prorating of fees.

D. Not less than thirty (30) calendar days before the expiration of a valid certificate or license, written notice of the

expiration date shall be mailed to the individual holding the valid certificate or license at the last-known address of such individual according to the official records of the Board.

E. A certificate or license shall be renewed by payment of a registration renewal fee set by the Board which shall not exceed Two Hundred Dollars ($200.00) for each two-year period.

1. Upon failure of an individual to pay registration fees on or before the expiration date, the Board shall notify the individual in writing by certified mail to the last known address of the individual, as reflected in the records of the Board, of the individual's failure to comply with the Oklahoma Accountancy Act.

2. A certificate or license granted under authority of the Oklahoma Accountancy Act shall automatically be revoked if the individual fails to pay registration fees within thirty (30) days after the expiration date.

3. Any individual whose certificate or license is canceled, revoked for cause or automatically revoked by this provision may be reinstated by the Board upon payment of:

a. a fee set by the Board which shall not exceed Three Hundred Dollars ($300.00) for a renewal within one (1) year of the due date,

b. a fee set by the Board which shall not exceed Five Thousand Dollars ($5,000.00) after one (1) year of the expiration date, or

c. a fee set pursuant to subparagraph a of this paragraph, if the applicant applies for reinstatement and is registered in another jurisdiction at the time of application.

However, an individual whose certificate or license has been revoked for cause for five (5) years or more may not renew the certificate or license. The individual may obtain a new certificate or license by complying with the requirements and procedures, including the examination requirements, for obtaining an original certificate or license. This provision shall not apply to an individual who is licensed to practice in another jurisdiction for the five (5) years immediately preceding their application for reinstatement.

F. The Board shall establish rules whereby the registration fee for certified public accountants and public accountants may, upon written application to the Board, be reduced or waived by the Board for registrants who have retired upon reaching retirement age, or who have attained the age of sixty-five (65) years, or who have become disabled to a degree precluding the continuance of their practice for six (6) months or more prior to the due date of any renewal fee. The Board shall use its discretion in determining conditions required for retirement or disability.

G. All notifications of criminal arrests or charges, disciplinary actions by any other jurisdiction or foreign country, revocation or suspension by enforcement action of any professional credential and all changes of employment or mailing address shall be reported to the Board within thirty (30) calendar days of such changes becoming effective.

H. At the direction of the Board, a register of registrants may be published in any media format the Board considers appropriate for public distribution.

Added by Laws 1965, c. 188, § 14, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 11, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 16, eff. Sept. 1, 1992; Laws 2002, c. 312, § 10, eff. Nov. 1, 2002; Laws 2004, c. 125, § 17, eff. Nov. 1, 2004; Laws 2009, c. 45, § 12, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 8, eff. July 1, 2010; Laws 2019, c. 327, § 4, eff. July 1, 2019; Laws 2020, c. 73, § 1, eff. Nov. 1, 2020.

§59-15.14A. Permits.

A. Before any individual may practice public accounting or hold himself or herself out as being engaged in the practice of public accounting as a certified public accountant or public accountant in this state, such person shall obtain a permit from the Oklahoma Accountancy Board, unless such person is granted practice privileges under Section 15.12A of this title. Any individual, corporation or partnership or any other entity who provides any of the services defined hereinabove as the "practice of public accounting" without holding a license and permit, or without holding a certificate and permit, shall be assessed a fine not to exceed Ten Thousand Dollars ($10,000.00) for each separate offense, unless such person is granted practice privileges under Section 15.12A of this title, or such entity is exempt from the permit and registration requirements of Section 15.15C of this title or exempt from the registration requirements of paragraph 3 of subsection A of Section 15.15 of this title.

B. The Board shall promulgate rules establishing the qualifications for obtaining a permit to practice public accounting in this state. Such rules shall include but not be limited to provisions that:

1. Any individual seeking a permit must have a valid certificate or license;

2. Any individual or entity seeking a permit must be registered pursuant to the provisions of the Oklahoma Accountancy Act;

3. Any individual seeking a permit must meet continuing professional education requirements as set forth by the Oklahoma Accountancy Act and rules promulgated by the Board; and

4. There shall be no examination for obtaining a permit.

C. All such individuals shall, upon application and compliance with the rules establishing qualifications for obtaining a permit and payment of the fees, be granted an annual permit to practice public accounting in this state. All permits issued shall be renewed on the last day of the individual's birth month in conjunction with the registrant's certificate or license renewal. The Board may issue interim permits upon payment of the same fees required for annual permits.

D. Failure to apply for and obtain a permit shall disqualify an individual from practicing public accounting in this state until such time as a valid permit has been obtained.

E. The Board shall charge a fee for each individual permit not to exceed Two Hundred Dollars ($200.00).

Added by Laws 1968, c. 271, § 17, emerg. eff. April 30, 1968. Amended by Laws 1982, c. 160, § 3, eff. July 1, 1982; Laws 1992, c. 272, § 17, eff. Sept. 1, 1992. Renumbered from § 15.22 of this title by Laws 1992, c. 272, § 34, eff. Sept 1, 1992. Amended by Laws 2009, c. 45, § 13, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 9, eff. July 1, 2010; Laws 2019, c. 327, § 5, eff. July 1, 2019; Laws 2023, c. 26, § 4, eff. Nov. 1, 2023.

§59-15.14B. Acts subject to penalty.

After notice and hearing, the Oklahoma Accountancy Board may impose any one or more of the penalties authorized in Section 15.24 of this title on a certified public accountant or a public accountant for any one or more of the following causes:

1. Fraud or deceit in obtaining a certificate, license, practice privilege or permit;

2. Dishonesty, fraud, or gross negligence in accountancy or financially related activities;

3. Conviction, plea of guilty, or plea of nolo contendere of a felony in a court of competent jurisdiction of any state or federal court of the United States if the acts involved would have constituted a felony under the laws of this state;

4. Conviction, plea of guilty, or plea of nolo contendere of any misdemeanor, an element of which is dishonesty or fraud, pursuant to the laws of the United States or any jurisdiction if the acts involved would have constituted a misdemeanor under the laws of this state;

5. Failure to comply with professional standards in the Board's professional code of conduct to the attest and/or compilation competency requirement for those who supervise attest and/or compilation engagements and sign the report on financial statements or other compilation communications with respect to financial statements; and

6. Violation of any of the provisions of the Oklahoma Accountancy Act and rules promulgated for its implementation by the Board.

Added by Laws 1965, c. 188, § 20, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 15, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 18, eff. Sept. 1, 1992. Renumbered from § 15.20 of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992. Amended by Laws 2004, c. 125, § 18, eff. Nov. 1, 2004; Laws 2009, c. 45, § 14, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 10, eff. July 1, 2010.

§59-15.15. Registration - Annual fee - Expiration date - Renewal - Interim registration - Revocation and reinstatement.

A. The Oklahoma Accountancy Board, upon application, shall grant or register any firm, including sole proprietorships, seeking to provide public accounting services to the public in this state if such firm demonstrates its qualifications therefore in accordance with this section. All firms, except sole proprietorships with an office in this state, shall pay an annual registration fee not to exceed One Hundred Dollars ($100.00). The following must register with the Board under this section:

1. Any firm with an office in this state engaged in the practice of public accounting or the practice of attest services as defined in paragraph 5 of Section 15.1A of this title;

2. Any firm with an office in this state that uses the title "CPA", "PA", "CPA firm" or "PA firm"; or

3. Any firm that does not have an office in this state but offers or renders attest services as described in paragraph 5 of Section 15.1A of this title, unless the firm meets each of the following requirements:

   a. complies with the qualifications described in paragraphs 1 and 3 of subsection F of Section 15.15A of this title,
   b. complies with the qualifications described in Section 15.30 of this title,
   c. performs such services through an individual with practice privileges under Section 15.12A of this title, and
   d. can lawfully do so in the state where the individuals with practice privileges have their practice of business.

B. All such registrations shall expire on June 30 of each year and may be renewed annually for a period of one (1) year by registrants in good standing upon filing the registration and upon payment of the annual fee not later than June 30 of each year.

C. Interim registrations shall be at full rates.

D. Upon failure of a firm to pay registration fees on or before the last day of June, the Board shall notify the firm in writing by certified mail to the last known address of the firm, as reflected in the records of the Board, of the firm's failure to comply with the Oklahoma Accountancy Act.

E. A registration granted under authority of this section shall automatically be revoked if the firm fails to renew its registration on or before June 30.

F. A firm whose registration is automatically revoked pursuant to this section may be reinstated by the Board upon payment of a fee to be set by the Board which shall not exceed Two Hundred Dollars ($200.00).

G. An individual who has practice privileges under Section 15.12A of this title who performs services for which firm registration is required under this section shall not be required to meet the certificate, license, registration or permit requirements of Section 15.9, 15.13, 15.13A, 15.14 or 15.14A of this title. Added by Laws 1965, c. 188, § 15, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 12, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 19, eff. Sept. 1, 1992; Laws 2002, c. 312, § 11, eff. Nov. 1, 2002; Laws 2004, c. 125, § 19, eff. Nov. 1, 2004; Laws 2009, c. 45, § 15, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 11, eff. July 1, 2010; Laws 2023, c. 26, § 5, eff. Nov. 1, 2023.

§59-15.15A. Firm permits.

A. The Oklahoma Accountancy Board, upon application, shall issue a permit to practice public accounting to each firm seeking to provide professional services to the public in this state except that a firm not required to register with the Board under paragraph 4 of subsection A of Section 15.12A of this title and a firm exempt from the registration requirements under paragraph 3 of subsection A of Section 15.15 of this title shall also not be required to obtain a permit under this section. Renewals of firm permits shall be applied for during the month of May of each year.

B. Applicants for initial firm permits shall provide the Board with the following information:

1. A list of all states in which the firm has applied for or been issued a permit or its equivalent within the five (5) years immediately preceding the date of application;

2. Relevant details as to a denial, revocation, or suspension of a permit or its equivalent of the firm, or any partner or shareholder of the firm in any other state or jurisdiction;

3. Documentary proof that the firm has complied with the requirements of the Office of the Secretary of State applicable to such entities; and

4. Such other information as the Board deems appropriate for demonstrating that the qualifications of the firm are sufficient for the practice of public accounting in this state.

C. The following changes in a firm affecting the offices in this state shall be reported to the Board within thirty (30) calendar days from the date of occurrence:

1. Changes in the partners or shareholders of the firm;

2. Changes in the structure of the firm;

3. Change of the designated manager of the firm;

4. Changes in the number or location of offices of the firm; and

5. Denial, revocation, or suspension of certificates, licenses, permits, or their equivalent to the firm or its partners, shareholders, or employees other than in this state.

D. The Board shall be notified in the event the firm is dissolved. Such notification shall be made within thirty (30) calendar days of the dissolution. The Board shall adopt rules for notice and rules appointing the responsible party to receive such notice for the various types of firms authorized to receive permits. Such notice of dissolution shall contain but not be limited to the following information:

1. A list of all partners and shareholders at the time of dissolution;

2. The location of each office of the firm at the time of dissolution; and

3. The date the dissolution became effective.

E. The Board shall set a fee not more than Two Hundred Dollars ($200.00) for each initial or renewal firm permit except for sole proprietorships.

F. Each firm seeking a permit to practice accounting as a CPA firm shall be issued a permit by the Board upon application and payment of appropriate fees. A firm applying for a permit shall provide documentary proof to the Board that:

1. Except as authorized in Section 15.15B of this title, a simple majority of the ownership of the firm, in terms of financial interests and voting rights, belongs to partners or shareholders engaged in the practice of public accounting in the United States and holding a certificate as a certified public accountant in one or more jurisdictions. Although firms may include non-certificate holder owners, the firm and its ownership must comply with rules promulgated by the Board; and

2. Each designated manager of an office in this state is a holder of a valid Oklahoma certificate and permit to practice as a certified public accountant; and

3. All nonlicensed owners are active individual participants in the public accounting firm or affiliated entities, except as authorized in Section 15.15B of this title.

G. Each firm seeking a permit to practice accounting as a PA firm shall be issued a permit by the Board upon application and payment of appropriate fees. A firm applying for a permit shall provide documentary proof to the Board that:

1. Except as authorized in Section 15.15B of this title, a simple majority of the ownership of the firm, in terms of financial interests and voting rights, belongs to partners or shareholders engaged in the practice of public accounting in the United States and holding a license as a public accountant in one or more jurisdictions. Although firms may include nonlicense holder owners, the firm and its ownership must comply with rules promulgated by the Board; and

2. Each designated manager of an office in this state has received an Oklahoma license and permit to practice as a public accountant or certificate and permit to practice as a certified public accountant; and

3. All nonlicensed owners are active individual participants in the public accounting firm or affiliated entities, except as authorized in Section 15.15B of this title.

H. Any individual licensee who is responsible for supervising attest or compilation services and signs or authorizes someone to sign the accountant’s report on the financial statement on behalf of the firm shall meet the competency requirements set out in the professional standards for such services.

I. Any individual licensee who signs or authorizes someone to sign the accountant’s report on the financial statements on behalf of the firm shall meet the competency requirements of the prior subsection.

Added by Laws 1992, c. 272, § 20, eff. Sept. 1, 1992. Amended by Laws 2002, c. 312, § 12, eff. Nov. 1, 2002; Laws 2004, c. 125, § 20, eff. Nov. 1, 2004; Laws 2009, c. 45, § 16, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 12, eff. July 1, 2010; Laws 2011, c. 150, § 2; Laws 2015, c. 218, § 1, eff. Nov. 1, 2015; Laws 2023, c. 26, § 6, eff. Nov. 1, 2023.

§59-15.15B. Designated manager - Succession of business.

A. Except as authorized in subsection B of this section, each office established or maintained in this state for the practice of public accounting shall be under the direct supervision of a designated manager.

1. The designated manager must be the holder of a certificate in order for the title "Certified Public Accountant" or the abbreviation "C.P.A." to be used in connection with such office; or

2. The designated manager must be the holder of a certificate or a license in order for the title "Public Accountant" or the abbreviation "P.A." to be used in connection with such office.

B. 1. For the purposes of a sale or transfer of an existing office established or maintained in this state for the practice of public accounting, the office is authorized to continue its accounting practice during the pendency of its sale or transfer to a qualified person or entity. For purposes of this subsection, the term "sale or transfer" means and includes, but is not limited to:

a. the succession of an office established or maintained in this state for the practice of public accounting by the sale or transfer to another person or entity authorized by law to practice public accounting in this state, or

b. the succession of an office established or maintained in this state for the practice of public accounting by transfer to a grantor trust upon the death of the holder of a permit to practice public accounting as an interim interest holder before being transferred to qualified individual owners as set out in paragraph F or G of Section 15.15A of this title and only upon the actual review of all client documents by a qualified certified public accountant or public accountant in this state.

2. Upon the death of a sole proprietor, single owner of a firm or a majority stockholder of a firm, notice shall be given to the executive director of the Oklahoma Accountancy Board by letter within fourteen (14) days of the death expressing any intention to sell, transfer or assume responsibility of the office, and declaring the name of the qualified person or entity who has agreed to continue the business or review the client documents during pendency of the sale or transfer.

3. Upon completion of a sale or transfer authorized by this subsection, notice shall be given to the executive director of the Oklahoma Accountancy Board by affidavit within fourteen (14) days of conclusion of the sale or transfer stating the date of completion of the sale or transfer, the name of the designated manager who reviewed client documents or continued the business through completion of the sale or transfer, and the name of the purchaser or transferee that has assumed responsibility for the office, if different from the designated manager.

4. If a sale or transfer cannot be completed within sixty (60) days, the executive director of the Oklahoma Accountancy Board shall be notified monthly until the sale or transfer has been completed.

5. Nothing in this subsection shall prohibit the executive director of the Oklahoma Accountancy Board from seeking an action for injunctive relief or disciplinary action if there is reasonable cause to believe a person is violating the law or administrative rules of the Board.

C. The Board shall promulgate such rules as are necessary to implement the provisions of this section.
Added by Laws 1965, c. 188, § 17, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 13, emerg. eff. April 30, 1968; Laws 1992, c. 272, § 21, eff. Sept. 1, 1992. Renumbered from § 15.17 by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992. Amended by Laws 2015, c. 218, § 2, eff. Nov. 1, 2015.

§59-15.15C. Services provided by unregistered firm.

It shall not be a violation of the Oklahoma Accountancy Act for a firm which is not registered under Section 15.15 of this title and does not hold a valid permit under Section 15.15A of this title and which does not have an office in this state to provide its professional services in this state so long as it complies with the requirements of paragraph 4 of subsection A of Section 15.12A of this title or meets the requirements of paragraph 3 of subsection A of Section 15.15 this title, whichever is applicable.
Added by Laws 2009, c. 45, § 17, emerg. eff. April 14, 2009. Amended by Laws 2023, c. 26, § 7, eff. Nov. 1, 2023.

§59-15.16. Revocation or suspension of registration and permits of firm.

A. After notice and hearing the Board shall revoke the registration and all permits of a firm if at any time it does not have all of the qualifications required for registration pursuant to the provisions of the Oklahoma Accountancy Act.

B. After notice and hearing, the Board may impose any one or more of the penalties authorized in Section 15.24 of this title on a firm for any one or more of the following causes:

1. The revocation or suspension of the certificate or license of any partner or shareholder issued in accordance with the Oklahoma Accountancy Act;

2. Failure to maintain compliance with the requirements for issuance or renewal of the permit of the firm;

3. Failure to sign accountants' opinions in the firm name, except in instances in which a governmental agency shall require the signature to be that of an individual;

4. Fraud or deceit by any partner or shareholder in obtaining the firm permit;

5. Except sole proprietorships, failure to file income tax returns in the name of the firm; and

6. Dishonesty, fraud, or gross negligence in the practice of public accounting by any partner, shareholder, or employee of the firm in the name of the firm.
Laws 1965, c. 188, § 16, emerg. eff. June 8, 1965; Laws 1992, c. 272, § 22, eff. Sept. 1, 1992; Laws 2004, c. 125, § 21, eff. Nov. 1, 2004.

§59-15.17. Renumbered as § 15.15B of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992.

§59-15.18. Renumbered as § 15.10A of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992.

§59-15.19. Repealed by Laws 1992, c. 272, § 33, eff. Sept. 1. 1992.

§59-15.1Av2. Definitions.

As used in the Oklahoma Accountancy Act:

1. "Accountancy" means the profession or practice of accounting;

2. "AICPA" means the American Institute of Certified Public Accountants;

3. "Applicant" means an individual or entity that has made application to the Board for a certificate or permit and the application has not been approved;

4. "Assurance" means independent professional services that improve the quality of information, or its context, for decision makers;

5. "Attest" means providing the following services:

   a. any audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS),

   b. any review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS),

   c. any engagement performed in accordance with the Statements on Standards for Attestation Engagements (SSAE), and

   d. any engagement to be performed in accordance with the Auditing Standards of the Public Company Accounting Oversight Board (PCAOB).

The statements on standards specified in this definition shall be adopted by reference by the Board pursuant to rulemaking and shall be those developed for general application by recognized national accountancy organizations, such as the AICPA, IFAC and the PCAOB;

6. "Audit" can only be performed by an individual or entity who is registered with the Board and holding a valid permit issued pursuant to the Oklahoma Accountancy Act, or an entity that is exempt from registration under paragraph 3 of subsection A of Section 15.15 of this title or an individual granted practice privileges under Section 15.12A of this title, and means a systematic investigation or appraisal of information, procedures, or operations performed in accordance with generally accepted auditing

standards in the United States, for the purpose of determining conformity with established criteria and communicating the results to interested parties;

7. "Board" means the Oklahoma Accountancy Board;

8. "Candidate" means an individual who has been qualified and approved by the Board to take the examination for a certificate;

9. "Certificate" means the Oklahoma document issued by the Board to a candidate upon successful completion of the certified public accountant examination designating the holder as a certified public accountant pursuant to the laws of Oklahoma. Certificate shall also mean the Oklahoma document issued by reciprocity to an individual who has previously been certified in another jurisdiction;

10. "Certified public accountant" means any person who has received a certificate from the Board or other jurisdictions;

11. "Client" means the individual or entity which retains a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title, which also is exempt from the registration requirement of paragraph 3 of subsection A of Section 15.15 of this title, to perform professional services;

12. "Compilation" when used with reference to financial statements, means presenting information in the form of financial statements which is the representation of management or owners without undertaking to express any assurance on the statements;

13. "CPA" or "C.P.A." means certified public accountant;

14. "Designated manager" means the Oklahoma certified public accountant or public accountant appointed by the firm partners or shareholders to be responsible for the administration of the office;

15. "Designee" means the National Association of State Boards of Accountancy (NASBA) or other entities so designated by the Board;

16. "Entity" means an organization whether for profit or not, recognized by this state to conduct business;

17. "Examination" means the test sections of Auditing and Attestation, Business Environment and Concepts, Financial Accounting and Reporting, and Regulation or their successors, administered, supervised, and graded by, or at the direction of, the Board or other jurisdiction that is required for a certificate as a certified public accountant;

18. "Executive director" means the chief administrative officer of the Board;

19. "Financial statements" means statements and footnotes related thereto that undertake to present an actual or anticipated financial position as of a point in time, or results of operations, cash flow, or changes in financial position for a period of time, in conformity with generally accepted accounting principles or another

comprehensive basis of accounting. The term does not include incidental financial data included in management advisory service reports to support recommendations to a client; nor does it include tax returns and supporting schedules;

20. "Firm" means an entity that is either a sole proprietorship, partnership, professional limited liability company, professional limited liability partnership, limited liability partnership or professional corporation, or any other professional form of organization organized under the laws of this state or the laws of another jurisdiction and issued a permit in accordance with Section 15.15A of this title or exempt from the permit requirement under Section 15.15C of this title, which also is exempt from the registration requirement of paragraph 3 of subsection A of Section 15.15 of this title, including individual partners or shareholders, that is engaged in accountancy;

21. "Holding out" means any representation by an individual that he or she holds a certificate or license and a valid permit, or by an entity that it holds a valid permit. Any such representation is presumed to invite the public to rely upon the professional skills implied by the certificate or license and valid permit in connection with the services or products offered;

22. "Home office" means the location specified by the client as the address to which a service described in Section 15.12A of this title is directed;

23. "IFAC" means the International Federation of Accountants;

24. "Individual" means a human being;

25. "Jurisdiction" means any state or territory of the United States and the District of Columbia;

26. "License" means the Oklahoma document issued by the Board to a candidate upon successful completion of the public accountant examination designating the holder as a public accountant pursuant to the laws of this state. License shall also mean the Oklahoma document issued by the Board by reciprocity to a public accountant who has previously been licensed by examination in another jurisdiction;

27. "Management advisory services", also known as "management consulting services", "management services", "business advisory services" or other similar designation, hereinafter collectively referred to as "MAS", means the function of providing advice and/or technical assistance, performed in accordance with standards for MAS engagements and MAS consultations such as those issued by the American Institute of Certified Public Accountants, where the primary purpose is to help the client improve the use of its capabilities and resources to achieve its objectives including but not limited to:

a. counseling management in analysis, planning, organizing, operating, risk management and controlling functions,
b. conducting special studies, preparing recommendations, proposing plans and programs, and providing advice and technical assistance in their implementation,
c. reviewing and suggesting improvement of policies, procedures, systems, methods, and organization relationships, and
d. introducing new ideas, concepts, and methods to management.

MAS shall not include recommendations and comments prepared as a direct result of observations made while performing an audit, review, or compilation of financial statements or while providing tax services including tax consultations;

28. "NASBA" means the National Association of State Boards of Accountancy;

29. "PA" or "P.A." means public accountant;

30. "Partnership" means a contractual relationship based upon a written, oral, or implied agreement between two or more individuals who combine their resources and activities in a joint enterprise and share in varying degrees and by specific agreement in the management and in the profits or losses. A partnership may be general or limited as the laws of this state define those terms;

31. "PCAOB" means the Public Company Accounting Oversight Board;

32. "Peer Review" means a review performed pursuant to a set of peer review rules established by the Board. The term peer review also encompasses the term "quality review";

33. "Permit" means the written authority granted annually by the Board to individuals or firms to practice public accounting in this state, which is issued pursuant to the Oklahoma Accountancy Act;

34. a. "Practice of public accounting", also known as "practice public accounting", "practice" and "practice accounting", refers to the activities of a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title in reference to accountancy. An individual or firm shall be deemed to be engaged in the practice of public accounting if the individual or firm holds itself out to the public in any manner as one skilled in the knowledge, science, and practice of accounting and auditing, taxation and management advisory services and is qualified to render such

professional services as a certified public accountant or public accountant, and performs the following:

(1) maintains an office for the transaction of business as a certified public accountant or public accountant,

(2) offers to prospective clients to perform or who does perform on behalf of clients professional services that involve or require an audit, verification, investigation, certification, presentation, or review of financial transactions and accounting records or an attestation concerning any other written assertion,

(3) prepares or certifies for clients reports on audits or investigations of books or records of account, balance sheets, and other financial, accounting and related schedules, exhibits, statements, or reports which are to be used for publication or for the purpose of obtaining credit, or for filing with a court of law or with any governmental agency, or for any other purpose,

(4) generally or incidentally to the work described herein, renders professional services to clients in any or all matters relating to accounting procedure and to the recording, presentation, or certification of financial information or data,

(5) keeps books, or prepares trial balances, financial statements, or reports, all as a part of bookkeeping services for clients,

(6) prepares or signs as the tax preparer, tax returns for clients, consults with clients on tax matters, conducts studies for clients on tax matters and prepares reports for clients on tax matters, unless the services are uncompensated and are limited solely to the registrant's, or the registrant's spouse's lineal and collateral heirs,

(7) prepares personal financial or investment plans or provides to clients products or services of others in implementation of personal financial or investment plans, or

(8) provides management advisory services to clients.

b. Except for an individual granted practice privileges under Section 15.12A of this title or a firm exempt from the permit and registration requirements under Section 15.15C of this title, an individual or firm not holding a certificate, license or permit shall not

be deemed to be engaged in the practice of public accounting if the individual or firm does not hold itself out, solicit, or advertise for clients using the certified public accountant or public accountant designation and engages only in the following services:

(1) keeps books, or prepares trial balances, financial statements, or reports, provided such instruments do not use the terms "audit", "audited", "exam", "examined", "review" or "reviewed" or are not exhibited as having been prepared by a certified public accountant or public accountant. Except for an individual granted practice privileges under Section 15.12A of this title or a firm exempt from the permit and registration requirements under Section 15.15C of this title, nonregistrants may use the following disclaimer language in connection with financial statements and be in compliance with the Oklahoma Accountancy Act: "I (we) have not audited, examined or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.",

(2) prepares or signs as the tax preparer, tax returns for clients, consults with clients on tax matters, conducts studies for clients on tax matters and prepares reports for clients on tax matters,

(3) prepares personal financial or investment plans or provides to clients products or services of others in implementation of personal financial or investment plans, or

(4) provides management advisory services to clients.

c. Only permit holders, individuals granted practice privileges under Section 15.12A of this title, or firms exempt from the permit and registration requirements under Section 15.15C of this title, who also meet the requirements of paragraph 3 of subsection A of Section 15.15 of this title, may render or offer to render any attest service, as defined herein, or issue a report on financial statements which purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS). This restriction shall not prohibit any act of a public official or public employee in the performance of that person's duties. This restriction

shall not be construed to prohibit the performance by any unlicensed individual of other services as set out in subparagraph b of this paragraph.

d. A person is not deemed to be practicing public accounting within the meaning of this section solely by displaying an Oklahoma CPA certificate or a PA license in an office, identifying himself or herself as a CPA or PA on letterhead or business cards, or identifying himself or herself as a CPA or PA. However, the designation of CPA or PA on such letterheads, business cards, public signs, advertisements, publications directed to clients or potential clients, financial or tax documents of a client, performance of any attest service or issuance of a report constitutes the practice of public accounting and requires a permit, practice privileges under Section 15.12A of this title, or an exemption from the permit and registration requirements under Section 15.15C of this title;

35. "Preissuance review" means a review preformed pursuant to a set of procedures that include review of engagement document, report, and clients' financial statements in order to permit the reviewer to assess compliance with all applicable professional standards;

36. "Principal place of business" means the office location designated by the licensee for the purposes of substantial equivalency and reciprocity;

37. "Professional corporation" means a corporation organized pursuant to the laws of this state;

38. "Professional" means arising out of or related to the specialized knowledge or skills associated with CPAs or PAs;

39. "Public accountant" means any individual who has received a license from the Board;

40. "Public interest" means the collective well-being of the community of people and institutions the profession serves;

41. "Qualification applicant" means an individual who has made application to the Board to qualify to become a candidate for examination;

42. "Registrant" means a CPA, PA, or firm composed of certified public accountants or public accountants or combination of both currently registered with the Board pursuant to the authority of the Oklahoma Accountancy Act;

43. "Report", when used with reference to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or complied financial statements, and that also includes or is accompanied by any statement or implication that

the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term report includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to and/or special competence on the part of the person or firm issuing such language; and it includes any other form of language that is conventionally understood to imply such assurance and/or such special knowledge or competence. This definition is not intended to include a report prepared by a person not holding a certificate or license or not granted practice privileges under Section 15.12A of this title. However, such report shall not refer to "audit", "audited", "exam", "examined", "review" or "reviewed", nor use the language "in accordance with standards established by the American Institute of Certified Public Accountants" or successor of this entity, or governmental agency approved by the Board, except for the Internal Revenue Service. Except for an individual granted practice privileges under Section 15.12A of this title or a firm exempt from the permit and registration requirements under Section 15.15C of this title, nonregistrants may use the following disclaimer language in connection with financial statements not to be in violation of the Oklahoma Accountancy Act: "I (we) have not audited, examined, or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.";

44. "Representation" means any oral or written communication including but not limited to the use of title or legends on letterheads, business cards, office doors, advertisements, and listings conveying the fact that an individual or entity holds a certificate, license or permit;

45. "Review", when used with reference to financial statements, means a registrant or an individual granted practice privileges under Section 15.12A of this title, which also meets the requirements of paragraph 3 of subsection A of Section 15.15 of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title performing inquiry and analytical procedures that provide the registrant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the statements in order for them to be in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting; and

46. "Substantial equivalency" is a determination by the Oklahoma Accountancy Board or its designee that:

a. the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to, or exceed, the education, examination and experience requirements contained in the AICPA/NASBA Uniform Accountancy Act, or

b. that an individual certified public accountant's or public accountant's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements contained in the Oklahoma Accountancy Act and rules of the Board.

In ascertaining substantial equivalency as used in the Oklahoma Accountancy Act, the Board or its designee shall take into account the qualifications without regard to the sequence in which experience, education, or examination requirements were attained. Added by Laws 1992, c. 272, § 2, eff. Sept. 1, 1992. Amended by Laws 1994, c. 293, § 15, eff. July 1, 1994; Laws 2002, c. 312, § 2, eff. Nov. 1, 2002; Laws 2004, c. 125, § 2, eff. Nov. 1, 2004; Laws 2009, c. 45, § 1, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 1, eff. July 1, 2010; Laws 2015, c. 60, § 1, eff. Nov. 1, 2015; Laws 2019, c. 327, § 1, eff. July 1, 2019; Laws 2022, c. 26, § 1, eff. Nov. 1, 2022; Laws 2023, c. 26, § 1, eff. Nov. 1, 2023.

§59-15.20. Renumbered as § 15.14B of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992.

§59-15.22. Renumbered as § 15.14A of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992.

§59-15.23. Hearings.

A. The Oklahoma Accountancy Board shall conduct investigations and hearings when it believes a registrant, individual practicing under the provisions of the Oklahoma Accountancy Act, other individual or entity has violated any of the provisions of the Oklahoma Accountancy Act or rules promulgated thereunder wherever or whenever appropriate for the exercise of authority granted to the Board either on its own motion or on the complaint of any person or entity. Such proceedings shall be conducted in accordance with the provisions of the Administrative Procedures Act. The Board shall have all powers granted to administrative agencies for the conduct of individual proceedings; and judicial review thereof shall be in accordance with the provisions of such general laws relating to administrative procedure.

B. At all hearings, the Attorney General of this state, or an Assistant Attorney General, shall represent the Board. If the Attorney General is unable or declines to provide the Board with

counsel, the Board is authorized to employ other legal counsel to represent it at a hearing. The counsel who presents the evidence supporting the complaint shall not be the counsel who advises the Board.
Added by Laws 1965, c. 188, § 21, emerg. eff. June 8, 1965. Renumbered from § 15.21 of this title by Laws 1968, c. 271, § 23, emerg. eff. April 30, 1968. Amended by Laws 1992, c. 272, § 23, eff. Sept. 1, 1992; Laws 2002, c. 312, § 13, eff. Nov. 1, 2002; Laws 2009, c. 45, § 18, emerg. eff. April 14, 2009.

§59-15.24. Penalties - Reinstatement or termination of suspension.

A. In the event an individual, certified public accountant, public accountant, firm or entity, after proper notice and hearing, is found to have violated one or more provisions of the Oklahoma Accountancy Act, the Board may impose one or more of the following penalties on the offending individual, firm or entity:

1. Revoke any certificate, license, practice privilege or permit issued pursuant to the provisions of the Oklahoma Accountancy Act;

2. Suspend any certificate, license, practice privilege or permit for not more than five (5) years, subject to such terms, conditions, or limitations as deemed appropriate by the Board;

3. Reprimand a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title;

4. Place a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title on probation for a specified period of time, which may be shortened or lengthened, as the Board deems appropriate;

5. Limit the scope of practice of a registrant, an individual granted practice privileges under Section 15.12A of this title, or a firm exempt from the permit and registration requirements under Section 15.15C of this title;

6. Deny renewal of a permit;

7. Require a preissuance review or accelerated peer review of the registrant subject to such procedures as the Board deems appropriate;

8. Require successful completion of continuing professional educational programs deemed appropriate;

9. Assess a fine not to exceed Ten Thousand Dollars ($10,000.00) for each separate offense; and

10. Require the registrant, individual or entity to pay all costs incurred by the Board as a result of hearings conducted regarding accountancy actions of the registrant, individual, or entity, including, but not limited to, attorney fees, investigation

costs, hearing officer costs, renting of special facilities costs, and court reporter costs.

B. Upon application in writing, the Board may reinstate a certificate, license, practice privilege or permit which has been revoked, or may modify, upon good cause as to why the individual or entity should be reinstated, the suspension of any certificate, license, practice privilege or permit.

C. Before reinstating or terminating the suspension of a certificate, license, practice privilege or permit, or as a condition to such reinstatement or termination, the Board may require the applicant to show successful completion of specified continuing professional education courses.

D. Before reinstating or terminating the suspension of a certificate, license, practice privilege or permit, or as a condition to such reinstatement or termination, the Board may make the reinstatement of a certificate, license, or permit conditional and subject to satisfactory completion of a peer review conducted in such fashion as the Board may specify.

E. Before reinstating or terminating the suspension of a certificate or license or as a condition to such reinstatement or termination, the Board may require the applicant to submit to a national criminal history records search. The costs associated with the national criminal history records search shall be paid by the applicant.

F. The provisions of this section shall not be construed to preclude the Board from entering into any agreement to resolve a complaint prior to a formal hearing or before the Board enters a final order.

G. All monies, excluding costs, collected from civil penalties authorized in this section, such penalties being enforceable in the district courts of this state, shall be deposited with the State Treasurer to be paid into the General Revenue Fund of the state. Added by Laws 1965, c. 188, § 22, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 18, emerg. eff. April 30, 1968. Renumbered from § 15.22 of this title by Laws 1968, c. 271, § 23, emerg. eff. April 30, 1968. Amended by Laws 1992, c. 272, § 24, eff. Sept. 1, 1992; Laws 2004, c. 125, § 22, eff. Nov. 1, 2004; Laws 2009, c. 45, § 19, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 13, eff. July 1, 2010.

§59-15.25. Misrepresentation or fraud - Violations of act - Penalty.

Any individual or entity who:

1. Represents himself, herself or itself as having received a certificate, license, or permit and otherwise presents himself, herself or itself to the public as having specialized knowledge or

skills associated with CPAs and PAs without having received such certificate, license, or permit; or

2. Continues to use such title or designation after such certificate, license, or permit has been recalled, revoked, surrendered, canceled, or suspended or refuses to surrender such certificate, license, or permit; or

3. Falsely represents himself, herself or itself as being a CPA or licensed as a public accountant, or firm of CPAs or licensed public accountants, or who incorrectly designates the character of the certificate, license or permit which he, she or it holds; or

4. Otherwise violates any of the provisions of the Oklahoma Accountancy Act;

upon conviction shall be deemed guilty of a misdemeanor.

Provided, however, that an individual granted practice privileges under Section 15.12A of this title or a firm exempt from the permit and registration requirements under Section 15.15C of this title or paragraph 3 of subsection A of Section 15.15 of this title may hold out as a CPA or a firm of CPAs, respectively, without violation of this section.

Added by Laws 1965, c. 188, § 23, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 19, emerg. eff. April 30, 1968. Renumbered from § 15.23 of this title by Laws 1968, c. 271, § 23, emerg. eff. April 30, 1968. Amended by Laws 1992, c. 272, § 25, eff. Sept. 1, 1992; Laws 2004, c. 125, § 23, eff. Nov. 1, 2004; Laws 2009, c. 45, § 20, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 14, eff. July 1, 2010; Laws 2023, c. 26, § 8, eff. Nov. 1, 2023.

§59-15.26. False reports or statements - Penalty.

Any individual holding a certificate or license who knowingly falsifies any report or statement bearing on any attestation, investigation, or audit made by the individual or subject to the individual’s direction shall be guilty of a felony, and upon conviction shall be punishable by imprisonment for a period of not more than one (1) year, or by a fine of not more than Twenty-five Thousand Dollars ($25,000.00) per occurrence, or by both such fine and imprisonment.

Added by Laws 1965, c. 188, § 24, emerg. eff. June 8, 1965. Renumbered from § 15.24 of Title 59 by Laws 1968, c. 271, § 23, emerg. eff. April 30, 1968. Amended by Laws 1992, c. 272, § 26, eff. Sept. 1, 1992; Laws 1997, c. 133, § 505, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 369, eff. July 1, 1999; Laws 2002, c. 312, § 14, eff. Nov. 1, 2002; Laws 2004, c. 125, § 24, eff. Nov. 1, 2004.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 505 from July 1, 1998, to July 1, 1999.

§59-15.27. Cease and desist order – Fine - Injunction.

A. In addition to any other powers conferred on the Board to impose penalties for violations of the provisions of the Oklahoma Accountancy Act, whenever in the judgment of the Board any individual or entity has engaged in any acts or practices, that constitute a violation of the Oklahoma Accountancy Act, the Board may:

1. After notice and hearing, issue a cease and desist order to any individual who should have obtained a certificate, license, practice privilege or permit or to an entity which should have obtained a permit;

2. Impose a fine of not more than Ten Thousand Dollars ($10,000.00) for each violation in the event after the issuance of an order to cease and desist the illegal activity, the individual or entity to whom the order is directed commits any act in violation of the order; and

3. Make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the Board that such person has engaged in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court, without bond.

B. Each day a violation is continuing shall constitute a separate offense.

C. Administrative fines imposed pursuant to this section shall be enforceable in the district courts of this state.

D. Notices and hearings required by this section shall be in accordance with the Administrative Procedures Act.

E. Appeals from orders entered pursuant to this section shall be in accordance with the Administrative Procedures Act.

Added by Laws 1965, c. 188, § 26, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 22, emerg. eff. April 30, 1968. Renumbered from § 15.26 of this title by Laws 1968, c. 271, § 23, emerg. eff. April 30, 1968. Amended by Laws 1992, c. 272, § 27, eff. Sept. 1, 1992; Laws 2004, c. 125, § 25, eff. Nov. 1, 2004; Laws 2009, c. 45, § 21, emerg. eff. April 14, 2009.

§59-15.28. Prima facie evidence.

The displaying or uttering by an individual or entity not registered in accordance with the Oklahoma Accountancy Act of a card, sign, advertisement, or other printed, engraved, or written instrument or device bearing the name of the individual or entity in conjunction with the words “Certified Public Accountant” or “Public Accountant” or any abbreviation thereof shall be prima facie evidence in any action brought pursuant to the provisions of the Oklahoma Accountancy Act that the individual or entity whose name is so displayed or uttered caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device, and that such individual or entity is

representing himself, herself or itself to be a certified public accountant, public accountant or CPA, PA or entity holding a valid permit.
Added by Laws 1965, c. 188, § 27, emerg. eff. June 8, 1965. Amended by Laws 1968, c. 271, § 20, emerg. eff. April 30, 1968. Renumbered from § 15.27 of Title 59 by Laws 1968, c. 271, § 23, emerg. eff. April 30, 1968. Amended by Laws 1992, c. 272, § 28, eff. Sept. 1, 1992; Laws 2002, c. 312, § 15, eff. Nov. 1, 2002; Laws 2004, c. 125, § 26, eff. Nov. 1, 2004.

§59-15.29A. Unlawful use of titles or abbreviations - Injunction, restraining order, or other order.

Whenever, as a result of an investigation under Section 15.23 of this title or otherwise, the Oklahoma Accountancy Board believes that any person or firm has engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of Section 15.11 of this title, the Board may make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the Board that such person or firm has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or other order as may be appropriate shall be granted by such court.
Added by Laws 2002, c. 312, § 16, eff. Nov. 1, 2002. Amended by Laws 2004, c. 125, § 27, eff. Nov. 1, 2004.

§59-15.29B. Enforcement actions - Evidence of single act sufficient.

In any action brought under Section 15.24 or 15.27 of this title, evidence of the commission of a single action prohibited by the Oklahoma Accountancy Act shall be sufficient to justify a penalty, injunction, restraining order, or conviction, respectively, without evidence of a general course of conduct.
Added by Laws 2002, c. 312, § 17, eff. Nov. 1, 2002. Amended by Laws 2004, c. 125, § 28, eff. Nov. 1, 2004.

§59-15.30. Peer reviews.

A. As a condition for issuance or renewal of permits, the Board may require applicants who perform attest services, except compilations and those services described in subparagraph d of paragraph 5 of Section 15.1A of this title, to undergo peer reviews conducted not less than once every three (3) years.

B. Peer reviews shall be conducted in such manner and in accordance with such standards as the Board may specify by rule.

C. The rules may provide for a registrant to comply by providing documented proof of a satisfactory peer review conducted for some other purpose which meets the purposes and standards of the

Board peer review program within three (3) years preceding the date the Oklahoma peer review is to be conducted.

D. Failure of any registrant to provide full cooperation with the Board or any individual acting at the direction of the Board in performing a peer review shall after notice and a hearing be subject to the penalties provided in the Oklahoma Accountancy Act.

E. The Board by rule may establish a fee in an amount not to exceed One Hundred Dollars ($100.00) for each peer review required by the Board under this section.

Added by Laws 1992, c. 272, § 29, eff. Sept. 1, 1992. Amended by Laws 2004, c. 125, § 29, eff. Nov. 1, 2004; Laws 2011, c. 150, § 3.

§59-15.31. Repealed by Laws 1992, c. 272, § 33, eff. Sept. 1. 1992.

§59-15.32. Renumbered as § 15.36 of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992.

§59-15.33. Renumbered as § 15.37 of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992.

§59-15.35. Continuing professional education.

A. In order to assure continuing professional competence of individuals in accountancy, and as a condition for issuance of a certificate or license and/or renewal of a permit to practice, certificate and license holders shall furnish evidence of participation in continuing professional education.

B. Continuing professional education compliance periods shall be established by rule.

C. All certificate and license holders shall complete at least one hundred twenty (120) hours of continuing professional education within a three-year period with completion of not less than twenty (20) hours of continuing professional education in any year.

D. The Oklahoma Accountancy Board shall adopt rules and regulations regarding such continuing professional education. Such rules shall include but not be limited to:

1. Requiring reporting of continuing professional education to coincide with the annual permit renewal date;

2. Provisions for exempting retired, inactive and disabled individuals as defined by the Board in the rules from the requirement of continuing professional education; and

3. Adopt standards for determining approved continuing professional education courses.

Added by Laws 1980, c. 274, § 4, eff. July 1, 1980. Amended by Laws 1992, c. 272, § 30, eff. Sept. 1, 1992; Laws 2002, c. 312, § 18, eff. Nov. 1, 2002; Laws 2004, c. 125, § 30, eff. Nov. 1, 2004; Laws 2009, c. 45, § 22, emerg. eff. April 14, 2009.

§59-15.36. Persons who may perform assurance services and audits or issue reports.

Any CPA or PA holding a valid permit, or an individual granted practice privileges under Section 15.12A of this title, may perform assurance services, including audit services, and issue a report required by any statute, charter, ordinance, trust or other legal instrument.

Added by Laws 1971, c. 324, § 2, emerg. eff. June 24, 1971. Amended by Laws 1992, c. 272, § 31, eff. Sept. 1, 1992. Renumbered from § 15.32 of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992. Amended by Laws 2004, c. 125, § 31, eff. Nov. 1, 2004; Laws 2009, c. 45, § 23, emerg. eff. April 14, 2009.

§59-15.37. Acts and instruments not to provide for audit services by other than registrant holding valid permit.

No ordinance, trust or other legal instrument shall provide for any audit services to be performed other than by a registrant holding a valid permit or an individual granted practice privileges under Section 15.12A of this title or a firm exempt from the registration requirement under paragraph 3 of subsection A of Section 15.15 of this title.

Added by Laws 1971, c. 324, § 3, emerg. eff. June 24, 1971. Amended by Laws 1992, c. 272, § 32, eff. Sept. 1, 1992. Renumbered from § 15.33 of this title by Laws 1992, c. 272, § 34, eff. Sept. 1, 1992. Amended by Laws 2004, c. 125, § 32, eff. Nov. 1, 2004; Laws 2009, c. 45, § 24, emerg. eff. April 14, 2009; Laws 2010, c. 85, § 15, eff. July 1, 2010; Laws 2023, c. 26, § 9, eff. Nov. 1, 2023.

§59-15.38. Filing, fees, and continuing professional education requirements waived for license or certificate holder called to active military service.

All filing requirements, fees and the continuing professional education requirements provided in the Oklahoma Accountancy Act shall be waived for any holder of a license or certificate who is called to active military service. The license or certificate holder shall provide the Board a copy of the order to active military service. This waiver shall remain in effect for the duration of the certificate or license holder’s active military service. Within sixty (60) days after the discharge from active military service, the license or certificate holder shall provide a copy of the discharge order to the Board.

Added by Laws 2004, c. 125, § 33, eff. Nov. 1, 2004.

§59-46.1. Short title — State Architectural and Licensed Interior Designers Act.

Section 46.1 et seq. of this title shall be known and may be cited as the "State Architectural and Licensed Interior Designers Act".
Added by Laws 1947, p. 347, § 1, emerg. eff. April 16, 1947. Amended by Laws 1980, c. 314, § 1, eff. July 1, 1980; Laws 1986, c. 287, § 1, operative July 1, 1986. Renumbered from § 45.1 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 2006, c. 163, § 1, eff. July 1, 2006; Laws 2009, c. 184, § 1, eff. July 1, 2009; Laws 2014, c. 234, § 1, eff. July 1, 2014; Laws 2021, c. 443, § 1, eff. July 1, 2021; Laws 2024, c. 138, § 1.

§59-46.2. Purpose of act.

In order to safeguard life, health and property and to promote public welfare, the professions of architecture, landscape architecture and licensed interior design are declared to be subject to regulation in the public interest. It is unlawful for any person to practice or offer to practice architecture, landscape architecture, or licensed interior design in this state, as defined in the provisions of the State Architectural and Licensed Interior Designers Act, use in connection with the person's name, or otherwise assume the title of architect, landscape architect or licensed interior designer, or advertise any title or description tending to convey the impression that the person is an architect or landscape architect or licensed interior designer unless the person is duly licensed or exempt from licensure under the State Architectural and Licensed Interior Designers Act. The practice of architecture, landscape architecture and the use of the titles architect, landscape architect and licensed interior designer are privileges granted by the state through the Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma based upon the qualifications of the individual as evidenced by a certificate of licensure which shall not be transferable.
Added by Laws 1947, p. 347, § 2, emerg. eff. April 16, 1947. Amended by Laws 1986, c. 287, § 2, operative July 1, 1986. Renumbered from § 45.2 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 1, eff. July 1, 1998; Laws 2006, c. 163, § 2, eff. July 1, 2006; Laws 2006, c. 193, § 1, eff. July 1, 2006; Laws 2009, c. 184, § 2, eff. July 1, 2009; Laws 2014, c. 234, § 2, eff. July 1, 2014; Laws 2021, c. 443, § 2, eff. July 1, 2021; Laws 2024, c. 138, § 2.

§59-46.3. See the following versions:

OS 59-46.3v1 (HB 3253, Laws 2024, c. 147, § 1).
OS 59-46.3v2 (HB 1793, Laws 2024, c. 138, § 3).

§59-46.3v1. Definitions.

As used in the State Architectural and Registered Commercial Interior Designers Act:

1. "Architect" means any person who is licensed in the practice of architecture in the State of Oklahoma as hereinafter defined;

2. "Practice of architecture" means rendering or offering to render certain services, in connection with the design and construction, enlargement or alteration of a building or a group of buildings and the space surrounding such buildings, including buildings which have as their principal purpose human occupancy or habitation. The services referred to include planning, providing preliminary studies, designs, drawings, specifications, investigations or technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by other consultants including, as appropriate and without limitation, consulting engineers and landscape architects; provided, that the practice of architecture shall include such other professional services as may be necessary for the rendering of or offering to render architectural services.

The preparation of plans and specifications for the following tasks is within the scope of practice of both architecture and engineering:

a. site plans depicting the location and orientation of a building on the site based on:
   (1) a determination of the relationship of the intended use with the environment, topography, vegetation, climate, and geographic aspects, and
   (2) the legal aspects of site development, including setback requirements, zoning, and other legal restrictions,
b. life safety plans and related codes analyses,
c. roof plans and details depicting the design of roof system materials, components, drainage, slopes, and directions and location of roof accessories and equipment, not involving structural engineering calculations,
d. design of shallow spread footing foundations, and
e. the incorporation of other design professionals' depiction of building systems, including architectural, structural, mechanical, electrical, and plumbing systems into the design professionals' own work, in:
   (1) plan views,
   (2) cross-sections depicting building components from a hypothetical cut line through buildings, and
   (3) the design of details of components and assemblies;

3. "Registration" or "license" means a certificate of registration or license issued by the Board. The definition of "license" shall apply to those persons licensed under a practice act. The definition of "registration" shall apply to those persons registered under the title registered commercial interior designer under this act;

4. "Building" means any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy;

5. "Board" means the Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma;

6. "Certificate of authority" means the authorization granted by the Board for persons to practice or offer to practice architecture, or landscape architecture, through a partnership, corporation, limited liability company or limited liability partnership;

7. "Certificate of title" means the authorization granted by the Board for a partnership, corporation, limited liability company or limited liability partnership to use the title registered commercial interior designer or any modification or derivation of these terms;

8. "Technical submissions" means drawings, plans, specifications, studies and any other technical reports or documents which are issued in the course of practicing architecture, landscape architecture or registered commercial interior design with the intent that they be considered as formal or final documents. Technical submissions shall not include record drawings or prototypical plans. However, technical submissions may be further defined by Board rules;

9. "Responsible control" means the active and personal management by a licensed architect, landscape architect, or registered commercial interior designer of the firm's personnel and practice, applying the required standard of care, to maintain detailed knowledge over the design and technical decisions related to the preparation and implementation of the professional services to which the licensee or registrant affixes his or her seal, signature, and date;

10. "Landscape architect" means a person licensed to practice landscape architecture as provided in the State Architectural and Registered Commercial Interior Designers Act;

11. "Landscape architecture" means the performance of professional services defined as teaching, consultations, investigations, reconnaissance, research, planning, design, preparation of construction drawings and specifications, construction observation and the coordination of any elements of technical submissions prepared by others in connection with the planning and arranging of land and the elements thereon for public

and private use and enjoyment, including the design and layout of roadways, service areas, parking areas, walkways, steps, ramps, pools, parks, parkways, trails and recreational areas, the location and site of improvements including buildings and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape, in accordance with accepted professional standards, and to the extent that the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.

The practice of landscape architecture shall include the location and arrangement of tangible objects and features as are incidental and necessary to the purpose outlined for landscape architecture. The practice of landscape architecture shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets, highways, utilities, storm and sanitary sewers and sewage treatment facilities, that are statutorily defined as the practice of engineering or architecture;

12. "Code" means the nationally recognized codes adopted by the Uniform Building Code Commission of the State of Oklahoma;

13. "Building official" means the officer, other designated authority, or duly authorized representative charged with the administration and enforcement of the building code as implemented by the local, municipal or county jurisdiction in which a building is located. Where no building code has been adopted by the local, municipal or county jurisdiction, the building official shall be defined as the State Fire Marshal;

14. "Registered commercial interior designer" means a person recognized by this state who is registered, qualified by examination and meeting all the requirements set forth in the State Architectural and Registered Commercial Interior Designers Act and the Board's rules;

15. "Plans" means technical documents issued by the licensed and/or registered professionals intended to meet all current and applicable codes as adopted by the Uniform Building Code Commission of the State of Oklahoma, other statutory codes and applicable federal codes and which shall be submitted to all required building code and/or permit offices required by the State of Oklahoma, county, municipal and/or federal government;

16. "Equivalent standards" means those standards adopted by the Board intended to be used as alternative equivalents to determine competency for education, training and testing for licensing architects and/or landscape architects and registering commercial interior designers and for complying with the Military Service

Occupation, Education and Credentialing Act for military personnel and their spouses;

17. "Commercial interior design" means the rendering of or the offering to render designs, consultations, studies, planning, drawings, specifications, contract documents or other technical submissions and the administration of interior construction and contracts relating to nonstructural interior construction by a registered commercial interior designer in a new constructed or existing building when the core and shell elements are not going to be changed;

18. "Nonstructural commercial interior construction" means the construction of elements which do not include exterior components of a building such as exterior walls, any load-bearing wall, any load-bearing column or any other load-bearing elements of a building essential to the structural integrity of the building such as wind loads and seismic loads and to any element which must be designed for wind loads and seismic loads; and

19. "Fire and life safety systems" means those systems and construction that pertain to fire and life safety protection, such as fire sprinklers, fire alarms, smoke evacuation systems, fire walls, fire barriers or smoke barriers as defined by the current International Building Code adopted by the Oklahoma Uniform Building Code Commission.

The definitions in the State Architectural and Registered Commercial Interior Designers Act shall have the same meaning when applicable to any rule promulgated pursuant to such act.

Added by Laws 1947, p. 347, § 3, emerg. eff. April 16, 1947. Amended by Laws 1949, p. 387, § 1, emerg. eff. May 6, 1949; Laws 1978, c. 191, § 1; Laws 1980, c. 314, § 2, eff. July 1, 1980; Laws 1986, c. 154, § 1, eff. July 1, 1986; Laws 1986, c. 287, § 3, operative July 1, 1986. Renumbered from § 45.3 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 2, eff. July 1, 1998; Laws 2005, c. 77, § 1, eff. July 1, 2005; Laws 2006, c. 163, § 3, eff. July 1, 2006; Laws 2006, c. 193, § 2, eff. July 1, 2006; Laws 2009, c. 184, § 3, eff. July 1, 2009; Laws 2014, c. 234, § 3, eff. July 1, 2014; Laws 2021, c. 443, § 3, eff. July 1, 2021; Laws 2024, c. 147, § 1, eff. Nov. 1, 2024.

§59-46.3v2. Definitions.

As used in the State Architectural and Licensed Interior Designers Act:

1. "Architect" means any person who is licensed in the practice of architecture in the State of Oklahoma as hereinafter defined;

2. "Practice of architecture" means rendering or offering to render certain services, in connection with the design and construction, enlargement or alteration of a building or a group of buildings and the space surrounding such buildings, including

buildings which have as their principal purpose human occupancy or habitation. The services referred to include planning, providing preliminary studies, designs, drawings, specifications, investigations and other technical submissions, the administration of construction contracts, and reviewing and coordinating technical submissions prepared by other licensed professionals for use in the construction or alteration of any building in the Code Use Groups subject to the State Architectural and Licensed Interior Designers Act; provided, that the practice of architecture shall include such other professional services as may be necessary for the rendering of or offering to render architectural services;

3. "License" means a license issued by the Board;

4. "Building" means a structure consisting of a foundation, walls, all floors and roof, with or without other parts;

5. "Board" means the Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma;

6. "Certificate of authority" means the authorization granted by the Board for persons to practice or offer to practice architecture, landscape architecture, or licensed interior design through a partnership, firm, association, corporation, limited liability company or limited liability partnership;

7. "Technical submissions" means drawings, plans, specifications, studies and any other technical reports or documents which are issued in the course of practicing architecture, landscape architecture or licensed interior design with the intent that they be considered as formal or final documents, but shall not include record drawings. Prototypical plans are not technical submissions;

8. "Responsible control" means the amount of direct control and personal supervision of architectural, landscape architectural or licensed interior design work and detailed knowledge of the content of tactical and technical submissions during their preparation as is ordinarily exercised by architects, landscape architects or licensed interior designers applying the required professional standard of care. The terms direct control and personal supervision, whether used separately or together, mean active and personal management of the firm's personnel and practice to maintain charge of, and concurrent direction over, architecture, landscape architecture or licensed interior design and the instruments of professional services to which the licensee affixes the seal, signature, and date;

9. "Landscape architect" means a person licensed to practice landscape architecture as provided in the State Architectural and Licensed Interior Designers Act;

10. "Landscape architecture" means the performance of professional services defined as teaching, consultations, investigations, reconnaissance, research, planning, design, preparation of construction drawings and specifications,

construction observation and the coordination of any elements of technical submissions prepared by others in connection with the planning and arranging of land and the elements thereon for public and private use and enjoyment, including the design and layout of roadways, service areas, parking areas, walkways, steps, ramps, pools, parks, parkways, trails and recreational areas, the location and site of improvements including buildings and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape, in accordance with accepted professional standards, and to the extent that the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.

The practice of landscape architecture shall include the location and arrangement of tangible objects and features as are incidental and necessary to the purpose outlined for landscape architecture. The practice of landscape architecture shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets, highways, utilities, storm and sanitary sewers and sewage treatment facilities, that are statutorily defined as the practice of engineering or architecture;

11. "Code" means the nationally recognized codes adopted by the Uniform Building Code Commission of the State of Oklahoma;

12. "Applicable building official" means the official responsible for the application of the adopted building code as implemented by the local, municipal or county jurisdiction in which a building is located. Where no building code has been adopted by the local, municipal or county jurisdiction, the applicable building official shall be defined as the State Fire Marshal;

13. "Licensed interior designer" means a person licensed to practice licensed interior design as provided in the State Architectural and Licensed Interior Designers Act;

14. "Plans" means technical documents issued by the licensed professionals intended to meet all current and applicable codes as adopted by the Uniform Building Code Commission of the State of Oklahoma, other statutory codes and applicable federal codes and which shall be submitted to all required building code and/or permit offices required by the State of Oklahoma, county, municipal and/or federal government;

15. "Equivalent standards" means those standards adopted by the Board intended to be used as alternative equivalents to determine competency for education, training and testing for architects, landscape architects and licensed interior designers and for

complying with the Military Service Occupation, Education and Credentialing Act for military personnel and their spouses;

16. "Licensed interior design" means the rendering of or the offering to render services relating to nonstructural interior construction by a licensed interior designer in a newly constructed or existing building, including but not limited to:

a. analysis, research, planning, and design of the interior spaces of a building for the purpose of enhancing and protecting the health, safety, and welfare of the public by preparation of interior drawings, specifications, or other technical submissions and administration of nonstructural interior construction,

b. design and specification of code-compliant interior finishes, furnishings, fixtures, or equipment,

c. design or modification of existing nonstructural interior partitions, doors, suspended ceiling systems, or constructed ceiling elements,

d. design or modification of existing internal circulation systems or number and configuration of interior exits for suite occupant load, or

e. review, analysis, and evaluation of building codes, accessibility standards, or guidelines for interior planning, design, and nonstructural interior construction compliance;

17. "Nonstructural interior construction" means the construction of elements which do not include:

a. design of, or the responsibility for, architectural and engineering work, except as explicitly provided for in this act,

b. altering the building's existing primary structural, fire and life safety, mechanical, electrical, and plumbing systems, as set out in Oklahoma state law, this act, or the current International Building Code as adopted by the Oklahoma Uniform Building Code Commission, or other related primary building systems, and

c. changes to the building's core and shell; and

18. "Fire and life safety systems" means those systems and construction that pertain to fire and life safety protection, such as fire sprinklers, fire alarms, smoke evacuation systems, fire walls, fire barriers or smoke barriers as defined by the current International Building Code adopted by the Oklahoma Uniform Building Code Commission.

The definitions in the State Architectural and Licensed Interior Designers Act shall have the same meaning when applicable to any rule promulgated pursuant to such act.

Added by Laws 1947, p. 347, § 3, emerg. eff. April 16, 1947. Amended by Laws 1949, p. 387, § 1, emerg. eff. May 6, 1949; Laws 1978, c. 191, § 1; Laws 1980, c. 314, § 2, eff. July 1, 1980; Laws 1986, c. 154, § 1, eff. July 1, 1986; Laws 1986, c. 287, § 3, operative July 1, 1986. Renumbered from § 45.3 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 2, eff. July 1, 1998; Laws 2005, c. 77, § 1, eff. July 1, 2005; Laws 2006, c. 163, § 3, eff. July 1, 2006; Laws 2006, c. 193, § 2, eff. July 1, 2006; Laws 2009, c. 184, § 3, eff. July 1, 2009; Laws 2014, c. 234, § 3, eff. July 1, 2014; Laws 2021, c. 443, § 3, eff. July 1, 2021; Laws 2024, c. 138, § 3.

§59-46.4. See the following versions:
OS 59-46.4v1 (HB 3253, Laws 2024, c. 147, § 2).
OS 59-46.4v2 (HB 1793, Laws 2024, c. 138, § 4).

§59-46.4v1. Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma.

There is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, a board to be known as the "Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma", hereinafter referred to as the Board. The Board shall be composed of eleven (11) members including six persons who are duly licensed to practice architecture and are in good standing in this state, two persons who are duly licensed to practice landscape architecture and are in good standing in this state, two persons who are registered commercial interior designers and who are active and in good standing and one lay member. Each member of the Board shall be a qualified elector of this state, and the architect, landscape architect and registered commercial interior designer members shall have had five (5) years' licensing or registration experience as the professional position requires in this state. Re-creation of the Board shall not alter existing staggered terms. Board members, other than the lay member, shall be appointed for a period of five (5) years. A member may be reappointed to succeed themselves. The licensed architect, landscape architect or the registered commercial interior designer members may be appointed by the Governor from a list of nominees submitted by respective professional societies of this state. Membership in a professional society shall not be a prerequisite to appointment to the Board. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. All board members, including the lay member, may continue to serve after the expiration of their term until such time as a successor is appointed. Vacancies which may occur in the

membership of the Board shall be filled by appointment by the Governor. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member the person shall succeed was appointed and until a successor, in turn, has been appointed and shall have qualified. Each member of the Board, before entering upon the discharge of the duties of the member, shall make and file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties. Each member of the Board shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act.
Added by Laws 1947, p. 348, § 5, emerg. eff. April 16, 1947. Amended by Laws 1957, p. 463, § 1, emerg. eff. May 31, 1957; Laws 1980, c. 314, § 4, eff. July 1, 1980; Laws 1981, c. 320, § 1; Laws 1985, c. 178, § 28, operative July 1, 1985; Laws 1986, c. 154, § 2, eff. July 1, 1986; Laws 1986, c. 287, § 5, operative July 1, 1986. Renumbered from § 45.5 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1992, c. 20, § 1; Laws 1998, c. 39, § 1; Laws 1998, c. 220, § 3, eff. July 1, 1998; Laws 2004, c. 30, § 1; Laws 2006, c. 163, § 4, eff. July 1, 2006; Laws 2006, c. 193, § 3, eff. July 1, 2006; Laws 2009, c. 184, § 4, eff. July 1, 2009; Laws 2010, c. 28, § 1; Laws 2014, c. 64, § 1; Laws 2014, c. 234, § 4, eff. July 1, 2014; Laws 2020, c. 116, § 1, eff. July 1, 2020; Laws 2021, c. 443, § 4, eff. July 1, 2021; Laws 2023, c. 62, § 1; Laws 2024, c. 147, § 2, eff. Nov. 1, 2024.

§59-46.4v2. Board of Governors of the Licensed Architects, Landscape Architects and Licensed Interior Designers of Oklahoma.

There is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, a board to be known as the "Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma", hereinafter referred to as the Board. The Board shall be composed of eleven (11) members including six persons who are duly licensed to practice architecture and are in good standing in this state, two persons who are duly licensed to practice landscape architecture and are in good standing in this state, two persons who are duly licensed interior designers and who are active and in good standing and one lay member. Each member of the Board shall be a qualified elector of this state, and the architect, landscape architect and licensed interior designer members shall have had five (5) years' licensing experience as the professional position requires in this state. Re-creation of the Board shall not alter existing staggered terms. Board members, other than the lay member, shall be appointed for a period of five (5) years thereafter; provided, that nothing herein shall affect the tenure of office of anyone who is a member of the Board on May 31, 1957. A member may be reappointed to succeed such membership. The architect, landscape architect or the licensed

interior designer members may be appointed by the Governor from a list of nominees submitted by respective professional societies of this state. Membership in a professional society shall not be a prerequisite to appointment to the Board. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, the lay member may continue to serve after the expiration of the term of the member until such time as a successor is appointed. Vacancies which may occur in the membership of the Board shall be filled by appointment by the Governor. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member the person shall succeed was appointed and until a successor, in turn, has been appointed and shall have qualified. Each member of the Board, before entering upon the discharge of the duties of the member, shall make and file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties. Each member of the Board and staff shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act.
Added by Laws 1947, p. 348, § 5, emerg. eff. April 16, 1947. Amended by Laws 1957, p. 463, § 1, emerg. eff. May 31, 1957; Laws 1980, c. 314, § 4, eff. July 1, 1980; Laws 1981, c. 320, § 1; Laws 1985, c. 178, § 28, operative July 1, 1985; Laws 1986, c. 154, § 2, eff. July 1, 1986; Laws 1986, c. 287, § 5, operative July 1, 1986. Renumbered from § 45.5 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1992, c. 20, § 1; Laws 1998, c. 39, § 1; Laws 1998, c. 220, § 3, eff. July 1, 1998; Laws 2004, c. 30, § 1; Laws 2006, c. 163, § 4, eff. July 1, 2006; Laws 2006, c. 193, § 3, eff. July 1, 2006; Laws 2009, c. 184, § 4, eff. July 1, 2009; Laws 2010, c. 28, § 1; Laws 2014, c. 64, § 1; Laws 2014, c. 234, § 4, eff. July 1, 2014; Laws 2020, c. 116, § 1, eff. July 1, 2020; Laws 2021, c. 443, § 4, eff. July 1, 2021; Laws 2023, c. 62, § 1; Laws 2024, c. 138, § 4.

§59-46.5. Repealed by Laws 1998, c. 220, § 20, eff. July 1, 1998.

§59-46.6. Meetings - Officers - Salary - Quorum.

The Board shall hold regular meetings with the dates, times and place to be fixed by the Board. The Board shall hold a regular meeting in June of each year, which meeting shall be the annual meeting, at which time it shall elect its officers for the next fiscal year and conduct all other business required under this act. At the regular meeting of the Board herein in June of each year, the Board shall elect from its membership a chair, a vice-chair and a secretary-treasurer, each of whom shall serve until such officer's respective successor shall have been elected and shall have qualified. The position of the secretary-treasurer shall not count

against the agency's full-time-equivalent limits authorized by the Legislature. The chair shall preside at all meetings of the Board and shall perform such other duties as the Board may prescribe. The secretary-treasurer shall receive a monthly salary to be fixed by the Board and shall be reimbursed pursuant to the State Travel Reimbursement Act for travel and other expenses which shall have been incurred while in the performance of the duties of this office. Six Board members shall constitute a quorum for the transaction of business.
Added by Laws 1947, p. 349, § 7, emerg. eff. April 16, 1947. Amended by Laws 1980, c. 159, § 9, emerg. eff. April 2, 1980; Laws 1980, c. 314, § 6, eff. July 1, 1980; Laws 1986, c. 287, § 8, operative July 1, 1986. Renumbered from § 45.7 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 4, eff. July 1, 1998; Laws 2006, c. 163, § 5, eff. July 1, 2006.

§59-46.7. See the following versions:
OS 59-46.7v1 (HB 3253, Laws 2024, c. 147, § 3).
OS 59-46.7v2 (HB 1793, Laws 2024, c. 138, § 5).

§59-46.7v1. Powers and duties of Board.
A. In addition to the other powers and duties imposed by law, the Board shall have the power and duty to:
1. Prescribe such rules and to make such orders, as it may deem necessary or expedient in the performance of its duties;
2. Prepare, conduct, and grade examinations of persons who shall apply for the issuance of licenses and registrations to them, and to promulgate such rules with reference thereto as it may deem proper as a portion used to determine competency for the issuance of licenses or registrations;
3. Work with nationally recognized licensing and registration organizations to prepare, conduct, and grade examinations, written or oral, of persons who shall apply for the issuance of licenses or registrations;
4. Determine the satisfactory passing score on examinations and issue licenses and registrations to persons who shall have passed examinations, or who shall otherwise be entitled thereto;
5. Determine eligibility for licenses and certificates of authority and issue them;
6. Determine eligibility for registration as a registered commercial interior designer and for certificate of title and issue them;
7. Promulgate rules to govern the issuing of reciprocal licenses and registrations;
8. Upon good cause shown, as hereinafter provided, deny the issuance of a license, registration, certificate of authority or

certificate of title or suspend, revoke, refuse to renew or issue probation orders for licenses or registrations, and/or require additional educational coursework and determine when the objectives have been met;

9. Upon proper showing, reinstate or conditionally reinstate licenses, registrations, certificates of title or certificates of authority previously issued;

10. Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation, probation and/or educational coursework requirements or refusal to renew;

11. Prescribe rules governing proceedings for the denial of issuance of a license, registration, certificate of authority or certificate of title, suspension, revocation or refusal to renew, to issue probation orders and/or require additional educational coursework and determine when the objectives have been met for cause, and reinstate them;

12. Prescribe such penalties, as it may deem proper, to be assessed against holders of licenses, registrations, certificates of authority or certificates of title for the failure to pay the biennial fee hereinafter provided for;

13. Levy civil penalties plus the legal costs incurred by the Board to prosecute the case against any person or entity who shall violate any of the provisions of the State Architectural and Registered Commercial Interior Designers Act, or any rule promulgated pursuant thereto;

14. Obtain an office, secure such facilities, and employ, direct, discharge and define the duties and set the salaries of such office personnel and set the salaries of such unclassified and exempt office personnel as deemed necessary by the Board;

15. Initiate disciplinary action, prosecute and seek injunctions against any person or entity who has violated any of the provisions of the State Architectural and Registered Commercial Interior Designers Act or any rule of the Board promulgated pursuant to said act and against the owner/developer of the building type not exempt;

16. Investigate alleged violations of the State Architectural and Registered Commercial Interior Designers Act or of the rules, orders or final decisions of the Board;

17. Promulgate rules of conduct governing the practice of licensed architects, landscape architects and registered commercial interior designers;

18. Keep accurate and complete records of proceedings, and certify the same as may be appropriate;

19. Whenever it deems it appropriate, confer with the Attorney General or the Attorney General's assistants in connection with all legal matters and questions. The Board may also retain an attorney who is licensed to practice law in this state. The attorney shall

serve at the pleasure of the Board for such compensation as may be provided by the Board. The attorney shall advise the Board and perform legal services for the Board with respect to any matters properly before the Board. In addition to the above, the Board may employ hearing examiners to conduct administrative hearings under the provisions of the Administrative Procedures Act;

20. Prescribe by rules, fees to be charged as required by this act;

21. Adopt rules providing for a program of continuing education in order to ensure that all licensed architects or landscape architects and registered commercial interior designers remain informed of those technical and professional subjects that the Board deems appropriate. The Board may by rule describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in nonrenewal of the license issued to the architect or landscape architect or nonrenewal of the registration issued to the registered commercial interior designer;

22. Adopt rules regarding requirements for intern development as a prerequisite for licensure or registration;

23. Give scholarships, as determined by the Board, to an individual or individuals advancing toward obtaining an accredited National Architectural Accreditation Board, Landscape Architectural Accreditation Board or Council for Interior Design Accreditation degree in one of these three professions in an Oklahoma higher education institution; and

24. Take such other action as may be reasonably necessary or appropriate to effectuate the State Architectural and Registered Commercial Interior Designers Act. The Board may, at its discretion, contract with other state agencies and nonprofit corporations for the endowment, management, and administration of scholarships. The requirements of such scholarships shall be determined by the Board. However, nothing contained herein shall be construed as requiring the Board to endow or award any scholarship.

B. The Board may use its funds to establish and conduct instructional programs for persons who are currently licensed under this act, persons seeking licensure, as well as refresher courses for persons interested in obtaining adequate instruction or programs of study to qualify them for licensure to practice. The Board may expend its funds for these purposes and may conduct, sponsor, and arrange for instructional programs and may carry out instructional programs through extension courses or other media. The Board may enter into plans or agreements with community colleges, public or private institutions of higher learning, the State Board of Education, the Oklahoma Department of Career and Technology Education, or nonprofit organizations for the purpose of planning, scheduling or arranging courses, instruction, extension courses, or

assisting in obtaining courses of study or programs in the fields of architecture, landscape architecture, or commercial interior design. The Board shall encourage the educational institutions in Oklahoma to offer courses necessary to complete the educational requirements of Section 46.1 et seq. of this title. For the purpose of carrying out these objectives, the Board may adopt rules as may be necessary for educational programs, instruction, extension services or for entering into plans or contracts with persons or educational institutions and the Oklahoma Department of Career and Technology Education.
Added by Laws 1947, p. 349, § 8, emerg. eff. April 16, 1947. Amended by Laws 1980, c. 314, § 7, eff. July 1, 1980; Laws 1986, c. 154, § 4, eff. July 1, 1986; Laws 1986, c. 287, § 9, operative July 1, 1986. Renumbered from § 45.8 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 5, eff. July 1, 1998; Laws 2006, c. 163, § 6, eff. July 1, 2006; Laws 2006, c. 193, § 4, eff. July 1, 2006; Laws 2009, c. 184, § 5, eff. July 1, 2009; Laws 2014, c. 234, § 5, eff. July 1, 2014; Laws 2015, c. 24, § 1, eff. Nov. 1, 2015; Laws 2021, c. 443, § 5, eff. July 1, 2021; Laws 2024, c. 147, § 3, eff. Nov. 1, 2024.

§59-46.7v2. Powers and duties of Board.

In addition to the other powers and duties imposed by law, the Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma shall have the power and duty to:

1. Prescribe such rules and to make such orders, as it may deem necessary or expedient in the performance of its duties;

2. Prepare, conduct, and grade examinations of persons who shall apply for the issuance of licenses to them, and to promulgate such rules with reference thereto as it may deem proper as a portion used to determine competency for the issuance of licenses;

3. Work with nationally recognized licensing organizations to prepare, conduct, and grade examinations, written or oral, of persons who shall apply for the issuance of licenses;

4. Determine the satisfactory passing score on examinations and issue licenses to persons who shall have passed examinations, or who shall otherwise be entitled thereto;

5. Determine eligibility for licenses and certificates of authority and issue them;

6. Promulgate rules to govern the issuing of reciprocal licenses;

7. Upon good cause shown, as hereinafter provided, deny the issuance of a license or certificate of authority or suspend, revoke, refuse to renew or issue probation orders for licenses, and/or require additional educational coursework and determine when the objectives have been met;

8. Upon proper showing, reinstate or conditionally reinstate licenses or certificates of authority previously issued;

9. Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation, probation and/or educational coursework requirements or refusal to renew;

10. Prescribe rules governing proceedings for the denial of issuance of a license or certificate of authority, suspension, revocation or refusal to renew, to issue probation orders and/or require additional educational coursework and determine when the objectives have been met for cause, and reinstate them;

11. Prescribe such penalties, as it may deem proper, to be assessed against holders of licenses or certificates of authority for the failure to pay the biennial fee hereinafter provided for;

12. Levy civil penalties plus the legal costs incurred by the Board to prosecute the case against any person or entity who shall violate any of the provisions of the State Architectural and Licensed Interior Designers Act, or any rule promulgated pursuant thereto;

13. Obtain an office, secure such facilities, and employ, direct, discharge and define the duties and set the salaries of such office personnel and set the salaries of such unclassified and exempt office personnel as deemed necessary by the Board;

14. Initiate disciplinary action, prosecute and seek injunctions against any person or entity who has violated any of the provisions of the State Architectural and Licensed Interior Designers Act or any rule of the Board promulgated pursuant to said act and against the owner/developer of the building type not exempt;

15. Investigate alleged violations of the State Architectural and Licensed Interior Designers Act or of the rules, orders or final decisions of the Board;

16. Promulgate rules of conduct governing the practice of architects, landscape architects and licensed interior designers;

17. Keep accurate and complete records of proceedings, and certify the same as may be appropriate;

18. Whenever it deems it appropriate, confer with the Attorney General or the Attorney General's assistants in connection with all legal matters and questions. The Board may also retain an attorney who is licensed to practice law in this state. The attorney shall serve at the pleasure of the Board for such compensation as may be provided by the Board. The attorney shall advise the Board and perform legal services for the Board with respect to any matters properly before the Board. In addition to the above, the Board may employ hearing examiners to conduct administrative hearings under the provisions of the Administrative Procedures Act;

19. Prescribe by rules, fees to be charged as required by this act;

20. Adopt rules providing for a program of continuing education in order to ensure that all architects, landscape architects, and licensed interior designers remain informed of those technical and professional subjects that the Board deems appropriate. The Board may by rule describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in nonrenewal of the license issued to the architect, landscape architect, or licensed interior designer;

21. Adopt rules regarding requirements for intern development as a prerequisite for licensure;

22. Give scholarships, as determined by the Board, to an individual or individuals advancing toward obtaining an accredited National Architectural Accreditation Board, Landscape Architectural Accreditation Board or Council for Interior Design Accreditation degree in one of these three professions in an Oklahoma higher education institution; and

23. Take such other action as may be reasonably necessary or appropriate to effectuate the State Architectural and Licensed Interior Designers Act. The Board may, at its discretion, contract with other state agencies and nonprofit corporations for the endowment, management, and administration of scholarships. The requirements of such scholarships shall be determined by the Board. However, nothing contained herein shall be construed as requiring the Board to endow or award any scholarship.

Added by Laws 1947, p. 349, § 8, emerg. eff. April 16, 1947. Amended by Laws 1980, c. 314, § 7, eff. July 1, 1980; Laws 1986, c. 154, § 4, eff. July 1, 1986; Laws 1986, c. 287, § 9, operative July 1, 1986. Renumbered from § 45.8 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 5, eff. July 1, 1998; Laws 2006, c. 163, § 6, eff. July 1, 2006; Laws 2006, c. 193, § 4, eff. July 1, 2006; Laws 2009, c. 184, § 5, eff. July 1, 2009; Laws 2014, c. 234, § 5, eff. July 1, 2014; Laws 2015, c. 24, § 1, eff. Nov. 1, 2015; Laws 2021, c. 443, § 5, eff. July 1, 2021; Laws 2024, c. 138, § 5.

§59-46.8. Repealed by Laws 1998, c. 220, § 20, eff. July 1, 1998.

§59-46.8a. Unlawful practice or use of title - License—Reciprocity.

A. It shall be unlawful for any person to directly or indirectly engage in the practice of architecture in this state or use the title "Architect", "Registered or Licensed Architect", "Architectural Designer", or display or use any words, letters, figures, titles, signs, cards, advertisements, or other symbols or devices indicating or tending to indicate that such person is an architect or is practicing architecture, unless the person is licensed under the provisions of this act. No person shall aid or

abet any person, not licensed under the provisions of this act, in the practice of architecture.

B. Every person applying to the Board for an initial license shall submit an application accompanied by the fee established in accordance with the rules of the Board, with satisfactory evidence that such person holds an accredited professional degree in architecture or has completed such other education as the Board deems equivalent to an accredited professional degree and with satisfactory evidence that such person has completed such practical training in architectural work as the Board requires. If an applicant is qualified in accordance with this subsection, the Board shall, by means of a written examination, examine the applicant on such technical and professional subjects as are prescribed by the Board. None of the examination materials shall be considered public records. The Board may exempt from such written examination an applicant who holds a certification issued by the National Council of Architectural Registration Boards or its successor or in any case the Board decides the interest of the public will be served and the person is determined to be qualified and competent by equivalent standards for education, training and examination.

The Board shall adopt as its own rules governing practical training and education and may use those guidelines published from time to time by the National Council of Architectural Registration Boards or its successor. The Board may also adopt the examinations and grading procedures of the National Council of Architectural Registration Boards or its successor and the accreditation decisions of the National Architectural Accrediting Board or its successor. The Board shall issue its license to each applicant who is found to be of good moral character and who satisfies the requirements set forth in this section and the Board's current rules. Such license shall be effective upon issuance.

C. Pursuant to this act and such rules as it may have adopted, the Board shall have the power to issue licenses without requiring an examination to persons who have been licensed to practice architecture in states other than the State of Oklahoma, in a territory of the United States, in the District of Columbia, or in a country other than the United States; provided that the state or country has a similar reciprocal provision to authorize the issuance of licenses to persons who have been licensed in this state. If a person who has been licensed in a state other than the State of Oklahoma, or in a territory of the United States, in the District of Columbia, or in a country other than the United States complies with this act and the rules of the Board, the secretary-treasurer, acting in the exercise of his or her discretion or upon the order of the Board in the exercise of its discretion and upon the receipt of the stated payment to the Board pursuant to the rules of the Board,

shall issue to the person a license to practice architecture in this state.
Added by Laws 1998, c. 220, § 6, eff. July 1, 1998. Amended by Laws 2006, c. 163, § 7, eff. July 1, 2006; Laws 2009, c. 184, § 6, eff. July 1, 2009; Laws 2014, c. 234, § 6, eff. July 1, 2014.

§59-46.9. See the following versions:
OS 59-46.9v1 (HB 3253, Laws 2024, c. 147, § 4).
OS 59-46.9v2 (HB 1793, Laws 2024, c. 138, § 6).

§59-46.9v1. Practice through partnership, firm, association, corporation, limited liability company or limited liability partnership - Certificates of authority or title - Foreign entities - Registration of trade name or service mark.

A. The practice of architecture or landscape architecture or offering to practice these professions for others by persons licensed under this act through a partnership, corporation, limited liability company or limited liability partnership as directors, partners, officers, shareholders, managers, members or principals is permitted, subject to the provisions of the State Architectural and Registered Commercial Interior Designers Act, provided:

1. One or more of the directors, partners, officers, shareholders, managers, members or principals of said partnership, corporation, limited liability company or limited liability partnership is legally responsible for the entity of said partnership, corporation, limited liability company or limited liability partnership;

2. Such director, partner, officer, shareholder, manager, member or principal is duly licensed under the State Architectural and Registered Commercial Interior Designers Act; and

3. Said partnership, corporation, limited liability company or limited liability partnership has been issued a certificate of authority by the Board.

B. The Board shall have the power to issue, revoke, deny, or refuse to renew a certificate of authority for a partnership, corporation, limited liability company or limited liability partnership as provided for in the State Architectural and Registered Commercial Interior Designers Act.

C. A partnership, corporation, limited liability company or limited liability partnership desiring to practice architecture or landscape architecture shall file with the Board an application for a certificate of authority, and pay all fees, for each office location performing work on Oklahoma projects on a form approved by the Board which shall include the names, addresses, state of licensure and license number of all partners, directors, officers, members, managers or principals of the partnership, corporation, limited liability company or limited liability partnership legally

responsible for the entity's practice. The form shall name an individual having the practice of architecture in such person's charge who is a director, partner, officer, member, manager or principal. The person shall be duly licensed as an architect to practice architecture or licensed as a landscape architect to practice landscape architecture in this state through said partnership, corporation, limited liability company or limited liability partnership legally responsible for the entity's practice or services offered and other information required by the Board. In the event there shall be a change in any of these persons during the term of the certification, such change shall be filed with the Board within thirty (30) days after the effective date of said change. If all of the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of authority to such partnership, corporation, limited liability company or limited liability partnership.

D. Any other person licensed pursuant to the State Architectural and Registered Commercial Interior Designers Act, not practicing these professions as a partnership, corporation, limited liability company or limited liability partnership, shall practice as an individual.

E. No such partnership, corporation, limited liability company or limited liability partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, partners, directors, officers, managers, members or principals by reason of its compliance with the provisions of this section, or shall any individual practicing these professions be relieved of responsibility for professional services performed as an individual by reason of such person's employment or relationship with such partnership, corporation, limited liability company or limited liability partnership.

F. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established any of the words "Architect", "Architectural", "Architecture", "Landscape Architect", "Landscape Architecture" or any modification or derivation of these words, unless the Board has issued for said applicant either a certificate of authority for an entity, or a letter indicating eligibility for an exemption pursuant to the State Architectural and Registered Commercial Interior Designers Act. The entity applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

G. The Secretary of State shall not register any trade name or service mark which includes such words, as set forth in subsection F of this section, or modifications or derivatives thereof in its firm name or logotype except those entities or individuals holding

certificates of authority issued under the provisions of this section or letters of eligibility issued by the Board.

H. The use of the title "Registered Commercial Interior Designer" by a partnership, corporation, limited liability company or limited liability partnership is allowed to those entities listed, provided:

1. One or more of the directors, partners, officers, shareholders, members, managers or principals is registered with the Board as a registered commercial interior designer and is in good standing with the Board; and

2. The partnership, corporation, limited liability company or limited liability partnership has been issued a certificate of title by the Board.

I. The Board shall have the power to issue, revoke, deny or refuse to renew a certificate of title for a partnership, corporation, limited liability company or limited liability partnership as provided for in the State Architectural and Registered Commercial Interior Designers Act.

J. A partnership, corporation, limited liability company or limited liability partnership shall file with the Board an application for a certificate of title on a form approved by the Board which shall include the names, addresses, state of registration and registration number of all directors, partners, officers, shareholders, members, managers, or principals of the partnership, corporation, limited liability company or limited liability partnership. In the event there shall be a replacement of any of these persons during the term of certification, the change shall be filed with the Board within thirty (30) days after the effective date of the change. If all the requirements of this section, this act and the current rules of the Board have been met, the Board shall issue a certificate of title to such partnership, corporation, limited liability company or limited liability partnership.

K. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established any of the words "Registered Commercial Interior Designer" or any modification or derivation of these words, unless the Board has issued for the applicant either a certificate of title for an entity, or a letter indicating the eligibility for an exemption pursuant to the State Architectural and Registered Commercial Interior Designers Act. The firm applying shall supply such certificate of title or letter from the Board with its application for incorporation or registration.

L. The Secretary of State shall not register any trade name or service mark which includes such words as set forth in subsection K of this section, or modification or derivatives thereof in its firm

name or logotype except those entities or individuals holding certificates of title issued under the provisions of this section or letters of eligibility issued by the Board.

M. Upon application for renewal and upon compliance with the provisions of the State Architectural and Registered Commercial Interior Designers Act and the rules of the Board, a certificate of title shall be renewed as provided in this act.

N. Upon application for renewal and upon compliance with the provisions of the State Architectural and Registered Commercial Interior Designers Act and the rules of the Board, a certificate of authority shall be renewed as provided in this act.

Added by Laws 1947, p. 351, § 12, emerg. eff. April 16, 1947. Amended by Laws 1963, c. 178, § 1, emerg. eff. June 10, 1963; Laws 1981, c. 320, § 4; Laws 1983, c. 21, § 2, operative July 1, 1983; Laws 1986, c. 154, § 6, eff. July 1, 1986; Laws 1986, c. 287, § 13, operative July 1, 1986. Renumbered from § 45.12 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 7, eff. July 1, 1998; Laws 2006, c. 163, § 8, eff. July 1, 2006; Laws 2009, c. 184, § 7, eff. July 1, 2009; Laws 2014, c. 234, § 7, eff. July 1, 2014; Laws 2021, c. 443, § 6, eff. July 1, 2021; Laws 2024, c. 147, § 4, eff. Nov. 1, 2024.

§59-46.9v2. Practice through partnership, firm, association, corporation, limited liability company or limited liability partnership - Certificates of authority or title - Foreign entities - Registration of trade name or service mark.

A. The practice of architecture, landscape architecture, or licensed interior design or offering to practice these professions for others by persons licensed under this act through a partnership, firm, association, corporation, limited liability company or limited liability partnership as directors, partners, officers, shareholders, employees, managers, members or principals is permitted, subject to the provisions of the State Architectural and Licensed Interior Designers Act, provided:

1. One or more of the directors, partners, officers, shareholders, managers, members or principals of said partnership, firm, association, corporation, limited liability company or limited liability partnership is designated as being responsible for the entity's activities and decisions of said partnership, firm, association, corporation, limited liability company or limited liability partnership;

2. Such director, partner, officer, shareholder, manager, member or principal is duly licensed under the State Architectural and Licensed Interior Designers Act;

3. All personnel of said partnership, firm, association, corporation, limited liability company or limited liability partnership who act on behalf of the entity for these professions in

the state are licensed under the State Architectural and Licensed Interior Designers Act; and

4. Said partnership, firm, association, corporation, limited liability company or limited liability partnership has been issued a certificate of authority by the Board.

B. The Board shall have the power to issue, revoke, deny, or refuse to renew a certificate of authority for a partnership, firm, association, corporation, limited liability company or limited liability partnership as provided for in the State Architectural and Licensed Interior Designers Act.

C. A partnership, firm, association, corporation, limited liability company or limited liability partnership desiring to practice architecture, landscape architecture, or licensed interior design shall file with the Board an application for a certificate of authority for each office location performing work on Oklahoma projects on a form approved by the Board which shall include the names, addresses, state of licensure and license number of all partners, directors, officers, members, managers or principals of the partnership, firm, association, corporation, limited liability company or limited liability partnership legally responsible for the entity's practice. The form shall name an individual having the practice of architecture in such person's charge who is a director, partner, officer, member, manager or principal. The person shall be duly licensed as an architect to practice architecture or licensed as a landscape architect to practice landscape architecture, or as a licensed interior designer to practice licensed interior design in this state through said partnership, firm, association, corporation, limited liability company or limited liability partnership legally responsible for the entity's practice or services offered and other information required by the Board. In the event there shall be a change in any of these persons during the term of the certification, such change shall be filed with the Board within thirty (30) days after the effective date of said change. If all of the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of authority to such partnership, firm, association, corporation, limited liability company or limited liability partnership.

D. Any other person licensed pursuant to the State Architectural and Licensed Interior Designers Act, not practicing these professions as a partnership, firm, association, corporation, limited liability company or limited liability partnership, shall practice as an individual.

E. No such partnership, firm, association, corporation, limited liability company or limited liability partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, partners, directors, officers, managers, members or principals by reason of its compliance with the provisions of this section, or

shall any individual practicing these professions be relieved of responsibility for professional services performed as an individual by reason of such person's employment or relationship with such partnership, firm, association, corporation, limited liability company or limited liability partnership.

F. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established any of the words "Architect", "Architectural", "Architecture", "Landscape Architect", "Landscape Architecture", "Licensed Interior Designer", or "Licensed Interior Design", or any modification or derivation of these words, unless the Board has issued for said applicant either a certificate of authority for an entity, or a letter indicating eligibility for an exemption pursuant to the State Architectural and Licensed Interior Designers Act. The entity applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

G. The Secretary of State shall not register any trade name or service mark which includes such words, as set forth in subsection F of this section, or modifications or derivatives thereof in its firm name or logotype except those entities or individuals holding certificates of authority issued under the provisions of this section or letters of eligibility issued by the Board.

H. Upon application for renewal and upon compliance with the provisions of the State Architectural and Licensed Interior Designers Act and the rules of the Board, a certificate of authority shall be renewed as provided in this act.

Added by Laws 1947, p. 351, § 12, emerg. eff. April 16, 1947. Amended by Laws 1963, c. 178, § 1, emerg. eff. June 10, 1963; Laws 1981, c. 320, § 4; Laws 1983, c. 21, § 2, operative July 1, 1983; Laws 1986, c. 154, § 6, eff. July 1, 1986; Laws 1986, c. 287, § 13, operative July 1, 1986. Renumbered from § 45.12 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 7, eff. July 1, 1998; Laws 2006, c. 163, § 8, eff. July 1, 2006; Laws 2009, c. 184, § 7, eff. July 1, 2009; Laws 2014, c. 234, § 7, eff. July 1, 2014; Laws 2021, c. 443, § 6, eff. July 1, 2021; Laws 2024, c. 138, § 6.

§59-46.10. See the following versions:

OS 59-46.10v1 (HB 3253, Laws 2024, c. 147, § 5).

OS 59-46.10v2 (HB 1793, Laws 2024, c. 138, § 7).

§59-46.10v1. Dues - Cancellation of license or registration for nonpayment.

A. Every licensed architect, landscape architect, registered commercial interior designer, partnership, corporation, limited liability company, or limited liability partnership shall pay to the

Board a renewal fee as prescribed by the rules of the Board prior to or on June 30 of odd years. No license, registration, certificate of authority, or certificate of title shall be issued or renewed for longer than two (2) years. Upon receipt of the fee, the Board shall issue a renewal, which shall authorize the person, partnership, corporation, limited liability company, or limited liability partnership to practice architecture, landscape architecture or use the title registered commercial interior designer, as the case may be, in this state.

B. The license of an architect or landscape architect or the registration of a registered commercial interior designer which has been canceled by the Board for nonpayment of dues may be renewed at any time within three (3) years from the date of the cancellation, upon payment to the Board of the fees and any penalties prescribed by the Board. If a license or registration, initially granted by the State of Oklahoma that was the sole license of a professional, remains canceled for a period exceeding three (3) consecutive years, it may be reinstated subject to Board review. Upon review, the Board may prescribe a test or an examination in order to determine continued competency of the licensee or registrant. An individual who is licensed in another jurisdiction and whose Oklahoma license has been canceled for a period exceeding three (3) consecutive years may reapply as prescribed in the rules of the Board. A partnership, corporation, limited liability company or limited liability partnership may reinstate a certificate of authority or a certificate of title canceled for a period exceeding three (3) years in the manner provided by the rules of the Board.

Added by Laws 1947, p. 351, § 13, emerg. eff. April 16, 1947. Amended by Laws 1949, p. 388, § 3, emerg. eff. May 6, 1949; Laws 1963, c. 178, § 2, emerg. eff. June 10, 1963; Laws 1983, c. 21, § 3, operative July 1, 1983; Laws 1986, c. 154, § 7, eff. July 1, 1986; Laws 1986, c. 287, § 14, operative July 1, 1986. Renumbered from § 45.13 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 8, eff. July 1, 1998; Laws 2001, c. 245, § 1, eff. Nov. 1, 2001; Laws 2006, c. 163, § 9, eff. July 1, 2006; Laws 2006, c. 193, § 5, eff. July 1, 2006; Laws 2009, c. 184, § 8, eff. July 1, 2009; Laws 2021, c. 443, § 7, eff. July 1, 2021; Laws 2024, c. 147, § 5, eff. Nov. 1, 2024.

§59-46.10v2. Dues - Cancellation of license or registration for nonpayment.

Every licensed architect, landscape architect and licensed interior designer shall pay to the Board a fee as prescribed by the rules of the Board. Upon receipt of the fee the Board shall issue a renewal of the license, which shall authorize the person to practice architecture, landscape architecture or licensed interior design, as the case may be, in this state. The license of an architect,

landscape architect, or licensed interior designer which has been canceled by the Board for nonpayment of dues may be renewed at any time within three (3) years from the date of the cancellation, upon payment to the Board of the fees which had accrued at the time of the cancellation and which would have been paid at the time of reinstatement had not the license been suspended, together with payment of the amount of penalties which may have been prescribed by the Board. If a license remains canceled for a period exceeding three (3) consecutive years, it shall not be reinstated unless the licensee has taken or submitted to a test or a quiz or a Board review or an examination as the circumstances of the individual case may warrant and as may be prescribed by the Board in order to determine continued competency of the licensee. A partnership, firm, association, corporation, limited liability company or limited liability partnership shall pay to the Board the fee prescribed and in the manner provided by the rules of the Board for the renewal of the certificate of authority for such partnership, firm, association, corporation, limited liability company or limited liability partnership.
Added by Laws 1947, p. 351, § 13, emerg. eff. April 16, 1947. Amended by Laws 1949, p. 388, § 3, emerg. eff. May 6, 1949; Laws 1963, c. 178, § 2, emerg. eff. June 10, 1963; Laws 1983, c. 21, § 3, operative July 1, 1983; Laws 1986, c. 154, § 7, eff. July 1, 1986; Laws 1986, c. 287, § 14, operative July 1, 1986. Renumbered from § 45.13 of this title by Laws 1986, c. 287, § 30, operative July 1, 1986. Amended by Laws 1998, c. 220, § 8, eff. July 1, 1998; Laws 2001, c. 245, § 1, eff. Nov. 1, 2001; Laws 2006, c. 163, § 9, eff. July 1, 2006; Laws 2006, c. 193, § 5, eff. July 1, 2006; Laws 2009, c. 184, § 8, eff. July 1, 2009; Laws 2021, c. 443, § 7, eff. July 1, 2021; Laws 2024, c. 138, § 7.

§59-46.11. Renewal of license or certificate - Display.

No license or certificate of authority shall be issued or renewed for longer than two (2) years. A license or certificate may be renewed upon application, compliance with this act or the rules of the Board, and payment of fees prior to or on June 30 of alternate years. Every architect, landscape architect, or licensed interior designer having a place of business or employment within the state shall display such person's license in a conspicuous place in such place of business or employment. A new license to replace a lost, destroyed or mutilated license shall be issued by the Board upon payment of a fee established in accordance with the rules of the Board.
Added by Laws 1986, c. 287, § 11, operative July 1, 1986. Amended by Laws 1998, c. 220, § 9, eff. July 1, 1998; Laws 2006, c. 163, § 10, eff. July 1, 2006; Laws 2014, c. 234, § 8, eff. July 1, 2014; Laws 2024, c. 138, § 8.

NOTE: This section was purportedly repealed by Laws 2024, c. 147, § 33 but without reference to Laws 2024, c. 138, § 8, which amended it.

§59-46.12. Reinstatement of license, registration or certificate.

After the expiration of a period of six (6) months and upon payment to the Board of a fee as prescribed by the rules of the Board, a person or entity whose license or certificate of authority has been suspended or revoked for cause, pursuant to the provisions of the State Architectural and Licensed Interior Designers Act, may file an application with the Board for the reinstatement of said license or certificate of authority. After a showing has been made by the applicant to the Board that the interests of the public will not suffer by reason of reinstatement, the Board in its discretion may order the reinstatement of the license or certificate of authority upon the payment of a sum equal to the fees which would have accrued had not the license or certificate of authority of the applicant been suspended or revoked.

Added by Laws 1947, p. 353, § 16, emerg. eff. April 16, 1947. Amended by Laws 1983, c. 21, § 4, operative July 1, 1983; Laws 1986, c. 154, § 8, eff. July 1, 1986; Laws 1986, c. 287, § 16, operative July 1, 1986. Renumbered from § 45.16 of this title by Laws 1986, c. 287, § 31, operative July 1, 1986. Amended by Laws 1998, c. 220, § 10, eff. July 1, 1998; Laws 2006, c. 163, § 11, eff. July 1, 2006; Laws 2009, c. 184, § 9, eff. July 1, 2009; Laws 2021, c. 443, § 8, eff. July 1, 2021; Laws 2024, c. 138, § 9.

§59-46.13. Repealed by Laws 1998, c. 220, § 20, eff. July 1, 1998.

§59-46.14. Grounds for suspension, revocation or nonrenewal of license or certificate – Hearing – Definitions.

A. The Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma shall have power to suspend, to revoke or refuse to renew a license or certificate of authority issued by it, pursuant to the provisions of the State Architectural and Licensed 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 licensed interior design and 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. Has been guilty of gross incompetence or recklessness in the practice of licensed interior design, or of dishonest practices;

6. Presents the license or certification of another as his or her own;

7. Gives false or forged evidence to the Board;

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

9. Has been found to be guilty of a violation of a provision of the State Architectural and Licensed 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 coursework 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.

Added by Laws 1947, p. 351, § 14, emerg. eff. April 16, 1947. Amended by Laws 1986, c. 287, § 15, operative July 1, 1986. Renumbered from § 45.14 of this title by Laws 1986, c. 287, § 31, operative July 1, 1986. Amended by Laws 1998, c. 220, § 11, eff. July 1, 1998; Laws 2006, c. 163, § 12, eff. July 1, 2006; Laws 2009, c. 184, § 10, eff. July 1, 2009; Laws 2014, c. 234, § 9, eff. July 1, 2014; Laws 2015, c. 183, § 1, eff. Nov. 1, 2015; Laws 2019, c. 363, § 3, eff. Nov. 1, 2019; Laws 2021, c. 443, § 9, eff. July 1, 2021; Laws 2024, c. 138, § 10.

§59-46.15. Appeals from Board - Jurisdiction of District Court of Oklahoma County.

Any person or entity aggrieved by a final order of the Board may appeal from such decision by filing a petition in the District Court of Oklahoma County within thirty (30) days from the date of such

final order. The District Court of Oklahoma County shall have jurisdiction of an appeal from the Board, and shall have power to affirm, reverse or modify the decisions of the Board. Such appeals shall be subject to the law and practice applicable to other civil actions. Provided, that any party to said appeal may appeal from the decision of said district court to the Supreme Court of Oklahoma in the same manner as provided by law in other civil actions.
Added by Laws 1947, p. 352, § 15, emerg. eff. April 16, 1947. Renumbered from § 45.15 of this title by Laws 1986, c. 287, § 31, operative July 1, 1986. Amended by Laws 1998, c. 220, § 12, eff. July 1, 1998.

§59-46.16. Repealed by Laws 1998, c. 220, § 20, eff. July 1, 1998.

§59-46.17. Criminal penalties.

Any person or entity convicted of violating any provision of the State Architectural and Licensed Interior Designers Act shall be guilty of a misdemeanor. The continued violation of any provision of the State Architectural and Licensed Interior Designers Act during each day shall be deemed to be a separate offense. Upon conviction thereof, the person or entity shall be punished by imprisonment in the county jail not to exceed one (1) year, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment for each offense. The Board may request the appropriate district attorney to prosecute such violation and seek an injunction against such practice.
Added by Laws 1986, c. 287, § 25, operative July 1, 1986. Amended by Laws 2006, c. 163, § 13, eff. July 1, 2006; Laws 2009, c. 184, § 11, eff. July 1, 2009; Laws 2021, c. 443, § 10, eff. July 1, 2021; Laws 2024, c. 138, § 11.

§59-46.18. Civil penalties.

A. Any person or entity who has been determined by the Board to have violated any provision of the State Architectural and Licensed Interior Designers Act or any rule or order issued pursuant to the provisions of the State Architectural and Licensed Interior Designers Act may be liable for a civil penalty of not more than One Hundred Dollars ($100.00) for each day that said violation continues plus the legal costs incurred by the Board to prosecute the case. The maximum civil penalty shall not exceed Ten Thousand Dollars ($10,000.00) for any violation plus the legal costs incurred by the Board to prosecute the case.

B. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with

respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the State Architectural and Licensed Interior Designers Act. All monies collected from such civil penalties shall be deposited with the State Treasurer of Oklahoma and placed in the Board of Architects' Fund.

C. Any license or certificate of authority holder may elect to surrender the license or certificate of authority in lieu of said fine but shall be forever barred from obtaining a reissuance of said license or certificate of authority.

Added by Laws 1986, c. 287, § 26, operative July 1, 1986. Amended by Laws 1998, c. 220, § 13, eff. July 1, 1998; Laws 2006, c. 163, § 14, eff. July 1, 2006; Laws 2009, c. 184, § 12, eff. July 1, 2009; Laws 2014, c. 234, § 10, eff. July 1, 2014; Laws 2021, c. 443, § 11, eff. July 1, 2021; Laws 2024, c. 138, § 12.

§59-46.19. Board of Architects' Fund.

All monies which shall be paid to the Board pursuant to the provisions of the State Architectural and Licensed Interior Designers Act shall be deposited with the State Treasurer of Oklahoma and placed in a separate and distinct fund to be known as the "Board of Architects' Fund". At the end of each fiscal year hereafter such unexpended balance remaining in the Board of Architects' Fund shall be carried over and continued therein. All sums of money now or hereafter to be or to come into the fund are hereby appropriated for the purpose of effectuating the purposes of the State Architectural and Licensed Interior Designers Act, and to pay all costs and expenses heretofore and hereafter incurred in connection therewith.

Added by Laws 1947, p. 353, § 17, emerg. eff. April 16, 1947. Amended by Laws 1980, c. 314, § 10, eff. July 1, 1980; Laws 1986, c. 154, § 9, eff. July 1, 1986; Laws 1986, c. 287, § 17, operative July 1, 1986. Renumbered from § 45.17 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 2006, c. 163, § 15, eff. July 1, 2006; Laws 2009, c. 184, § 13, eff. July 1, 2009; Laws 2021, c. 443, § 12, eff. July 1, 2021; Laws 2024, c. 138, § 13.

§59-46.20. Annual report.

At the close of each fiscal year, the Board shall make a full report of its proceedings during the year to the Governor and shall pay into the General Revenue Fund of the state ten percent (10%) of all license and certificate of authority issuance and renewal fees collected and received during the fiscal year.

Added by Laws 1947, p. 353, § 18, emerg. eff. April 16, 1947. Amended by Laws 1979, c. 30, § 17, emerg. eff. April 6, 1979; Laws

1980, c. 314, § 11, eff. July 1, 1980; Laws 1986, c. 287, § 18, operative July 1, 1986. Renumbered from § 45.18 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 2014, c. 234, § 11, eff. July 1, 2014; Laws 2024, c. 138, § 14.

§59-46.21. See the following versions:
OS 59-46.21v1 (HB 3253, Laws 2024, c. 147, § 6).
OS 59-46.21v2 (HB 1793, Laws 2024, c. 138, § 15).

§59-46.21b. See the following versions:
OS 59-46.21bv1 (HB 3253, Laws 2024, c. 147, § 7).
OS 59-46.21bv2 (HB 1793, Laws 2024, c. 138, § 16).

§59-46.21v1. Persons, firms, corporations, limited liability companies or limited liability partnerships excepted from act.

A. The State Architectural and Registered Commercial Interior Designers Act shall not apply to any persons, firms, corporations, limited liability companies or limited liability partnerships that do not hold a license, registration or certification in any jurisdiction for exempted Code Use Groups defined by the State Architectural and Registered Commercial Interior Designers Act, providing such persons and/or entities shall not represent such person or entity to be an architect or other title of profession or business using a form of the word, "Architect". This act shall not prevent such persons and/or entities from advertising or selling their services.

Any architect, landscape architect or registered commercial interior designer from any jurisdiction that contracts, provides or holds out to the public that they are able to provide professional services in Oklahoma is required to hold a license, registration or certificate of authority or certificate of title as needed from the Board, even on exempt Code Use Groups, and an architect or landscape architect is required to sign, seal and date all construction documents and technical submissions.

B. Nothing in this act shall be construed to prevent the preparation of technical submissions or the administration of construction contracts by employees of a person or entity lawfully engaged in the practice of architecture when such employees are acting under the responsible control of a licensed architect.

C. The following shall govern design competitions in the state:

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

2. The competition winner, prior to seeking the commission for architectural services on the proposed project, shall apply for licensing in this state within ten (10) days of notification of

winning the competition and complete the process within thirty (30) days.

D. Nothing in this act shall prohibit an officer or employee of the United States Armed Forces or an employee of the United States government from practicing within the scope of their authority and employment.

Added by Laws 1949, p. 388, § 2, emerg. eff. May 6, 1949. Amended by Laws 1986, c. 287, § 27, operative July 1, 1986. Renumbered from § 45.3a of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 1998, c. 220, § 14, eff. July 1, 1998; Laws 2006, c. 163, § 16, eff. July 1, 2006; Laws 2009, c. 184, § 14, eff. July 1, 2009; Laws 2014, c. 234, § 12, eff. July 1, 2014; Laws 2021, c. 443, § 13, eff. July 1, 2021; Laws 2024, c. 147, § 6, eff. Nov. 1, 2024.

§59-46.21v2. Persons, firms, corporations, limited liability companies or limited liability partnerships excepted from act.

A. The State Architectural and Licensed Interior Designers Act shall not apply to any persons, firms, corporations, limited liability companies or limited liability partnerships that do not hold a license or certification in any jurisdiction for exempted Code Use Groups defined by the State Architectural and Licensed Interior Designers Act, providing such persons and/or entities shall not represent such person or entity to be an architect, licensed interior designer, or other title of profession or business using a form of the words, "Architect" or "Licensed Interior Designer". This act shall not prevent such persons and/or entities from advertising or selling their services.

Any architect, landscape architect or licensed interior designer from any jurisdiction who contracts, provides or holds out to the public that he or she is able to provide professional services in Oklahoma is required to hold a license or certificate of authority as needed from the Board, even on exempt Code Use Groups, and an architect, landscape architect, or licensed interior designer is required to sign, seal and date all construction documents and technical submissions.

B. Nothing in this act shall be construed to prevent the preparation of technical submissions or the administration of construction contracts by employees of a person or entity lawfully engaged in the practice of architecture when such employees are acting under the responsible control of an architect.

C. The following shall govern design competitions in the state:

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

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

Added by Laws 1949, p. 388, § 2, emerg. eff. May 6, 1949. Amended by Laws 1986, c. 287, § 27, operative July 1, 1986. Renumbered from § 45.3a of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 1998, c. 220, § 14, eff. July 1, 1998; Laws 2006, c. 163, § 16, eff. July 1, 2006; Laws 2009, c. 184, § 14, eff. July 1, 2009; Laws 2014, c. 234, § 12, eff. July 1, 2014; Laws 2021, c. 443, § 13, eff. July 1, 2021; Laws 2024, c. 138, § 15.

§59-46.22. Repealed by Laws 1998, c. 220, § 20, eff. July 1, 1998.

§59-46.23. Repealed by Laws 1998, c. 220, § 20, eff. July 1, 1998.

§59-46.24. Issuance of architecture license - Qualifications - Examination - License certificate - Confidential records.

A. Except as otherwise provided in the State Architectural and Licensed Interior Designers Act, no license shall be issued to any person to practice architecture in this state unless the person:

1. Is twenty-one (21) years of age or over;

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

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

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

B. Upon meeting the requirements of subsection A of this section and payment of an initial fee as may be prescribed by the rules of the Board, the Board shall issue to the applicant a license which shall authorize the applicant to engage in the practice of architecture in this state. The Board has the authority to issue temporary licenses while qualifying the applicant in compliance with

the Military Service Occupation, Education and Credentialing Act or with any declared state of emergency.

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

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

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

Added by Laws 1947, p. 350, § 11, emerg. eff. April 16, 1947. Amended by Laws 1980, c. 314, § 9, eff. July 1, 1980; Laws 1981, c. 320, § 3; Laws 1983, c. 21, § 1, operative July 1, 1983; Laws 1986, c. 154, § 5, eff. July 1, 1986; Laws 1986, c. 287, § 12, operative July 1, 1986. Renumbered from § 45.11 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 1998, c. 220, § 15, eff. July 1, 1998; Laws 2006, c. 163, § 18, eff. July 1, 2006; Laws 2009, c. 184, § 16, eff. July 1, 2009; Laws 2014, c. 234, § 14, eff. July 1, 2014; Laws 2019, c. 363, § 4, eff. Nov. 1, 2019; Laws 2021, c. 443, § 15, eff. July 1, 2021; Laws 2024, c. 138, § 17.

§59-46.25. Seal of architect.

Each architect shall have a seal, the image of which must contain the name of the architect, the person's license number and the words "Licensed Architect, State of Oklahoma".

All technical submissions prepared by such architect, or under the responsible control of the architect, shall be sealed, signed and dated, which shall mean that the architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of

care. No architect may sign or seal technical submissions unless they were prepared by or under the responsible control of the architect, except that:

1. The person may sign or seal those portions of the technical submissions that were prepared by or under the responsible control of persons who are licensed under the State Architectural and Licensed Interior Designers Act if the architect has reviewed and adapted in whole or in part such portions and has either coordinated their preparation or integrated them into the work; and

2. The person may sign or seal those portions of the technical submissions that are not required to be prepared by or under the responsible control of an architect if the architect has reviewed and adapted in whole or in part such submissions and integrated them into the work. The seal may be a rubber stamp or may be generated electronically, pursuant to rules adopted by the Board.

Added by Laws 1947, p. 353, § 19, emerg. eff. April 16, 1947. Amended by Laws 1986, c. 287, § 19, operative July 1, 1986. Renumbered from § 45.19 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 1998, c. 220, § 16, eff. July 1, 1998; Laws 2006, c. 163, § 19, eff. July 1, 2006; Laws 2006, c. 193, § 7, eff. July 1, 2006; Laws 2009, c. 184, § 17, eff. July 1, 2009; Laws 2021, c. 443, § 16, eff. July 1, 2021; Laws 2024, c. 138, § 18.

§59-46.26. Acceptance of compensation from other than client - Unlawful.

It shall be unlawful for an architect to accept or receive compensation, directly or indirectly, from another than his or her client in connection with the reparation, alteration or construction of a building or structure in relation to which he shall have accepted employment in any manner.

Added by Laws 1947, p. 354, § 20, emerg. eff. April 16, 1947. Renumbered from § 45.20 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 2014, c. 234, § 15, eff. July 1, 2014.

§59-46.27. Prohibition against architects bidding or holding financial interests in bidding entities for certain contracts.

It shall be unlawful for an architect, at any time, to bid or hold a financial interest in any entity competitively bidding for a contract for the reparation, alteration or erection of a building or other structure for which he or she has prepared the plans and specifications unless the contract is a design/build contract.

Added by Laws 1947, p. 354, § 21, emerg. eff. April 16, 1947. Renumbered from § 45.21 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 2014, c. 234, § 16, eff. July 1, 2014.

§59-46.28. Scope of act.

The State Architectural and Licensed Interior Designers Act shall not require the licensing of practitioners of the following professions and occupations to practice landscape architecture:

1. A professional engineer, as defined in Section 475.2 of this title, certified to practice the profession in this state under any act to regulate the practice of that profession. Nothing contained in the State Architectural and Licensed Interior Designers Act shall be construed as precluding an architect or engineer from performing services included within the definition of "landscape architecture" when incidental, meaning less than ten percent (10%) of the total project cost, to the performance of his or her normal practice as an architect or engineer;

2. A landscape contractor building or installing what was designed by a landscape architect;

3. An agriculturist, horticulturist, forester as defined in Section 1202 of this title, nursery operator, gardener, landscape gardener, garden or lawn caretaker and grader or cultivator of land involved in the selection, placement, planting and maintenance of plant material;

4. Persons who act under the supervision of a licensed landscape architect or an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;

5. Regional planners or urban planners, who evaluate and develop land-use plans to provide for community and municipal projections of growth patterns based on demographic needs;

6. A landscape designer or contractor whose business is choosing types of plants, planning their location and the design of landscapes for those projects or whose work is limited to projects for a single-family residential home. Landscape design or installation work may also be performed by an owner or occupant on the single-family residence of the owner or occupant;

7. Persons other than landscape architects who prepare details and shop drawings for use in connection with the execution of their work; and

8. Builders or their superintendents in the supervision of landscape architectural projects.

Added by Laws 1980, c. 314, § 14, eff. July 1, 1980. Amended by Laws 1986, c. 287, § 20, operative July 1, 1986. Renumbered from § 45.27 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 2005, c. 77, § 2, eff. July 1, 2005; Laws 2006, c. 163, § 20, eff. July 1, 2006; Laws 2009, c. 184, § 18, eff. July 1, 2009; Laws 2014, c. 234, § 17, eff. July 1, 2014; Laws 2021, c. 443, § 17, eff. July 1, 2021; Laws 2024, c. 138, § 19.

§59-46.29. Landscape architecture license required.

No person shall practice landscape architecture in this state, or use the title "landscape architect" or derivations of those words on any sign, title, card or device to indicate that such person is practicing landscape architecture or is a landscape architect, unless such person shall have secured a license from the Board. Added by Laws 1980, c. 314, § 16, eff. July 1, 1980. Amended by Laws 1986, c. 154, § 11, eff. July 1, 1986. Renumbered from § 45.29 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 2006, c. 163, § 21, eff. July 1, 2006; Laws 2014, c. 234, § 18, eff. July 1, 2014.

§59-46.30. Licensing of landscape architects - Temporary licenses - Certificate of qualification.

The Board shall license, as a landscape architect, each applicant who demonstrates to the satisfaction of the Board his or her qualification and competence or in any case the Board decides the interest of the public will be served for such license as provided in equivalent standards for education, training and examination in this act and the Board's current rules or in compliance with the Post-Military Service Occupation, Education and Credentialing Act. The Board has the authority to issue temporary licenses while qualifying the applicant in compliance with the Post-Military Service Occupation, Education and Credentialing Act or with any declared state of emergency.

The Board shall issue to each individual licensed a certificate of qualification and the right to use the title "landscape architect" and to practice landscape architecture in the state. Added by Laws 1980, c. 314, § 18, eff. July 1, 1980. Amended by Laws 1986, c. 154, § 13, eff. July 1, 1986. Renumbered from § 45.31 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 2006, c. 163, § 22, eff. July 1, 2006; Laws 2014, c. 234, § 19, eff. July 1, 2014.

§59-46.31. Examination of landscape architects - License certificate - Issuance of license without examination.

A. Except as otherwise provided in the State Architectural and Licensed Interior Designers Act, no license shall be issued to any person to practice landscape architecture in this state unless the person:

1. Is twenty-one (21) years of age or older;

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

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

4. Has paid all applicable fees.

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

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

D. The Board shall establish rules for examination of landscape architects and may elect to follow the recommendations of the Council of Landscape Architectural Registration Boards (CLARB) or its successor. The examination shall be designed to determine the qualifications of the applicant to practice landscape architecture. The examination shall cover such technical, professional and practical subjects as relate to the practice of the profession of landscape architecture. The examination shall also cover the basic arts and sciences and knowledge of material which is necessary to the proper understanding, application and qualification for practice of the profession of landscape architecture. The minimum passing grade in all subjects of the examination shall be as established by the Board. An applicant receiving a passing grade on a subject included in the examination will be given credit, subject to CLARB's provisions and subject to the rules of the Board. Applicants for readmittance to the examination shall pay the application fee.

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

E. Pursuant to such rules as it may have adopted, the Board shall have the power to issue licenses without requiring an examination to persons who have been licensed to practice landscape architecture in states other than the State of Oklahoma, in a territory of the United States, in the District of Columbia, or in a country other than the United States provided that the state, territory, district or country has a similar reciprocal provision to authorize the issuance of licenses to persons who have been licensed in this state. If a person who has been licensed in a state other than the State of Oklahoma, in a territory of the United States, in the District of Columbia, or in a country other than the United States complies with this act and rules of the Board, the secretary-treasurer, in the exercise of his or her discretion, or upon the

order of the Board and upon the receipt of all applicable fees prescribed by the Board, shall issue to the person a license to practice landscape architecture in this state.

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

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

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

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

Added by Laws 1980, c. 314, § 19, eff. July 1, 1980. Amended by Laws 1986, c. 154, § 14, eff. July 1, 1986; Laws 1986, c. 287, § 21, operative July 1, 1986. Renumbered from § 45.32 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 1998, c. 220, § 17, eff. July 1, 1998; Laws 2006, c. 163, § 23, eff. July 1, 2006; Laws 2006, c. 193, § 8, eff. July 1, 2006; Laws 2009, c. 184, § 19, eff. July 1, 2009; Laws 2014, c. 234, § 20, eff. July 1, 2014; Laws 2019, c. 363, § 5, eff. Nov. 1, 2019; Laws 2021, c. 443, § 18, eff. July 1, 2021; Laws 2024, c. 138, § 20.

§59-46.32. Practice of landscape architecture - Not transferable.

The privilege of engaging in the practice of landscape architecture is personal based upon the qualifications of the individual and evidenced by the individual's license. The license is not transferable.

Added by Laws 1980, c. 314, § 21, eff. July 1, 1980. Amended by Laws 1986, c. 154, § 15, eff. July 1, 1986. Renumbered from § 45.34 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 1998, c. 220, § 18, eff. July 1, 1998; Laws 2006, c. 163, § 24, eff. July 1, 2006; Laws 2014, c. 234, § 21, eff. July 1, 2014.

§59-46.33. Restoration of license - Application.

The Board may restore a license to any person whose license has lapsed or has been revoked or suspended. Application for the reissuance of a license shall be made in the manner as the Board may direct. The fees prescribed by the rules shall accompany the application for reissuance.

Added by Laws 1980, c. 314, § 27, eff. July 1, 1980. Amended by Laws 1986, c. 154, § 20, eff. July 1, 1986; Laws 1986, c. 287, § 23, operative July 1, 1986. Renumbered from § 45.40 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws

2006, c. 163, § 25, eff. July 1, 2006; Laws 2014, c. 234, § 22, eff. July 1, 2014.

§59-46.34. Seal of landscape architect.

A. Each landscape architect shall have a seal, the image of which shall contain the name of the landscape architect, the person's license number and the words "Licensed Landscape Architect, State of Oklahoma". All technical submissions prepared by such landscape architect, or under the responsible control of the landscape architect, shall be sealed, signed and dated, which shall mean that the landscape architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care. No landscape architect may sign or seal technical submissions unless they were prepared by or under the responsible control of the landscape architect, except that:

1. The person may sign or seal those portions of the technical submissions under the responsible control of persons who are licensed under the State Architectural and Licensed Interior Designers Act if the landscape architect has reviewed and adapted in whole or in part such portions and has either coordinated their preparation or integrated them into the work; and

2. The person may sign or seal those portions of the technical submissions that are not required to be prepared by or under the responsible control of a landscape architect if the landscape architect has reviewed and adapted in whole or in part such submissions and integrated them into the work. The seal may be a rubber stamp or may be generated electronically pursuant to rules adopted by the Board.

B. All drawings, specifications, plans, reports or other papers or documents involving the practice of landscape architecture, shall be dated and bear the signature and seal of the landscape architect or landscape architects who prepared or approved them. It is permissible to only sign, seal and date documents on the first sheet of bound sets of drawings, with index of drawings included, title page of specifications, and other drawings and contract documents in a manner consistent with this act and rules of the Board.

C. The seal, signature and date of the landscape architect may be applied to tracings to produce legible reproduction of the drawings or to reprints made from the tracings. This provision, however, does not in any manner modify the requirements of the other subsections of this section.

D. The license of a landscape architect shall not permit the practice of architecture, engineering or land surveying, except that which is incidental, meaning less than ten percent (10%) of the total cost of the total project, to the practice of landscape architecture. No landscape architect shall permit his or her seal

to be affixed to any plans, specifications or drawings if such portions thereof as are involved in the practice of his or her particular profession were not prepared by or under the landscape architect's responsible control.
Added by Laws 1980, c. 314, § 28, eff. July 1, 1980. Amended by Laws 1986, c. 154, § 21, eff. July 1, 1986; Laws 1986, c. 287, § 24, operative July 1, 1986. Renumbered from § 45.41 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 2006, c. 163, § 26, eff. July 1, 2006; Laws 2006, c. 193, § 9, eff. July 1, 2006; Laws 2009, c. 184, § 20, eff. July 1, 2009; Laws 2014, c. 234, § 23, eff. July 1, 2014; Laws 2021, c. 443, § 19, eff. July 1, 2021; Laws 2024, c. 138, § 21.

§59-46.35. Unlawful compensation.
It shall be unlawful for a landscape architect to accept or to receive compensation, directly or indirectly, from any person other than the client in connection with the reparation, alteration or construction of a project in relation to which the landscape architect shall have accepted employment in any manner.
Added by Laws 1980, c. 314, § 30, eff. July 1, 1980. Renumbered from § 45.43 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986.

§59-46.36. Prohibition against landscape architects bidding or holding financial interests in bidding entities for certain contracts.
It shall be unlawful for a landscape architect, at any time, to bid or hold a financial interest in any entity competitively bidding for a contract for the reparation, alteration, or erection of a building or other structure for which he or she has prepared the plans and specifications unless the contract is a design/build contract.
Added by Laws 1980, c. 314, § 31, eff. July 1, 1980. Renumbered from § 45.44 of this title by Laws 1986, c. 287, § 32, operative July 1, 1986. Amended by Laws 1998, c. 220, § 19, eff. July 1, 1998; Laws 2014, c. 234, § 24, eff. July 1, 2014.

§59-46.37. Repealed by Laws 2006, c. 163, § 31, eff. July 1, 2006.

§59-46.38. See the following versions:
OS 59-46.38v1 (HB 3253, Laws 2024, c. 147, § 8).
OS 59-46.38v2 (HB 1793, Laws 2024, c. 138, § 22).

§59-46.38v1. Registration of commercial interior designers - Certificate of title.
A. Except as otherwise provided in the State Architectural and Registered Commercial Interior Designers Act, no registration shall

be issued to any person to represent that the person is a "registered commercial interior designer" nor shall any person be allowed to use the term unless the person pays to the Board the required fees and/or penalties if applicable as established by the rules of the Board and:

1. Holds an accredited professional degree in interior design from an interior design program accredited by the Council for Interior Design Accreditation or its successor, or from an interior design program determined by the Board to be substantially equivalent to an accredited program;

2. Provides proof of a minimum of two (2) years of full-time diversified and appropriate experience within established standards as the Board shall prescribe; and

3. Provides to the Board proof of passage of the examination administered by the Council for Interior Design Qualification or its successor or an equivalent examination as determined by the Board.

B. The Board may waive the requirements of the State Architectural and Registered Commercial Interior Designers Act for an individual who holds a current valid registration from another state, jurisdiction or foreign country where the requirements for registration are substantially equivalent to those required for registration in this state and pays the required fees and/or penalties, if applicable, to the Board.

C. This section does not apply to a person licensed to practice architecture pursuant to the laws of this state.

D. Nothing in this act shall be construed to authorize the Board to regulate or prohibit persons who are rendering interior design services and are not registered commercial interior designers under the provisions of this act or to adopt regulations that would exceed the powers and responsibilities expressly authorized under this act.

E. Certificate of title shall be subject to the following:

1. The use of the title "Registered Commercial Interior Designer" by a partnership, corporation, limited liability company or limited liability partnership is allowed to those entities listed, provided:

   a. one or more of the directors, partners, officers, shareholders, members, managers, or principals is a registered commercial interior designer and is in good standing with the Board, and

   b. the partnership, corporation, limited liability company or limited liability partnership has been issued a certificate of title by the Board;

2. The Board shall have the power to issue, revoke, deny or refuse to renew a certificate of title for a partnership, corporation, limited liability company or limited liability partnership as provided for in this act;

3. A partnership, corporation, limited liability company or limited liability partnership shall file with the Board an application for a certificate of title on a form approved by the Board which shall include the names, addresses, state of registration and registration number of all directors, partners, officers, shareholders, members, managers or principals of the partnership, corporation, limited liability company or limited liability partnership. In the event there shall be a change in any of these persons during the term of certification, the change shall be filed with the Board within thirty (30) days after the effective date of the change. If all the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of title to the partnership, corporation, limited liability company or limited liability partnership;

4. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established the words "Registered Commercial Interior Designer" or any modification or derivation of these words, unless the Board has issued for the applicant either a certificate of title for an entity, or a letter indicating the eligibility for an exemption pursuant to the requirements of this act. The firm applying shall supply the certificate of title or letter from the Board with its application for incorporation or registration;

5. The Secretary of State shall not register any trade name or service mark which includes such words as set forth in paragraph 4 of this subsection, or modification or derivatives thereof in its firm name or logotype except those entities or individuals holding certificates of title issued under the provisions of this section or letters of eligibility issued by the Board; and

6. Upon application for renewal and upon compliance with the provisions of this act and the rules of the Board, a certificate of title shall be renewed as provided by this act.

F. No registration for registered commercial interior designers or a certificate of title for a partnership, corporation, limited liability company or limited liability partnership, shall be issued or renewed for longer than two (2) years. A registration or certificate of title may be renewed upon application, compliance with the rules of the Board and payment of fees prior to or on June 30 of alternate years. The registration for registered commercial interior designers shall begin July 1, 2007, and shall end June 30, 2009, unless renewed every two (2) years thereafter. A new registration to replace a lost, destroyed or mutilated registration shall be issued by the Board upon payment of a fee established in accordance with the rules of the Board.

Added by Laws 2006, c. 163, § 27, eff. July 1, 2006. Amended by Laws 2006, c. 193, § 10, eff. July 1, 2006; Laws 2009, c. 184, § 21,

eff. July 1, 2009; Laws 2014, c. 234, § 25, eff. July 1, 2014; Laws 2021, c. 443, § 20, eff. July 1, 2021; Laws 2024, c. 147, § 8, eff. Nov. 1, 2024.

§59-46.38v2. Registration of licensed interior designers - Certificate of title.

A. Except as otherwise provided in the State Architectural and Licensed Interior Designers Act, no license shall be issued to any person to represent that the person is a "licensed interior designer" nor shall any person be allowed to use the term or practice licensed interior design unless the person pays to the Board the required fees and/or penalties if applicable as established by the rules of the Board and:

1. Holds an accredited professional degree in interior design from an interior design program accredited by the Council for Interior Design Accreditation or its successor, or from an interior design program determined by the Board to be substantially equivalent to an accredited program;

2. Provides proof of a minimum of two (2) years of full-time diversified and appropriate experience within established standards as the Board shall prescribe; and

3. Provides to the Board proof of passage of the examination administered by the Council for Interior Design Qualification or its successor or an equivalent examination as determined by the Board.

B. The Board may waive the requirements of the State Architectural and Licensed Interior Designers Act for an individual who holds a current valid registration or license from another state, jurisdiction or foreign country where the requirements for registration or licensure are substantially equivalent to those required for licensure in this state and pays the required fees and/or penalties, if applicable, to the Board.

C. This section does not apply to a person licensed to practice architecture pursuant to the laws of this state.

D. Nothing in this act shall be construed to authorize the Board to regulate or prohibit persons who are rendering interior design services and are not licensed interior designers under the provisions of this act or to adopt regulations that would exceed the powers and responsibilities expressly authorized under this act.

E. Certificate of authority shall be subject to the following:

1. The use of the title "Licensed Interior Designer" by a partnership, firm, association, corporation, limited liability company or limited liability partnership is allowed to those entities listed, provided:

   a. one or more of the directors, partners, officers, shareholders, members, managers, or principals is a licensed interior designer and is in good standing with the Board, and

b. the partnership, firm, association, corporation, limited liability company or limited liability partnership has been issued a certificate of authority by the Board;

2. The Board shall have the power to issue, revoke, deny or refuse to renew a certificate of authority for a partnership, firm, association, corporation, limited liability company or limited liability partnership as provided for in this act;

3. A partnership, firm, association, corporation, limited liability company or limited liability partnership shall file with the Board an application for a certificate of authority on a form approved by the Board which shall include the names, addresses, state of registration or licensure and registration or license number of all directors, partners, officers, shareholders, members, managers or principals of the partnership, firm, association, corporation, limited liability company or limited liability partnership. In the event there shall be a change in any of these persons during the term of certification, the change shall be filed with the Board within thirty (30) days after the effective date of the change. If all the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of authority to the partnership, firm, association, corporation, limited liability company or limited liability partnership;

4. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established the words "Licensed Interior Designer" or any modification or derivation of these words, unless the Board has issued for the applicant either a certificate of title for an entity, or a letter indicating the eligibility for an exemption pursuant to the requirements of this act. The firm applying shall supply the certificate of authority or letter from the Board with its application for incorporation or registration;

5. The Secretary of State shall not register any trade name or service mark which includes the words as set forth in paragraph 4 of this subsection in its firm name or logotype except those entities or individuals holding certificates of authority issued under the provisions of this section or letters of eligibility issued by the Board; and

6. Upon application for renewal and upon compliance with the provisions of this act and the rules of the Board, a certificate of authority shall be renewed as provided by this act.

F. No license for licensed interior designers or a certificate of authority for a partnership, firm, association, corporation, limited liability company or limited liability partnership, shall be issued or renewed for longer than two (2) years. A license or certificate of authority may be renewed upon application, compliance

with the rules of the Board and payment of fees prior to or on June 30 of alternate years. A new license to replace a lost, destroyed or mutilated license shall be issued by the Board upon payment of a fee established in accordance with the rules of the Board.
Added by Laws 2006, c. 163, § 27, eff. July 1, 2006. Amended by Laws 2006, c. 193, § 10, eff. July 1, 2006; Laws 2009, c. 184, § 21, eff. July 1, 2009; Laws 2014, c. 234, § 25, eff. July 1, 2014; Laws 2021, c. 443, § 20, eff. July 1, 2021; Laws 2024, c. 138, § 22.

§59-46.39. Alternative requirements for licensed interior designer registration.

Any person who applies to become a licensed interior designer and remits the application and initial fees after July 1, 2007, shall be licensed by the Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma if an applicant demonstrates, in accordance with this act, or in compliance with the Military Service Occupation, Education and Credentialing Act and requirements as the Board adopts by rule, that the applicant has the interior design education and training that the Board deems equivalent to an accredited professional degree in interior design and the applicant has passed the examination of the Council for Interior Design Qualification or its successor, or an equivalent examination as determined by the Board.

In lieu of the requirement of any professional degree, an applicant may provide documented proof of diversified and appropriate experience in the practice of interior design for a period of six (6) years and the applicant has passed the examination of the Council for Interior Design Qualification or its successor, or an equivalent examination as determined by the Board.

The Board has the authority to issue temporary licenses while qualifying the applicant in compliance with the Military Service Occupation, Education and Credentialing Act.
Added by Laws 2006, c. 163, § 28, eff. July 1, 2006. Amended by Laws 2009, c. 184, § 22, eff. July 1, 2009; Laws 2014, c. 234, § 26, eff. July 1, 2014; Laws 2021, c. 443, § 21, eff. July 1, 2021; Laws 2024, c. 138, § 23.

§59-46.40. Waiver of educational and examination requirements for licensed interior designer registration.

A. The Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma may waive the educational and examination requirements of the State Architectural and Licensed Interior Designers Act for persons with diversified and appropriate experience in the practice of interior design for a period of fifteen (15) years prior to July 1, 2007, if the person is not licensed under the State Architectural and Licensed Interior

Designers Act and not exempt from the requirement for licensure in order to use the title "Licensed Interior Designer".

B. The State Architectural and Licensed Interior Designers Act shall not be construed to prohibit or interfere with the ability of an architect to perform those activities that are associated with his or her practice as provided under the provisions of the State Architectural and Licensed Interior Designers Act.

Added by Laws 2006, c. 163, § 29, eff. July 1, 2006. Amended by Laws 2007, c. 50, § 2, emerg. eff. April 24, 2007; Laws 2009, c. 184, § 23, eff. July 1, 2009; Laws 2021, c. 443, § 22, eff. July 1, 2021; Laws 2024, c. 138, § 24.

§59-46.41. Unlawful use of Licensed Interior Designer title.

A. It shall be unlawful for any person or entity to use the title "Licensed Interior Designer" or any other derivation of these words to indicate that the person or entity is licensed under the provisions of the State Architectural and Licensed Interior Designers Act or engages in the practice of licensed interior design, if the person is not licensed under this act.

B. Any person who holds himself or herself out as a licensed interior designer, advertises, puts out any sign, card or drawings in this state designating himself or herself as a "Licensed Interior Designer" or engages in the practice of licensed interior design without first having complied with the provisions of the State Architectural and Licensed Interior Designers Act shall be deemed guilty of a misdemeanor.

Added by Laws 2006, c. 163, § 30, eff. July 1, 2007. Amended by Laws 2006, c. 193, § 11, eff. July 1, 2007; Laws 2009, c. 184, § 24, eff. July 1, 2009; Laws 2014, c. 234, § 27, eff. July 1, 2014; Laws 2021, c. 443, § 23, eff. July 1, 2021; Laws 2024, c. 138, § 25.

§59-46.42. Licensed Interior Designer seal.

Each licensed interior designer shall have a seal, the image of which must contain the name of the licensed interior designer, the person's license number and the words, "Licensed Interior Designer, State of Oklahoma". All technical submissions prepared by such licensed interior designer, or under the responsible control of the licensed interior designer, shall be sealed, signed and dated, which shall mean that the licensed interior designer was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care, unless prepared under the responsible control of an architect licensed in this state and signed and sealed by that licensed architect. No licensed interior designer may sign or seal interior technical submissions unless they were prepared by or under the responsible control of the licensed interior designer, except that:

1. The person may sign or seal those portions of the technical submissions that were prepared by or under the responsible control of persons who are licensed under the State Architectural and Licensed Interior Designers Act if the licensed interior designer has reviewed and adapted in whole or in part such portions and has either coordinated their preparation or integrated them into the work. The seal may be a rubber stamp or may be generated electronically, pursuant to rules adopted by the Board; and

2. Licensed interior designers may submit technical submissions, excluding fire and life safety systems, for nonstructural interior construction for the Code Use Groups as defined and listed in Section 46.21b of this title.

Added by Laws 2021, c. 443, § 24, eff. July 1, 2021. Amended by Laws 2024, c. 138, § 26.

§59-46.43. Unlawful to receive compensation except from client.

It shall be unlawful for a registered commercial interior designer to accept or to receive compensation, directly or indirectly, from a person or entity other than his or her client in connection with the reparation, alteration or construction of a building interior that he or she has accepted employment in any manner.

Added by Laws 2021, c. 443, § 25, eff. July 1, 2021.

§59-46.44. Unlawful to bid or hold financial interest in entities competitively bidding.

It shall be unlawful for a registered commercial interior designer, at any time, to bid or hold a financial interest in any entity competitively bidding for a contract for the reparation, alteration or erection of a building or other structure for which he or she has prepared the plans and specifications unless the contract is a design/build contract.

Added by Laws 2021, c. 443, § 26, eff. July 1, 2021.

§59-46.45. Personal privilege – License nontransferable.

The privilege of engaging in practice as a licensed interior designer is personal based upon the qualifications of the individual and evidenced by the individual's license. The license is not transferable.

Added by Laws 2021, c. 443, § 27, eff. July 1, 2021. Amended by Laws 2024, c. 138, § 27.

§59-46.46. Application for reissuance of license.

The Board of Governors of the Architects, Landscape Architects and Licensed Interior Designers of Oklahoma may restore a license to any person whose license has lapsed or has been revoked or suspended. Application for the reissuance of a license shall be

made in the manner as the Board may direct. The fees prescribed by the rules shall accompany the application for reissuance.
Added by Laws 2021, c. 443, § 28, eff. July 1, 2021. Amended by Laws 2024, c. 138, § 28.

§59-46.47. No authority to engage in practice of architecture or landscape architecture.

Licensure under the State Architectural and Licensed Interior Designers Act shall not authorize a licensed interior designer to engage in the practice of architecture or landscape architecture as described herein.
Added by Laws 2021, c. 443, § 29, eff. July 1, 2021. Amended by Laws 2024, c. 138, § 29.

§59-46.21bv1. Architects required for certain buildings - Code Use Groups - Exempted buildings.

A. An architect shall be required to plan, design and prepare plans and specifications for the following Code Use Groups except where specifically exempt from the provisions of the State Architectural and Registered Commercial Interior Designers Act. All Code Use Groups in this section are defined by the current International Building Code.

B. The construction, addition or alteration of a building of any size or occupancy in the following Code Use Groups shall be subject to the provisions of the State Architectural and Registered Commercial Interior Designers Act:

1. Code Use Group I - Institutional;

2. Code Use Group R-2 - Residential, limited to dormitories, fraternities and sororities, and monasteries and convents;

3. Code Use Group A-1 - Assembly and theaters;

4. Code Use Group A-4 - Assembly, arenas and courts;

5. Code Use Group A-5 - Assembly, bleachers and grandstands; and

6. Buildings for which the designated Code Use Group changes are not exempt from the State Architectural and Registered Commercial Interior Designers Act.

C. The following shall be exempt from the provisions of the State Architectural and Registered Commercial Interior Designers Act; provided that, for the purposes of this subsection, a basement is not to be counted as a story for the purpose of counting stories of a building for height regulations:

1. The construction, addition or alteration of a building no more than two stories in height and with a code-defined occupancy of no more than fifty (50) persons for the Code Use Groups A-2 and A-3 - Assembly and Code Use Group E - Education;

2. The construction, addition or alteration of a building no more than two stories in height and no more than sixty-four

transient lodging units per building for the Code Use Group R1 - Residential, including, but not limited to, hotels and motels;

3. The construction, addition or alteration of a building no more than two stories in height and with a gross square footage not exceeding one hundred thousand (100,000) in the Code Use Group B - Business;

4. The construction, addition or alteration of a building no more than two stories in height and with a gross square footage not exceeding two hundred thousand (200,000) in the Code Use Group M - Mercantile;

5. The construction, addition or alteration of a building no more than two stories in height in the following Code Use Groups or buildings:

a. Code Use Group U - Utility,
b. Code Use Group F - Factory and Industrial,
c. Code Use Group H - High hazard,
d. Code Use Group S - Storage,
e. Code Use Group R2 - Residential, including apartments containing no more than thirty-two dwelling units or thirty-two guest units per building,
f. Code Use Groups R3 and R4 - Residential,
g. all buildings used by a municipality, county, state, public trust, public agency or the federal government with a construction value under One Hundred Fifty-eight Thousand Dollars ($158,000.00),
h. incidental buildings or appurtenances associated with paragraphs 1 through 5 of this subsection, and
i. all uninhabitable, privately owned agricultural buildings; and

6. Single or two-family residential dwellings, as defined by the International Residential Code adopted by the Oklahoma Uniform Building Code Commission.

D. The addition, renovation or alteration of buildings where the use was exempt as new construction shall remain exempt if the Code Use Group does not change.

E. Upgrades, repairs, replacements and changes made on projects in Code Use Groups found in this title requiring an architect are exempt from hiring an architect if the upgrades, repairs, replacements or changes do not affect the existing primary structural, mechanical, or electrical systems, life-safety systems, fire codes or exit passageways and/or egress as determined by the building official having jurisdiction.

Added by Laws 2006, c. 163, § 17, eff. July 1, 2006. Amended by Laws 2006, c. 193, § 6, eff. July 1, 2006; Laws 2007, c. 50, § 1, emerg. eff. April 24, 2007; Laws 2009, c. 184, § 15, eff. July 1, 2009; Laws 2014, c. 234, § 13, eff. July 1, 2014; Laws 2021, c. 443, § 14, eff. July 1, 2021; Laws 2024, c. 147, § 7, eff. Nov. 1, 2024.

§59-46.21bv2. Architects required for certain buildings - Code Use Groups - Exempted buildings.

A. An architect shall be required to plan, design and prepare plans and specifications for the following Code Use Groups except where specifically exempt from the provisions of the State Architectural and Licensed Interior Designers Act. All Code Use Groups in this section are defined by the current International Building Code.

B. The construction, addition or alteration of a building of any size or occupancy in the following Code Use Groups shall be subject to the provisions of the State Architectural and Licensed Interior Designers Act:

1. Code Use Group I - Institutional;

2. Code Use Group R-2 - Residential, limited to dormitories, fraternities and sororities, and monasteries and convents;

3. Code Use Group A-1 - Assembly and theaters;

4. Code Use Group A-4 - Assembly, arenas and courts;

5. Code Use Group A-5 - Assembly, bleachers and grandstands;

6. Code Use Group H – High hazard; and

7. Buildings for which the designated Code Use Group changes are not exempt from the State Architectural and Licensed Interior Designers Act.

C. The following shall be exempt from the provisions of the State Architectural and Licensed Interior Designers Act; provided that, for the purposes of this subsection, a basement is not to be counted as a story for the purpose of counting stories of a building for height regulations:

1. The construction, addition or alteration of a building no more than two stories in height and with a code-defined occupancy of no more than fifty (50) persons for the Code Use Groups A-2 and A-3 - Assembly and Code Use Group E - Education;

2. The construction, addition or alteration of a building no more than two stories in height and no more than sixty-four transient lodging units per building for the Code Use Group R1 - Residential, including, but not limited to, hotels and motels;

3. The construction, addition or alteration of a building no more than two stories in height and with a gross square footage not exceeding one hundred thousand (100,000) in the Code Use Group B - Business;

4. The construction, addition or alteration of a building no more than two stories in height and with a gross square footage not exceeding two hundred thousand (200,000) in the Code Use Group M - Mercantile; and

5. The construction, addition or alteration of a building no more than two stories in height in the following Code Use Groups or buildings:

a. Code Use Group U - Utility,
b. Code Use Group F - Factory and Industrial,
c. Code Use Group S - Storage,
d. Code Use Group R2 - Residential, including apartments containing no more than thirty-two dwelling units or thirty-two guest units per building,
e. Code Use Groups R3 and R4 - Residential,
f. all buildings used by a municipality, county, state, public trust, public agency or the federal government with a construction value under One Hundred Fifty-eight Thousand Dollars ($158,000.00),
g. incidental buildings or appurtenances associated with paragraphs 1 through 5 of this subsection, and
h. all uninhabitable, privately owned agricultural buildings.

D. The addition, renovation or alteration of buildings where the use was exempt as new construction shall remain exempt if the Code Use Group does not change.

E. Upgrades, repairs, replacements and changes made on projects in Code Use Groups found in this title requiring an architect are exempt from hiring an architect if the upgrades, repairs, replacements or changes do not affect the existing primary structural, mechanical, or electrical systems, life safety systems, fire codes or exit passageways and/or egress as determined by the applicable building official having jurisdiction.

F. Nonstructural interior construction projects in Code Use Groups requiring an architect are exempt from hiring an architect if the services are performed by a licensed interior designer.

Added by Laws 2006, c. 163, § 17, eff. July 1, 2006. Amended by Laws 2006, c. 193, § 6, eff. July 1, 2006; Laws 2007, c. 50, § 1, emerg. eff. April 24, 2007; Laws 2009, c. 184, § 15, eff. July 1, 2009; Laws 2014, c. 234, § 13, eff. July 1, 2014; Laws 2021, c. 443, § 14, eff. July 1, 2021; Laws 2024, c. 138, § 16.

§59-61.1. Repealed by Laws 2014, c. 260, § 12, eff. Nov. 1, 2014.

§59-61.2. Repealed by Laws 2014, c. 260, § 12, eff. Nov. 1, 2014.

§59-61.3. Repealed by Laws 2014, c. 260, § 12, eff. Nov. 1, 2014.

§59-61.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§59-61.5. Practice of barbering defined.

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.
Laws 1931, p. 38, § 10. Renumbered from § 70 by Laws 1985, c. 183, § 5.

§59-61.6. Board of Barber Examiners - Licenses.

Any person practicing the trade of barber, barber instructor, or apprentice barber, without having at the time a valid, unrevoked certificate, as provided in this act, or any person who as owner, lessee, manager, or in any other supervisory capacity, employs a person practicing the trade of barber, barber instructor, or apprentice barber without such person having a valid, unrevoked certificate as a barber, barber instructor, or apprentice barber, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not to exceed One Hundred Dollars ($100.00), and each day of such practice, or each day such unlicensed person is so employed, shall constitute a separate offense. All fines under the provisions of this section shall be paid into the common school fund of the county wherein the conviction is had.
Laws 1931, p. 38, § 9; Laws 1937, p. 53, § 1. Renumbered from § 69 by Laws 1985, c. 183, § 5. Amended by Laws 1992, c. 87, § 3, eff. July 1, 1992.

§59-89.1. Repealed by Laws 1985, c. 183, § 6, eff. July 1, 1985.

§59-89.2. Repealed by Laws 1985, c. 183, § 6, eff. July 1, 1985.

§59-89.3. Repealed by Laws 1985, c. 183, § 6, eff. July 1, 1985.

§59-135.1. Short title.

Sections 135.1 through 160.2 of this title shall be known and may be cited as the "Podiatric Medicine Practice Act".
Laws 1983, c. 138, § 1, operative July 1, 1983; Laws 1993, c. 150, § 1, eff. Sept. 1, 1993.

§59-136. Definitions.

As used in the Podiatric Medicine Practice Act, these words, phrases or terms, unless the context otherwise indicates, shall have the following meanings:

1. "Accredited college of podiatric medicine" means a podiatric medicine educational institution which confers the degree of Doctor of Podiatric Medicine (D.P.M.), or its equivalent, and meets all of

the requirements for accreditation by the Council on Podiatric Medical Education of the American Podiatric Medical Association, Inc.;

2. "Board" means the Board of Podiatric Medical Examiners;

3. "Oklahoma Podiatric Medical Association" means the Oklahoma Podiatric Medical Association, Inc., a nonprofit corporation organized and existing under the laws of this state for the association of podiatric physicians and for the advancement of the profession of podiatric medicine; and

4. "Podiatric physician", "doctor of podiatric medicine" and "podiatrist" are synonymous and mean a person duly licensed pursuant to the laws of this state to practice podiatric medicine.

5. "Code of Ethics" means the Code of Ethics of the American Podiatric Medical Association, as currently adopted, or as hereinafter amended by said Association.

Laws 1955, p. 308, § 1, emerg. eff. May 23, 1955; Laws 1983, c. 138, § 2, operative July 1, 1983; Laws 1993, c. 150, § 2, eff. Sept. 1, 1993.

§59-137. Board of Podiatric Medical Examiners - Membership - Qualifications - Terms - Removal.

A. A Board of Podiatric Medical Examiners is hereby re-created, to continue until July 1, 2027, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall regulate the practice of podiatric medicine in this state in accordance with the provisions of the Podiatric Medicine Practice Act. The Board, appointed by the Governor, shall be composed of five podiatric physicians licensed to practice podiatric medicine in this state and one lay member representing the public.

B. Each podiatric physician member of the Board shall:

1. Be a legal resident of this state;

2. Have practiced podiatric medicine continuously in this state during the three (3) years immediately preceding appointment to the Board;

3. Be free of pending disciplinary action or active investigation by the Board; and

4. Be a member in good standing of the American Podiatric Medical Association and of the Oklahoma Podiatric Medical Association.

C. The lay member of the Board shall:

1. Be a legal resident of this state;

2. Not be a registered or licensed practitioner of any of the healing arts or be related, within the third degree of consanguinity or affinity, to any such person; and

3. Participate in Board proceedings only for the purposes of:

a. reviewing, investigating and disposing of written complaints regarding the conduct of podiatric physicians, and
b. formulating, adopting and promulgating rules pursuant to Article I of the Administrative Procedures Act.

D. Except as provided in subsection E of this section, the term of office of each podiatric physician member of the Board shall be five (5) years, with one such member being appointed to the Board each year. The lay member of the Board shall serve a term coterminous with that of the Governor. Each member shall hold office until the expiration of the term for which appointed or until a qualified successor has been duly appointed. An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member, or the occurrence of a vacancy on the Board due to resignation, death, or any other cause resulting in an unexpired term. The appointment of the podiatric physician members shall be made from a list of not less than five persons submitted annually to the Governor by the Oklahoma Podiatric Medical Association.

E. Each of the three podiatric physician members of the Board, serving on September 1, 1993, shall complete the term of office for which he or she was appointed, and the successor to each such member shall be appointed for a term of five (5) years. Within sixty (60) days after September 1, 1993, the Governor shall appoint two new podiatric physician members to the Board, one for a term expiring July 1, 1997, and one for a term expiring on July 1, 1998. The successor to each such new member shall be appointed for a term of five (5) years.

F. Before assuming duties on the Board, each member shall take and subscribe to the oath or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in such article.

G. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to:

1. Ceasing to be qualified;

2. Being found guilty by a court of competent jurisdiction of a felony or of any offense involving moral turpitude;

3. Being found guilty, through due process, of malfeasance, misfeasance or nonfeasance in relation to Board duties;

4. Being found mentally incompetent by a court of competent jurisdiction;

5. Being found in violation of any provision of the Podiatric Medicine Practice Act; or

6. Failing to attend three consecutive meetings of the Board without just cause, as determined by the Board.

Added by Laws 1955, p. 308, § 2, emerg. eff. May 23, 1955. Amended by Laws 1983, c. 138, § 3, operative July 1, 1983; Laws 1988, c.

225, § 7; Laws 1993, c. 150, § 3, eff. Sept. 1, 1993; Laws 1999, c. 20, § 1; Laws 2005, c. 27, § 1; Laws 2011, c. 45, § 1; Laws 2015, c. 235, § 1; Laws 2019, c. 469, § 1; Laws 2021, c. 558, § 4, eff. July 1, 2021; Laws 2024, c. 25, § 1, eff. July 1, 2024.
NOTE: Laws 1993, c. 4, § 1 repealed by Laws 1993, c. 360, § 17, eff. Sept. 1, 1993.

§59-138. Application of act.

Nothing in this act shall apply to any medical doctor, osteopath, or chiropractor licensed as such under the laws of this state, now or hereafter.
Laws 1955, p. 308, § 3.

§59-139. Board of Podiatric Medical Examiners - Organization - Meetings - Compliance with other acts - Bonding - Tort claims.

A. The Board of Podiatric Medical Examiners shall organize annually at the last regularly scheduled meeting of the Board before the beginning of the next fiscal year by electing from among its members a president, a vice-president, and a secretary-treasurer. The term of office of each officer shall be for the following fiscal year and until a successor is elected and qualified. The duties of each officer shall be prescribed in the rules of the Board.

B. The Board may hold such regularly scheduled meetings, special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

C. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

D. All members of the Board and such employees as determined by the Board shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

E. The responsibilities and rights of any member or employee of the Board who acts within the scope of Board duties or employment shall be governed by the Governmental Tort Claims Act.
Added by Laws 1955, p. 308, § 4. Amended by Laws 1997, c. 222, § 1, eff. Nov. 1, 1997.

§59-140. Employees of Board - Prosecutions - Materials and supplies - Bonds - Seal.

The Board of Podiatric Medical Examiners may:

1. Employ, contract with, and direct stenographic, clerical, and secretarial help and investigators and attorneys to assist it and its officers in observing and performing under the applicable laws and to help carry out and enforce the applicable laws;

2. Gather and present to district attorneys of this state evidence which it believes shows violations of the applicable laws, and, among other purposes authorized by law, it may use attorneys it employs to assist district attorneys (but only with their consent) in the prosecution of such violations, and also to represent it in any court;

3. Discharge any person it employs, but this provision shall not be interpreted as authorizing it to fail in any way to observe and perform its lawful contracts;

4. Contract for and purchase or rent books, stationery, forms, postage, equipment, other materials and supplies, and furniture and it may rent or lease office space or other quarters; however the compensation of those it employs or with whom it contracts and the consideration it owes under its contracts and its other costs, expenses and liabilities of whatever nature shall never be a charge against the State of Oklahoma, except that the Board may cause payment for all thereof to be made from the Board of Podiatric Medical Examiners' Revolving Fund insofar as there are from time to time amounts in said fund for such purposes;

5. Require fidelity bonds of those it employs; and

6. Adopt a seal and use the same by impression in addition to the signature of the Board wherever its signature is permitted or required.

Laws 1955, p. 309, § 5, emerg. eff. May 23, 1955; Laws 1993, c. 150, § 4, eff. Sept. 1, 1993.

§59-141. Powers and duties.

The Board of Podiatric Medical Examiners shall have the power and duty to:

1. Regulate the practice of podiatric medicine;

2. Promulgate the rules that may be necessary to implement and enforce the Podiatric Medicine Practice Act;

3. Set license and examination fees required by the Podiatric Medicine Practice Act;

4. Receive fees and deposit said fees with the State Treasurer in the Board of Podiatric Medical Examiners' Revolving Fund;

5. Issue, renew, revoke, deny, and suspend licenses to practice podiatric medicine;

6. Examine all qualified applicants for licenses to practice podiatric medicine;

7. Investigate complaints and hold hearings;

8. Adopt and establish rules of professional conduct, which shall apply to every person who practices podiatric medicine in this state;

9. Set educational requirements for licensure; and

10. Perform such other duties, exercise such other powers, and employ such personnel as is required by the provisions of the Podiatric Medicine Practice Act.
Laws 1955, p. 309, § 6, emerg. eff. May 23, 1955; Laws 1983, c. 138, § 4, operative July 1, 1983; Laws 1993, c. 150, § 5, eff. Sept. 1, 1993.

§59-142. Acts constituting practice of podiatric medicine - Exceptions.

A. Podiatric medicine is that profession of the health sciences concerned with the diagnosis and treatment of conditions affecting the human foot and ankle, including the local manifestations of systemic conditions, by all appropriate systems and means.

B. Any one or more of the following shall be deemed to be practicing podiatric medicine:

1. In any way examining, diagnosing, recommending for, prescribing for, caring for or treating in this state ailments, diseased conditions, deformities or injuries of the human foot and ankle, whether or not done directly thereon;

2. Massage or adjustment in connection with such examining, diagnosing, recommending, prescribing, treating, or caring for;

3. Fitting, building, or otherwise furnishing pads, inserts, appliances, inlays, splints, or supports, or giving or using medicament or anesthetics in connection with such examining, diagnosing, recommending, prescribing, treating, caring for, or fitting; and

4. Offering in this state to any person to do or cause to be done, or attempting in this state to do or cause to be done, any or all of the foregoing.

C. The provisions of the Podiatric Medicine Practice Act shall not apply to:

1. The sale of proprietary or patented foot remedies, pads, supports or corrective shoes;

2. The fitting or recommending of appliances, devices, or shoes for the prevention, correction, or relief of foot ailments or troubles, by regularly established retail dealers or their regular salesmen, not holding themselves out to the public as podiatric physicians under the terms of this act;

3. A person providing services or assistance in case of an emergency if no fee or other consideration is contemplated, charged, or received; or

4. Any person who is licensed to practice podiatric medicine in another state or territory of the United States whose sole purpose and activity in this state is to practice podiatric medicine and surgery with a specific podiatrist who is licensed to practice podiatric medicine by the Board, excluding a podiatrist with a temporary or restricted license. The length of such person’s

practice in this state shall be limited to four (4) weeks per year and shall be limited to training purposes. The scope of the training shall not exceed that allowed by Oklahoma law.
Added by Laws 1955, p. 310, § 7, emerg. eff. May 23, 1955. Amended by Laws 1993, c. 150, § 6, eff. Sept. 1, 1993; Laws 1994, c. 105, § 1, eff. Sept. 1, 1994; Laws 2009, c. 261, § 1, eff. July 1, 2009.

§59-143. Unlawful practices - Penalty.

A. It shall be unlawful for:

1. Any person to practice or attempt to practice podiatric medicine in this state as defined by the applicable laws or as otherwise defined, or to hold himself out to the public in this state as a podiatric physician, doctor of podiatric medicine, podiatrist, foot doctor or foot specialist without having first obtained a license to practice podiatric medicine from the Board of Podiatric Medical Examiners, or after his license to practice podiatric medicine has been revoked, or while such license is under suspension. Provided, however, an applicant for a license by examination who has successfully passed the examination administered by the Board may practice podiatric medicine to the extent necessary to enable him to observe and assist a podiatric physician, as an intern, preceptee or resident, if while so doing he complies with all of the rules of the Board;

2. A podiatric physician to practice as such at any time when his license is not conspicuously displayed in his place of regular practice;

3. Any person to knowingly represent in any manner in this state, either publicly or privately, that another person is a licensed podiatric physician, doctor of podiatric medicine, podiatrist, foot doctor or foot specialist, or is capable of examining, diagnosing, recommending for, prescribing for, caring for, or treating in this state ailments, diseased conditions, deformities, or injuries of the human foot, unless such other person at the time of such representation is a licensed podiatric physician; and

4. Any podiatric physician to violate any provision of the Podiatric Medicine Practice Act or the rules of the Board.

B. Any person who does any one or more of the things made unlawful by subsection A of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Each day of such violation shall constitute a separate and distinct offense.
Laws 1955, p. 311, § 8, emerg. eff. May 23, 1955; Laws 1993, c. 150, § 7, eff. Sept. 1, 1993.

§59-144. Examination - Fee - Qualifications of applicants – Definitions – License - Temporary license.

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

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

1. File a written or electronic online application on a form prescribed by the Board;

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

3. Satisfy the Board that the person legally resides in the United States of America;

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

5. Not have been convicted of any felony crime that substantially relates to the practice of podiatric medicine and poses a reasonable threat to public safety;

6. Be a graduate of an accredited college of podiatric medicine; and

7. Have complied with applicable Board rules.

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

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

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

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

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

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

a. "substantially relate" 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

b. "pose 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.

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

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

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

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

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

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

Added by Laws 1955, p. 311, § 9, emerg. eff. May 23, 1955. Amended by Laws 1990, c. 163, § 1, eff. Sept. 1, 1990; Laws 1993, c. 150, § 8, eff. Sept. 1, 1993; Laws 2002, c. 118, § 1, eff. Nov. 1, 2002; Laws 2008, c. 149, § 1, emerg. eff. May 12, 2008; Laws 2013, c. 185, § 1, eff. Nov. 1, 2013; Laws 2017, c. 87, § 1, eff. Nov. 1, 2017; Laws 2019, c. 363, § 6, eff. Nov. 1, 2019; Laws 2021, c. 46, § 1, eff. Nov. 1, 2021.

§59-144.1. Training license - Eligibility - Restrictions.

A. No person who is granted a training license shall practice outside the limitations of the license.

B. To be eligible for training licensure, the applicant shall have completed all the requirements for full and unrestricted licensure except graduate education and/or licensing examination or other requirements relative to the basis for the training license.

C. By rule, the Board of Podiatric Medical Examiners shall establish restrictions for training licensure to assure that the holder will practice only under appropriate circumstances as set by the Board.

D. A training license shall be renewable annually upon the approval of the Board and upon the evaluation of performance in the special circumstances upon which the training license was granted.

E. The issuance of a training license shall not be construed to imply that a full and unrestricted license to practice podiatric medicine will be issued at a future date.

F. All other provisions of the Podiatric Medicine Practice Act shall apply to the holders of training licenses.

G. This section shall not limit the authority of any state agency or educational institution in this state which employs a training licensed podiatric physician to impose additional practice limitations upon such podiatric physician.

Added by Laws 2013, c. 185, § 2, eff. Nov. 1, 2013.

§59-145. Renewal of licenses - Fees - Suspension on nonpayment - Reinstatement - Records.

A. Each license to practice podiatric medicine shall be renewed by June 30 of even-numbered years. Such license shall entitle the licensee to practice podiatric medicine in this state as defined by law and to hold himself/herself out as a licensed podiatric physician, doctor of podiatric medicine or podiatrist as long as lawfully renewed, unless suspended or revoked as authorized by law.

B. Upon application and payment of required fees, and upon first satisfying the Board of Podiatric Medical Examiners that the licensee is not at the time violating any applicable law or any of the rules of the Board or the Code of Ethics, and upon showing proof of compliance with Section 145.1 of this title, a licensee shall be entitled to have his/her license to practice podiatric medicine renewed until June 30 of the following even-numbered year.

C. A license not renewed in the time and manner required by this section shall become inactive and the licensee may not practice as a licensed podiatric physician, doctor of podiatric medicine or podiatrist. The license may be renewed on or before September 30 following the June 30 deadline by payment of the delinquent renewal fee upon satisfying the Board of compliance with subsection B of

this section. After that September 30 and on or before the close of June 30 of the next even-numbered year, the license may be reinstated upon satisfying the Board of compliance with subsection B of this section and upon the payment first of the delinquent renewal fee, plus such additional penalty as the Board imposes, not to exceed in all four times the delinquent fee. Any license to practice podiatric medicine not reinstated in such time shall become void at the close of June 30 of the next even-numbered year; and thereafter it shall not be renewed or reinstated.

D. The renewal fee shall be such sum as the Board from time to time sets. Upon the timely payment of the renewal fee or the reinstatement fee, as the case may be, the secretary-treasurer of the Board shall provide to the licensee such certificate of renewal or reinstatement as the Board shall direct, which shall operate to renew or reinstate the license, as the case may be, until June 30 of the next even-numbered year, after which it must be renewed again or be reinstated in the same time and manner to continue to be effective.

E. The secretary-treasurer of the Board shall keep a license record showing each license issued by the Board, the name and last mailing address furnished to said secretary-treasurer by each licensee, the year of issuance of the license, whether by examination or otherwise, the renewals, reinstatements, suspensions and revocations thereof, and the fact as to whether the license be in force or suspended or void. Such record as to any license, or a copy thereof certified to by said secretary-treasurer as complete and true as to the license in question, shall constitute prima facie evidence of the recitals therein and the fact disclosed thereby as to whether the license described is in force or suspended or void. Added by Laws 1955, p. 312, § 10, emerg. eff. May 23, 1955. Amended by Laws 1979, c. 81, § 1; Laws 1993, c. 150, § 9, eff. Sept. 1, 1993; Laws 2013, c. 185, § 3, eff. Nov. 1, 2013.

§59-145.1. Continuing education requirement for renewal of license - Exemptions.

A. Sixty (60) hours of continuing education shall be required for renewal of an individual license to practice podiatric medicine in this state. This must be obtained in the two-year period immediately preceding the two-year period for which the license is to be issued. Such continuing education shall include not less than two (2) hours of education in pain management or two (2) hours of education in opioid use or addiction, unless the licensee has demonstrated to the satisfaction of the Board of Podiatric Medical Examiners that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number. The continuing education required by this section shall be any of the following:

1. Education presented by an organization approved by the Council on Continuing Education of the American Podiatric Medical Association;

2. A national, state or county podiatric medical association meeting approved by the Board;

3. Hospital-sponsored scientific programs approved by the Board; or

4. Six (6) hours of continuing education credit may be obtained by attending meetings and hearings of the Board.

At least thirty (30) hours of the required sixty (60) hours must be obtained in this state.

B. Any practitioner not so satisfying the Board of the fulfillment of the continuing education requirements required by subsection A of this section shall cease to be entitled to have such license renewed.

C. Any practitioner fully retired from the practice of podiatric medicine shall be exempt from compliance with the requirements imposed by subsection A of this section. However, upon resuming the practice of podiatric medicine, the individual shall fulfill such requirements which have accrued from October 1, 1979, to the time of resumption of practice.

Added by Laws 1979, c. 81, § 2. Amended by Laws 1993, c. 150, § 10, eff. Sept. 1, 1993; Laws 2013, c. 185, § 4, eff. Nov. 1, 2013; Laws 2019, c. 428, § 1, emerg. eff. May 21, 2019.

§59-146. Repealed by Laws 1990, c. 163, § 7, eff. Sept. 1, 1990.

§59-147. Penalties - Guidelines.

A. The Board of Podiatric Medical Examiners is authorized, after notice and opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a podiatric physician has committed any of the acts or occurrences set forth in Section 148 of this title:

1. Disapproval of an application for a renewal license;

2. Suspension of a license issued by the Board for a maximum period of three (3) years;

3. Revocation of a license issued by the Board;

4. An administrative fine not to exceed One Thousand Dollars ($1,000.00) for each count or separate violation;

5. A censure or reprimand;

6. Placement on probation for a period of time and under such terms and conditions as deemed appropriate by the Board;

7. Restriction of the practice of a podiatric physician under such terms and conditions as deemed appropriate by the Board; and

8. Payment of costs associated with a disciplinary proceeding.

B. The Board may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include:

1. Minimum and maximum administrative fines;

2. Periods of suspension, probation or supervision;

3. Terms and conditions of probation; and

4. Terms and conditions for the reinstatement of a license.

C. The Board is authorized to issue a confidential letter of concern to a podiatric physician when, though evidence does not warrant initiation of an individual proceeding, the Board has noted indications of possible errant conduct by the podiatric physician that could lead to serious consequences and formal action by the Board.

D. A podiatric physician against whom a penalty is imposed by an order of the Board pursuant to the provisions of this section shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act. Added by Laws 1955, p. 313, § 12, emerg. eff. May 23, 1955. Amended by Laws 1993, c. 150, § 11, eff. Sept. 1, 1993; Laws 1997, c. 222, § 2, eff. Nov. 1, 1997.

§59-148. Violations – Definitions.

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

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

2. Pleading guilty or nolo contendere to, or being convicted of, a felony crime that substantially relates to the practice of podiatric medicine and poses a reasonable threat to public safety;

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

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

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

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

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

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

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

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

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

a. another podiatric physician,

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

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

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

12. Violating or attempting to violate the provisions of the Podiatric Medicine Practice Act, the Code of Ethics, or the rules of the Board; and

13. Prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes.

B. Commitment of a licensee to an institution for the mentally ill shall constitute prima facie evidence that the licensee is mentally incapacitated to a degree that the licensee is unable to practice podiatric medicine with safety and benefit to the public.

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.

Added by Laws 1955, p. 314, § 13, emerg. eff. May 23, 1955. Amended by Laws 1993, c. 150, § 12, eff. Sept. 1, 1993; Laws 1997, c. 222, § 3, eff. Nov. 1, 1997; Laws 2019, c. 363, § 7, eff. Nov. 1, 2019; Laws 2020, c. 161, § 30, emerg. eff. May 21, 2020.

NOTE: Laws 2019, c. 428, § 2 repealed by Laws 2020, c. 161, § 31, emerg. eff. May 21, 2020.

§59-149. Complaint.

A. Any person may file a written and signed complaint with the Board of Podiatric Medical Examiners, alleging that a podiatric physician has violated the provisions of the Podiatric Medicine Practice Act, the Code of Ethics, or the rules of the Board, and the facts upon which the allegations are based. Each complaint received by the Board shall be investigated in a manner to be prescribed in the rules of the Board.

Added by Laws 1955, p. 315, § 14. Amended by Laws 1997, c. 222, § 4, eff. Nov. 1, 1997.

§59-149.1. Guidance to podiatric physicians for recommending medical marijuana – Disciplinary action.

A. The Board of Podiatric Medical Examiners is hereby authorized to issue guidance to all podiatric physicians in this state on the recommending of medical marijuana to patients.

B. The Board may take disciplinary action as provided for in the Podiatric Medicine Practice Act against any podiatric physician who willfully violates or aids another in the willful violation of the provisions of Section 420 et seq. of Title 63 of the Oklahoma Statutes or the provisions of Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma Legislature.

Added by Laws 2019, c. 390, § 3, emerg. eff. May 15, 2019.

§59-150. Repealed by Laws 1997, c. 222, § 8, eff. Nov. 1, 1997.

§59-152. Reciprocity - Fees.

A. By way of reciprocity and without examination, the Board of Podiatric Medical Examiners may issue a license to practice podiatric medicine in this state to any person who:

1. Satisfies the Board that he has all the qualifications required, by the applicable laws and the rules of the Board, of a person to entitle the person to a license to practice podiatric medicine in this state pursuant to examination, excepting any as to which the Board excuses compliance for good cause shown; and

2. Satisfies the Board that for at least three (3) years immediately prior to the date on which he pays the required fee he lawfully practiced podiatric medicine within and under the laws of a district or territory or other state of the United States of America pursuant to a license issued thereby authorizing such practice; and

3. Pays in advance to the secretary-treasurer of the Board the fee required by the rules of the Board for a license by reciprocity, which shall not be less than One Hundred Fifty Dollars ($150.00) or more than Three Hundred Dollars ($300.00).

B. The provisions and benefits of this section shall extend only to persons who are residents in good faith of districts, territories, or states which in the judgment of the Board extend to

citizens of this state substantially equal or greater reciprocity privileges as to a license to practice podiatric medicine.
Laws 1955, p. 316, § 17, emerg. eff. May 23, 1955; Laws 1993, c. 150, § 13, eff. Sept. 1, 1993.

§59-154. Board of Podiatric Medical Examiners' Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Board of Podiatric Medical Examiners, to be designated as the "Board of Podiatric Medical Examiners' Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the Podiatric Medicine Practice Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the Podiatric Medicine Practice Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims signed by the secretary-treasurer of the Board or by an authorized employee or employees of the Board and filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1955, p. 316, § 19, emerg. eff. May 23, 1955. Amended by Laws 1983, c. 138, § 7, operative July 1, 1983; Laws 1993, c. 150, § 14, eff. Sept. 1, 1993; Laws 2012, c. 304, § 260.

§59-155. Investigations and hearings.

The Board of Podiatric Medical Examiners shall:

1. Conduct investigations of complaints against podiatric physicians filed with the Board pursuant to Section 149 of this title; and

2. Initiate and conduct individual proceedings, pursuant to Article II of the Administrative Procedures Act, against podiatric physicians alleged to have violated the Podiatric Medicine Practice Act, the Code of Ethics, or the rules of the Board. For such purposes the Board, or any member thereof, is empowered to issue subpoenas, compel the attendance of witnesses, and administer oaths and affirmations. Subpoenas authorized by this section may be signed and issued by any member of the Board, and shall be served, and return of service thereof made, in the same manner as a subpoena is served from a court of record in this state and as return of service in such case is made. Any person failing and refusing to attend in obedience to such subpoena, or refusing to be sworn or examined or answer any question propounded by any member of the Board or any attorney or licensee upon permission from the Board, upon conviction thereof, shall be guilty of a misdemeanor and punishable as such.

Added by Laws 1955, p. 316, § 20. Amended by Laws 1997, c. 222, § 5, eff. Nov. 1, 1997.

§59-156. Annual report.

Said Board shall make an annual report to the Governor, not later than the fifteenth day of November each year, which report shall contain an account of all monies received, licenses issued, suspended, or revoked and all expenditures made by said Board the twelve (12) months prior to said date.
Laws 1955, p. 317, § 21.

§59-158. Restraining orders and injunctions.

Restraining orders and temporary and permanent injunctions may be granted by the district and superior courts upon application of the Board for the purpose of restraining, enjoining, and preventing threatened or likely violations of, and also enforcing, and also requiring compliance with, the applicable laws.
Laws 1955, p. 317, § 23.

§59-159.1. Rules and regulations concerning casts for individual shoes.

The Board may adopt rules and regulations which are necessary or helpful to promote the public health and safety which define and establish minimum standards and requirements for methods and practices to be used in taking or making casts or equivalents thereof of the human foot for the purpose of prescribing, offering, making, furnishing,correcting, changing, or fitting shoes for the foot. It shall be unlawful to take or make said casts or equivalents for any purpose except in accordance with such rules and regulations as the Board may prescribe.
Amended by Laws 1983, c. 138, § 6, operative July 1, 1983.

§59-159.2. Unlawful acts.

It shall be unlawful to make, furnish, correct, change, or fit any of the following if moulded for the foot or part of the foot of a specific person, as distinguished from persons generally, to wit: shoes for the purpose of diagnosing, correcting, relieving, treating, aiding, controlling, or alleviating ailments, diseases, diseased conditions, deformities, injuries, or abnormalities of the foot or feet of the specific person, except upon the prescription of a medical doctor, podiatric physician, osteopathic physician duly licensed under the laws of this state, or to offer so to do, or for any one other than such medical doctor, podiatric physician or osteopathic physician to prescribe any thereof for any such purpose.
Laws 1959, p. 224, § 2; Laws 1993, c. 150, § 15, eff. Sept. 1, 1993.

§59-159.4. Inapplicability to manufacture or sale to persons generally.

Nothing in this act shall apply to the manufacture or sale of shoes, pads, or supports, whether patented or not, which are made for, and offered to, persons generally.

Laws 1959, p. 224, § 4.

§59-159.5. Penalties.

Any violation of this act shall constitute a misdemeanor, and shall be punishable upon conviction, by a fine of not more than Five Hundred Dollars ($500.00) or imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment; and each separate day upon which any person unlawfully does a thing made unlawful by this act shall be and constitute a separate and distinct offense.

Laws 1959, p. 224, § 5.

§59-160.1. Interpretation of "podiatry" and "podiatric medicine".

The terms "podiatry" and "podiatric medicine" are synonymous and mean the branch of the healing arts defined in the Podiatric Medicine Practice Act. Wherever in the Oklahoma Statutes reference is made to the term "podiatry", the same shall be interpreted to mean "podiatric medicine", and wherever reference is made to the term "podiatrist", the same shall be interpreted to mean "podiatric physician".

Added by Laws 1969, c. 198, § 1, emerg. eff. April 18, 1969. Amended by Laws 1993, c. 150, § 16, eff. Sept. 1, 1993; Laws 1995, c. 207, § 2, eff. Nov. 1, 1995.

§59-160.2. DPM - Meaning.

The term DPM means Doctor of Podiatric Medicine.

Laws 1969, c. 198, § 2, emerg. eff. April 18, 1969.

§59-161. Renumbered as Section 161.4 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-161.1. Short title.

Sections 161.1 through 161.20 of Title 59 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Chiropractic Practice Act".

Added by Laws 1991, c. 265, § 1, eff. Oct. 1, 1991.

§59-161.2. Scope of practice of chiropractic.

A. Chiropractic is the science and art that teaches health in anatomic relation and disease or abnormality in anatomic disrelation, and includes hygienic, sanitary and therapeutic measures incident thereto in humans. The scope of practice of

chiropractic shall include those diagnostic and treatment services and procedures which have been taught by an accredited chiropractic college and have been approved by the Board of Chiropractic Examiners.

B. A chiropractic physician may engage in the practice of animal chiropractic diagnosis and treatment if certified to do so by the Board. A licensed chiropractic physician may provide chiropractic treatment to an animal without being certified in animal chiropractic diagnosis and treatment by the Board if an animal has been referred to the chiropractic physician by a licensed veterinarian in writing.

Added by Laws 1991, c. 265, § 2, eff. Oct. 1, 1991. Amended by Laws 2000, c. 131, § 1, eff. Nov. 1, 2000; Laws 2019, c. 213, § 1, eff. Nov. 1, 2019.

§59-161.3. Definitions.

As used in the Oklahoma Chiropractic Practice Act, these words, phrases or terms, unless the context otherwise indicates, shall have the following meanings:

1. "Accredited chiropractic college" means a chiropractic educational institution which is accredited by an accrediting agency recognized by the U.S. Department of Education;

2. "Animal chiropractic diagnosis and treatment" means treatment that includes vertebral subluxation complex (vsc) and spinal manipulation of nonhuman vertebrates. The term "animal chiropractic diagnosis and treatment" shall not be construed to allow the:

a. use of x-rays,
b. performing of surgery,
c. dispensing or administering of medications, or
d. performance of traditional veterinary care;

3. "Applicant" means any person submitting an application for licensure to the Board;

4. "Board" means the Board of Chiropractic Examiners;

5. "Certified chiropractic assistant" means an unlicensed member of a chiropractic physician's team of healthcare workers who may assist a chiropractic physician in the performance of examination and therapeutic procedures and techniques necessary to deliver healthcare services to patients within the scope of chiropractic and has been certified by the Board;

6. "Chiropractic physician", "chiropractor", "doctor of chiropractic", "practitioner of chiropractic" and "licensee" are synonymous and mean a person holding an original license to practice chiropractic in this state;

7. "Examination" means the process used by the Board, prior to the issuance of an original license, to test the qualifications and knowledge of an applicant on any or all of the following: current

statutes, rules or any of those subjects listed in Section 161.8 of this title;

8. "Intern" means a student at an accredited chiropractic college who is participating in the Chiropractic Undergraduate Preceptorship Program;

9. "Nonclinical" means of a business nature including, but not limited to, practice management, insurance information, and computer information. It shall also mean the discussion of philosophy as it relates to the performance of chiropractic;

10. "Original license" means a license granting initial authorization to practice chiropractic in this state issued by the Board to an applicant found by the Board to meet the licensing requirements of the Oklahoma Chiropractic Practice Act, by examination pursuant to Section 161.7 of this title, or by relocation of practice pursuant to Section 161.9 of this title;

11. "Preceptor" means a chiropractic physician who is participating in the Chiropractic Undergraduate Preceptorship Program;

12. "Relocation of practice" means the recognition and approval by the Board, prior to the issuance of an original license, of the chiropractic licensing process in another state, country, territory or province; and

13. "Renewal license" means a license issued to a chiropractic physician by the Board, on or before the first day of July of each year, which authorizes such licensee to practice chiropractic in this state during the succeeding calendar year.

Added by Laws 1991, c. 265, § 3, eff. Oct. 1, 1991. Amended by Laws 1994, c. 390, § 1, eff. Sept. 1, 1994; Laws 2000, c. 131, § 2, eff. Nov. 1, 2000; Laws 2004, c. 269, § 1, emerg. eff. May 6, 2004; Laws 2007, c. 363, § 1, eff. Nov. 1, 2007; Laws 2011, c. 230, § 1, eff. Nov. 1, 2011; Laws 2018, c. 94, § 1, eff. Nov. 1, 2018; Laws 2019, c. 213, § 2, eff. Nov. 1, 2019.

§59-161.4. Board of Chiropractic Examiners.

A. A Board of Chiropractic Examiners is hereby re-created to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall regulate the practice of chiropractic in this state in accordance with the provisions of the Oklahoma Chiropractic Practice Act. The Board, appointed by the Governor, shall be composed of eight chiropractic physicians and one lay member representing the public.

B. Each chiropractic physician member of the Board shall:

1. Be a legal resident of this state;

2. Have practiced chiropractic continuously in this state during the five (5) years immediately preceding appointment to the Board;

3. Be free of pending disciplinary action or active investigation by the Board;

4. Be a person of recognized professional ability, integrity and good reputation; and

5. Be in active clinical chiropractic practice at least fifty percent (50%) of the time.

C. The lay member of the Board shall:

1. Be a legal resident of this state; and

2. Not be a registered or licensed practitioner of any of the healing arts or be related within the third degree of consanguinity or affinity to any such person.

D. The Governor shall appoint members to the Board and for terms of years as follows:

1. Position 1: Upon expiration of the term of the board member whose term expires November 2, 2006, the Governor shall appoint a board member from District 1 for a term of four (4) years to expire on November 1, 2010, and every four (4) years thereafter;

2. Position 2: Upon expiration of the term of the board member whose term expires November 1, 2005, the Governor shall appoint a board member from District 2 for a term of four (4) years to expire on November 1, 2009, and every four (4) years thereafter;

3. Position 3: Upon expiration of the term of the board member whose term expires June 7, 2007, the Governor shall appoint a board member from District 3 for a term of four (4) years to expire on June 1, 2011, and every four (4) years thereafter;

4. Position 4: Upon expiration of the term of the board member whose term expires November 1, 2007, the Governor shall appoint a board member from District 4 for a term of four (4) years to expire on November 1, 2011, and every four (4) years thereafter;

5. Position 5: Upon expiration of the term of the board member whose term expires June 7, 2008, the Governor shall appoint a board member from District 5 for a term of four (4) years to expire on June 1, 2012, and every four (4) years thereafter;

6. Position 6: On June 1, 2005, the Governor shall appoint a board member from District 6 for a term of one (1) year to expire on June 1, 2006, and every four (4) years thereafter;

7. Position 7: On November 1, 2005, the Governor shall appoint a board member from District 7 for a term of three (3) years to expire on November 1, 2008, and every four (4) years thereafter;

8. Position 8: Upon expiration of the term of the board member whose term expires June 7, 2005, the Governor shall appoint a board member from the state at large for a term of four (4) years to expire on June 1, 2009, and every four (4) years thereafter; and

9. Position 9: The lay member of the Board shall serve a term coterminous with that of the Governor.

E. For the purpose of the Oklahoma Chiropractic Practice Act, the state shall be divided into the following districts:

1. District 1: Alfalfa, Beaver, Beckham, Caddo, Cimarron, Custer, Dewey, Ellis, Grant, Greer, Garfield, Harmon, Harper, Jackson, Kiowa, Major, Noble, Roger Mills, Texas, Washita, Woods and Woodward Counties;

2. District 2: Tulsa County;

3. District 3: Kay, Logan, Lincoln, Osage, Pawnee, Payne and Pottawatomie Counties;

4. District 4: Carter, Comanche, Cotton, Garvin, Grady, Love, Murray, Jefferson, Stephens and Tillman Counties;

5. District 5: Blaine, Canadian, Cleveland, Kingfisher, McClain and Oklahoma Counties;

6. District 6: Atoka, Bryan, Coal, Choctaw, Creek, Hughes, Johnston, Latimer, Le Flore, Marshall, McCurtain, Okfuskee, Pittsburg, Pontotoc, Pushmataha and Seminole Counties; and

7. District 7: Adair, Cherokee, Craig, Delaware, Haskell, Mayes, McIntosh, Muskogee, Nowata, Okmulgee, Ottawa, Rogers, Sequoyah, Wagoner and Washington Counties.

Members appointed after June 2002 shall serve no more than two (2) consecutive terms.

F. Each member shall hold office until the expiration of the term of office for which appointed or until a qualified successor has been duly appointed. An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member, or the occurrence of a vacancy on the Board due to resignation, death, or any other cause resulting in an unexpired term.

G. Before assuming duties on the Board, each member shall take and subscribe to the oath or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in the article.

H. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to:

1. Ceasing to be qualified;

2. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;

3. Being found guilty, through due process, of malfeasance, misfeasance or nonfeasance in relation to Board duties;

4. Being found mentally incompetent by a court of competent jurisdiction;

5. Being found in violation of any provision of the Oklahoma Chiropractic Practice Act; or

6. Failing to attend three meetings of the Board without just cause, as determined by the Board.

I. No member of the Board shall be:

1. A registered lobbyist;

2. An officer, board member or employee of a statewide organization established for the purpose of advocating the interests

of chiropractors licensed pursuant to the Oklahoma Chiropractic Practice Act; or

3. An insurance claims adjuster, reviewer, or consultant; provided, however, a person shall not be considered to be a consultant solely for testifying in a court as an expert witness.

Added by Laws 1921, c. 7, p. 12, § 1. Amended by Laws 1982, c. 268, § 1, emerg. eff. May 14, 1982; Laws 1983, c. 298, § 1, emerg. eff. June 23, 1983; Laws 1988, c. 225, § 8; Laws 1991, c. 265, § 4, eff. Oct. 1, 1991. Renumbered from § 161 of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1993, c. 193, § 1; Laws 1994, c. 390, § 2, eff. Sept. 1, 1994; Laws 1999, c. 19, § 1; Laws 2000, c. 26, § 1; Laws 2002, c. 255, § 1, eff. Nov. 1, 2002; Laws 2004, c. 269, § 2, emerg. eff. May 6, 2004; Laws 2005, c. 16, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 38, emerg. eff. March 29, 2006; Laws 2006, c. 40, § 1; Laws 2010, c. 326, § 1, eff. Nov. 1, 2010; Laws 2012, c. 70, § 1; Laws 2016, c. 156, § 1; Laws 2020, c. 116, § 9, eff. July 1, 2020; Laws 2024, c. 1, § 1, emerg. eff. Feb. 8, 2024.

NOTE: Laws 2005, c. 149, § 1 repealed by Laws 2006, c. 16, § 39, emerg. eff. March 29, 2006.

§59-161.5. Meetings of Board – Duties of officers - Bonding and liability.

A. The Board of Chiropractic Examiners shall organize annually at the first meeting of the Board after the beginning of each fiscal year, by electing from among its members a president, a vice-president and a secretary-treasurer. The Board shall hold regularly scheduled meetings at least once each quarter at a time and place determined by the Board, and may hold such special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

B. The president shall preside at meetings of the Board, arrange the Board agenda, sign Board orders and other required documents, coordinate Board activities and perform such other duties as may be prescribed by the Board.

C. The vice-president shall perform the duties of the president during the president's absence or disability and shall perform such other duties as may be prescribed by the Board.

D. The secretary-treasurer shall be responsible for the administrative functions of the Board and shall submit at the first regular meeting of the Board after the end of each fiscal year, a full itemized report of the receipts and disbursements for the prior fiscal year, showing the amount of funds on hand.

E. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

F. All members of the Board and such employees as determined by the Board shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

G. The liability of any member or employee of the Board acting within the scope of Board duties or employment shall be governed by the Governmental Tort Claims Act.

H. Members of the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

I. All fees, charges, reimbursement minimums and other revenue-generating amounts shall be set by the Board by rule.

Added by Laws 1991, c. 265, § 5, eff. Oct. 1, 1991. Amended by Laws 1994, c. 390, § 3, eff. Sept. 1, 1994; Laws 2004, c. 269, § 3, emerg. eff. May 6, 2004; Laws 2005, c. 149, § 2, eff. Nov. 1, 2005.

§59-161.6. Powers of Board - Advisory Committee.

A. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Board of Chiropractic Examiners shall have the power to formulate, adopt and promulgate rules as may be necessary to regulate the practice of chiropractic in this state and to implement and enforce the provisions of the Oklahoma Chiropractic Practice Act.

B. The Board is authorized and empowered to:

1. Establish and maintain a procedure or system for the certification or accreditation of chiropractic physicians who are qualified in chiropractic post-doctorate Diplomate and all other chiropractic specialties;

2. Establish a registration system and adopt and enforce standards for the education and training of chiropractic physicians who engage in the business of issuing professional opinions on the condition, prognosis or treatment of a patient;

3. Adopt and enforce standards governing the professional conduct of chiropractic physicians, consistent with the provisions of the Oklahoma Chiropractic Practice Act, for the purpose of establishing and maintaining a high standard of honesty, dignity, integrity and proficiency in the profession;

4. Lease office space for the purpose of operating and maintaining a state office, and pay the rent thereon; provided, however, such state office shall not be located in or directly adjacent to the office of any practicing chiropractic physician;

5. Purchase office furniture, equipment and supplies;

6. Employ an Executive Director who shall serve as the Chief Administrative Officer of the agency. The Executive Director shall have the authority to employ other persons as necessary to maintain the operations of the Board and shall perform such other duties as the Board may prescribe;

7. Employ legal counsel, as needed, to represent the Board in all legal matters and to assist authorized state officers in prosecuting or restraining violations of the Oklahoma Chiropractic Practice Act, and pay the fees for such services;

8. Order or subpoena the attendance of witnesses, the inspection of records and premises and the production of relevant books and papers for the investigation of matters that may come before the Board;

9. Employ or contract with one or more investigators, as needed, for the sole purpose of investigating written complaints regarding the conduct of chiropractic physicians, and fix and pay their salaries or wages. Any investigator shall be certified as a peace officer by the Council on Law Enforcement Education and Training and shall have statewide jurisdiction to perform the duties authorized by this section;

10. Pay the costs of such research programs in chiropractic as in the determination of the Board would be beneficial to the chiropractic physicians in this state;

11. Establish minimum standards for continuing education programs administered by chiropractic associations pursuant to Section 161.11 of this title;

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

13. Establish appropriate fees and charges to implement the provisions of the Oklahoma Chiropractic Practice Act;

14. Establish policies for Board operations;

15. Determine and direct Board operating administrative, personnel and budget policies and procedures in accordance with applicable statutes;

16. Provide travel expenses for at least the Executive Director and provide travel expenses for members of the Board to attend an annual national conference. The Board shall give each member the opportunity to attend the annual national conference;

17. Require applicants for an original license to submit to a national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The costs associated with the national criminal history record check shall be paid directly by the applicant;

18. Out-of-state licensed chiropractic physicians may travel into Oklahoma to treat patients for special events including, but not limited to, sporting events and state emergencies, and to assist in treating patients for those chiropractic physicians who are unable to practice for medical reasons within the borders of Oklahoma after properly registering with the Board of Chiropractic Examiners; and

19. The Board of Chiropractic Examiners, by rule, shall promulgate a code of ethics.

C. The Board shall promulgate rules regarding continuing education seminars or courses or license renewal seminars or courses including, but not limited to, the qualifications of an applicant, association or entity seeking to sponsor a seminar or course, where the association or entity is domiciled, whether the association or entity is classified as a nonprofit organization, and the educational experience of instructors applying to conduct a seminar or course. The Board shall also promulgate rules regarding certified chiropractic assistants.

D. 1. The Board shall appoint an Advisory Committee of a minimum of four and no more than six chiropractic physicians and one lay member representing the public who may advise and assist the Board in:

a. investigating the qualifications of applicants for an original license to practice chiropractic in this state,

b. investigating written complaints regarding the conduct of chiropractic physicians, including alleged violations of the Oklahoma Chiropractic Practice Act or of the rules of the Board, and

c. such other matters as the Board shall delegate to them.

2. The Advisory Committee shall be selected from a list of ten chiropractic physicians and three lay persons submitted by each chiropractic association or society in this state or any unaffiliated chiropractic physician desiring to submit a list. The term of service for members of the Advisory Committee shall be determined by the Board. Members of the Advisory Committee shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

E. 1. After an initial complaint is received by the Board, the Executive Director and the Chair of the Advisory Committee, or designee, shall determine whether the complaint merits further investigation. If a determination is made that the complaint merits further investigation, the Executive Director, in consultation with the Chair of the Advisory Committee, or designee, shall assign the complaint to an investigator. The focus and scope of an investigation shall pertain only to the subject of the complaint.

2. The complaint and findings of the investigator shall be presented to the Advisory Committee for review. The Advisory Committee, in consultation with the Board's prosecuting attorney, shall make an informal recommendation for disposition of the complaint to the Board.

F. 1. The Board, its employees, appointed committee members, independent contractors or other agents of the Board shall keep confidential the complaint and information obtained during an

investigation into violations of the Oklahoma Chiropractic Practice Act; provided, however, such information may be introduced by the state in administrative proceedings before the Board and the information then becomes a public record.

2. The complaint and information obtained during the investigation but not introduced in administrative proceedings shall not be subject to subpoena or discovery in any civil or criminal proceedings, except that the Board may give such information to law enforcement and other state agencies as necessary and appropriate in the discharge of the duties of that agency and only under circumstances that ensure against unauthorized access to the information.

3. The respondent may acquire information obtained during an investigation, unless the disclosure of the information is otherwise prohibited, except for the investigative report, if the respondent signs a protective order whereby the respondent agrees to use the information solely for the purpose of defense in the Board proceeding and in any appeal therefrom and agrees not to otherwise disclose the information.

G. The Board shall promulgate rules regarding the issuance of field citations and the assessment of administrative penalties no later than July 1, 2012. Administrative penalties for field citations shall not exceed Two Hundred Fifty Dollars ($250.00) for a first offense and One Thousand Dollars ($1,000.00) for a second or subsequent offense.

H. The forfeiture, nonrenewal, surrender or voluntary relinquishment of a license by a licensee shall not bar jurisdiction by the Board to proceed with any investigation, action or proceeding to revoke, suspend, condition or limit the licensee's license or fine the licensee.

Added by Laws 1921, c. 7, p. 12, § 2. Amended by Laws 1972, c. 250, § 1, emerg. eff. April 7, 1972; Laws 1982, c. 268, § 2, emerg. eff. May 14, 1982; Laws 1983, c. 298, § 2, emerg. eff. June 23, 1983; Laws 1986, c. 317, § 1, emerg. eff. June 24, 1986; Laws 1990, c. 182, § 1, emerg. eff. May 7, 1990; Laws 1991, c. 265, § 6, eff. Oct. 1, 1991. Renumbered from § 162 of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1994, c. 390, § 4, eff. Sept. 1, 1994; Laws 2002, c. 255, § 2, eff. Nov. 1, 2002; Laws 2004, c. 269, § 4, emerg. eff. May 6, 2004; Laws 2005, c. 149, § 3, eff. Nov. 1, 2005; Laws 2008, c. 388, § 1, emerg. eff. June 3, 2008; Laws 2009, c. 362, § 1, eff. Nov. 1, 2009; Laws 2011, c. 252, § 1, eff. Nov. 1, 2011; Laws 2012, c. 11, § 15, emerg. eff. April 4, 2012; Laws 2015, c. 155, § 1, eff. Nov. 1, 2015; Laws 2017, c. 54, § 1, eff. Nov. 1, 2017; Laws 2018, c. 94, § 2, eff. Nov. 1, 2018; Laws 2019, c. 213, § 3, eff. Nov. 1, 2019.

NOTE: Laws 2011, c. 230, § 2 repealed by Laws 2012, c. 11, § 16, emerg. eff. April 4, 2012.

§59-161.7. Application for original license by examination - Definitions.

A. 1. Applications for an original license by examination to practice chiropractic in this state shall be made to the Board of Chiropractic Examiners in writing on a form and in a manner prescribed by the Board.

2. The application shall be accompanied by a fee of Three Hundred Dollars ($300.00), which shall not be refundable under any circumstances.

3. If the application is disapproved by the Board, the applicant shall be so notified by the Executive Director, with the reason for such disapproval fully stated in writing.

4. If the application is approved, the applicant may take an examination administered by the Board for the purpose of securing an original license. The Board may accept a passing score on an examination administered by the National Board of Chiropractic Examiners taken by the applicant or may require the applicant to take an examination administered by the Board or both.

5. Prior to approval of an application, the Board may authorize the Executive Director to issue a temporary license to an applicant who has submitted a completed application and who, upon payment of the examination fee, has passed the required examination with a score acceptable to the Board. A temporary license shall authorize the applicant to practice chiropractic in Oklahoma between the submission of the application and the applicant's approval for licensure by the Board. A temporary license shall expire upon the Board's approval of a permanent license or ten (10) calendar days following the Board's denial of an application for a permanent license.

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

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

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

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

C. Each applicant shall be a graduate of an accredited chiropractic college. For those graduating from a chiropractic

program outside the United States, the applicants must have completed an educational program leading to a degree in chiropractic from an institution authorized to operate by the government having jurisdiction in which it is domiciled.

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

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

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

G. An applicant for an original license shall:

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

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

3. Provide full disclosure to the Board of any criminal proceeding taken against the applicant including, but not limited to, pleading guilty or nolo contendere to, receiving a deferred sentence for, or being convicted of a felony crime that substantially relates to the practice of chiropractic and poses a reasonable threat to public safety; and

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

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

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

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

1. Pleaded guilty or nolo contendere to, received a deferred sentence for, or been convicted of a felony crime that substantially relates to the practice of chiropractic and poses a reasonable threat to public safety;

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

3. Been the subject of disciplinary action in another jurisdiction.

K. 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.

Added by Laws 1921, c. 7, p. 13, § 3. Amended by Laws 1972, c. 250, § 2, emerg. eff. April 7, 1972; Laws 1982, c. 268, § 3, emerg. eff. May 14, 1982; Laws 1991, c. 265, § 7, eff. Oct. 1, 1991. Renumbered from § 163 of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1994, c. 390, § 5, eff. Sept. 1, 1994; Laws 2004, c. 269, § 5, emerg. eff. May 6, 2004; Laws 2005, c. 149, § 4, eff. Nov. 1, 2005; Laws 2009, c. 362, § 2, eff. Nov. 1, 2009; Laws 2015, c. 155, § 2, eff. Nov. 1, 2015; Laws 2018, c. 94, § 3, eff. Nov. 1, 2018; Laws 2019, c. 213, § 4, eff. Nov. 1, 2019; Laws 2019, c. 363, § 8, eff. Nov. 1, 2019; Laws 2021, c. 169, § 1, eff. Nov. 1, 2021.

§59-161.8. Subjects covered by examination.

If an examination is administered by the Board of Chiropractic Examiners, it shall include those technical, professional and practical subjects that relate to the practice of chiropractic including, but not limited to, chiropractic principles, anatomy, histology, physiology, symptomatology, orthopedia, chemistry, spinography, diagnosis, sanitation and hygiene, pathology, public health service and adjustology. The Board shall also examine each applicant in the art of chiropractic adjusting, x-ray, diagnostic laboratory procedures, physiological therapeutics and other subjects taught by accredited chiropractic colleges.

Added by Laws 1921, c. 7, p. 13, § 4. Amended by Laws 1972, c. 250, § 3, emerg. eff. April 7, 1972; Laws 1982, c. 268, § 4, emerg. eff. May 14, 1982; Laws 1985, c. 176, § 1; Laws 1989, c. 325, § 1, emerg. eff. May 26, 1989; Laws 1990, c. 163, § 2, eff. Sept. 1, 1990; Laws 1991, c. 265, § 8, eff. Oct. 1, 1991. Renumbered from § 164 of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 2004, c. 269, § 6, emerg. eff. May 6, 2004.

NOTE: Laws 1985, c. 178, § 29 repealed by Laws 1989, c. 325, § 2, emerg. eff. May 26, 1989.

§59-161.9. Application for original license by relocation of practice.

A. Applications for an original license by relocation of practice to practice chiropractic in this state shall be made to the Board of Chiropractic Examiners in writing on a form and in a manner prescribed by the Board. The application shall be accompanied by a fee of Three Hundred Dollars ($300.00), which shall not be refundable under any circumstances. If the application is disapproved by the Board, it shall be returned to the applicant with the reason for its disapproval fully stated in writing.

B. The Board may, in its discretion, issue an original license by relocation to practice to an applicant who is currently licensed to practice chiropractic in another state, country, territory or province, upon the following conditions:

1. That the applicant is of good moral character;

2. That the requirements for licensure in the state, country, territory or province in which the applicant is licensed are deemed by the Board to be equivalent to the requirements for obtaining an original license by examination in force in this state at the date of such license;

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

4. That the license of the applicant was obtained by examination in the state, country, territory or province wherein it was issued, or was obtained by examination of the National Board of Chiropractic Examiners;

5. That the applicant passes a jurisprudence examination given by the Board or the National Board of Chiropractic Examiners with a minimum score of seventy-five percent (75%) or better; and

6. That the applicant meets all other requirements of the Oklahoma Chiropractic Practice Act.

C. Any applicant requesting a license by relocation of practice into Oklahoma shall:

1. Submit to the Board documentary evidence that the applicant has been in active practice as a chiropractic physician three (3) years immediately preceding the date of the application;

2. Provide full disclosure to the Board of any disciplinary action taken against the applicant pursuant to licensure as a chiropractic physician in any state pursuant to licensure and/or criminal proceedings;

3. Provide full disclosure to the Board of any criminal proceeding taken against the applicant in any jurisdiction including, but not limited to:

a. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a felony,
b. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a misdemeanor involving moral turpitude, or
c. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a violation of federal or state controlled dangerous substance laws;

4. If requested, appear before the Board for a personal interview; and

5. Pay an application fee to be set by rule of the Board.

D. The Board may authorize the Executive Director to issue a temporary license to an applicant who has submitted a completed application and has passed the required examination with a score acceptable to the Board. A temporary license shall authorize the applicant to practice chiropractic in Oklahoma between the submission of the application and the applicant's approval for licensure by the Board. A temporary license shall expire upon the Board's approval of a permanent license or ten (10) calendar days following the Board's denial of an application for a permanent license.

E. No license fee shall be charged by the Board for the balance of the calendar year in which such a license is issued.

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

1. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a felony;

2. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a misdemeanor involving moral turpitude;

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

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

5. Been the subject of disciplinary action in another jurisdiction.

Added by Laws 1937, p. 64, § 2, emerg. eff. May 25, 1937. Amended by Laws 1972, c. 250, § 4, emerg. eff. April 7, 1972; Laws 1982, c. 268, § 5, emerg. eff. May 14, 1982; Laws 1991, c. 265, § 9, eff. Oct. 1, 1991. Renumbered from § 164b of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 2004, c. 269, § 7, emerg. eff. May 6, 2004; Laws 2009, c. 362, § 3, eff. Nov. 1, 2009; Laws 2018, c. 94, § 4, eff. Nov. 1, 2018; Laws 2019, c. 213, § 5, eff. Nov. 1, 2019; Laws 2021, c. 169, § 2, eff. Nov. 1, 2021.

§59-161.10. Repealed by Laws 2004, c. 269, § 13, emerg. eff. May 6, 2004.

§59-161.10a. Continuing education.

A. Applications to provide chiropractic continuing education seminars shall be submitted for review and approval by the Board of Chiropractic Examiners. An applicant shall submit to the Board for approval:

1. An application to provide continuing education in this state;

2. The agenda for the continuing education seminar;

3. The professional background of the instructors; and

4. A summary of the courses to be taught at the continuing education seminar.

B. Prior to approval of an application, the Board may authorize the Executive Director to temporarily approve applications, or amendments to an application, pursuant to the requirements specified by this section and the rules approved by the Board for continuing education programs. Continuing education credits may only be counted for seminars receiving final Board approval.

C. A continuing education program shall offer seminars providing continuing education on those subjects within the scope of practice of chiropractic as well as those technical, professional, and practical subjects that relate to the practice of chiropractic as included in Section 161.8 of this title. Instructors at continuing education seminars may sell products as long as the sale of such products is ancillary to the purpose of the seminar.

D. Each year a chiropractic physician must attend sixteen (16) hours of continuing education. Twelve (12) hours must be within the scope of practice of chiropractic as well as those technical, professional, and practical subjects that relate to the practice of chiropractic as included in Section 161.8 of this title. A maximum of four (4) hours may be non-clinical in nature.

E. A maximum of eight (8) hours of the annual Oklahoma continuing education requirements may be obtained by a continuing education program outside this state if the out-of-state continuing education program is approved by the Board.

F. Chiropractic physicians who have not been in active practice during the previous year shall be exempt from that calendar year's continuing education requirements. However, prior to returning to active practice, the chiropractor must have attended the required continuing education during the previous calendar year.

G. All licensed chiropractic physicians must attend a minimum of eight (8) hours of in-state continuing education programs approved by the Board of Chiropractic Examiners.

H. The Board may waive the requirements for continuing education, if the licensee was prevented from attending by illness

or extenuating circumstances, as determined by the Board. In waiving the continuing education requirements for any given year, the Board may require the licensee to make up the hours in the succeeding year as a condition for license renewal.
Added by Laws 2004, c. 269, § 8, emerg. eff. May 6, 2004. Amended by Laws 2005, c. 149, § 5, eff. Nov. 1, 2005; Laws 2007, c. 363, § 2, eff. Nov. 1, 2007; Laws 2018, c. 94, § 5, eff. Nov. 1, 2018; Laws 2023, c. 13, § 1, eff. Nov. 1, 2023.

§59-161.11. Annual renewal license - Fee - Suspension and reinstatement - Disciplinary guidelines.

A. 1. Beginning January 1, 2005:

a. a person holding an original license and who is actively engaged in the practice of chiropractic in this state shall pay to the Board of Chiropractic Examiners, on or before July 1 of each year, a renewal license fee of Two Hundred Seventy-five Dollars ($275.00),

b. an inactive nonresident holding an original license to practice chiropractic in Oklahoma and who has filed a statement with the Board that the licensee is not actively engaged in the practice of chiropractic in this state and shall not engage in the practice of chiropractic in this state during the succeeding year, shall pay to the Board, on or before July 1 of each year, a renewal license fee of One Hundred Seventy-five Dollars ($175.00),

c. an inactive resident holding an original license to practice chiropractic in Oklahoma, and who has filed, or on whose behalf has been filed, a statement with the Board that because of illness, infirmity, active military service or other circumstances as approved by the Board, the licensee is unable to actively engage in the practice of chiropractic during the succeeding year, shall pay to the Board a renewal license fee of One Hundred Dollars ($100.00), and

d. a person holding an original license, but who is sixty-five (65) years of age or older and who has filed a statement with the Board that the licensee is not actively engaged in the practice of chiropractic in this state and shall not engage in the practice of chiropractic in this state during the succeeding year, shall pay to the Board a renewal licensee fee of Fifty Dollars ($50.00).

2. In addition, each licensee shall present to the Board satisfactory evidence that during the preceding twelve (12) months the licensee attended sixteen (16) hours of continuing education

that meets the requirements of Section 161.10a of this title, provided that inactive resident licensees may, at the discretion of the Board, be exempt from this requirement.

3. Every chiropractic physician who is actively engaged in the practice of chiropractic in this state shall submit to the Board documentary evidence that the chiropractor has malpractice insurance and maintains such insurance twelve (12) months of each year when practicing in this state. Any licensee who is not actively engaged in practice in this state, shall be exempt from providing proof of malpractice insurance.

B. Subject to the laws of this state applicable to professional licenses and rules promulgated pursuant to the Oklahoma Chiropractic Practice Act, the Board shall, upon determination that a licensee has complied with the requirements of this section and the duly promulgated rules of the Board, issue a renewal license to the licensee.

C. The failure of a licensee to properly renew a license or certificate shall be evidence of noncompliance with the Oklahoma Chiropractic Practice Act.

1. The license shall automatically be placed in a lapsed status for failure to renew and shall be considered lapsed and not in good standing for purposes of the practice of chiropractic.

2. If within sixty (60) calendar days after July 1, the licensee cures any renewal requirement deficiency, pays the renewal fee and pays a reinstatement fee set by the Board, the license may be reactivated.

3. If a license is not reactivated under this subsection within sixty (60) calendar days after July 1, the license shall automatically be suspended for failure to renew.

4. The practice of chiropractic is prohibited unless the license is active and in good standing with the Board.

D. When an original license or renewal license, or both, have been suspended under the provisions of this section, the license or licenses may be reinstated upon:

1. Payment of a reinstatement fee in an amount fixed by the Board not to exceed Four Hundred Dollars ($400.00);

2. Payment of the renewal license fee for the calendar year in which the original license is reinstated; and

3. Presentation to the Board of satisfactory evidence of compliance with the continuing education requirement of this section for the calendar year in which the original license is reinstated.

E. The Board, by rule, may establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include, but are not limited to:

1. Minimum and maximum administrative fines;

2. Periods of suspension, probation or supervision;

3. Terms and conditions of probation; and

4. Terms and conditions for the reinstatement of an original license or renewal license, or both.

F. The license of a chiropractic physician who is not compliant with Oklahoma income tax law pursuant to Section 238.1 of Title 68 of the Oklahoma Statutes shall not be renewed. Such license shall be automatically suspended as of July 1 of the renewal year and shall remain suspended until the Board receives notice from the Oklahoma Tax Commission that the licensee has come into compliance with Oklahoma income tax law. A physician whose license is suspended under this subsection shall pay a reinstatement fee in an amount fixed by the Board but not to exceed Four Hundred Dollars ($400.00).

Added by Laws 1937, p. 64, § 3, emerg. eff. May 25, 1937. Amended by Laws 1947, p. 355, § 2, emerg. eff. March 17, 1947; Laws 1963, c. 108, § 1, emerg. eff. May 31, 1963; Laws 1967, c. 168, § 1, emerg. eff. May 1, 1967; Laws 1972, c. 250, § 5, emerg. eff. April 7, 1972; Laws 1982, c. 268, § 7, emerg. eff. May 14, 1982; Laws 1990, c. 182, § 2, emerg. eff. May 7, 1990; Laws 1991, c. 265, § 11, eff. Oct. 1, 1991. Renumbered from § 164c of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1994, c. 390, § 6, eff. Sept. 1, 1994; Laws 1998, c. 181, § 1, eff. Nov. 1, 1998; Laws 2002, c. 255, § 4, eff. Nov. 1, 2002; Laws 2004, c. 269, § 9, emerg. eff. May 6, 2004; Laws 2005, c. 149, § 6, eff. Nov. 1, 2005; Laws 2006, c. 36, § 1, eff. Nov. 1, 2006; Laws 2008, c. 388, § 2, emerg. eff. June 3, 2008; Laws 2018, c. 94, § 6, eff. Nov. 1, 2018; Laws 2019, c. 25, § 30, emerg. eff. April 4, 2019; Laws 2019, c. 213, § 6, eff. Nov. 1, 2019.

NOTE: Laws 2018, c. 57, § 1 repealed by Laws 2019, c. 25, § 31, emerg. eff. April 4, 2019 and by Laws 2019, c. 213, § 8, eff. Nov. 1, 2019.

§59-161.12. Penalties - Grounds for imposition.

A. The Board of Chiropractic Examiners is authorized, after notice and an opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a chiropractic physician has committed any of the acts or occurrences set forth in subsection B of this section:

1. Disapproval of an application for a renewal license;

2. Revocation or suspension of an original license or renewal license, or both;

3. Restriction of the practice of a chiropractic physician under such terms and conditions as deemed appropriate by the Board;

4. An administrative fine not to exceed One Thousand Dollars ($1,000.00) for each count or separate violation;

5. A censure or reprimand;

6. Placement of a chiropractic physician on probation for a period of time and under such terms and conditions as the Board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician; and

7. The assessment of costs expended by the Board in investigating and prosecuting a violation. The costs may include, but are not limited to, staff time, salary and travel expenses, witness fees and attorney fees, and shall be considered part of the order of the Board.

B. The following acts or occurrences by a chiropractic physician shall constitute grounds for which the penalties specified in subsection A of this section may be imposed by order of the Board:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws. A copy of the judgment and sentence of the conviction, duly certified by the clerk of the court in which the conviction was obtained, and a certificate of the clerk that the conviction has become final, shall be sufficient evidence for the imposition of a penalty;

2. Being habitually drunk or habitually using habit-forming drugs;

3. Using advertising in which statements are made that are fraudulent, deceitful or misleading to the public;

4. Aiding or abetting any person not licensed to practice chiropractic in this state to practice chiropractic, except students who are regularly enrolled in an accredited chiropractic college;

5. Performing or attempting to perform major or minor surgery in this state, or using electricity in any form for surgical purposes, including cauterization;

6. Using or having in a chiropractic physician's possession any instrument for treatment purposes, the use or possession of which has been prohibited or declared unlawful by any agency of the United States or the State of Oklahoma;

7. Unlawfully possessing, prescribing or administering any drug, medicine, serum or vaccine. This section shall not prevent a chiropractic physician from possessing, prescribing or administering, by a needle or otherwise, vitamins, minerals or nutritional supplements, or from practicing within the scope of the science and art of chiropractic as defined in Section 161.2 of this title;

8. Advertising or displaying, directly or indirectly, any certificate, diploma or other document which conveys or implies information that the person is skilled in any healing art other than

chiropractic unless the chiropractic physician also possesses a valid current license in said healing art;

9. Obtaining an original license or renewal license in a fraudulent manner;

10. Violating any provision of the Unfair Claims Settlement Practices Act or any rule promulgated pursuant thereto;

11. Willfully aiding or assisting an insurer, as defined in Section 1250.2 of Title 36 of the Oklahoma Statutes, or an administrator, as defined in Section 1442 of Title 36 of the Oklahoma Statutes, to deny claims which under the terms of the insurance contract are covered services and are medically necessary;

12. Violating any provision of the Oklahoma Chiropractic Practice Act; or

13. Violating any of the rules of the Board.

C. Any chiropractic physician against whom a penalty is imposed by an order of the Board under the provisions of this section shall have the right to seek a judicial review of the order pursuant to Article II of the Administrative Procedures Act.

D. The Board is authorized to issue a confidential letter of concern to a chiropractic physician when, though evidence does not warrant initiation of an individual proceeding, the Board has noted indications of possible errant conduct by the chiropractic physician that could lead to serious consequences and formal action by the Board.

E. If no order imposing a penalty against a chiropractic physician is issued by the Board within three (3) years after a complaint against the chiropractic physician is received by the Board, the complaint and all related documents shall be expunged from the records of the Board.

Added by Laws 1937, p. 64, § 4, emerg. eff. May 25, 1937. Amended by Laws 1953, p. 260, § 1, emerg. eff. May 25, 1953; Laws 1972, c. 250, § 6, emerg. eff. April 7, 1972; Laws 1982, c. 268, § 8, emerg. eff. May 14, 1982; Laws 1985, c. 176, § 2; Laws 1990, c. 182, § 3, emerg. eff. May 7, 1990; Laws 1991, c. 265, § 12, eff. Oct. 1, 1991. Renumbered from § 164d of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1997, c. 90, § 1, eff. Nov. 1, 1997; Laws 1998, c. 181, § 2, eff. Nov. 1, 1998; Laws 1999, c. 227, § 1, eff. Nov. 1, 1999; Laws 2002, c. 255, § 5, eff. Nov. 1, 2002; Laws 2004, c. 269, § 10, emerg. eff. May 6, 2004; Laws 2008, c. 388, § 3, emerg. eff. June 3, 2008; Laws 2019, c. 213, § 7, eff. Nov. 1, 2019.

§59-161.12a. Certificate – Chiropractic claims consultant.

A chiropractic physician who desires to act as a chiropractic claims consultant shall register with the Board of Chiropractic Examiners on a form prescribed by the Board. The Board shall issue

a certificate to the chiropractic physician entitling them to act as a chiropractic claims consultant in this state.
Added by Laws 2005, c. 149, § 7, eff. Nov. 1, 2005.

§59-161.13. Suspension of license because of mental illness.

A. The Board of Chiropractic Examiners is authorized, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, to issue an order suspending the original license or renewal license, or both, of a chiropractic physician whenever the Board finds, by clear and convincing evidence, that the chiropractic physician has become incompetent to practice chiropractic because of mental illness. Commitment of a chiropractic physician to an institution for the mentally ill shall be considered prima facie evidence of his incompetency to practice chiropractic because of mental illness.

B. Any chiropractic physician who has his original license or renewal license, or both, suspended under the provisions of this section shall have the right to seek a judicial review of the order pursuant to Article II of the Administrative Procedures Act.

C. The Board, on its own motion or on the application of a chiropractic physician whose original license or renewal license, or both, have been suspended under the provisions of this section, is authorized, on proper showing that the chiropractic physician's competency to practice chiropractic has been restored, to reinstate the license or licenses at any time; provided, however, reinstatement shall not be made while the chiropractic physician is confined in an institution for the mentally ill. No reinstatement fee shall be charged by the Board for the reinstatement of any license which has been suspended under the provisions of this section.
Added by Laws 1953, p. 261, § 1, emerg. eff. Feb. 25, 1953. Amended by Laws 1991, c. 265, § 13, eff. Oct. 1, 1991. Renumbered from § 167 of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1997, c. 90, § 2, eff. Nov. 1, 1997.

§59-161.14. Practice without license - Penalties – Injunction.

A. Any person who shall practice or attempt to practice chiropractic in this state, or who shall hold himself or herself out to the public as a practitioner of chiropractic in this state, without having first obtained an original license to practice chiropractic from the Board of Chiropractic Examiners, or after the original license to practice chiropractic has been revoked, or while such original license is under suspension, shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or by imprisonment in the county jail for not less than five (5) days nor more than thirty (30) days, or

by both such fine and imprisonment. Each day of such violation shall constitute a separate and distinct offense.

B. The Board of Chiropractic Examiners is hereby authorized to apply to a court of competent jurisdiction for an order enjoining an unlicensed person from practicing chiropractic or holding himself or herself out as a practitioner of chiropractic. Any injunctive relief granted by the court shall be without bond.

Added by Laws 1937, p. 65, § 6, emerg. eff. May 25, 1937. Amended by Laws 1991, c. 265, § 14, eff. Oct. 1, 1991. Renumbered from § 164f of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1994, c. 390, § 7, eff. Sept. 1, 1994; Laws 2002, c. 255, § 6, eff. Nov. 1, 2002.

§59-161.15. Doctors of chiropractic governed by public health laws.

Doctors of chiropractic shall be bound by all the provisions of the Oklahoma Public Health Code that apply to them, and shall be qualified to sign:

1. Death certificates, pursuant to Section 1-317 of Title 63 of the Oklahoma Statutes; and

2. All other certificates, including those relating to public health, the same as doctors of medicine and surgery and doctors of osteopathic medicine, and with like effect.

Added by Laws 1921, c. 7, p. 14, § 5. Amended by Laws 1991, c. 265, § 15, eff. Oct. 1, 1991. Renumbered from § 165 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1998, c. 181, § 3, eff. Nov. 1, 1998.

§59-161.16. Chiropractic Education Scholarship Program.

A. A Chiropractic Education Scholarship Program, to be administered by the Board of Chiropractic Examiners, is hereby created. Chiropractic education scholarships may be awarded each fiscal year to persons approved by the Board for the study of chiropractic leading to the attainment of the degree of doctor of chiropractic. To be eligible to receive a scholarship a person must:

1. Be a legal resident of this state for not less than five (5) years prior to the date of submitting an application to the Board;

2. Meet all requirements and academic standards established by the Board;

3. Attend an accredited chiropractic college; and

4. Demonstrate satisfactory progress in the study of chiropractic.

B. Preference in the granting of such scholarships shall be given to those individuals with the highest weighted scholastic averages, provided they are persons of high integrity and character and are found by the Board to have those qualities and attributes which give a reasonable assurance of their pursuing to completion

the course of study required for a degree of doctor of chiropractic. The scholarships shall be awarded in an amount not to exceed Six Thousand Dollars ($6,000.00) each year per student. No student shall be given more than four (4) annual scholarships. The Board is authorized to accept any federal, state, county or private funds, grants or appropriations to be used to award such scholarships to qualified persons.
Added by Laws 1972, c. 250, § 8, emerg. eff. April 7, 1972. Amended by Laws 1981, c. 32, § 1, eff. July 1, 1981; Laws 1982, c. 268, § 9, emerg. eff. May 14, 1982; Laws 1991, c. 265, § 16, eff. Oct. 1, 1991. Renumbered from § 170 of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1999, c. 227, § 2, eff. Nov. 1, 1999; Laws 2004, c. 269, § 11, emerg. eff. May 6, 2004.

§59-161.17. Chiropractic Undergraduate Preceptorship Program.

A Chiropractic Undergraduate Preceptorship Program, in conjunction with accredited chiropractic colleges, shall be established by the Board of Chiropractic Examiners, who may appoint five (5) chiropractic physicians to administer the program.

Each intern in the program shall pay a nonrefundable fee of Thirty-five Dollars ($35.00) to the Board each trimester the intern participates in the program.

The Board shall by rule establish standards, qualifications and responsibilities for interns, preceptors and accredited chiropractic colleges participating in the program.
Added by Laws 1984, c. 260, § 15, operative July 1, 1984; Laws 1991, c. 265, § 17, eff. Oct. 1, 1991. Renumbered from § 164b.2 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-161.18. Listing in publications.

Chiropractic physicians may be listed in all publications as:

1. Physicians, Chiropractic;
2. Chiropractors; or
3. Doctors of Chiropractic.

Added by Laws 1985, c. 176, § 3. Amended by Laws 1991, c. 265, § 18, eff. Oct. 1, 1991. Renumbered from § 170.1 of this title by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991. Amended by Laws 1995, c. 207, § 1, eff. Nov. 1, 1995; Laws 2000, c. 131, § 3, eff. Nov. 1, 2000; Laws 2002, c. 255, § 7, eff. Nov. 1, 2002; Laws 2004, c. 269, § 12, emerg. eff. May 6, 2004.

§59-161.20. Board of Chiropractic Examiners' Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Board of Chiropractic Examiners, to be designated as the "Board of Chiropractic Examiners' Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the

provisions of the Oklahoma Chiropractic Practice Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the Oklahoma Chiropractic Practice Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims signed by the secretary-treasurer of the Board or by an authorized employee or employees of the Board and filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1991, c. 265, § 19, eff. Oct. 1, 1991. Amended by Laws 2012, c. 304, § 261.

§59-162. Renumbered as Section 161.6 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-163. Renumbered as Section 161.7 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-164. Renumbered as Section 161.8 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-164a. Renumbered as Section 161.10 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-164b. Renumbered as Section 161.9 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-164b.1. Repealed by Laws 1991, c. 265, § 23, eff. Oct. 1, 1991.

§59-164b.2. Renumbered as Section 161.17 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-164c. Renumbered as Section 161.11 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-164d. Renumbered as Section 161.12 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-164e. Repealed by Laws 1991, c. 265, § 23, eff. Oct. 1, 1991.

§59-164f. Renumbered as Section 161.14 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-165. Renumbered as Section 161.15 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-167. Renumbered as Section 161.13 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-168. Repealed by Laws 1991, c. 265, § 23, eff. Oct. 1, 1991.

§59-169. Repealed by Laws 1991, c. 265, § 23, eff. Oct. 1, 1991.

§59-170. Renumbered as Section 161.16 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-170.1. Renumbered as Section 161.18 of Title 59 by Laws 1991, c. 265, § 22, eff. Oct. 1, 1991.

§59-170.2. Repealed by Laws 1991, c. 265, § 23, eff. Oct. 1, 1991.

§59-199. Short title – Oklahoma Cosmetology and Barbering Act.

Chapter 6 of Title 59 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Cosmetology and Barbering Act". Added by Laws 2000, c. 355, § 1, eff. July 1, 2000. Amended by Laws 2013, c. 229, § 84, eff. Nov. 1, 2013.

§59-199.1. Definitions.

As used in the Oklahoma Cosmetology and Barbering Act:

1. “Apprentice” means a person who is engaged in learning the practice of cosmetology or barbering in a cosmetology or barbering establishment;

2. “Barber” or “barber stylist” means any person who engages in the practice of barbering;

3. “Barbering” means 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, constitute 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 applying lighteners or color to 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 school” or “barber college” means an establishment operated for the purpose of teaching barbering;

6. “Blow-dry styling” means the practice of shampooing, conditioning, drying, arranging, curling, straightening, or styling hair using mechanical devices, hairsprays, and topical agents

including, but not limited to, balms, oils, and serums. Blow-dry styling shall include the use and styling of hair extensions, hair pieces, and wigs. Blow-dry styling shall not include cutting hair or the application of dyes, bleach, reactive chemicals, keratin treatments, or other preparations for the coloring and altering of hair structure. An individual certified to practice blow-dry styling shall fulfill instruction requirements related to general safety and sanitation for no less than twelve (12) hours, four (4) hours being an instruction in using mechanical devices for drying, curling, straightening, or styling hair, from the State Board of Cosmetology and Barbering before making any such applications. No establishment licensing and inspection requirements pursuant to this act shall be required of an establishment where a person performs blow-dry styling services;

7. "Board" means the State Board of Cosmetology and Barbering;

8. "Cosmetic studio" means any place or premises where demonstrators give demonstrations, without compensation, for the purpose only of advertising and selling cosmetics. Cosmetic studios providing any place or premises where demonstrators give demonstrations as defined in this paragraph shall not be required to hold a license or certification under the Oklahoma Cosmetology and Barbering Act;

9. "Cosmetology" means the practices generally and usually performed by and known as the occupation of beauticians, beauty culturists, beauty operators, 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;

10. "Cosmetology establishment" means an establishment or place of business where one or more persons are engaged in the practices of cosmetology but shall not include cosmetology schools or colleges;

11. "Cosmetology or barber school/college" means any place or premises where instruction in any or all the practices of cosmetology or barbering 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 or barbering is hereby declared to be engaged in operating a cosmetology and/or barber school, and shall be subject to the provisions of the Oklahoma Cosmetology and Barbering Act. Licensed cosmetology and/or barber schools may offer education to secondary and postsecondary students in this state;

12. "Demonstrator" means a person who is not licensed in this state as an operator or instructor and who demonstrates any cosmetic preparation. An individual solely acting as a demonstrator as defined in this paragraph shall not be required to hold a license or certification under the Oklahoma Cosmetology and Barbering Act;

13. "Eyelash extension application" means the application, removal, and trimming of threadlike natural or synthetic fibers to an eyelash. Eyelash extension application shall include the cleaning of lashes. Eyelash extension application shall not include color agents, straightening agents, permanent wave solutions, bleaching agents, or any other service that may be considered under the practice of cosmetology;

14. "Eyelash extension instructor" means a person certified by the Board or a manufacturer of eyelash extension application products. The person shall pass a state written exam relating to general safety and sanitation from the Board;

15. "Eyelash extension specialist" means a person certified by the Board to perform eyelash extension application. The person shall pass a state written exam relating to general safety and sanitation from the Board;

16. "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;

17. "Facialist/Esthetician" means any person who gives facials for compensation. For a facialist/esthetician fulfilling the requirements of another state, territory, or province and holding a current license as verified by certification, the Board may issue a license pursuant to Section 199.13 of this title;

18. "Hairbraiding technician" means a person who performs hairbraiding, hairweaving techniques, and hair extensions in a licensed cosmetology establishment. An individual solely acting as a hairbraiding technician as defined in this paragraph shall not be required to hold a license or certification under the Oklahoma Cosmetology and Barbering Act;

19. "Hairbraiding" means the service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with

mechanical devices. Hairbraiding shall include the use of natural or synthetic hair extensions, natural or synthetic hair and fibers, decorative beads or other hair accessories, or twisting, wrapping, weaving, extending, locking, or braiding hair, or the making of wigs from natural hair, natural fibers, synthetic fibers, or hair extensions. Hairbraiding shall include the use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hairbraiding shall not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair or the use of chemical hair jointing agents such as synthetic tape, keratin bonds, or fusion bonds. Hairbraiding shall not be considered the practice of cosmetology. Individuals solely practicing hairbraiding as defined in this paragraph shall not be required to hold a license or certification under the Oklahoma Cosmetology and Barbering Act;

20. "Hybrid learning" means courses that combine face-to-face classroom instruction with online, computer-based learning;

21. "Makeup application" means the application of a cosmetic to enhance the appearance of the face or skin including, but not limited to, powder, foundation, rouge, eyeshadow, eyeliner, mascara, or lipstick. Makeup application shall include the application of makeup applied using an airbrush. Makeup application shall not include the application of permanent makeup or tattooing;

22. "Makeup artist" means a person certified to practice makeup application. No establishment licensing and inspection requirements pursuant to this act shall be required of an establishment where a person performs makeup application services; provided, that an individual certified to practice makeup application fulfills instruction requirements related to general safety and sanitation for no less than eight (8) hours from the Board before making any such applications;

23. "Manicurist/Nail technician" means a person who gives manicures, gives pedicures, or applies artificial nails;

24. "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;

25. "Master barber" means any person who has engaged in the practice of barbering for a cumulative period no less than fifteen (15) years. A master barber may provide instruction to no more than two registered apprentices at any one time. At such time as a barber fulfills the requirements of a master barber, he or she may request of the Board for licensure as a master barber;

26. "Master barber instructor" means a person who gives instruction in barbering or any practices thereof;

27. "Master cosmetologist" means any person who has engaged in the practice of cosmetology for a cumulative period no less than

fifteen (15) years. A master cosmetologist may provide instruction to no more than two registered apprentices at any one time. At such time as a cosmetologist fulfills the requirements of a master cosmetologist, he or she may request of the Board for licensure as a master cosmetologist;

28. "Master cosmetology instructor" means a person who gives instruction in cosmetology or any practices thereof;

29. "Postsecondary institution" means a school licensed to teach students according to prescribed curriculum as in paragraph 1 of subsection G of Section 199.7 of this title and in Board rule 175:10-3-34(a);

30. "Public school" means any state-supported institution conducting a cosmetology program;

31. "Secondary institution" means a school licensed to teach students eligible for credit of five hundred (500) hours of related subjects as prescribed in paragraph 2 of subsection G of Section 199.7 of this title and in Board rule 175:10-3-34(b);

32. "Shampooing" means the practice of washing or cleaning hair by use of shampooing, conditioning, and drying, which may use topical agents including, but not limited to, balms, oils, and serums. Shampooing shall include the washing or cleaning of hair extensions, hair pieces, and wigs. Shampooing shall not include cutting hair or the application of dyes, bleach, reactive chemicals, keratin treatments, or other preparations for the coloring and altering of hair structure. Individuals solely practicing shampooing as defined in this paragraph shall not be required to hold a license or certification under the Oklahoma Cosmetology and Barbering Act; and

33. "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.

Added by Laws 1949, p. 389, § 1, emerg. eff. June 6, 1949. Amended by Laws 1951, p. 163, § 1, emerg. eff. May 26, 1951; Laws 1968, c. 313, § 1, emerg. eff. May 7, 1968; Laws 1978, c. 259, § 1, eff. Jan. 1, 1979; Laws 1979, c. 216, § 1, eff. July 1, 1979; Laws 1994, c. 135, § 1, eff. Sept. 1, 1994; Laws 2000, c. 355, § 2, eff. July 1, 2000; Laws 2013, c. 229, § 85, eff. Nov. 1, 2013; Laws 2014, c. 260, § 1, eff. Nov. 1, 2014; Laws 2018, c. 62, § 1, eff. Nov. 1, 2018; Laws 2024, c. 282, § 1, eff. Nov. 1, 2024.

§59-199.2. State Board of Cosmetology and Barbering.

A. 1. There is hereby re-created, to continue until July 1, 2024, in accordance with the provisions of the Oklahoma Sunset Law, a State Board of Cosmetology and Barbering which shall be composed of 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 members shall, at the time of appointment, have had at least five (5) years' continuous practical experience in the practice of cosmetology in this state; one member shall be appointed at large and, at the time of the appointment, have had at least five (5) years' continuous practical experience in the practice of 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 or barbering.

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 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 two 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. 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.

Added by Laws 1949, p. 390, § 2, emerg. eff. June 6, 1949. Amended by Laws 1957, p. 464, § 1, emerg. eff. May 29, 1957; Laws 1961, p. 443, § 1, emerg. eff. June 15, 1961; Laws 1968, c. 313, § 2, emerg. eff. May 7, 1968; Laws 1970, c. 177, § 1; Laws 1979, c. 121, § 2, emerg. eff. May 1, 1979; Laws 1985, c. 77, § 1, eff. July 1, 1985; Laws 1991, c. 194, § 2; Laws 1997, c. 32, § 1; Laws 2000, c. 355, § 3, eff. July 1, 2000; Laws 2002, c. 375, § 7, eff. Nov. 5, 2002; Laws 2003, c. 12, § 1; Laws 2009, c. 16, § 1; Laws 2013, c. 229, § 86, eff. Nov. 1, 2013; Laws 2014, c. 4, § 16, emerg. eff. April 2, 2014; Laws 2014, c. 260, § 2, eff. Nov. 1, 2014; Laws 2017, c. 294, § 1; Laws 2021, c. 558, § 5, eff. July 1, 2021.

NOTE: Laws 2013, c. 298, § 1 repealed by Laws 2014, c. 4, § 17, emerg. eff. April 2, 2014.

§59-199.3. Powers of Board.

A. In order to safeguard and protect the health and general welfare of the people of this state, 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 and barber establishments, cosmetology or barber schools, master cosmetology instructors, master barber instructors, barbers, apprentices, students, and board licensees. The Board shall furnish copies of the rules to the owner or manager

of each cosmetology school, barber school and cosmetology and barber establishment 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, manicurist/nail technician instructor, facial/esthetics instructor, master cosmetology instructor, barber, or barber instructor 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. Notwithstanding any other provision of law to the contrary, records and information obtained in connection with an investigation of alleged violations, including complaints, identity of a complainant, investigative reports, and documentation or images generated or received during the course of an investigation, shall be confidential and shall not be subject to disclosure;

4. Issue all certificates of registration, licenses, permits, notices and orders;

5. Establish limited specialty licenses and certificates for facial/esthetics instructor, eyelash extension instructor, manicurist/nail technician instructor, master barber instructor, or master cosmetology instructor 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; provided, that the rules promulgated for specialty licenses shall not require training or testing not required in this act;

6. Make regular inspections of all cosmetology and barber schools and cosmetology and barber establishments operating 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.

Added by Laws 1949, p. 391, § 3, emerg. eff. June 6, 1949. Amended by Laws 1951, p. 163, § 2, emerg. eff. May 26, 1951; Laws 1968, c. 313, § 3, emerg. eff. May 7, 1968; Laws 1978, c. 215, § 1; Laws 1985, c. 77, § 2, eff. July 1, 1985; Laws 1994, c. 135, § 2, eff. Sept. 1, 1994; Laws 2000, c. 355, § 4, eff. July 1, 2000; Laws 2003, c. 56, § 1; Laws 2013, c. 229, § 87, eff. Nov. 1, 2013; Laws 2014, c. 260, § 3, eff. Nov. 1, 2014; Laws 2018, c. 62, § 2, eff. Nov. 1, 2018; Laws 2024, c. 282, § 2, eff. Nov. 1, 2024.

§59-199.4. Executive director.

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.

Added by Laws 1949, p. 392, § 4, emerg. eff. June 6, 1949. Amended by Laws 1957, p. 465, § 2, emerg. eff. May 29, 1957; Laws 1961, p. 444, § 2, emerg. eff. June 15, 1961; Laws 1968, c. 313, § 4, emerg. eff. May 7, 1968; Laws 1978, c. 215, § 2; Laws 1980, c. 159, § 10, emerg. eff. April 2, 1980; Laws 1994, c. 135, § 3, eff. Sept. 1, 1994; Laws 2000, c. 355, § 5, eff. July 1, 2000; Laws 2003, c. 56, § 2; Laws 2013, c. 229, § 88, eff. Nov. 1, 2013.

§59-199.5. Positions and salaries.

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.

Added by Laws 1949, p. 392, § 5, emerg. eff. June 6, 1949. Amended by Laws 2000, c. 355, § 6, eff. July 1, 2000; Laws 2003, c. 56, § 3; Laws 2013, c. 229, § 89, eff. Nov. 1, 2013.

§59-199.6. Rules - Implementation - Unlawful acts - Penalties.

A. The State Board of Cosmetology and Barbering is hereby authorized to promulgate rules for governing the examination and licensure of cosmetologists, master cosmetologists, manicurists, nail technicians, estheticians, master cosmetology instructors, manicurist instructors, esthetics instructors, barbers, master barbers, and master barber instructors. The Board is hereby authorized to promulgate rules 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 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/college, cosmetology or barber establishment, cosmetology or barber school or college that offers cosmetology, barbering or both 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 Board;

3. Practice or offer to practice barbering, cosmetology, manicuring, or eyelash extension application without having obtained a license or certification therefor from the Board;

4. Demonstrate as an eyelash extension instructor or operate as an eyelash extension specialist without having obtained a certificate from the Board;

5. Permit any person in one’s employ, supervision, or control to practice cosmetology or barbering unless that person has obtained an appropriate license from the Board;

6. Willfully violate any rule promulgated by the Board for the sanitary management and operation of a cosmetology or barber establishment, cosmetology school or barber college; or

7. Violate any of the provisions of the Oklahoma Cosmetology and Barbering Act.

D. The State Board of Cosmetology and Barbering shall have the authority to levy administrative fines not to exceed Five Hundred

Dollars ($500.00) for persons practicing cosmetology or barbering without a license, and for owners of establishments who allow unlicensed individuals to practice cosmetology or barbering without a license in their establishment. Each day a violation continues shall be a separate offense. The administrative fine shall not exceed a total of Five Hundred Dollars ($500.00).

E. 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;

4. Regularly employed sales people working in retail establishments engaged in the business of selling cosmetics in sealed packages;

5. Persons employed to render cosmetology or hairstyling services in the course of and incidental to the business or employers engaged in the theatrical, radio, television, or motion picture production industries, modeling, or photography;

6. Persons performing shampooing services and no other services requiring a license under this act; or

7. Persons performing hairbraiding services.

Added by Laws 1949, p. 392, § 6, emerg. eff. June 6, 1949. Amended by Laws 1951, p. 164, § 3, emerg. eff. May 26, 1951; Laws 1991, c. 194, § 3; Laws 2000, c. 355, § 7, eff. July 1, 2000; Laws 2013, c. 229, § 90, eff. Nov. 1, 2013; Laws 2014, c. 260, § 4, eff. Nov. 1, 2014; Laws 2022, c. 57, § 1, eff. Nov. 1, 2022; Laws 2024, c. 282, § 3, eff. Nov. 1, 2024.

§59-199.7. Cosmetology and barber schools.

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 and barber 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 or barber 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 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 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. A school licensed or applying for licensure shall maintain recognition as an institution of postsecondary study by meeting the following conditions:

1. The school shall admit as a regular student only an individual who has earned a recognized high school diploma, or who is beyond the age of compulsory high school attendance; and

2. The school shall be licensed by name, or in the case of an applicant, shall apply for licensure by name, to offer one or more training programs beyond the secondary level.

E. 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.

F. There shall be included in the curriculum for cosmetology and barber schools, courses of study in the theory of cosmetology and barbering related theory, studies in manipulative practices, sterilization and sanitation, shop management, and such other related subjects as may be approved by the Board.

G. 1. On or before July 1, 2025, the Board shall adopt a curriculum of required courses of instruction in theory and training of either one thousand (1,000) clock hours for nonchemical-use licensure or one thousand two hundred fifty (1,250) hours of chemical-use licensure 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 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 a license.

2. On or before July 1, 2025, cosmetology and barber students in vocational, trade, and industrial cosmetology and barbering classes in public schools, parochial schools, private schools or

home schools shall qualify by completing one thousand (1,000) hours in a basic course of cosmetology or barbering and two hundred fifty (250) hours of approved related subjects to be selected from, but not limited to, the following high school courses in a public school, parochial, private or home 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.

H. 1. No person shall be eligible to give instruction in cosmetology or barbering unless the person is the holder of a current unrevoked instructor license issued by the Board. No person shall be eligible to give instruction in eyelash extension application unless the person is the holder of a current unrevoked eyelash extension instructor certificate issued by the Board. A manufacturer of eyelash extension application products shall not be required to obtain an instructor certificate but shall only instruct on eyelash extension products and not the application of eyelash extensions.

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.

3. Students utilizing hybrid learning programs are included in the total student number as referenced in the ratio in paragraph 2 of this subsection.

I. A cosmetology or barbering school may be operated in and as part of an accredited high school.

J. No cosmetology or barber school owner or an establishment owner shall charge students or apprentices for cosmetic materials, supplies, apparatus, or machines used by them in practice work. 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.

K. No cosmetology or barber establishment shall ever be operated in or as a part of a cosmetology school.

L. 1. Students shall:

a. have an eighth-grade education or the equivalent thereof, and

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.

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 a license unless such person is at least seventeen (17) years of age or a high school graduate.

M. 1. No student shall be eligible to take the examination for a Board-issued license without furnishing to the Board the affidavit of the owner of the cosmetology or barber school that the student has satisfactorily completed the requirements specified in paragraph 1 of subsection G of this section, except public and private school students who will complete the requirements specified in paragraph 2 of subsection G 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 and proof of qualifying disability is proven.

N. After July 1, 2025, 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 satisfactorily completed all hours required for the appropriate specialty course and an additional six hundred (600) instructor training hours or equivalent number of credit hours as recognized by the United States Department of Education or as recognized by a national accreditation entity prescribed by the Board in a cosmetology or barber school in this state

O. The Board shall have the power to conduct examinations around the state at public locations including, but not limited to, technology center schools.

P. Each cosmetology or barber school shall prominently display in a conspicuous place above or to the side of the entrance thereto a sign identifying it as an institute of learning. The wording on such sign shall be in plain letters at least three (3) inches high and at least one (1) inch wide.

Added by Laws 1949, p. 393, § 7, emerg. eff. June 6, 1949. Amended by Laws 1951, p. 164, § 4, emerg. eff. May 26, 1951; Laws 1961, p. 445, § 3, emerg. eff. June 15, 1961; Laws 1968, c. 313, §§ 5, 6, emerg. eff. May 7, 1968; Laws 1968, c. 384, § 1, emerg. eff. May 10, 1968; Laws 1971, c. 160, § 1, emerg. eff. May 24, 1971; Laws 1978, c. 259, § 2, eff. Jan. 1, 1979; Laws 1979, c. 216, § 2, eff. July 1,

1979; Laws 1985, c. 77, § 3, eff. July 1, 1985; Laws 1992, c. 184, § 1, eff. July 1, 1992; Laws 1994, c. 135, § 4, eff. Sept. 1, 1994; Laws 2000, c. 355, § 8, eff. July 1, 2000; Laws 2001, c. 33, § 45, eff. July 1, 2001; Laws 2003, c. 56, § 4; Laws 2013, c. 229, § 91, eff. Nov. 1, 2013; Laws 2014, c. 260, § 5, eff. Nov. 1, 2014; Laws 2024, c. 282, § 4, eff. Nov. 1, 2024.
NOTE: Laws 1978, c. 215, § 3 repealed by Laws 1979, c. 216, § 3, eff. July 1, 1979. Laws 2002, c. 225, § 1 repealed by Laws 2003, c. 56, § 9.

§59-199.8. Apprentices.

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 or barber establishment approved by the Board for apprentice training.

C. All apprentices shall wear a badge which designates them as an apprentice and is furnished by the Board with the apprentice registration receipt.

D. Only two apprentices may be registered to receive training in any cosmetology or barber establishment at any one time. An apprentice registered to receive training in any cosmetology or barber establishment may receive compensation during his or her training.

E. Completion of two thousand two hundred fifty (2,250) hours of apprentice training in a cosmetology or barber establishment is the equivalent of one thousand two hundred fifty (1,250) hours' training in a cosmetology or barber school and shall entitle the apprentice to take the examination.

F. The required curriculum for apprenticeships shall be created by an organization approved by the Board for each discipline. Practical and theory-related benchmarks shall be administered by either a master barber or master cosmetologist at the end of each chapter/unit of the curriculum. Benchmarks shall be established within the course outline and curriculum shall be provided to the Board upon request during the apprenticeship application process.
Added by Laws 1949, p. 395, § 8, emerg. eff. June 6, 1949. Amended by Laws 1994, c. 135, § 5, eff. Sept. 1, 1994; Laws 2000, c. 355, § 9, eff. July 1, 2000; Laws 2013, c. 229, § 92, eff. Nov. 1, 2013; Laws 2014, c. 260, § 6, eff. Nov. 1, 2014; Laws 2024, c. 282, § 5, eff. Nov. 1, 2024.

§59-199.9. Inspection of facilities – Licensure required.

A. The State Board of Cosmetology and Barbering shall not issue a license for a cosmetology 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 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 or barbering in any place other than a licensed establishment or school licensed by the Board. A person may provide services outside of a licensed establishment if his or her services do not require licensing under this act and shall not be required to receive an establishment license for the facility where his or her services are being provided and may work in a licensed establishment.

2. 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 or barber establishment or cosmetology or barber school.

C. A person licensed as a cosmetologist may perform cosmetology services in a barber establishment. A person licensed as a barber may perform barbering services in a cosmetology establishment. Any salon which provides both cosmetology and barbering services must obtain a license from the Board.

Added by Laws 1949, p. 395, § 9, emerg. eff. June 6, 1949. Amended by Laws 1951, p. 164, § 5, emerg. eff. May 26, 1951; Laws 1983, c. 259, § 1, emerg. eff. June 23, 1983; Laws 1994, c. 135, § 6, eff. Sept. 1, 1994; Laws 2000, c. 355, § 10, eff. July 1, 2000; Laws 2013, c. 229, § 93, eff. Nov. 1, 2013; Laws 2014, c. 260, § 7, eff. Nov. 1, 2014; Laws 2024, c. 282, § 6, eff. Nov. 1, 2024.

§59-199.10. Expiration and renewal of licenses.

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. The public display of a licensee’s personal residential address on the face of any license issued pursuant to the provisions of the Oklahoma Cosmetology and Barbering Act shall be prohibited on and after July 1, 2016, and such personal address information, if publicly displayed on a valid license, may be redacted by the licensee until the license is renewed and no longer bears his or her personal residential address.

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 register in a cosmetology or barber school for the given number of review hours in accordance with the following timetable and schedule based upon the type of license held.

| License Type | Expired Five Years or More | Review Hours Required |
|---|---|---|
| Basic Cosmetologist | | 250 hours |
| Barber | | 250 hours |
| Master Cosmetology Instructor | | 100 hours |
| Master Barber Instructor | | 100 hours |
| Facial/Esthetics Instructor | | 100 hours |
| Manicurist/Nail Technician Instructor | | 100 hours |
| Manicurist | | 100 hours |
| Facial Operator | | 100 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.

Added by Laws 1949, p. 396, § 10, emerg. eff. June 6, 1949. Amended by Laws 1968, c. 313, § 7, emerg. eff. May 7, 1968; Laws 1978, c. 215, § 4; Laws 1992, c. 184, § 2, eff. July 1, 1992; Laws 2000, c. 355, § 11, eff. July 1, 2000; Laws 2003, c. 56, § 5; Laws 2013, c. 229, § 94, eff. Nov. 1, 2013; Laws 2014, c. 260, § 8, eff. Nov. 1, 2014; Laws 2016, c. 265, § 1, eff. July 1, 2016; Laws 2024, c. 282, § 7, eff. Nov. 1, 2024.

§59-199.11. Grounds for denial of license, certificate or registration – Definitions.

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 crime that substantially relates to the practice of cosmetology and 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 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.

Added by Laws 1949, p. 396, § 11, emerg. eff. June 6, 1949. Amended by Laws 2000, c. 355, § 12, eff. July 1, 2000; Laws 2003, c. 56, § 6; Laws 2013, c. 229, § 95, eff. Nov. 1, 2013; Laws 2014, c. 260, § 9, eff. Nov. 1, 2014; Laws 2015, c. 183, § 2, eff. Nov. 1, 2015; Laws 2019, c. 363, § 9, eff. Nov. 1, 2019.

§59-199.13. Reciprocity licenses - Criteria for issuing licenses without examination.

A. The State Board of Cosmetology and Barbering may issue a reciprocity license to an applicant if:

1. The applicant has complied with the requirements of another state, territory or province and applicant holds a current license as verified by certification; and

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

B. The Board may issue a license without examination to an applicant from a foreign country or territory if:

1. The applicant is otherwise qualified and possesses a current license issued in that foreign country or territory; or

2. The applicant is otherwise qualified and does not possess a current license issued in that foreign country or territory, but can show he or she has continuously engaged in the practices or occupation for which a reciprocity license is applied for at least (3) years immediately prior to such application.

The applicant from a foreign country or territory applying for a cosmetology, manicurist, facialist or barber license shall successfully pass Oklahoma's state rules, regulations and law test administered by the Board and shall possess the equivalent of at least an eighth-grade education.

The applicant from a foreign country or territory applying for a master instructor's license shall successfully pass Oklahoma's state rules, regulations and law test administered by the Board and shall possess the equivalent of a high school education.

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

C. The applicant from a foreign country or territory who is otherwise qualified, but who possesses a current license issued in that foreign country or territory must take examinations, both practical and written, to be issued a license if the applicant cannot show that he or she has been 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 and shall successfully pass Oklahoma's state rules, regulations and law test administered by the Board.

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 reciprocity applications for licensure without examination.

Added by Laws 1949, p. 396, § 13, emerg. eff. June 6, 1949. Amended by Laws 2000, c. 355, § 13, eff. July 1, 2000; Laws 2003, c. 56, § 7; Laws 2013, c. 229, § 96, eff. Nov. 1, 2013; Laws 2014, c. 260, § 10, eff. Nov. 1, 2014; Laws 2018, c. 62, § 3, eff. Nov. 1, 2018.

§59-199.14. Fees.

A. After the effective date of this act, the following fees shall be charged by the State Board of Cosmetology and Barbering:

| | |
|---|---|
| Registration as a student | $ 10.00 |
| Examination for license | 50.00 |
| Cosmetology and Barber school license (initial) | 400.00 |
| Cosmetology and Barber school license (renewal) | 125.00 |
| Apprentice Registration | 10.00 |
| Renewal Advanced Operator license | 40.00 |
| Facial Operator license | 40.00 |
| Cosmetology license (chemical/nonchemical) | 40.00 |
| Barber license (chemical/nonchemical) | 40.00 |
| Manicurist license | 40.00 |
| Eyelash Extension Specialist certificate | 40.00 |
| Eyelash Extension Instructor certificate | 40.00 |
| Blow-Dry Styling certificate | 40.00 |
| Makeup Artist certificate | 40.00 |
| Facial/Esthetics Instructor license | 45.00 |
| Manicurist/Nail Technician Instructor license | 45.00 |
| Master Barber | 40.00 |
| Master Cosmetologist | 40.00 |
| Master Cosmetology Instructor license | 65.00 |
| Master Barber Instructor license | 65.00 |
| Cosmetology establishment license (initial) | 60.00 |
| Cosmetology establishment license (renewal) | 45.00 |
| Barber establishment license (initial) | 60.00 |
| Barber establishment license (renewal) | 45.00 |
| Nail Salon (initial) | 60.00 |
| Nail Salon (renewal) | 45.00 |
| Reciprocity license (initial) | 45.00 |
| Reciprocity processing fee | 45.00 |
| Duplicate license (in case of loss or destruction of original) | 10.00 |
| 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.

D. Beginning on November 1, 2025, all licenses renewed annually in this section shall be renewed every two (2) years. The following fees shall be charged:

| | |
|---|---|
| Registration as a student | $10.00 |

Examination for license..... 50.00
Cosmetology and Barber school license (initial)..... 400.00
Cosmetology and Barber school license (renewal)..... 250.00
Apprentice Registration..... 10.00
Renewal Advanced Operator license..... 80.00
Facial Operator license..... 80.00
Cosmetology license (chemical/nonchemical)..... 80.00
Barber license (chemical/nonchemical)..... 80.00
Manicurist license..... 80.00
Eyelash Extension Specialist certificate..... 80.00
Eyelash Extension Instructor certificate..... 80.00
Blow-Dry Styling certificate..... 80.00
Makeup Artist certificate..... 80.00
Facial/Esthetics Instructor license..... 90.00
Manicurist/Nail Technician Instructor license..... 45.00
Master Barber..... 80.00
Master Cosmetologist..... 80.00
Master Cosmetology Instructor license..... 130.00
Master Barber Instructor license..... 130.00
Cosmetology establishment license (initial)..... 120.00
Cosmetology establishment license (renewal)..... 90.00
Barber establishment license (initial)..... 120.00
Barber establishment license (renewal)..... 90.00
Nail Salon (initial)..... 120.00
Nail Salon (renewal)..... 90.00
Reciprocity license (initial)..... 90.00
Reciprocity processing fee..... 90.00
Duplicate license (in case of loss or destruction of original)..... 10.00
Notary fee..... 1.00
Certification of Records..... 10.00

Added by Laws 1949, p. 397, § 14, emerg. eff. June 6, 1949. Amended by Laws 1968, c. 313, § 8, emerg. eff. May 7, 1968; Laws 1978, c. 215, § 5; Laws 1985, c. 77, § 4, eff. July 1, 1985; Laws 1992, c. 184, § 3, eff. July 1, 1992; Laws 2000, c. 355, § 14, eff. July 1, 2000; Laws 2003, c. 56, § 8; Laws 2006, c. 86, § 1, eff. July 1, 2006; Laws 2013, c. 229, § 97, eff. Nov. 1, 2013; Laws 2014, c. 260, § 11, eff. Nov. 1, 2014; Laws 2018, c. 62, § 4, eff. Nov. 1, 2018; Laws 2024, c. 282, § 8, eff. Nov. 1, 2024.

§59-199.15. State Cosmetology and Barbering Fund.

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.

Added by Laws 1949, p. 397, § 15, emerg. eff. June 6, 1949. Amended by Laws 1979, c. 30, § 18, emerg. eff. April 6, 1979; Laws 1998, c. 364, § 13, emerg. eff. June 8, 1998; Laws 2000, c. 355, § 15, eff. July 1, 2000; Laws 2012, c. 304, § 262; Laws 2013, c. 229, § 98, eff. Nov. 1, 2013.

§59-199.17. Repealed by Laws 2000, c. 355, § 16, eff. July 1, 2000.

§59-199.18. Services provided in a private residence.

A licensed barber, cosmetologist, hairdresser, manicurist, or certified eyelash extension specialist may provide, upon request of a patron or customer, barbering, cosmetology, hairdresser, manicurist, or eyelash extension application services to the patron or customer, according to such license or certificate authority, in the patron’s or customer’s private residence. The services authorized by this section shall be provided privately and shall not be subject to inspection, rules or regulations by the State Board of Cosmetology and Barbering; however, the licensee or certificate holder is required to provide such services competently and according to professional standards and in a manner deemed safe and

sanitary for the patron or customer. The patron or customer, by requesting such service to be delivered privately in his or her residence, assumes the liability for the services and any home equipment utilized by the licensee or certificate holder. The patron or customer shall have the right to review the person's license or certificate for validity and authority to perform the services requested. The licensee or certificate holder shall have in his or her possession a copy of his or her license or certificate when providing services upon request in a private residence.
Added by Laws 2021, c. 305, § 1. Amended by Laws 2024, c. 282, § 9, eff. Nov. 1, 2024.

§59-199.19. Eyelash extension specialist certificate.

A. A person shall obtain an eyelash extension specialist certificate from the State Board of Cosmetology and Barbering to perform eyelash extension application services.

B. A person may obtain an eyelash extension specialist certificate upon demonstrating completion of a minimum of one hundred twenty (120) hours of training with a certified eyelash extension instructor.

C. A person may obtain an eyelash extension instructor certificate upon demonstrating completion of requirements of subsection B of this section and has demonstrated no less than sixty (60) hours of eyelash extension application services.

D. The Board shall not require a person to pass an examination to obtain an eyelash extension specialist certificate or an eyelash extension instructor certificate.

E. An eyelash extension specialist certificate shall be renewed annually with the Board as set forth in this act.

F. All establishment licensing and inspection requirements pursuant to this act shall be required of an establishment where a person performs eyelash extension application services.
Added by Laws 2024, c. 282, § 10, eff. Nov. 1, 2024.

§59-199.20. Nonprofit 501(c)(3) school within correctional facility — Licensing.

A. The State Board of Cosmetology and Barbering shall issue a license to any nonprofit 501(c)(3) tax-exempt school located within a correctional facility in this state that proposes to provide cosmetology or barbering training courses designed to qualify persons for licensure to practice cosmetology or barbering.

B. 1. Any nonprofit 501(c)(3) tax-exempt school seeking to operate within a correctional facility shall submit an application to the Board with the following:

a. whether the school intends to operate as a secondary or postsecondary establishment,

b. the names, addresses, and contact information of the:

(1) Director of Corrections,
(2) Chief Administrator of Classification and Programs of the Department of Corrections,
(3) Department of Corrections' administrator of programs,
(4) warden of the correctional facility where the school is to be located, and
(5) instructors for the proposed program,

c. a notarized affidavit stating the source of sufficient bond coverage and that the building where the school is proposed to be conducted is owned by the Department of Corrections,

d. the contact information of the correctional facility, and

e. a brief description of the proposed education areas within the correctional facility location, other training sections located within the correctional facility, and parking areas.

2. An applicant shall obtain a memorandum of understanding from the Department stating that the Department shall allow the applicant use of the designated area for one (1) year, or a sum of twelve-month increments, that shall be used for the proposed school to operate.

3. Nonprofit 501(c)(3) tax-exempt schools within a correctional facility shall not charge tuition. Education shall be provided free of cost to all students enrolled in the programs. All supplies shall either be purchased from funds obtained through grants or by private donations made to the organization. The Board shall not require a financial statement to be furnished by the school.

4. All licenses, work permits, registration receipts, student permits, and all other information required by the Board shall be posted conspicuously.

5. Licensed instructors shall adhere to all Department requirements necessary for visitation within the correctional facility.

C. The Board shall permit an applicant's inmate identification badge as his or her identification for purposes of enrollment. A student enrolled to take classes from a nonprofit 501(c)(3) tax-exempt school within a correctional facility shall automatically be considered a low-income individual. Proof of incarceration, or a consolidated record card, shall be sufficient for the applicant to be qualified for a one-time, one-year waiver of all fees associated with licensure, certification, or renewal.

Added by Laws 2024, c. 268, § 1, eff. Nov. 1, 2024.

NOTE: Editorially renumbered from § 199.19 of this title to avoid duplication in numbering.

§59-199.21. Nonprofit 501(c)(3) school within correctional facility — Requirements.

A. Any nonprofit 501(c)(3) tax-exempt school located within a correctional facility licensed by the State Board of Cosmetology and Barbering to provide cosmetology or barbering training courses designed to qualify persons for licensure to practice cosmetology or barbering shall adhere to the following:

1. Schools located within a correctional facility shall not provide:

a. individual student lockers, vending machines, or cosmetic or wig displays,

b. a private facial and skin care room. All facial and skin care education shall take place where everyone may be seen,

c. a break area. Restrooms shall be gender-specific to the institution housing the programs,

d. a drinking fountain or water cooler,

e. hand sanitizer; provided, that dry sanitizer may be permitted provided it is located in a dispensary area. Individual containers are not permitted per Department of Corrections policy, or

f. individual containers for soiled items. The soiled items shall be cleaned and disinfected immediately after service is completed; and

2. Schools located within a correctional facility shall:

a. hold all supplies required by the school. Supplies shall be checked out and checked in by students and master instructors, except for metal implements, which shall be held in a secured area and checked out and checked in by a designated clerk,

b. only be required to have one facial chair,

c. provide the facial supply cabinet located inside the dispensary area,

d. provide a container to store hair pins and clips that shall be located in the dispensary area. Students shall check out and check in these items as needed,

e. provide a secure location for all metal implements, which shall include, but not be limited to, shears, thinning shears, razors, nail clippers, nail and cuticle trimmers, and metal cuticle pushers. A log shall be available to document the administration of all tools and implements by a designated clerk, and

f. store all supplies, other than instructional books, in the dispensary area or, as required by this section, in a secure area.

If an inspector by the Board provides evidence of the need for additional equipment not specified in this section for the

appropriate and safe instruction of the enrolled students, the school located within a correctional facility shall provide the additional equipment.

B. In the event of a lockdown at a correctional facility where a school is housed, the school shall remain closed until the lockdown is lifted. School may resume upon confirmation of the ended lockdown. Students may only be exempt from the weekly time requirements due to lockdown or outside medical appointments; provided, that the Department of Corrections has found reasonable cause to make such exception.

C. Nothing in this section shall allow schools providing instruction within the correctional facilities to operate inconsistently with Department rules.

Added by Laws 2024, c. 268, § 2, eff. Nov. 1, 2024.
NOTE: Editorially renumbered from § 199.20 of this title to avoid duplication in numbering.

§59-328. Designation of parts.

Chapter 7 of Title 59 of the Oklahoma Statutes shall be composed of two parts as follows: Part 1 shall be titled the State Dental Act, and Part 2 shall be titled the Oklahoma Dental Mediation Act.
Added by Laws 1996, c. 2, § 21, eff. Nov. 1, 1996.

§59-328.1. Citation - Subsequent enactments.

A. Part 1 of Chapter 7 of this title shall be known and may be cited as the "State Dental Act".

B. All statutes hereinafter enacted and codified in Part 1 of Chapter 7 of this title shall be considered and deemed part of the State Dental Act.
Added by Laws 1970, c. 173, § 1, eff. July 1, 1970. Amended by Laws 1996, c. 2, § 1, eff. Nov. 1, 1996.

§59-328.2. Declarations.

The practice of dentistry in the State of Oklahoma is hereby declared to affect the public health, safety and general welfare and to be subject to regulation and control in the public's best interest. It is further declared to be a matter of public interest and concern that the dental profession, through advancement and achievement, merits and receives the confidence of the public and that only properly qualified dentists be permitted to practice dentistry and supervise dental hygienists, dental assistants and oral maxillofacial surgery assistants in the State of Oklahoma. All provisions of this act relating to the practice of dentistry, the practice of dental hygiene, the procedures performed by dental assistants and oral maxillofacial surgery assistants, and the fabrication of dental appliances in dental laboratories by dental

laboratory technicians shall be liberally construed to carry out these objects and purposes.
Added by Laws 1970, c. 173, § 2, eff. July 1, 1970. Amended by Laws 2013, c. 405, § 1, eff. July 1, 2013; Laws 2015, c. 229, § 1, eff. July 1, 2015.

§59-328.3. Definitions.

As used in the State Dental Act, the following words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

1. "Accredited dental college" means an institution whose dental educational program is accredited by the Commission on Dental Accreditation of the American Dental Association;

2. "Accredited dental hygiene program" means a dental hygiene educational program which is accredited by the Commission on Dental Accreditation of the American Dental Association;

3. "Accredited dental assisting program or class" means a dental assisting program which is accredited by the Commission on Dental Accreditation of the American Dental Association or a class approved by the Board of Dentistry;

4. "Advanced procedure" means a dental procedure for which a dental hygienist has received special training in a course of study approved by the Board;

5. "Board" means the Board of Dentistry;

6. "Certified dental assistant" means a dental assistant who has earned and maintains current certified dental assistant certification from the Dental Assisting National Board (DANB);

7. "Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing a slow speed hand piece with a prophy/polishing cup or brush and polishing agent and is not prophylaxis. To be considered prophylaxis, examination for calculus and scaling must be done by a dental hygienist or dentist;

8. "Deep sedation" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilator function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained;

9. "Dentistry" means the practice of dentistry in all of its branches;

10. "Dentist" means a graduate of an accredited dental college who has been issued a license by the Board to practice dentistry as defined in Section 328.19 of this title;

11. "Dental ambulatory surgical center (DASC)" means a facility that operates exclusively for the purpose of furnishing outpatient

surgical services to patients. A DASC shall have the same privileges and requirements as a dental office and additionally must be an accredited facility by the appropriate entity;

12. "Dental office" means an establishment owned and operated by a dentist for the practice of dentistry, which may be composed of reception rooms, business offices, private offices, laboratories, and dental operating rooms where dental operations are performed;

13. "Dental hygiene" means the science and practice of the promotion of oral health and prevention and treatment of oral disease through the provision of educational, therapeutic, clinical, and preventive services;

14. "Dental hygienist" means an individual who has fulfilled the educational requirements and is a graduate of an accredited dental hygiene program and who has passed an examination and has been issued a license by the Board and who is authorized to practice dental hygiene as defined in this section;

15. "Dental assistant" or "oral maxillofacial surgery assistant" means an individual working for a dentist, under the dentist's direct supervision or direct visual supervision, and performing duties in the dental office or a treatment facility including the limited treatment of patients in accordance with the provisions of the State Dental Act. A dental assistant or oral maxillofacial surgery assistant may assist a dentist with the patient; provided, this shall be done only under the direct supervision or direct visual supervision and control of the dentist and only in accordance with the educational requirements and rules promulgated by the Board;

16. "Dental laboratory" means a location, whether in a dental office or not, where a dentist or a dental laboratory technician performs dental laboratory technology;

17. "Dental laboratory technician" means an individual whose name is duly filed in the official records of the Board, which authorizes the technician, upon the laboratory prescription of a dentist, to perform dental laboratory technology, which services must be rendered only to the prescribing dentist and not to the public;

18. "Dental laboratory technology" means using materials and mechanical devices for the construction, reproduction or repair of dental restorations, appliances or other devices to be worn in a human mouth;

19. "Dental specialty" means a specialized practice of a branch of dentistry, recognized by the Board, where the dental college and specialty program are accredited by the Commission on Dental Accreditation (CODA), or a dental specialty recognized by the Board, requiring a minimum number of hours of approved education and training and/or recognition by a nationally recognized association or accreditation board;

20. "Direct supervision" means the supervisory dentist is in the dental office or treatment facility and, during the appointment, personally examines the patient, diagnoses any conditions to be treated, and authorizes the procedures to be performed by a dental hygienist, dental assistant, or oral maxillofacial surgery assistant. The supervising dentist is continuously on-site and physically present in the dental office or treatment facility while the procedures are being performed and, before dismissal of the patient, evaluates the results of the dental treatment;

21. "Direct visual supervision" means the supervisory dentist has direct ongoing visual oversight which shall be maintained at all times during any procedure authorized to be performed by a dental assistant or an oral maxillofacial surgery assistant;

22. "Expanded duty" means a dental procedure for which a dental assistant has received special training in a course of study approved by the Board;

23. "Fellowship" means a program designed for post-residency graduates to gain knowledge and experience in a specialized field;

24. "General anesthesia" means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilator function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired;

25. "General supervision" means the supervisory dentist has diagnosed any conditions to be treated within the past thirteen (13) months, has personally authorized the procedures to be performed by a dental hygienist, and will evaluate the results of the dental treatment within a reasonable time as determined by the nature of the procedures performed, the needs of the patient, and the professional judgment of the supervisory dentist. General supervision may only be used to supervise a dental hygienist and may not be used to supervise an oral maxillofacial surgery assistant or dental assistant except as provided by Section 328.58 of this title;

26. "Indirect supervision" means the supervisory dentist is in the dental office or treatment facility and has personally diagnosed any conditions to be treated, authorizes the procedures to be performed by a dental hygienist, remains in the dental office or treatment facility while the procedures are being performed, and will evaluate the results of the dental treatment within a reasonable time as determined by the nature of the procedures performed, the needs of the patient, and the professional judgment of the supervisory dentist. Indirect supervision may not be used for an oral maxillofacial surgery assistant or a dental assistant;

27. "Investigations" means an investigation proceeding, authorized under Sections 328.15A and 328.43a of this title, to investigate alleged violations of the State Dental Act or the rules of the Board;

28. "Laboratory prescription" means a written description, dated and signed by a dentist, of dental laboratory technology to be performed by a dental laboratory technician;

29. "Minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilator and cardiovascular functions are unaffected;

30. "Mobile dental anesthesia provider" means a licensed and anesthesia-permitted dentist, physician or Certified Registered Nurse Anesthetist (CRNA) that has a mobile dental unit and provides anesthesia in dental offices and facilities in the state;

31. "Mobile dental clinic" means a permitted motor vehicle or trailer utilized as a dental clinic, and/or that contains dental equipment and is used to provide dental services to patients on-site and shall not include a mobile dental anesthesia provider. A mobile dental clinic shall also mean and include a volunteer mobile dental facility that is directly affiliated with a church or religious organization as defined by Section 501(c)(3) or 501(d) of the United States Internal Revenue Code, the church or religious organization with which it is affiliated is clearly indicated on the exterior of the volunteer mobile dental facility, and such facility does not receive any form of payment either directly or indirectly for work provided to patients other than donations through the affiliated church or religious organization; provided, that the volunteer mobile dental facility shall be exempt from any registration fee required under the State Dental Act;

32. "Moderate sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained;

33. "Prophylaxis" means the removal of any and all calcareous deposits, stains, accretions or concretions from the supragingival and subgingival surfaces of human teeth, utilizing instrumentation by scaler or periodontal curette on the crown and root surfaces of human teeth including rotary or power-driven instruments. This procedure may only be performed by a dentist or dental hygienist;

34. "Patient" or "patient of record" means an individual who has given a medical history and has been examined and accepted by a dentist for dental care;

35. "Residencies" are programs designed for advanced clinical and didactic training in general dentistry or other specialties or other specialists at the post-doctoral level recognized by the Commission on Dental Accreditation (CODA) or the Board;

36. "Supervision" means direct supervision, direct visual supervision, indirect supervision or general supervision;

37. "Teledentistry" means the remote delivery of dental patient care via telecommunications and other technology for the exchange of clinical information and images for dental consultation, preliminary treatment planning and patient monitoring; and

38. "Treatment facility" means:

a. a federal, tribal, state or local public health facility,
b. a Federally Qualified Health Center (FQHC),
c. a private health facility,
d. a group home or residential care facility serving the elderly, disabled or juveniles,
e. a hospital or dental ambulatory surgery center (DASC),
f. a nursing home,
g. a penal institution operated by or under contract with the federal or state government,
h. a public or private school,
i. a patient of record's private residence,
j. a mobile dental clinic,
k. a dental college, dental program, dental hygiene program or dental assisting program accredited by the Commission on Dental Accreditation, or
l. such other places as are authorized by the Board.

Added by Laws 1970, c. 173, § 3, eff. July 1, 1970. Amended by Laws 1998, c. 377, § 1, eff. Nov. 1, 1998; Laws 1999, c. 280, § 1, eff. Nov. 1, 1999; Laws 2003, c. 172, § 1, emerg. eff. May 5, 2003; Laws 2005, c. 377, § 1, eff. Nov. 1, 2005; Laws 2006, c. 106, § 1, eff. Nov. 1, 2006; Laws 2013, c. 405, § 2, eff. July 1, 2013; Laws 2015, c. 229, § 2, eff. July 1, 2015; Laws 2017, c. 302, § 1, emerg. eff. May 17, 2017; Laws 2018, c. 151, § 1, eff. Nov. 1, 2018; Laws 2019, c. 397, § 1; Laws 2021, c. 566, § 1, emerg. eff. May 28, 2021; Laws 2023, c. 220, § 1, eff. July 1, 2023; Laws 2024, c. 46, § 1, eff. Nov. 1, 2024.

NOTE: Laws 2006, c. 21, § 1 repealed by Laws 2007, c. 1, § 44, emerg. eff. Feb. 22, 2007.

§59-328.4. Repealed by Laws 1998, c. 377, § 7, eff. Nov. 1, 1998.

§59-328.5. Repealed by Laws 1998, c. 377, § 7, eff. Nov. 1, 1998.

§59-328.7. Board of Dentistry - Membership - Tenure - Nomination and election districts - Vacancies.

A. Pursuant to Section 39 of Article V of the Oklahoma Constitution, there is hereby created the Board of Dentistry which shall be an agency of state government. The Board shall adopt a seal, sue and be sued in its own name, and implement and enforce the provisions of the State Dental Act.

B. 1. The Board shall consist of eight dentist members, one dental hygienist member and two members who shall represent the public. One dentist member shall be elected by the dentists residing in each of the eight geographical districts established by subsection D of this section. The residence of the dentist members shall be determined by the primary location listed on the dentists' licenses. The dental hygienist member shall be elected at-large by the dental hygienists residing in this state who are legally licensed to practice dental hygiene therein. The two public representative members shall be appointed by the Governor, subject to confirmation by the Senate. No public representative member may be a dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, or be related within the third degree of consanguinity or affinity to any such person.

2. Before assuming duties on the Board, each member shall take and subscribe to the oath of office or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in the Article.

3. Each member of the Board shall hold office for a term of three (3) years and until a successor in office is elected and qualified. Board members shall not serve for more than three (3) consecutive terms. To be eligible to be elected to and serve on the Board, a dentist or dental hygienist must have been licensed to practice in this state for at least five (5) years, and for the five (5) years prior to the date of counting the ballots, not have been subject to a penalty imposed by the Board or another state board.

C. 1. a. Nominations for dentist members of the Board shall be by petition signed by at least ten dentists residing in the district to be represented by the nominee.

b. Nominations for the dental hygienist member of the Board shall be by petition signed by at least ten dental hygienists residing in this state.

2. The elections shall be by secret ballot. The ballots shall be mailed by the Board to those entitled to vote at least thirty (30) days prior to the date of counting of the ballots and shall be returned by mail to the office of the Board, then opened and counted

at a meeting of the Board. In other respects, elections shall be conducted as provided by the rules of the Board.

3. a. Only dentists residing in a district shall be entitled to vote to elect the Board member from that district.

b. Only dental hygienists residing and licensed in this state shall be entitled to vote to elect the dental hygienist Board member.

D. For the purpose of nominating and electing dentist members of the Board, this state shall be divided into eight geographical districts, which shall consist of the following counties within the following districts:

District No. 1: Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Ellis, Woodward, Major, Garfield, Noble, Dewey, Blaine, Kingfisher and Logan.

District No. 2: Tulsa and Creek.

District No. 3: Roger Mills, Custer, Beckham, Washita, Harmon, Greer, Kiowa, Caddo, Jackson and Tillman.

District No. 4: Canadian, Grady, McClain, Comanche, Cotton, Stephens, Jefferson, Garvin, Murray, Carter and Love.

District No. 5: Oklahoma.

District No. 6: Lincoln, Cleveland, Pottawatomie, Seminole, Okfuskee, Hughes, Pontotoc, Coal, Johnston, Marshall and Bryan.

District No. 7: Mayes, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell, Pittsburg, Latimer, LeFlore, Atoka, Pushmataha, Choctaw and McCurtain.

District No. 8: Osage, Payne, Washington, Nowata, Craig, Ottawa, Rogers, Delaware and Pawnee.

E. 1. Dentist members of the Board may be recalled and removed from the Board in a special recall election to be conducted by the Board upon receipt of a written recall petition signed by at least twenty percent (20%) of the dentists residing in the district represented by the member who is the subject of the recall petition. Only dentists residing in the affected district may vote in the special recall election.

2. The dental hygienist member of the Board may be recalled and removed from the Board in a special recall election to be conducted by the Board upon receipt of a written recall petition signed by at least twenty percent (20%) of the licensed dental hygienists residing in this state. Only dental hygienists residing and licensed in this state shall be entitled to vote in the special recall election.

3. Special recall elections shall be by secret ballot. The ballots shall be mailed by the Board to those entitled to vote at least thirty (30) days prior to the date of counting the ballots and shall be returned by mail to the office of the Board, then opened and counted at a meeting of the Board. In other respects, special recall elections shall be conducted as provided by the rules of the

Board. If a majority of the votes cast in the special recall election are in favor of recalling the Board member, the member shall be removed from the Board effective on the date the results of the special recall election are certified by the Board.

F. 1. A vacancy among the dentist members of the Board shall be filled by a special election in the district of the vacancy for the unexpired term within sixty (60) days after the vacancy occurs.

2. A vacancy of the dental hygienist member on the Board shall be filled by a special election in this state for the unexpired term within sixty (60) days after the vacancy occurs.

3. Nominations shall be made and special elections shall be conducted in the same manner as provided in subsection C of this section. If no one is nominated within forty-five (45) days from date of vacancy, the vacancy shall be filled by appointment by the Board. A vacancy among the public representative members of the Board shall be filled by appointment by the Governor, subject to confirmation by the Senate.

Added by Laws 1970, c. 173, § 7, eff. July 1, 1970. Amended by Laws 1979, c. 58, § 1, emerg. eff. April 10, 1979; Laws 1985, c. 178, § 30, operative July 1, 1985; Laws 1996, c. 2, § 2, eff. Nov. 1, 1996; Laws 1997, c. 108, § 2, eff. Nov. 1, 1997; Laws 1999, c. 280, § 2, eff. Nov. 1, 1999; Laws 2000, c. 283, § 3, eff. Nov. 1, 2000; Laws 2012, c. 270, § 1, eff. Nov. 1, 2012; Laws 2018, c. 151, § 2, eff. Nov. 1, 2018.

§59-328.8. Repealed by Laws 1997, c. 108, § 8, eff. Nov. 1, 1997.

§59-328.9. Repealed by Laws 2000, c. 283, § 7, eff. Nov. 1, 2000.

§59-328.10. Officers - Election - Tenure - Meetings - Bond - Liability - Expenses.

A. The Board of Dentistry shall organize annually at the last regularly scheduled meeting of the Board before the beginning of each fiscal year, by electing from among its members a president, a first vice-president, a second vice-president, and a secretary-treasurer. The duties of each officer shall be prescribed in the rules of the Board. The term of office of the persons elected president, vice-presidents and secretary-treasurer shall be for the following fiscal year and until their successors are elected and qualified.

B. The Board shall hold regularly scheduled meetings during each quarter of the year at a time and place determined by the Board and may hold such additional regular meetings, special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

C. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

D. The responsibilities and rights of any member or employee of the Board who acts within the scope of Board duties or employment shall be governed by the Governmental Tort Claims Act.

E. Members of the Board, committee members, anesthesia inspectors and investigative panel members appointed by the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act. Added by Laws 1970, c. 173, § 10, eff. July 1, 1970. Amended by Laws 1996, c. 2, § 3, eff. Nov. 1, 1996; Laws 2015, c. 229, § 3, eff. July 1, 2015; Laws 2018, c. 151, § 3, eff. Nov. 1, 2018.

§59-328.11. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.12. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.13. Repealed by Laws 1999, c. 280, § 12, eff. Nov. 1, 1999.

§59-328.14. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.15. Powers of Board.

A. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Board of Dentistry shall have the power to formulate, adopt, and promulgate rules as may be necessary to regulate the practice of dentistry in this state and to implement and enforce the provisions of the State Dental Act.

B. The Board is authorized and empowered to:

1. Examine and test the qualifications of applicants for a license or permit to be issued by the Board;

2. Affiliate by contract or cooperative agreement with another state or combination of states for the purpose of conducting simultaneous regional examinations of applicants for a license to practice dentistry, dental hygiene, or a dental specialty;

3. Maintain a list of the name, current mailing address and official address of all persons who hold a license or permit issued by the Board;

4. Account for all receipts and expenditures of the monies of the Board including annually preparing and publishing a statement of receipts and expenditures of the Board for each fiscal year;

5. Within limits prescribed in the State Dental Act, set fees and administrative penalties to be imposed and collected by the Board as provided by rules;

6. Employ an Executive Director, legal counsel and other advisors to the Board including advisory committees;

7. Investigate and issue investigative and other subpoenas, pursuant to Article II of the Administrative Procedures Act;

8. Initiate individual proceedings and issue orders imposing administrative penalties, pursuant to Article II of the Administrative Procedures Act, against any dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory who has violated the State Dental Act or the rules of the Board;

9. Conduct, in a uniform and reasonable manner, inspections of dental offices and dental laboratories and business records of dental offices and dental laboratories;

10. Establish guidelines for courses of study necessary for dental assistants, oral maxillofacial surgery assistants and, when appropriate, issue permits authorizing dental assistants or oral maxillofacial surgery assistants to perform expanded duties;

11. Establish continuing education requirements for dentists, dental hygienists, dental assistants and oral maxillofacial surgery assistants who hold permits issued by the Board;

12. Recognize the parameters and standards of care established and approved by the American Dental Association or another nationally recognized medical or dental association that establishes guidelines for health care as it relates to dentistry. The Board shall have the sole authority to determine scope of practice of licensees considering these standards and guidelines;

13. Formulate, adopt, and promulgate rules, pursuant to Article I of the Administrative Procedures Act, as may be necessary to implement and enforce the provisions of the Oklahoma Dental Mediation Act;

14. Seek and receive advice and assistance of the Office of the Attorney General of this state;

15. Promote the dental health and the education of dental health of the people of this state;

16. Inform, educate, and advise all persons who hold a license or permit issued by the Board, or who are otherwise regulated by the Board, regarding the State Dental Act and the rules of the Board;

17. Affiliate with the American Association of Dental Boards as an active member, pay regular dues, and send members of the Board as delegates to its meetings;

18. Enter into contracts;

19. Acquire by purchase, lease, gift, solicitation of gift or by any other manner, hold, encumber, and dispose of personal property as is needed, maintain, use and operate or contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal or mixed or any interest therein unless otherwise provided by the State Dental Act; provided, all contracts

for real property shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes;

20. Receive or accept the surrender of a license, permit, or certificate granted to any person by the Board as provided in Section 328.44b of this title; and

21. Take all other actions necessary to implement and enforce the State Dental Act.

Added by Laws 1970, c. 173, § 15, eff. July 1, 1970. Amended by Laws 1981, c. 216, § 1; Laws 1983, c. 304, § 34, eff. July 1, 1983; Laws 1996, c. 2, § 4, eff. Nov. 1, 1996; Laws 1998, c. 377, § 2, eff. Nov. 1, 1998; Laws 2003, c. 172, § 2, emerg. eff. May 5, 2003; Laws 2005, c. 377, § 2, eff. Nov. 1, 2005; Laws 2006, c. 106, § 2, eff. Nov. 1, 2006; Laws 2010, c. 413, § 16, eff. July 1, 2010; Laws 2011, c. 262, § 1, eff. July 1, 2011; Laws 2012, c. 270, § 2, eff. Nov. 1, 2012; Laws 2013, c. 405, § 3, eff. July 1, 2013; Laws 2015, c. 229, § 4, eff. July 1, 2015; Laws 2022, c. 158, § 1, eff. Nov. 1, 2022; Laws 2024, c. 46, § 2, eff. Nov. 1, 2024.

§59-328.15A. Board investigators - Powers.

A. Investigators for the Board shall be authorized to:

1. Perform such services as are necessary in the investigation of criminal activity or preparation of administrative actions; and

2. Investigate and inspect records of all licenses in order to determine whether licensees are in compliance with applicable narcotics and dangerous drug laws and regulations.

B. Board investigators certified as peace officers by the Council on Law Enforcement Education and Training shall have statewide jurisdiction to perform the duties authorized by subsection A of this subsection. Such investigators shall have the powers now or hereafter vested in law to peace officers.

C. Upon retirement, a Board investigator shall be entitled to receive the continued custody and possession of the sidearm and badge he or she carried immediately prior to retirement.

Added by Laws 2011, c. 262, § 7, eff. July 1, 2011.

§59-328.15B. Executive Director - Authority.

The Board of Dentistry shall employ an Executive Director. The Board may authorize or direct the Executive Director to:

1. Employ and maintain an office staff;

2. Employ one or more investigators who may be certified peace officers who shall be commissioned with all the powers and authority of peace officers of this state;

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

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

Added by Laws 2012, c. 270, § 3, eff. Nov. 1, 2012. Amended by Laws 2017, c. 302, § 2, emerg. eff. May 17, 2017.

§59-328.16. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.17. Standing committees – Composition - Functions.

A. 1. The Board of Dentistry shall have the following standing committees that shall meet once per year and other times as needed to study issues affecting the practice of dentistry and the safety of the public and to make recommendations to the Board:

a. Dental Practice Committee,
b. Anesthesia Committee,
c. Specialty Practice Committee,
d. Historical and Retirement Committee, and
e. Assistants, Dental Labs and Other Auxiliary Personnel Committee.

2. Each committee shall be cochaired by a current or past Board member to be appointed by the Board President with approval by the Board and a member of a statewide organization representing dentists as recommended by such organization;

3. Each committee may have up to ten committee members with the exception of the Anesthesia Committee which may have up to eighteen members, exclusive of the cochairs;

4. The Board President, with approval of the Board, shall appoint all committee members. One-half (1/2 or 50%) of the committee members shall be recommended by the Board and one-half (1/2 or 50%) of the committee members shall be recommended to the Board President by a statewide organization representing dentists; and

5. Committee members shall be on staggered three-year terms and shall serve at the pleasure of the Board.

B. There shall be a Dental Hygiene Advisory Committee to be composed of the following members:

1. One current dental hygiene member of the Board;

2. Two dental hygienists recommended by the Board and two dental hygienists recommended by a statewide organization representing dental hygienists;

3. The Committee shall have the following functions:

a. to develop and propose recommendations to the Board regarding the education, examination, licensure, and regulation of dental hygienists,
b. to advise the Board in rulemaking regarding dental hygiene,
c. to hold meetings at least annually, but not more than six (6) times a year, and
d. to work directly with the Allied Dental Education Committee in reviews and recommendations for equivalent dental hygiene programs; and

4. Members of the Committee shall be appointed by the Board and shall serve a term of three (3) years. Appointments shall be made so that approximately one-third (1/3 or 33%) of the Committee is reappointed at any given time. Members may be appointed for consecutive terms if recommended by the Board President and approved by the Board.

C. There shall be an Allied Dental Education Committee.

1. The Board President shall appoint all members of the Allied Dental Education Committee upon approval by the Board;

2. The Allied Dental Education Committee shall:

a. review the standards and equivalency of in-state and out-of-state dental and auxiliary program requirements and make recommendations to the Board,

b. evaluate individual credentials and programs for the purpose of issuing dental assistant expanded duty permits and dental hygiene advanced procedure permits from persons holding out-of-state licenses and permits based on CODA or DANB programs and criteria as defined by the State Dental Act and other statutes and shall make recommendations to the Board,

c. recommend standards and guidelines and review criteria for all expanded duty programs or courses for dental assistants from CODA approved programs and non-CODA approved providers and advanced procedures of dental hygienists from CODA approved programs to the Board, and

d. recommend and develop guidelines for classroom, electronic media and other forms of education and testing;

3. The Committee shall meet as deemed necessary by the Board President;

4. The Committee may have up to ten (10) members of whom three shall have a background in dental education. The Committee shall be composed of:

a. the Board President or his or her designee who must be a current or past Board Member,

b. the hygiene member of the Board or their designee who must be a current or past Board Member,

c. the Dean of the University of Oklahoma College of Dentistry or his or her designee,

d. up to seven at-large members, one of which must be an educator and one of which must have a current Certified Dental Assistant Permit.

D. The Board President shall have the authority to appoint other ad hoc committees as needed.

E. All Committee members of standing committees, the Hygiene Committee and the Allied Dental Education Committee shall serve staggered three-year terms and serve at the pleasure of the Board. Added by Laws 1970, c. 173, § 17, eff. July 1, 1970. Amended by Laws 2003, c. 172, § 3, emerg. eff. May 5, 2003; Laws 2015, c. 229, § 5, eff. July 1, 2015; Laws 2019, c. 397, § 2.

§59-328.18. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.19. Acts constituting practice of dentistry - Acts not prevented.

A. The following acts by any person shall be regarded as practicing dentistry within the meaning of the State Dental Act:

1. Representing oneself to the public as being a dentist or as one authorized to practice dentistry;

2. Representing oneself to the public as being able to diagnose or examine clinical material or contract for the treating thereof;

3. Representing oneself as treating or professing to treat by professional instructions or by advertised use of professional equipment or products;

4. Representing oneself to the public as treating any of the diseases or disorders or lesions of the oral cavity, teeth, gums, maxillary bones, and associate structures;

5. Removing human teeth;

6. Repairing or filling cavities in human teeth;

7. Correcting or attempting to correct malposed teeth;

8. Administering anesthetics, general or local;

9. Treating deformities of the jaws and adjacent structures;

10. Using x-ray and interpreting dental x-ray film;

11. Offering, undertaking or assisting, by any means or methods, to remove stains, discolorations, or concretions from the teeth; provided, that this paragraph shall not preclude or prohibit the sale of any teeth whitening kit designed for self-administration as approved by the United States Food and Drug Administration;

12. Operating or prescribing for any disease, pain, injury, deficiency, deformity, or any physical condition connected with the human mouth;

13. Taking impressions of the teeth and jaws;

14. Furnishing, supplying, constructing, reproducing, or repairing, or offering to furnish, supply, construct, reproduce, or repair, prosthetic dentures, sometimes known as plates, bridges, or other substitutes for natural teeth for the user or prospective user thereof;

15. Adjusting or attempting to adjust any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth;

16. Diagnosing, making, and adjusting appliances to artificial casts of malposed teeth for treatment of the malposed teeth in the human mouth, without instructions;

17. Writing a laboratory prescription to a dental laboratory or dental laboratory technician for the construction, reproduction or repair of any appliance or structure to be worn in the human mouth;

18. Owning, maintaining, or operating an office or offices by holding a financial interest in same for the practice of dentistry; or

19. Any other procedure otherwise defined in the State Dental Act requiring a valid license or permit to perform while the person does not hold such valid license or permit issued by the Board.

B. The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign or other media representing oneself to be a dentist shall be prima facie evidence that the person is engaged in the practice of dentistry; provided that nothing in this section shall be so construed as to prevent the following:

1. Physicians or surgeons, who are licensed under the laws of this state, from administering any kind of treatment coming within the province of medicine or surgery;

2. The practice of dentistry in the discharge of the person's official duties by dentists in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, the United States Public Health Service, or the United States Veterans Administration;

3. Dental schools or colleges, as now conducted and approved, or as may be approved, and the practice of dentistry by students in dental schools, colleges or hospitals, approved by the Board, when acting under the direction and supervision of licensed dentists or dentists holding properly issued permits acting as instructors;

4. Acts of a dental clinician or other participant at a dental educational meeting or at an accredited dental college, when no fee is charged to or paid by a patient;

5. The practice of dental hygiene, as defined herein, by a person granted a license by the Board;

6. The performing of acts by a dental assistant or oral maxillofacial surgery assistant who performs the acts under the direct supervision or direct visual supervision of a dentist and in accordance with the provisions of the State Dental Act and the rules promulgated by the Board; or

7. The fabrication of dental appliances pursuant to a laboratory prescription of a dentist, by a dental laboratory technician in a dental laboratory using inert materials and mechanical devices for the fabrication of any restoration, appliance or thing to be worn in the human mouth.

Added by Laws 1970, c. 173, § 19, eff. July 1, 1970. Amended by Laws 1999, c. 280, § 3, eff. Nov. 1, 1999; Laws 2003, c. 172, § 4, emerg. eff. May 5, 2003; Laws 2013, c. 405, § 4, eff. July 1, 2013; Laws 2015, c. 229, § 6, eff. July 1, 2015; Laws 2022, c. 158, § 2, eff. Nov. 1, 2022.

§59-328.20. Renumbered as § 328.36a of this title by Laws 1999, c. 280, § 11, eff. Nov. 1, 1999.

§59-328.21. Application for license – Qualifications - Examination.

A. No person shall practice dentistry or dental hygiene without first applying for and obtaining a license from the Board of Dentistry.

B. Application shall be made to the Board in writing and shall be accompanied by the fee established by the rules of the Board, together with satisfactory proof that the applicant:

1. Is of good moral character;

2. Is twenty-one (21) years of age, or over, at the time of making application to practice dentistry or eighteen (18) years of age, or over, if the applicant is to practice dental hygiene;

3. Has passed a written theoretical examination and a clinical examination approved by the Board within the previous five (5) years; and

4. Has passed a written jurisprudence examination over the rules and laws affecting dentistry in this state.

C. An application from a candidate who desires to secure a license from the Board to practice dentistry or dental hygiene in this state shall be accompanied by satisfactory proof that the applicant:

1. Is a graduate of an accredited dental college, if the applicant is to practice dentistry;

2. Is a graduate of an accredited dental hygiene program, if the applicant is to practice dental hygiene; and

3. Has passed all portions of the National Board Dental Examination or the National Board Dental Hygiene Examination.

D. Pursuant to Section 328.15 of this title, the Board may affiliate as a member state, and accept regional exams from the Commission on Dental Competency Assessments (CDCA-WREB-CITA) if the following requirements are included:

1. For dental licensing the following components on a live patient or manikin:

a. a fixed prosthetic component of the preparation of an anterior all porcelain crown and the preparation of a three-unit posterior bridge,

b. a periodontal component,

c. an endodontic component,

d. an anterior class III and posterior class II restorative component,
e. a diagnosis and treatment planning section as approved by the Board, as specified in Section 328.15 of this title, and
f. the Board may determine equivalencies based on components of other exams for the purpose of credentialing; or

2. For dental hygienists licensing the following components on a live patient or manikin:
a. clinical patient treatments with an evaluation of specific clinical skills, and
b. evaluation of the candidate's compliance with professional standards during the treatment as approved by the Board in Section 328.15 of this title and shall include:
(1) extra/intra oral assessment,
(2) periodontal probing, and
(3) scaling/subgingival calculus removal and supragingival deposit removal.

E. When the applicant and the accompanying proof are found satisfactory, the Board shall notify the applicant to appear for the jurisprudence examination at the time and place to be fixed by the Board. A dental student or a dental hygiene student in the student's last semester of a dental or dental hygiene program, having met all other requirements, may make application and take the jurisprudence examination with a letter from the dean of the dental school or director of the hygiene program stating that the applicant is a candidate for graduation within the next six (6) months.

F. The Board shall require every applicant for a license to practice dentistry or dental hygiene to submit, for the files of the Board, a copy of a dental degree or dental hygiene degree, an official transcript, a recent photograph duly identified and attested, and any other information as required by the Board.

G. Any applicant who fails to pass the jurisprudence examination may apply for a second examination, in which case the applicant shall pay a reexamination fee as established by the statutes or rules of the State Dental Act.

H. A dentist or dental hygienist currently licensed in another state having met the qualifications in paragraphs 1 through 3 of subsections B and C of this section may apply for a license by credentials upon meeting the following:

1. A dentist holding a general dentist license in good standing and having practiced for at least five hundred (500) hours within the previous five (5) years immediately prior to application and having passed a regional examination substantially equivalent to the requirements for this state may apply for licensure by credentials;

2. A dental hygienist holding a dental hygiene license in good standing and having practiced for at least four hundred twenty (420) hours within the previous five (5) years immediately prior to application and having passed a regional examination substantially equivalent to the requirements for this state may apply for licensure by credentials. Applicants for credentialing must include:

a. a letter of good standing from all states in which the applicant has ever been licensed, and

b. any other requirements as set forth by the rules; and

3. An applicant applying for a dental or dental hygiene license by credentials shall only be required to pass the jurisprudence portion of the examination requirements as set forth in paragraph 4 of subsection B of this section.

I. 1. There shall be seven types of advanced procedures available for dental hygienists upon completion of a Commission on Dental Accreditation (CODA) approved program, course, or certification program that has been approved by the Board:

a. administration of nitrous oxide,

b. administration of local anesthesia,

c. neuromodulator administration,

d. therapeutic use of lasers,

e. phlebotomy,

f. venipuncture, and

g. elder care and public health pursuant to Section 328.58 of this title.

2. A dental hygienist holding an advanced procedure permit or credential in any other state for two (2) years shall be eligible for the advanced procedure permit by credentials; provided, that application for the advanced procedure permit by credentials for administration of local anesthesia shall additionally require proof of passage of such advanced procedure in a CDCA-WREB-CITA exam.

3. For all advanced procedures other than administration of local anesthesia, a dental hygienist may apply by filling out an application with required documentation of training as required by state law and rules of the Board. A dental hygienist licensed by the Board prior to January 30, 2024, shall be eligible for the advanced procedure of therapeutic use of lasers upon submission of an affidavit attesting to two (2) years of practice using lasers.

4. All advanced procedures shall be added to the dental hygiene license upon approval.

J. All licensees and permit holders shall display the current permit or license in a visible place within the dental office or treatment facility.

K. The Board shall have the authority to temporarily change requirements of an examination due to availability or changes in the examination format, not to exceed one (1) year.

L. During a year in which governmental officials have declared a health pandemic, a state or federal disaster, or other natural or man-made disaster, the Board shall have the authority through a resolution to change or make allowances in requirements of all candidates for licensure and issue temporary licenses for extended periods of time or as needed until the event passes. The resolution shall have a beginning and an end date and shall automatically expire no less than thirty (30) days after the end of the disaster is declared by governmental officials.

M. Every licensee or permit holder shall have an official address and email address listed with the Board. Every licensee or permit holder shall update the address within thirty (30) calendar days of moving. Official notification of any action of the Board adverse to a licensee or permit holder including but not limited to notification of license or permit cancellation due to nonrenewal, notice of a formal complaint, or a decision of the hearing panel or board, shall be served to the licensee or permit holder by registered mail at the official address, in person, to the licensee's or permit holder's attorney, by agreement of the individual, by a process server, or by an investigator of the Board pursuant to Section 2004 of Title 12 of the Oklahoma Statutes. Added by Laws 1970, c. 173, § 21, eff. July 1, 1970. Amended by Laws 1981, c. 216, § 2; Laws 1999, c. 280, § 5, eff. Nov. 1, 1999; Laws 2003, c. 172, § 5, emerg. eff. May 5, 2003; Laws 2013, c. 405, § 5, eff. July 1, 2013; Laws 2015, c. 229, § 7, eff. July 1, 2015; Laws 2019, c. 397, § 3; Laws 2021, c. 566, § 2, emerg. eff. May 28, 2021; Laws 2022, c. 158, § 3, eff. Nov. 1, 2022; Laws 2023, c. 220, § 2, eff. July 1, 2023; Laws 2024, c. 46, § 3, eff. Nov. 1, 2024.

§59-328.22. Specialty license.

A. 1. The Board of Dentistry may issue a dental specialty license authorizing a dentist to represent himself or herself to the public as a specialist, and to practice as a specialist, in a dental specialty.

2. No dentist shall represent himself or herself to the public as a specialist or practice as a specialist as listed in this paragraph, unless the individual:

a. has successfully completed an advanced dental specialty educational program accredited by the Commission on Dental Accreditation, or has met the board certification requirements and is recognized as a current board certified member of a dental specialty organization or association recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards,

b. has passed the jurisprudence examination covering the State Dental Act, rules and state laws, and

c. has completed any additional requirements set forth in state law or rules and has been issued a dental specialty license by the Board.

3. Specialty licenses recognized by the Board shall include:

a. dental public health,
b. endodontics,
c. oral and maxillofacial surgery,
d. oral and maxillofacial radiology,
e. orthodontics and dentofacial orthopedics,
f. pediatric dentistry,
g. periodontics,
h. prosthodontics,
i. oral and maxillofacial pathology,
j. dental anesthesiology,
k. oral medicine, and
l. orofacial pain.

B. 1. At the time of application, if the dentist has ever been licensed in any other state, he or she shall provide a letter of good standing from such state before the Board may issue a specialty license.

2. In conducting an investigation of an applicant who has applied for a dental specialty license pursuant to this subsection, the Board shall require of the applicant disclosure of the same background information as is required of an applicant for a license to practice dentistry in this state.

C. Any person holding an Oklahoma specialty license that does not have an Oklahoma general dentistry license shall be limited to practicing that specialty for which they hold a license.

D. The Board may use the American Dental Association National Commission on Recognition of Dental Specialties and Certifying Boards guidelines or the guidelines of another nationally recognized dental association or board for the purpose of defining a specialty practice area not otherwise defined herein.

Added by Laws 1970, c. 173, § 22, eff. July 1, 1970. Amended by Laws 1998, c. 377, § 3, eff. Nov. 1, 1998; Laws 2015, c. 229, § 8, eff. July 1, 2015; Laws 2018, c. 151, § 4, eff. Nov. 1, 2018; Laws 2019, c. 397, § 4; Laws 2021, c. 566, § 3, emerg. eff. May 28, 2021; Laws 2023, c. 220, § 3, eff. July 1, 2023.

§59-328.23. Emergency temporary licenses for dentistry or dental hygiene.

A. The President of the Board, upon verification that a person meets the requirements provided for in this section and any other requirements provided for in the State Dental Act, may issue an emergency temporary license to practice dentistry for thirty (30) days. A temporary license may be extended but shall not exceed

ninety (90) days or the next available regularly scheduled Board meeting.

B. The President of the Board, upon verification that a person meets the requirements provided for in the State Dental Act, may issue an emergency temporary license to practice dental hygiene, which shall expire as of the date of the next dental hygiene clinical examination in Oklahoma, as required by the Board.

C. An active duty military spouse residing with the active duty member having met the requirements for licensure shall be eligible for a temporary license.

D. Any applicant requesting an emergency temporary license shall submit a letter explaining the exigent circumstances along with all application materials. The determination of whether or not to grant the emergency temporary license based upon the exigent circumstances shall be at the sole discretion of the President or acting President of the Board.

E. A holder of a temporary license to practice dentistry or dental hygiene shall have the same rights and privileges and be governed by the State Dental Act and the rules of the Board in the same manner as a holder of a permanent license to practice dentistry and dental hygiene.

F. The President of the Board may authorize patient treatment and care by individuals taking the Commission on Dental Competency Assessments (CDCA) or the Western Regional Examining Board exam, or other regional exams as approved by the Board, in order for such individuals to complete criteria related to Board examinations. The Board may authorize specialty examinations to be given throughout the year as needed.

Added by Laws 1970, c. 173, § 23, eff. July 1, 1970. Amended by Laws 1996, c. 2, § 6, eff. Nov. 1, 1996; Laws 1998, c. 377, § 4, eff. Nov. 1, 1998; Laws 2012, c. 270, § 4, eff. Nov. 1, 2012; Laws 2013, c. 405, § 6, eff. July 1, 2013; Laws 2015, c. 229, § 9, eff. July 1, 2015; Laws 2018, c. 151, § 5, eff. Nov. 1, 2018; Laws 2019, c. 397, § 5; Laws 2021, c. 566, § 4, emerg. eff. May 28, 2021.

§59-328.23a. Special volunteer licenses.

A. There is established a special volunteer license for dentists and a special volunteer license for dental hygienists who are retired from active practice or out-of-state licensees in active practice who are in the Oklahoma Medical Reserve Corps or assisting with emergency management, emergency operations or hazard mitigation in response to any emergency, man-made disaster or natural disaster, or participating in public health initiatives, disaster drills and community service events that are endorsed by a city or county health department or the State Department of Health and wish to donate their expertise for the dental care and treatment of indigent and needy persons of the state. A special volunteer license may

also be issued for any live patient training approved by the Board of Dentistry. The special volunteer license shall be:

1. Issued by the Board of Dentistry to eligible persons;

2. Issued without the payment of an application fee, license fee or renewal fee;

3. Issued or renewed without any continuing education requirements for a period less than one (1) calendar year; and

4. Issued for one (1) calendar year or part thereof.

B. A special volunteer license may be issued for a dentist or dental hygienist who is on active duty military service. This license shall not be subject to paragraph 4 of subsection A of this section and may be issued for the time period of the tour of duty.

C. A dentist or dental hygienist must meet the following requirements to be eligible for a special volunteer license:

1. Completion of a special volunteer dental or dental hygiene license application including documentation of the dental or dental hygiene school graduation and practice history;

2. Documentation that the dentist or dental hygienist has been previously issued a full and unrestricted license to practice dentistry or dental hygiene in this state or in another state of the United States and that he or she has never been the subject of any reportable medical or dental disciplinary action in any jurisdiction. If the dentist or dental hygienist is licensed in more than one state and any license of the licensee is suspended, revoked, or subject to any agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction, the dentist or dental hygienist shall be ineligible to receive a special volunteer license;

3. Acknowledgement and documentation that the dentist’s or dental hygienist’s practice under the special volunteer license will be exclusively and totally devoted to providing dental care to needy and indigent persons in this state;

4. Acknowledgement and documentation that the dentist or dental hygienist will not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any dental services rendered under the special volunteer license; and

5. A listing of all locations and dates that the person will be completing volunteer work under the special volunteer license.

D. The Board of Dentistry shall have jurisdiction over dentists, dental hygienists, dental assistants and dental technicians who volunteer their professional services in the state. Dental assistants and dental technicians shall work under the direct supervision of a dentist.

E. Dental assistants may be issued a volunteer permit at the request of an entity that provides dental services to the needy. Volunteers in a volunteer initiative who are not dentists or dental hygienists shall be named and provided on a list to the Board by the

entity hosting the volunteer initiative with any other requirements as set forth by the Board. The Board shall provide written documentation to the host entity designating all persons who may participate in the volunteer initiative including authorization of the timetable requested by the host entity for granting licensure exemption. Any person working under a volunteer dental assistant permit shall not receive payment or compensation for any services rendered under the volunteer dental assistant permit. Volunteer dental assistant permits shall be limited to specific dates and locations of services to be provided.

F. All persons providing care shall do so under the provisions specified in Section 328.1 et seq. of this title or rules promulgated by the Board. Only those functions authorized by law or administrative rule shall be performed by the named person approved by the Board.

G. Volunteers shall not use sedation or general anesthesia during volunteer procedures.

H. Volunteers shall use a form to be provided by the Board for any patient with clear instructions for any and all follow-up care.

I. At any time, the Board shall revoke a volunteer license based on documentation of failure to participate according to state laws or administrative rules.

J. A special volunteer license shall be restricted to services provided at the locations listed on the application or for a specific not-for-profit treatment provider group as approved by the Board.

K. A special volunteer license may be issued to a dentist with an active license in good standing in another state for the purpose of participating in a continuing education class that includes live patient treatment as a part of the training program.

Added by Laws 2003, c. 138, § 3, eff. Nov. 1, 2003. Amended by Laws 2009, c. 192, § 2, eff. Nov. 1, 2009; Laws 2015, c. 229, § 10, eff. July 1, 2015; Laws 2021, c. 566, § 5, emerg. eff. May 28, 2021; Laws 2022, c. 158, § 4, eff. Nov. 1, 2022; Laws 2024, c. 46, § 4, eff. Nov. 1, 2024.

§59-328.23b. Retired volunteer licenses.

A dentist, dental hygienist or dental assistant who has been licensed or permitted in good standing with the Board in excess of twenty (20) years on a consecutive basis may apply for a retired volunteer dentist, dental hygienist or dental assistant license or permit on a yearly basis to provide volunteer services. There shall be no continuing education requirements. A retired dentist, dental hygienist or dental assistant with a retired volunteer license or permit shall not receive payment either directly or indirectly for work provided.

Added by Laws 2015, c. 229, § 11, eff. July 1, 2015. Amended by Laws 2016, c. 113, § 1, eff. Nov. 1, 2016; Laws 2017, c. 302, § 3, emerg. eff. May 17, 2017.

§59-328.24. Dental assistant or oral maxillofacial surgery assistant permits — Expanded duty permits.

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

B. The application shall be made to the Board in writing and shall be accompanied by the fee established by the Board, together with satisfactory proof that the applicant passes a background check with criteria established by the Board.

C. Beginning January 1, 2020, every dental assistant receiving a permit shall complete a class on infection control as approved by the Board within one (1) year from the date of receipt of the permit. Any person holding a valid dental assistant permit prior to January 1, 2020, shall complete an infection-control class as approved by the Board before December 31, 2020. Failure to complete the class shall be grounds for discipline pursuant to Section 328.29a of this title.

D. There shall be eight types of expanded duty permits available for dental assistants or oral maxillofacial surgery assistants upon completion of a program approved by the Commission on Dental Accreditation (CODA) or a course that has been approved by the Board:

1. Radiation safety;
2. Coronal polishing and topical fluoride;
3. Sealants;
4. Assisting in the administration of nitrous oxide;
5. Phlebotomy;
6. Venipuncture;
7. Elder care and public health; or
8. Assisting a dentist who holds a parenteral or pediatric anesthesia permit; provided, only the dentist may administer anesthesia and assess the patient’s level of sedation.

All expanded duties shall be added to the dental assistant license or oral maxillofacial surgery assistant license upon approval.

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

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

G. A dental assistant who holds an out-of-state dental assistant permit with expanded duties may apply for credentialing and reciprocity for a dental assistant permit including any expanded duty by demonstrating the following:

1. The dental assistant has had a valid dental assistant permit in another state for a minimum of two (2) years and is in good standing;

2. The dental assistant has had a valid expanded duty in another state for a minimum of one (1) year; and

3. The dental assistant provides a certificate or proof of completion of an educational class for the expanded duty and that the dental assistant has been providing this treatment to dental patients while working as a dental assistant in a dental office for one (1) year.

H. Any person having served in the military as a dental assistant shall receive credentialing and reciprocity for expanded functions by demonstrating the following:

1. Proof of military service in excess of two (2) years with any certifications or training in the expanded function areas; and

2. Verification from the commanding officer of the medical program or the appropriate supervisor stating that the dental assistant provided the expanded functions on patients in the military dental facility for a minimum of one (1) year within the past five (5) years.

Added by Laws 1970, c. 173, § 24, eff. July 1, 1970. Amended by Laws 2000, c. 283, § 4, eff. Nov. 1, 2000; Laws 2015, c. 229, § 12, eff. July 1, 2015; Laws 2018, c. 151, § 6, eff. Nov. 1, 2018; Laws 2019, c. 397, § 6; Laws 2020, c. 161, § 32, emerg. eff. May 21, 2020; Laws 2023, c. 220, § 4, eff. July 1, 2023; Laws 2024, c. 46, § 5, eff. Nov. 1, 2024.

NOTE: Laws 2019, c. 363, § 10 repealed by Laws 2020, c. 161, § 33, emerg. eff. May 21, 2020.

§59-328.25. Oral maxillofacial surgery assistant permits.

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

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

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

1. Passes a background check with criteria established by the Board; and

2. Has completed all of the training requirements for the oral maxillofacial surgery assistant permit as established by the Board.

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

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

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

G. If an oral maxillofacial surgery assistant is not currently employed by an oral maxillofacial surgeon, the oral maxillofacial surgery assistant permit shall automatically revert to a dental assistant permit as set forth in Section 328.24 of this title and may be eligible for an expanded function assisting a dentist who holds a parenteral or pediatric anesthesia permit; provided, only the dentist may administer anesthesia and assess the patient's level of sedation. The oral maxillofacial surgery assistant permit may be reinstated upon employment under a licensed oral maxillofacial surgeon.

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

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

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

2. A valid BLS certification;

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

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

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

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

K. Oral maxillofacial surgery assistants shall be required to complete eight (8) hours of continuing education every two (2) years in classes approved by AAOMS that are certified by the American Dental Association CERP program or another program approved by the Board. The continuing education requirement shall include at least one (1) hour on infection control.

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

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

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

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

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

O. Nothing in the State Dental Act shall be construed as to allow an oral surgery assistant or dental assistant to administer anesthesia care to a patient.

Added by Laws 1970, c. 173, § 25, eff. July 1, 1970. Amended by Laws 2000, c. 283, § 5, eff. Nov. 1, 2000; Laws 2015, c. 229, § 13, eff. July 1, 2015; Laws 2018, c. 151, § 7, eff. Nov. 1, 2018; Laws 2019, c. 363, § 11, eff. Nov. 1, 2019; Laws 2021, c. 566, § 6, emerg. eff. May 28, 2021.

§59-328.26. Dental student intern, resident or fellowship permits.

A. The Board of Dentistry may, without examination, issue a dental student intern, resident or fellowship permit to a student or graduate of an approved dental school or college, or a residency program approved by the Commission on Dental Accreditation (CODA). Upon meeting the qualifications and upon approval of the dean or the governing body of any public or private institution any person may request a dental student intern, resident or fellow permit to be issued from the Board, with limited duties as defined in the permit. A fellowship permit may only be given to a person currently participating in a fellowship program affiliated with an accredited dental school.

B. A dental student intern, resident or fellowship permit shall not be issued to any person whose license to practice dentistry in this state or in another state has been suspended or revoked, or to whom a license to practice dentistry has been refused.

C. A dental student intern, resident or fellowship permit shall not authorize the holder to open an office for the private practice of dentistry, or to receive compensation for the practice of dentistry, except a salary paid by the federal government or this state, or their subdivisions, or the public or private institution where the holder of the dental student intern, resident or fellowship permit will be employed.

D. A dental student intern with a valid dental student intern permit may work under the direct supervision of a licensed dentist for compensation upon meeting the following criteria:

1. The dental student intern shall notify the Board of the supervising dentist;

2. A dental student intern, having finished the first year of dental school, may assist in all duties of a dental assistant pursuant to the administrative rules of the Board; and

3. A dental student intern, having finished the second year of dental school, may assist in all duties permitted in paragraph 2 of this subsection, radiation safety, coronal polishing and sealants.

E. A dental student intern, resident or fellowship permit shall automatically expire when the permit holder is no longer participating in the program offered by the college of dentistry, the accredited dental college or the institution.

F. The issuance of a dental student intern, resident or fellowship permit by the Board shall in no way be considered a guarantee or predetermination of any person to receive a full license issued by the Board.

G. Dental student intern or resident or fellowship permits may be renewed annually at the request of the dean of the college or program director of the program approved by CODA and at the discretion of the Board.

H. Residents and Fellows with a valid permit may supervise student dental clinics under the authority of the Dean or Associate Dean of the University of Oklahoma College of Dentistry.

I. Students currently enrolled at the University of Oklahoma College of Dentistry or an accredited dental hygiene or dental assisting program shall be exempted from Sections 328.19 and 328.21 of this title while participating in an educational program located at the University of Oklahoma College of Dentistry or the clinic of an accredited dental hygiene or dental assisting program. A licensed dentist, hygienist or faculty license holder shall be physically present in the facility whenever students of dentistry, dental hygiene or dental assisting are performing a clinical dental procedure on patients.

Added by Laws 1970, c. 173, § 26, eff. July 1, 1970. Amended by Laws 1990, c. 51, § 121, emerg. eff. April 9, 1990; Laws 1996, c. 2, § 7, eff. Nov. 1, 1996; Laws 2012, c. 270, § 5, eff. Nov. 1, 2012; Laws 2013, c. 405, § 7, eff. July 1, 2013; Laws 2015, c. 229, § 14, eff. July 1, 2015; Laws 2017, c. 302, § 4, emerg. eff. May 17, 2017; Laws 2021, c. 566, § 7, emerg. eff. May 28, 2021.

§59-328.27. Faculty licenses and faculty specialty licenses.

A. 1. The Board of Dentistry may, without a clinical examination, upon presentation of satisfactory credentials, including completion of all portions of the National Board Dental Examination, the dental hygiene National Boards and both Part I and Part II of the National Board examination for dentists, and under such rules as the Board may promulgate, issue a faculty license or faculty specialty license to an applicant who:

a. is a graduate of a school of dentistry approved by the Board and is licensed to practice dentistry in another state or country,
b. has graduated from an accredited dental program, or
c. successfully completes advanced training in a specialty dental program approved by the Commission on Dental Accreditation of the American Dental Association, or
d. if applying for a hygiene faculty license, is a graduate of an accredited dental hygiene program and is licensed to practice dental hygiene in another state.

2. A faculty license or faculty specialty license shall be issued only upon the request and certification of the dean of an accredited dental college or the program director of an accredited dental hygiene program located in this state that the applicant is a full-time member of the teaching staff of that college or program.

3. Within the first two (2) years of employment, the faculty license or faculty specialty license holder shall show proof of passing an appropriate clinical board examination, as provided in Section 328.21 of this title, recognized by the Board of Dentistry.

4. A faculty license or faculty specialty license shall be valid for one (1) year and may be renewed by the Board at the written request of the dean of an accredited dental program or the director of an accredited dental hygiene program.

5. A faculty license or faculty specialty license shall automatically expire when the license holder is no longer employed as a faculty member at the institution that requested the license.

6. The holder of a faculty license or faculty specialty license shall be entitled to perform services and procedures in the same manner as a person holding a license to practice dentistry or dental hygiene in this state, but all services and procedures performed by the faculty license or faculty specialty license holder shall be without compensation other than that received in salary from a faculty position or through faculty practice as authorized by the Board. The holder of a faculty license or faculty specialty license shall be limited to practicing in the specialty area as designated on the license. Such services and procedures shall be performed only within the facilities of an accredited dental college or accredited dental hygiene program or within the facilities designated by the accredited dental college and teaching hospitals approved by the Board.

B. The dean of an accredited dental or hygiene program may petition the Board to allow a faculty member to have a limited faculty permit, based on a showing of criteria that the individual possesses specialty knowledge in a specific area that would benefit the college or program. The holder of a limited faculty permit

shall not have privileges to perform procedures in the faculty practice at the University of Oklahoma College of Dentistry, but may oversee the student clinic. A limited faculty permit shall be valid for one (1) year and may be renewed by the Board at the written request of the dean of an accredited dental program or the director of an accredited dental hygiene program.

C. Upon request of the dean, the Board President may issue a dentist or hygienist licensed in another state or country a temporary license pursuant to Section 328.23 of this title for the purpose of attending, presenting or participating in a seminar or live training in dental techniques or dental anesthesia, given at the University of Oklahoma College of Dentistry to licensed dentists and hygienists for continuing education credits and students enrolled in the University of Oklahoma College of Dentistry. A temporary permit issued for this purpose shall not exceed seven (7) days and may not be issued to the same person more than four (4) times in a calendar year.

D. Upon the request of the Oklahoma Dental Association President or the Oklahoma Dental Hygienist Association President, the Board President may issue a dentist or a hygienist licensed in another state a temporary license pursuant to Section 328.23 of this title for the purpose of presenting or participating in live patient demonstrations presented by the Oklahoma Dental Association or Oklahoma Dental Hygienist Association or other professional organizations approved by the Board at its annual meeting. A temporary permit issued for this purpose shall not exceed four (4) days per calendar year.

E. Courses for expanded duties for dental assistants pursuant to the administrative rules of the Board may be taught in an online, interactive online, in-classroom, lab or blended format. All expanded-duty courses shall include a dentist or dental hygienist that is employed full- or part-time by an educational program approved by the Commission on Dental Accreditation and currently on file with the Board. Courses offered pursuant to this subsection shall meet all criteria in administrative rules approved by the Board.

Added by Laws 1970, c. 173, § 27, eff. July 1, 1970. Amended by Laws 1999, c. 280, § 6, eff. Nov. 1, 1999; Laws 2005, c. 377, § 3, eff. Nov. 1, 2005; Laws 2011, c. 262, § 2, eff. July 1, 2011; Laws 2013, c. 405, § 8, eff. July 1, 2013; Laws 2015, c. 229, § 15, eff. July 1, 2015; Laws 2017, c. 302, § 5, emerg. eff. May 17, 2017.

§59-328.28. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.28a. Applicant criminal background check.

Beginning January 2016, every applicant for any type of license or permit issued by the Board of Dentistry shall be subject to a

national criminal background check. The Board may deny a license or permit for any applicant who fails to disclose a criminal history or if any applicant has pled guilty or nolo contendere to or has been convicted of a felony or misdemeanor involving moral turpitude, Medicaid fraud or a violation of federal or state controlled dangerous substances laws.
Added by Laws 2012, c. 270, § 6, eff. Nov. 1, 2012. Amended by Laws 2013, c. 405, § 9, eff. July 1, 2013; Laws 2015, c. 229, § 16, eff. July 1, 2015; Laws 2016, c. 113, § 2, eff. Nov. 1, 2016.

§59-328.29. Repealed by Laws 2021, c. 566, § 16, emerg. eff. May 28, 2021.

§59-328.29a. Dental assistant – Revocation or suspension of permit, probation or censure – Reinstatement – Definitions.

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

1. Any of the causes now existing in the laws of this state;

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

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

B. The Board shall also have the power to act upon a petition by a dental assistant or oral maxillofacial surgery assistant for reinstatement to good standing. The Board shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a permit, censure or probation of a dental assistant or oral maxillofacial surgery assistant. The Board shall make findings of fact and a decision thereon. Notification of the licensee or permit holder shall occur pursuant to Section 328.21 of this title.

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

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

1. Pleading guilty or nolo contendere to, or being convicted of, a felony crime that substantially relates to the occupation of a dental assistant or oral maxillofacial surgery assistant and poses a reasonable threat to public safety, or a violation of federal or state controlled dangerous substances laws;

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

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

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

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

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

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

Added by Laws 2005, c. 377, § 4, eff. Nov. 1, 2005. Amended by Laws 2013, c. 405, § 10, eff. July 1, 2013; Laws 2015, c. 229, § 17, eff. July 1, 2015; Laws 2016, c. 113, § 3, eff. Nov. 1, 2016; Laws 2019, c. 363, § 12, eff. Nov. 1, 2019; Laws 2022, c. 158, § 5, eff. Nov. 1, 2022.

§59-328.30. Repealed by Laws 1998, c. 377, § 7, eff. Nov. 1, 1998.

§59-328.31. Professional entities formed for practice of dentistry.

A. Professional entities formed pursuant to the Professional Entity Act, for the purpose of rendering professional services by a dentist, shall be subject to all of the provisions of the State Dental Act, except that professional entities shall not be required to obtain a license from the Board of Dentistry. Individuals who hold a license issued by the Board shall be responsible, pursuant to the State Dental Act, for their personal conduct without regard to the fact that they are acting as an owner, manager, agent or employee of, or the holder of an interest in, a professional entity.

B. Professional entities formed for the purpose of rendering professional services by a dentist must register with the Board before rendering such services and must update the registration during the renewal period of each year. The Board shall:

1. Provide the form and establish the fee for the registration and update;

2. Maintain a registry of all such professional entities; and

3. Publish annually a summary of the registry.

C. The Board is authorized to issue certificates pursuant to Section 804 of Title 18 of the Oklahoma Statutes and shall maintain a record of each certificate issued.

D. Enforcement actions by the Board for violation of the State Dental Act or the rules of the Board may be brought against a professional entity as well as against any individual who is or has acted as an owner, manager, agent or employee of, or the holder of an interest in, the professional entity.

Added by Laws 1970, c. 173, § 31, eff. July 1, 1970. Amended by Laws 1996, c. 2, § 8, eff. Nov. 1, 1996; Laws 2013, c. 405, § 11, eff. July 1, 2013.

§59-328.31a. Use of trade names – Rules regulating advertisements.

A. One dentist or multiple dentists may use a trade name in connection with the practice of dentistry provided that:

1. The use of the trade name shall not be false, fraudulent or misleading;

2. The name of the dentist or dentists actually providing the dental services to the patient shall appear on all insurance claim forms, billing invoices or statements sent to the patient and on all receipts if any are given to the patient;

3. Treatment records shall be maintained for each patient that clearly identify the dentist or dentists who performed all dental services for the patient; and

4. When one dentist or multiple dentists make an advertisement in the trade name or the trade name is included in an advertisement, a copy of the advertisement, including but not limited to any electronic form of the advertising, shall be kept by the dentist or dentists for three (3) years from the first publication date of the advertisement.

B. Beginning July 1, 2016, all advertisements for dentistry shall include the name of the dentist or dentists that shall be providing treatment and shall list the type of dental or specialty license on the advertisement.

C. The Board of Dentistry shall promulgate rules regulating advertisements in which one dentist or multiple dentists use a trade name.

Added by Laws 1996, c. 2, § 9, eff. Nov. 1, 1996. Amended by Laws 2009, c. 192, § 1, eff. Nov. 1, 2009; Laws 2015, c. 229, § 18, eff. July 1, 2015.

§59-328.31b. Patient record keeping requirements.

A. Every dental office or treatment facility, whether individual, group or multi-doctor practice operating under a name, trade name or other professional entity shall maintain written records on each patient treated at the facility and shall make these records available to the Board of Dentistry and other regulatory entities or be subject to the penalties as set forth in Section 328.44a of this title.

B. Each licensed dentist shall maintain written records on each patient that shall contain, at a minimum, the following information about the patient:

1. A current health history listing known illnesses, other treating physicians and current medications prescribed;

2. Results of a clinical examination, including a physical intraoral examination and head and neck examination, tests conducted, and any lab results including the identification, or lack thereof, of any oral pathology or diseases;

3. Treatment plan proposed by the dentist; and

4. Treatment rendered to the patient. The patient record shall clearly identify the dentist and the dental hygienist providing the treatment with the dentist, specialty or dental hygienist license number. The patient record shall include documentation of any medications prescribed, administered or dispensed to the patient.

C. Whenever patient records are released or transferred, the dentist releasing or transferring the records shall maintain either the original records or copies thereof and a notation shall be made in the retained records indicating to whom the records were released or transferred.

D. All claims being submitted for insurance must be signed, stamped or have an electronic signature by the treating dentist.

E. Patient records may be kept in an electronic data format, provided that the dentist maintains a backup copy of information stored in the data processing system using disk, tape or other electronic back-up system and that backup is updated on a regular basis, at least weekly, to assure that data is not lost due to system failure. Any electronic data system shall be capable of producing a hard copy on demand.

F. All patient records shall be maintained for seven (7) years from the date of treatment.

G. Each licensed dentist shall retain a copy of each entry in his or her patient appointment book or such other log, calendar, book, file or computer data used in lieu of an appointment book for

a period no less than seven (7) years from the date of each entry thereon.
Added by Laws 2015, c. 229, § 19, eff. July 1, 2015. Amended by Laws 2021, c. 566, § 8, emerg. eff. May 28, 2021; Laws 2024, c. 46, § 6, eff. Nov. 1, 2024.

§59-328.32. Dentists - Grounds for penalties.

A. The following acts or occurrences by a dentist shall constitute grounds for which the penalties specified in Section 328.44a of this title may be imposed by order of the Board of Dentistry or be the basis for denying a new applicant any license or permit issued by the Board:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, any crime in which an individual would be required to be a registered sex offender under state law, any violent crime, Medicaid fraud, insurance fraud, identity theft, embezzlement or a violation of federal or state controlled dangerous substances laws;

2. Presenting to the Board a false diploma, license, or certificate, or one obtained by fraud or illegal means, or providing other false information on an application or renewal;

3. Being, by reason of persistent inebriety or addiction to drugs, incompetent to continue the practice of dentistry or failing to notify the Board of a licensee, permit holder, or other health professional that is practicing while impaired or is in a state of physical or mental health that the licensee or permit holder suspects constitutes a threat to patient care within seventy-two (72) hours of witness or belief of such conditions;

4. Publishing a false, fraudulent, or misleading advertisement or statement;

5. Authorizing or aiding an unlicensed person to practice dentistry, to practice dental hygiene or to perform a function for which a permit from the Board is required;

6. Authorizing or aiding a dental hygienist to perform any procedure prohibited by the State Dental Act or the rules of the Board;

7. Authorizing or aiding a dental assistant or oral maxillofacial surgery assistant to perform any procedure prohibited by the State Dental Act or the rules of the Board;

8. Failing to pay fees as required by the State Dental Act or the rules of the Board;

9. Failing to complete continuing education requirements;

10. Representing himself or herself to the public as a specialist in a dental specialty without holding a dental specialty license as listed in Section 328.22 of this title;

11. Practicing below the basic standard of care of a patient which an ordinary prudent dentist with similar training and

experience within the local area would have provided including, but not limited to, failing to complete proper training and demonstrate proficiency for any procedure delegated to a dental hygienist or dental assistant;

12. Endangering the health of patients by reason of having a highly communicable disease and continuing to practice dentistry without taking appropriate safeguards;

13. Practicing dentistry in an unsafe or unsanitary manner or place including but not limited to repeated failures to follow Centers for Disease Control and Prevention (CDC) or Occupational Safety and Health Administration (OSHA) guidelines;

14. Being shown to be mentally unsound;

15. Being shown to be grossly immoral and that such condition represents a threat to patient care or treatment;

16. Being incompetent to practice dentistry while delivering care to a patient;

17. Committing gross negligence in the practice of dentistry;

18. Committing repeated acts of negligence in the practice of dentistry;

19. Offering to effect or effecting a division of fees, or agreeing to split or divide a fee for dental services with any person, in exchange for the person bringing or referring a patient;

20. Being involuntarily committed to an institution for treatment for substance abuse, until recovery or remission;

21. Using or attempting to use the services of a dental laboratory or dental laboratory technician without issuing a laboratory prescription, except as provided in subsection C of Section 328.36 of this title;

22. Aiding, abetting, or encouraging a dental hygienist employed by the dentist to make use of an oral prophylaxis list, or the calling by telephone or by use of letters transmitted through the mail to solicit patronage from patients formerly served in the office of any dentist formerly employing such dental hygienist;

23. Having more than the equivalent of three full-time dental hygienists for each dentist actively practicing in the same dental office;

24. Allowing a person not holding a permit or license issued by the Board to assist in the treatment of a patient without having a license or permit issued by the Board;

25. Knowingly patronizing or using the services of a dental laboratory or dental laboratory technician who has not complied with the provisions of the State Dental Act and the rules of the Board;

26. Authorizing or aiding a dental hygienist, dental assistant, oral maxillofacial surgery assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory to violate any provision of the State Dental Act or the rules of the Board;

27. Willfully disclosing information protected by the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191;

28. Writing a false, unnecessary, or excessive prescription for any drug or narcotic which is a controlled dangerous substance under either federal or state law, or prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes;

29. Prescribing or administering any drug or treatment without having established a valid dentist-patient relationship;

30. Using or administering nitrous oxide gas in a dental office in an inappropriate or unauthorized manner;

31. Engaging in nonconsensual physical contact with a patient which is sexual in nature, or engaging in a verbal communication which is intended to be sexually demeaning to a patient;

32. Practicing dentistry without displaying, at the dentist's primary place of practice, the license issued to the dentist by the Board to practice dentistry and the current renewal certificate;

33. Being dishonest in a material way with a patient or during the practice of dentistry;

34. Failing to retain all patient records for at least seven (7) years from the date of the last treatment as provided by Section 328.31b of this title, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

35. Failing to retain the dentist's copy of any laboratory prescription for at least seven (7) years, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

36. Allowing any corporation, organization, group, person, or other legal entity, except another dentist or a professional entity that is in compliance with the registration requirements of subsection B of Section 328.31 of this title, to direct, control, or interfere with the dentist's clinical judgment. Clinical judgment shall include, but not be limited to, such matters as selection of a course of treatment, control of patient records, policies and decisions relating to pricing, credit, refunds, warranties and advertising, and decisions relating to office personnel and hours of practice. Nothing in this paragraph shall be construed to:

a. limit a patient's right of informed consent, or

b. prohibit insurers, preferred provider organizations and managed care plans from operating pursuant to the applicable provisions of the Oklahoma Insurance Code and the Oklahoma Public Health Code;

37. Violating the state dental act of another state resulting in a plea of guilty or nolo contendere, conviction or suspension or

revocation or other sanction by another state board, of the license of the dentist under the laws of that state;

38. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, a state or federal statute or rule relating to scheduled drugs, fraud, a violent crime or any crime for which the penalty includes the requirement of registration as a sex offender in this state as a principal, accessory or accomplice;

39. Failing to comply with the terms and conditions of an order imposing suspension of a license or placement on probation issued pursuant to Section 328.44a of this title;

40. Failing to cooperate during an investigation or providing false information, verbally or in writing, to the Board, the Board's investigator or an agent of the Board;

41. Having multiple administrative or civil actions reported to the National Practitioner Data Bank;

42. Failing to complete an approved two-hour course on opioid and scheduled drug prescribing within one (1) year of obtaining a license or a violation of a law related to controlled dangerous substances including prescribing laws pursuant to Section 2-309D of Title 63 of the Oklahoma Statutes;

43. Falling below the basic standard of care of a licensed dentist or dentist practicing in his or her specialty, a dental hygienist, dental assistant, or other licensee or permit holder pursuant to the State Dental Act and Section 20.1 of Title 76 of the Oklahoma Statutes; or

44. Failing to provide patient records as provided by Sections 19 and 20 of Title 76 of the Oklahoma Statutes.

B. Any person making a report in good faith to the Board or to a peer assistance group regarding a professional suspected of practicing dentistry while being impaired pursuant to paragraph 3 of subsection A of this section shall be immune from any civil or criminal liability arising from such reports.

C. The provisions of the State Dental Act shall not be construed to prohibit any dentist from displaying or otherwise advertising that the dentist is also currently licensed, registered, certified or otherwise credentialed pursuant to the laws of this state or a nationally recognized credentialing board, if authorized by the laws of the state or credentialing board to display or otherwise advertise as a licensed, registered, certified, or credentialed dentist.

Added by Laws 1970, c. 173, § 32, eff. July 1, 1970. Amended by Laws 1996, c. 2, § 10, eff. Nov. 1, 1996; Laws 1998, c. 377, § 5, eff. Nov. 1, 1998; Laws 2000, c. 283, § 6, eff. Nov. 1, 2000; Laws 2011, c. 262, § 3, eff. July 1, 2011; Laws 2012, c. 270, § 7, eff. Nov. 1, 2012; Laws 2013, c. 405, § 12, eff. July 1, 2013; Laws 2015, c. 229, § 20, eff. July 1, 2015; Laws 2016, c. 113, § 4, eff. Nov.

1, 2016; Laws 2019, c. 397, § 7; Laws 2020, c. 161, § 34, emerg. eff. May 21, 2020; Laws 2021, c. 566, § 9, emerg. eff. May 28, 2021; Laws 2022, c. 158, § 6, eff. Nov. 1, 2022; Laws 2023, c. 220, § 5, eff. July 1, 2023; Laws 2024, c. 46, § 7, eff. Nov. 1, 2024.
NOTE: Laws 2019, c. 428, § 3 repealed by Laws 2020, c. 161, § 35, emerg. eff. May 21, 2020.

§59-328.33. Revocation or suspension of license of dental hygienist or discipline by probation or reprimand.

A. The following acts or occurrences by a dental hygienist shall constitute grounds for which the penalties specified in Section 328.44a of this title may be imposed by order of the Board of Dentistry or be the basis for denying a new applicant any license or permit issued by the Board:

1. Any of the causes now existing in the laws of this state;

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

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

B. The Board shall also have the power to act upon a petition by a dental hygienist for reinstatement to good standing. The Board shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a license or reprimand or probation of a dental hygienist. The Board shall make findings of fact and a decision thereon. The Board shall immediately forward a certified copy of the decision to the dental hygienist involved by registered mail to the last-known business address of the dental hygienist.

C. 1. The decision shall be final unless the dental hygienist appeals the decision as provided by the State Dental Act.

2. If an appeal is not timely taken, the decision shall be carried out by striking the name of the dental hygienist from the rolls, or suspending the dental hygienist for the period mentioned in issuing a reprimand, or otherwise acting as required by the decision.

D. The Board shall have power to revoke or suspend the license, reprimand, or place on probation a dental hygienist for a violation of one or more of the following:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude or a violation of federal or state controlled dangerous substances laws;

2. Presenting to the Board a false diploma, license or certificate or one obtained by fraud or illegal means;

3. Being, by reason of persistent inebriety or addiction to drugs, incompetent to continue the practice of dental hygiene;

4. Has been guilty of dishonorable or unprofessional conduct;

5. Failure to pay registration fees as provided by the State Dental Act;

6. Is a menace to the public health by reason of communicable disease;

7. Being shown to be mentally incapacitated or has been admitted to a mental institution, either public or private, and until the dental hygienist has been proven to be mentally competent;

8. Being shown to be grossly immoral;

9. Being incompetent in the practice of dental hygiene;

10. Committing willful negligence in the practice of dental hygiene;

11. Being involuntarily committed for treatment for drug addiction to a facility, either public or private, and until the dental hygienist has been proven cured;

12. Practicing or attempting to practice dental hygiene in any place or in any manner other than as authorized by Section 328.34 of this title;

13. Claiming the use of any secret or patented methods or treatments with materials not approved by the Food and Drug Administration;

14. Making statements or advertising as having the ability to diagnose or prescribe for any treatment;

15. Performing any services in the mouth other than those authorized by the Board of Dentistry pursuant to authority conferred by the State Dental Act;

16. Attempting to conduct a practice of dental hygiene in any place or in any manner other than as authorized by Section 328.34 of this title;

17. Attempting to use in any manner whatsoever any oral prophylaxis list, call list, records, reprints or copies of same or information gathered therefrom, or the names of patients whom he or she has formerly treated when serving as an employee in the office of a dentist for whom he or she was formerly employed;

18. Failing to keep prominently displayed in the office of the dentist for whom he or she is employed his or her current valid license renewal certificate;

19. Using or attempting to use in any manner whatsoever any oral prophylaxis list, call list, records, reprints or copies of same, or information gathered therefrom, of the names of patients whom such dental hygienist might have served in the office of a prior employer, unless such names appear upon the bona fide call or oral prophylaxis list of the present employer of the dental hygienist and were caused to so appear through the legitimate practice of dentistry, as provided for in the State Dental Act;

20. Violating the state dental act of another state resulting in a plea of guilty or nolo contendere, conviction, or suspension or revocation of the license of the dental hygienist under the laws of that state;

21. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice;

22. Failing to comply with the terms and conditions of an order imposing suspension of a license or placement on probation issued pursuant to Section 328.44a of this title; or

23. Any violation that would otherwise be a violation for a dentist under Section 328.32 of this title.

E. A dental hygienist may advertise that he or she is practicing in the office of the supervising dentist in which he or she is employed.

Added by Laws 1970, c. 173, § 33, eff. July 1, 1970. Amended by Laws 2003, c. 171, § 2, emerg. eff. May 5, 2003; Laws 2013, c. 405, § 13, eff. July 1, 2013; Laws 2016, c. 113, § 5, eff. Nov. 1, 2016; Laws 2021, c. 566, § 10, emerg. eff. May 28, 2021.

§59-328.34. Practice of dental hygiene under supervision of dentist – Delegation of duties to dental hygienist – Authorization of advanced procedures.

A. A dental hygienist may practice dental hygiene under the supervision of a dentist in a dental office or treatment facility. A dentist may employ not more than the equivalent of three full-time dental hygienists for each dentist actively practicing in the same dental office. Employing the equivalent of three dental hygienists shall mean the employment or any combination of full- or part-time dental hygienists not to exceed one hundred twenty (120) hours per week per dentist.

B. 1. A dentist may delegate to a dental hygienist the following procedures:

a. the duties and expanded duties authorized for dental assistants by the State Dental Act or the rules of the Board of Dentistry,

b. health history assessment pertaining to dental hygiene,

c. dental hygiene examination and the charting of intra-oral and extra-oral conditions, which include periodontal charting, dental charting and classifying occlusion,

d. dental hygiene assessment and treatment planning for procedures authorized by the supervisory dentist,

e. prophylaxis, which means the removal of any and all calcareous deposits, stains, accretions, or concretions from the supragingival and subgingival surfaces of human teeth, utilizing instrumentation by scaler or periodontal curette on the crown and root surfaces of human teeth, including rotary or power-driven instruments. This paragraph shall not be

construed to prohibit the use of a prophy/polishing cup or brush on the crowns of human teeth by a dental assistant who holds a current expanded duty permit for coronal polishing and topical fluoride issued by the Board,

f. periodontal scaling and root planing,

g. dental hygiene nutritional and dietary evaluation,

h. placement of subgingival prescription drugs for prevention and treatment of periodontal disease,

i. soft tissue curettage,

j. placement of temporary fillings,

k. removal of overhanging margins,

l. dental implant maintenance,

m. removal of periodontal packs,

n. polishing of amalgam restorations, and

o. other procedures authorized by the Board.

2. The procedures specified in subparagraphs b through o of paragraph 1 of this subsection may be performed only by a dentist or a dental hygienist.

3. Except as provided in subsections C and D of this section, the procedures specified in paragraph 1 of this subsection may be performed by a dental hygienist only on a patient of record and only under the supervision of a dentist. The advanced procedures of administration of nitrous oxide, administration of local anesthesia, neuromodulator administration, therapeutic use of lasers, and phlebotomy and venipuncture shall be performed only under the direct or indirect supervision of a dentist. The level of supervision, whether direct, indirect, or general, for the advanced procedure of elder care and public health pursuant to Section 7 of this act shall be at the discretion of the supervisory dentist. Authorization for general supervision shall be limited to a maximum of thirteen (13) months following an examination by the supervisory dentist of a patient of record.

C. 1. A dentist may authorize procedures to be performed by a dental hygienist, without complying with the provisions of paragraph 3 of subsection B of this section, if:

a. the dental hygienist has at least two (2) years' experience in the practice of dental hygiene,

b. the authorization to perform the procedures is in writing and signed by the dentist, and

c. the procedures are performed during an initial visit to a person in a treatment facility, or pursuant to Section 7 of this act.

2. The person upon whom the procedures are performed must be referred to a dentist after completion of the procedures performed pursuant to paragraph 1 of this subsection.

3. A dental hygienist shall not perform a second set of procedures on a person pursuant to this subsection until the person has been examined and accepted for dental care by a dentist.

4. The treatment facility in which any procedure is performed by a dental hygienist pursuant to this subsection shall note each such procedure in the medical records of the person upon whom the procedure was performed and list the dentist that authorized the hygienist to perform the procedures signed by the hygienist.

D. A treatment facility may employ dental hygienists whose services shall be limited to the examination of teeth and the teaching of dental hygiene or as otherwise authorized by the Board.

E. The Board is authorized to prescribe, by rule, the educational requirements for advanced procedures that may be performed by a dental hygienist upon receipt of the advanced procedures designated on his or her license. The advanced procedures shall include the administration of local anesthesia, the administration of nitrous oxide analgesia, neuromodulator administration, therapeutic use of lasers, phlebotomy and venipuncture, and elder care and public health pursuant to Section 7 of this act.

F. A dental hygienist shall not own or operate an independent practice of dental hygiene.

G. Nothing in the State Dental Act shall be construed to prohibit a dentist from performing any of the procedures that may be performed by a dental hygienist.

H. Nothing in the State Dental Act shall be construed to allow a dental assistant to work under the supervision of a dental hygienist while acting under direct, indirect or general supervision, except as provided by Section 7 of this act.

Added by Laws 1970, c. 173, § 34, eff. July 1, 1970. Amended by Laws 2003, c. 171, § 3, emerg. eff. May 5, 2003; Laws 2013, c. 405, § 14, eff. July 1, 2013; Laws 2015, c. 229, § 21, eff. July 1, 2015; Laws 2018, c. 151, § 8, eff. Nov. 1, 2018; Laws 2019, c. 397, § 8; Laws 2023, c. 220, § 6, eff. July 1, 2023.

§59-328.35. Repealed by Laws 1999, c. 280, § 12, eff. Nov. 1, 1999.

§59-328.36. Permit to operate dental laboratory.

A. 1. Any person, firm, corporation, partnership or other legal entity who desires to operate a dental laboratory in this state shall file with the Board of Dentistry, on a form prescribed by the Board, an application for a permit to operate a dental laboratory and pay the fee established by the rules of the Board. The application shall include the name and address of each person, firm, corporation, partnership or other legal entity who owns an interest in or will operate the dental laboratory. Upon receipt of the application and fee, the Board shall determine the

qualifications of the applicant and may grant a permit to the applicant to operate a dental laboratory.

2. Except as provided in subsection C of this section, no person, firm, corporation, partnership or other legal entity shall operate a dental laboratory in this state without having obtained a permit from the Board. The Board may inspect any dental laboratory prior to the issuance of any permit.

B. Any change in ownership, operation or location of a dental laboratory shall immediately be communicated to the Board, which shall endorse upon the permit, without further fee, the change in ownership, operation or location.

C. Nothing in the State Dental Act shall be construed to:

1. Prohibit a dentist from owning or operating a private, noncommercial dental laboratory in a dental office for the dentist's use in the practice of dentistry;

2. Require a dentist to obtain a permit from the Board for the operation of a dental laboratory in the office of the dentist unless dental laboratory technology is provided to persons other than the dentist at that location; or

3. Require a dentist to issue a laboratory prescription for dental laboratory technology to be performed by an employee of, in the office of, and for a patient of, the dentist.

D. The dental laboratory shall make available to the prescribing dentist, Board, or agent or employee of the Board:

1. A list of all materials in the composition of the final appliance;

2. The location where the appliance was fabricated, including the name, address, telephone number and Food and Drug Administration registration number, if applicable, of the person or entity performing the work; and

3. A description of all disinfection methods used in the fabrication of the appliance.

E. No permit shall be required for a licensed dentist in the State of Oklahoma, the licensed dentist's dental practice on-site dental lab, the licensed dentist's physical practice, or the licensed dentist's CAD, CAM, 3-D or other technology used for fabricating dental prostheses including crowns, bridges and other dental restorations. If the licensed dentist provides dental prostheses for other licensed dentists in the State of Oklahoma, then the dental laboratory portion of the practice shall be required to have a permit as it is functioning as a commercial dental laboratory.

Added by Laws 1970, c. 173, § 36, eff. July 1, 1970. Amended by Laws 1981, c. 79, § 1; Laws 1996, c. 2, § 11, eff. Nov. 1, 1996; Laws 1999, c. 280, § 7, eff. Nov. 1, 1999; Laws 2010, c. 129, § 1, eff. Nov. 1, 2010; Laws 2018, c. 151, § 9, eff. Nov. 1, 2018.

§59-328.36a. Laboratory prescriptions.

A. A dentist may utilize a dental laboratory technician and a dental laboratory to perform or provide dental laboratory technology. Except as provided in subsection C of Section 328.36 of this title, a dentist who utilizes the services of a dental laboratory technician or dental laboratory shall furnish a laboratory prescription for each patient for whom a work product is prescribed.

B. Laboratory prescriptions issued by a dentist shall be on forms containing the minimum information required by subsection D of this section and shall be produced or printed by each dentist. Such forms shall be provided by the Board of Dentistry or downloaded from the Board's website. All forms shall be completed in full and signed by the prescribing dentist. The owner of a dental laboratory shall retain each original laboratory prescription received from a prescribing dentist and produce the document for inspection and copying by a member of the Board or by an agent or employee of the Board, for a period of seven (7) years from the date of the laboratory prescription. The prescribing dentist shall retain the duplicate copy of each laboratory prescription and produce the document for inspection and copying by a member of the Board or by an agent or employee of the Board, for a period of seven (7) years from the date of the laboratory prescription.

C. The patient's name or the identification number of the laboratory prescription shall appear on all dental models and correspond to all dental restorations, appliances or other devices being constructed, reproduced or repaired. Any dental model, restoration, appliance or other device in the possession of a dental laboratory technician or dental laboratory without a laboratory prescription and corresponding number on the model, restoration, appliance or device shall be prima facie evidence of a violation of the State Dental Act. After completion, the prescribed work product shall be returned by the dental laboratory technician or dental laboratory to the prescribing dentist or the dental office of the dentist with the name or number of the laboratory prescription accompanying the invoice.

D. At a minimum, prescriptions shall contain the following information:

1. The name and address of the dental laboratory;

2. The patient's name and/or identifying number. In the event such identifying number is used, the name of the patient shall be written on a copy of the prescription retained by the dentist;

3. A description of the work to be completed with diagrams, if applicable;

4. A description of the type of materials to be used;

5. The actual date on which the authorization or prescription was written or completed;

6. The signature in ink or by electronic method of the dentist issuing the prescription and the state license number and address of such dentist; and

7. A section to be completed by the dental laboratory and returned to the issuing dentist that shall disclose all information and certify that the information is accurate by including the signature of a reasonable part of the primary contractor.

E. The Board shall make readily available a sample form on the Board's website for use by any licensee at no cost.

F. A dentist may produce, transfer and retain copies of the form electronically.

G. A dentist may refer a patient to a dental laboratory for the purpose of selecting the shading or matching shades of a prosthetic device being prepared for the dentist to deliver to the patient. The dentist must maintain a copy of the prescription written for the laboratory.

Added by Laws 1970, c. 173, § 20, eff. July 1, 1970. Amended by Laws 1996, c. 2, § 5, eff. Nov. 1, 1996; Laws 1999, c. 280, § 4, eff. Nov. 1, 1999. Renumbered from § 328.20 of this title by Laws 1999, c. 280, § 11, eff. Nov. 1, 1999. Amended by Laws 2011, c. 262, § 4, eff. July 1, 2011; Laws 2021, c. 566, § 11, emerg. eff. May 28, 2021.

§59-328.37. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.38. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.39. Dental laboratory permit holders or technicians - Grounds for penalties.

The following acts or occurrences by a dental laboratory permit holder or technician shall constitute grounds for which the penalties specified in Section 328.44a of this title may be imposed by order of the Board of Dentistry or be the basis for denying a new applicant any license or permit issued by the Board:

1. Publishing a false, fraudulent or misleading advertisement or statement;

2. Performing dental laboratory technology at a location for which no permit to operate a dental laboratory has been issued by the Board, except as provided in subsection C of Section 328.36 of this title;

3. Performing dental laboratory technology without a laboratory prescription of a dentist, except as provided in subsection C of Section 328.36 of this title;

4. Failing to return a prescribed work product to the prescribing dentist or the dental office of the dentist or failing to return dental impressions, molds, models, radiographs or other digital imagery upon written request;

5. Refusing to allow a member of the Board or an agent or employee of the Board to inspect laboratory prescriptions or dental restorations, appliances or other devices that are being constructed, reproduced or repaired;

6. Possessing dental equipment not necessary for performing dental laboratory technology;

7. Being dishonest in a material way with a dentist; or

8. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice.

Added by Laws 1970, c. 173, § 39, eff. July 1, 1970. Amended by Laws 1996, c. 2, § 12, eff. Nov. 1, 1996; Laws 1999, c. 280, § 8, eff. Nov. 1, 1999; Laws 2016, c. 113, § 6, eff. Nov. 1, 2016.

§59-328.39a. Dental laboratory permit holders - Grounds for penalties.

The following acts or occurrences by a holder of a permit to operate a dental laboratory shall constitute grounds for which the penalties specified in Section 328.44a of this title may be imposed by order of the Board of Dentistry:

1. Publishing a false, fraudulent or misleading advertisement or statement;

2. Providing dental laboratory technology at a location for which no permit to operate a dental laboratory has been issued by the Board, except as provided in subsection C of Section 328.36 of this title;

3. Providing dental laboratory technology without a laboratory prescription of a dentist, except as provided in subsection C of Section 328.36 of this title;

4. Failing to return a prescribed work product to a prescribing dentist or the dental office of the dentist;

5. Refusing to allow a member of the Board or an agent or employee of the Board to inspect laboratory prescriptions or dental restorations, appliances or other devices that are being constructed, reproduced or repaired;

6. Failing to retain an original laboratory prescription received from a prescribing dentist for a period of three (3) years from the date of the laboratory prescription, except that the failure to retain a document shall not be a violation of the State Dental Act if the owner of the dental laboratory shows that the document was lost, destroyed, or removed by another, without the consent of the owner;

7. Possessing dental equipment not necessary for performing dental laboratory technology;

8. Failing to pay fees as required by the State Dental Act or the rules of the Board;

9. Operating a dental laboratory without displaying, at the primary place of operation, a permit issued by the Board for the operation of the dental laboratory and the current renewal certificate;

10. Being dishonest in a material way with a dentist;

11. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice; or

12. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws.

Added by Laws 1996, c. 2, § 13, eff. Nov. 1, 1996. Amended by Laws 1999, c. 280, § 9, eff. Nov. 1, 1999; Laws 2012, c. 270, § 8, eff. Nov. 1, 2012.

§59-328.40. Repealed by Laws 1999, c. 280, § 12, eff. Nov. 1, 1999.

§59-328.40a. Registration for mobile dental clinics.

A. A mobile dental clinic providing dental treatment shall register with the Board of Dentistry and provide the following information:

1. The dentist or dentists that will be providing and/or supervising dental treatment to patients;

2. If the mobile dental clinic provides treatment to treatment facilities and/or the general public;

3. Types of treatment available and adequate infection control, as required by the Centers for Disease Control and Prevention and the Occupational Health and Safety Commission, and equipment and procedures; and

4. Other information deemed necessary by the Board to ensure the protection of the public.

B. Every permitted mobile dental clinic shall display in plain view a permit or designation of registration as required by the Board.

C. Failure to register as a mobile clinic shall subject each licensee or permit holder in control or providing treatment to the penalties set forth in Section 328.44a of Title 59 of the Oklahoma Statutes.

Added by Laws 2018, c. 151, § 10, eff. Nov. 1, 2018.

§59-328.41. Renewal certificate - Continuing education requirements – Fee - Automatic cancellation.

A. 1. On or before the last day of December of each year, every dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant and other licensee or permit holders previously licensed or permitted by the Board of Dentistry to practice in this state, with the exception of those listed in

paragraph 2 of this subsection, shall submit a completed renewal application with information as may be required by the Board, together with an annual renewal fee established by the rules of the Board. Upon receipt of the annual renewal fee, the Board shall issue a renewal certificate authorizing the dentist, dental hygienist, dental assistant or oral maxillofacial surgery assistant to continue the practice of dentistry or dental hygiene, respectively, in this state for a period of one (1) year. Every license or permit issued by the Board shall begin on January 1 and expire on December 31 of each year.

2. Resident and fellowship permits shall be valid from July 1 through June 30 of each year and dental student intern permits shall be valid from August 1 through July 31 of each year.

B. Continuing education requirements shall be due at the end of each two-year period.

C. 1. Continuing education requirements for a dentist or dental hygienist shall consist of:

a. a live, in-person cardiopulmonary resuscitation class approved by the Board,

b. an ethics class approved by the Board,

c. for a dentist, two (2) hours of opioid and scheduled drug prescribing classes, and

d. any combination of the following:

(1) completion of classes at a university, college or technology center school accredited by the Commission on Dental Accreditation (CODA) or college courses related to dentistry, which shall count equal to credit hours received on a transcript,

(2) teaching one or more classes at a school or program accredited by CODA, for which the dentist or dental hygienist shall receive credit for the semester credit hours and one (1) hour of credit per eighteen (18) hours of clinical instruction,

(3) publishing papers, presenting clinics and lecturing, for which the dentist or dental hygienist shall receive six (6) credit hours for each hour of the original presentation and hour-for-hour credit for a subsequent presentation of the same material. No more than fifty percent (50%) of total required continuing education hours may be fulfilled by activities described in this division,

(4) a scientific-based medical treatment and patient care class approved by the Board,

(5) any health-related program sponsored by the United States Department of Veteran Affairs or Armed Forces provided at a government facility,
(6) formal meetings by national or state professional organizations for dental providers, or university-sponsored professional alumni clinical meetings approved by the Board,
(7) organized study clubs,
(8) uncompensated volunteer work at an event approved by the Board not to exceed seven (7) hours for a dentist or four (4) hours for a dental hygienist, or
(9) practice-management-related courses not to exceed four (4) hours for a dentist or two (2) hours for a dental hygienist.

2. Full-time graduate study, internships, residencies and dentists and dental hygienists engaged in a full-time program accredited by CODA shall be exempt from continuing education for a continuing education year per academic year completed.

3. New graduates of dental and hygiene programs shall not be required to complete continuing education for the first year after graduation. Continuing education requirements for dentists and dental hygienists who are new graduates shall begin July 1 of the calendar year following the year of graduation. Hours shall be prorated by year of new licensure.

4. A dentist or dental hygienist on active duty military service shall be exempt from continuing education if he or she is:

a. currently on full-time active duty service as a dentist or dental hygienist for a minimum of eighteen (18) months in a two-year continuing education cycle, or
b. a licensed dentist or dental hygienist serving in the reserve components of the armed forces as specified in 10 U.S.C., Section 10101, who is actively deployed outside of the United States for a minimum of eighteen (18) months in a two-year continuing education cycle.

D. 1. Dentists shall complete forty (40) hours of continuing education with no more than twenty (20) hours to be completed online. Dental hygienists shall complete twenty (20) hours of continuing education with no more than ten (10) hours to be completed online. Interactive classes or webinar classes may, at the discretion of the Board, count as in-person.

2. Oral maxillofacial surgery assistants shall complete eight (8) hours of continuing education including one (1) hour of infection control.

3. Dental assistants shall complete two (2) hours of infection control.

4. Any newly licensed dentist shall complete a two-hour opioid and scheduled drug prescribing class within one (1) year of obtaining licensure.

E. Upon failure of a dentist, dental hygienist, dental assistant or oral maxillofacial surgery assistant to pay the annual renewal fee within two (2) months after January 1 of each year, the Board shall notify the dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant, or other permit holder that the license or permit will be officially canceled as of April 1 pursuant to subsection M of Section 328.21 of this title. A list of canceled licenses or permits not otherwise renewed shall be published at the following meeting of the Board.

F. Any dentist, dental hygienist, dental assistant or oral maxillofacial surgery assistant whose license or permit is automatically canceled by reason of failure, neglect or refusal to secure the renewal certificate may be reinstated by the Board at any time within one (1) year from the date of the expiration of the license, upon payment of the annual renewal fee and a penalty fee established by the rules of the Board. If the dentist, dental hygienist, dental assistant, or oral maxillofacial surgery assistant does not apply for renewal of the license or permit and pay the required fees within one (1) year after the license has expired, then the dentist, dental hygienist, dental assistant or oral maxillofacial surgery assistant shall be required to file an application for and take the examination or other requirements provided for in the State Dental Act or the rules promulgated by the Board before again commencing practice.

G. The Board, by rule, shall provide for the remittance of fees otherwise required by the State Dental Act while a dentist or dental hygienist is on active duty with any of the Armed Forces of the United States.

H. In case of a lost or destroyed license or renewal certificate and upon satisfactory proof of the loss or destruction thereof, the Board may issue a duplicate, charging therefor a fee established by the rules of the Board.

I. A dentist, dental hygienist, oral maxillofacial surgery assistant or dental assistant that is in good standing and not under investigation that notifies the Board in writing of a voluntary nonrenewal of license or requests retirement status shall have a right to renew or reinstate his or her license within five (5) years from the date of notice. The Board may require any training or continuing education requirements to be met prior to reinstatement.

J. A dentist, dental hygienist, oral maxillofacial dental assistant or dental assistant that has not had an active license or permit in excess of five (5) years shall be required to apply as a new applicant.

K. Any application for a license or permit that has remained inactive for more than one (1) year shall be closed.
Added by Laws 1970, c. 173, § 41, eff. July 1, 1970. Amended by Laws 1999, c. 280, § 10, eff. Nov. 1, 1999; Laws 2003, c. 172, § 6, emerg. eff. May 5, 2003; Laws 2012, c. 270, § 9, eff. Nov. 1, 2012; Laws 2013, c. 405, § 15, eff. July 1, 2013; Laws 2015, c. 229, § 22, eff. July 1, 2015; Laws 2017, c. 302, § 6, emerg. eff. May 17, 2017; Laws 2018, c. 151, § 11, eff. Nov. 1, 2018; Laws 2019, c. 397, § 9; Laws 2021, c. 566, § 12, emerg. eff. May 28, 2021; Laws 2022, c. 158, § 7, eff. Nov. 1, 2022; Laws 2024, c. 46, § 8, eff. Nov. 1, 2024.
NOTE: Laws 2019, c. 428, § 4 repealed by Laws 2021, c. 566, § 17, emerg. eff. May 28, 2021.

§59-328.42. State Dental Fund.
There is hereby created in the State Treasury a revolving fund for the Board of Dentistry to be designated as "The State Dental Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the State Dental Act. All monies accruing to the credit of this fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the State Dental Act. Expenditures from this 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.
Added by Laws 1970, c. 173, § 42, eff. July 1, 1970. Amended by Laws 1979, c. 47, § 36, emerg. eff. April 9, 1979; Laws 1996, c. 2, § 14, eff. Nov. 1, 1996; Laws 2012, c. 304, § 263.

§59-328.43. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.43a. Complaints - Review and investigative panels - Panel authority.
A. 1. Upon the receipt of a complaint to the Board of Dentistry alleging a violation of the State Dental Act or other state or federal law by a licensee, permit holder or other individual under the authority of the Board, the Board president shall assign up to three Board members as the review and investigative panel. The remaining Board members shall constitute the Board member jury panel. In the event the complaint is anesthesia-related, the Board president or acting president may, at his or her discretion, add one or more members of the anesthesia committee to the review and investigative panel.

2. The review and investigative panel, in its discretion, may notify the respondent of the complaint at any time prior to its dismissal of the complaint or making a recommendation to the Board.

B. The review and investigative panel shall confer and shall conduct or cause to be conducted any investigation of the allegations in the complaint as it reasonably determines may be needed to establish, based on the evidence available to the panel, whether it is more likely than not that:

1. A violation of the provisions of the State Dental Act or the rules of the Board has occurred; and

2. The person named in the complaint has committed the violation.

C. 1. In conducting its investigation, a review and investigative panel may seek evidence, take statements, take and hear evidence, and administer oaths and affirmations and shall have any other powers as defined by the Administrative Procedures Act. A review and investigative panel may also use Board attorneys and investigators appointed by the Board to seek evidence.

2. The review and investigative panel shall not have contact or discussions regarding the investigation with the other Board members that shall be on the jury panel during the investigative phase.

3. No Board member that is a dentist living in the same district as a dentist that is the subject of a complaint shall serve on a review and investigative panel or on the Board member jury panel.

4. All records, documents, and other materials during the review and investigative panel portion shall be considered investigative files and not be subject to the Oklahoma Open Records Act.

D. The Board president or other member of the Board shall act as the presiding administrative judge during any proceeding. The presiding administrative judge shall be allowed to seek advice from judicial counsel or other legal counsel appointed by the Board.

E. The review and investigative panel shall have the authority to:

1. Dismiss the complaint as unfounded;

2. Refer the case to mediation pursuant to the Oklahoma Dental Mediation Act. The mediation panel shall report to the review and investigative panel that a mediation was successful or refer the matter back to the review and investigative panel at which time they will reassume jurisdiction or dismiss the complaint;

3. Issue a private reprimand, settlement agreement, or remediation agreement that shall not include any restriction upon the licensee’s or permit holder’s license or permit;

4. Assess an administrative fine not to exceed One Thousand Five Hundred Dollars ($1,500.00) per violation pursuant to a private settlement agreement; and

5. Issue a formal complaint for a hearing of the Board member jury panel pursuant to Article II of the Administrative Procedures Act against the licensee or permit holder.

The review and investigative panel and the Board president shall have the authority to authorize the Executive Director or the Board's attorney to file an injunction in district court for illegal activity pursuant to the State Dental Act when needed.

F. In the event of a majority of members of the Board being recused from the Board member jury panel, the Board president or presiding administrative judge shall appoint one or more previous Board members with a current active license in good standing to serve as a jury panel member.

G. Any action as set forth in paragraphs 1 through 3 of subsection E of this section shall remain part of the investigation file, and may be disclosed or used against the respondent only if the respondent violates the settlement agreement or if ordered by a court of competent jurisdiction.

H. The Board of Dentistry, its employees, independent contractors, appointed committee members and other agents shall keep confidential all information obtained in the following circumstances:

1. During an investigation into allegations of violations of the State Dental Act, including but not limited to:

a. any review or investigation made to determine whether to allow an applicant to take an examination, or

b. whether the Board shall grant a license, certificate, or permit;

2. In the course of conducting an investigation;

3. Reviewing investigative reports provided to the Board by a registrant; and

4. Receiving and reviewing examination and test scores.

I. The president of the Board or presiding administrative judge shall approve any private settlement agreement.

J. The review and investigative panel may make a recommendation for an agreed settlement order to be approved by the Board. The agreed settlement order may include any recommendation agreed upon between the license holder including, but not limited to, any penalty available to the Board pursuant to Section 328.44a of this title.

K. A formal complaint issued by the review and investigative panel shall specify the basic factual allegations and the provisions of the State Dental Act, state law or rules that the license or permit holder is alleged to have violated. The formal notice of a complaint shall be served to the license or permit holder either in person, to his or her attorney, by agreement of the individual, by an investigator of the Board or a formal process server pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

L. Any information obtained and all contents of any investigation file shall be exempt from the provisions of the Oklahoma Open Records Act.
Added by Laws 1996, c. 2, § 15, eff. Nov. 1, 1996. Amended by Laws 1997, c. 108, § 6, eff. Nov. 1, 1997; Laws 2003, c. 172, § 7, emerg. eff. May 5, 2003; Laws 2005, c. 377, § 5, eff. Nov. 1, 2005; Laws 2012, c. 270, § 10, eff. Nov. 1, 2012; Laws 2015, c. 229, § 23, eff. July 1, 2015; Laws 2018, c. 151, § 12, eff. Nov. 1, 2018; Laws 2024, c. 46, § 9, eff. Nov. 1, 2024.

§59-328.43b. Patient fatalities - Adverse Outcomes Review and Investigation Panel.

A. In any matter involving a fatality or near fatality of a dental patient within forty-eight (48) hours of receiving anesthesia or that is required to be reported to the Board pursuant to Section 328.55 of this title, such matter shall be investigated by the Adverse Outcomes Review and Investigation Panel.

B. The Adverse Outcomes Review and Investigation Panel shall stand in the place of the Board's Review and Investigation Panel pursuant to Section 328.43a of this title during the complaint and review process.

C. Upon notification of a fatality to the Board, the President of the Board shall assign four members of the Anesthesia Committee pursuant to Section 328.17 of this title to review and investigate the matter.

D. Two of the members shall hold the same license type, whether general or specialty, as the licensee that is the subject of the complaint and two shall hold different types of licenses.

E. All other procedures as defined in Section 328.43a of this title regarding complaint and Board procedures shall be followed.

F. The Board may promulgate rules to implement the provisions of this section.
Added by Laws 2015, c. 229, § 24, eff. July 1, 2015. Amended by Laws 2018, c. 151, § 13, eff. Nov. 1, 2018.

§59-328.44. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.44a. Penalties - Judicial review.

A. The Board of Dentistry is authorized, after notice and opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant, dental laboratory technician, holder of a permit to operate a dental laboratory, or an entity operating pursuant to the provisions of the Professional Entity Act or the State Dental Act has committed any of the acts or

occurrences prohibited by the State Dental Act or rules of the Board:

1. Refusal to issue a license or permit, or a renewal thereof, provided for in the State Dental Act;

2. Suspension of a license or permit issued by the Board for a period of time deemed appropriate by the Board;

3. Revocation of a license or permit issued by the Board;

4. Imposition of an administrative penalty not to exceed One Thousand Five Hundred Dollars ($1,500.00) per violation;

5. Issuance of a censure;

6. Placement on probation for a period of time and under such terms and conditions as deemed appropriate by the Board;

7. Probation monitoring fees, which shall be the responsibility of the licensee on all probations; or

8. Restriction of the services that can be provided by a dentist or dental hygienist, under such terms and conditions as deemed appropriate by the Board.

B. A dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, against whom a penalty is imposed by an order of the Board pursuant to the provisions of this section, shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

C. The Board may issue a summary suspension on a licensee or permit holder who is found guilty of a felony charge and is sentenced to incarceration in a state or federal facility.

D. 1. A licensee or permit holder may petition the Board to reopen and withdraw an order after the expiration of seven (7) years from the date of issue if:

a. the order does not include allegations or a finding of direct patient harm,

b. the licensee has maintained an active full-time practice in good standing and has not received an additional order or private reprimand since the issue of the order,

c. the licensee has not been the subject of any settlement reports in the National Practitioner Data Bank within the previous seven (7) years, and

d. the order concerns an administrative violation and does not include a direct action against the licensee including, but not limited to, probation or suspension of the license.

2. Upon receipt of a motion to reopen and withdraw an order, the president of the Board shall assign a panel for review and investigation to be brought to the Board. The Board shall take into consideration the issues causing the order; any changes to laws

relevant to the order since its issue that may have resulted in a different outcome if such laws had been in place at the time of the complaint; any actions by the licensee to better his or her abilities as a practicing licensee; current patient outcomes; service to his or her community or state; and any other issues, testimony, or other information relating to the licensee found during an investigation or submitted to the Board.

3. The panel and the president may make a determination that the case is not appropriate to bring before the Board and shall have the authority to summarily deny the order and, if appropriate, to advise the licensee of requirements to complete for future consideration. The panel may choose to keep the matter pending while the licensee completes the requirements advised.

4. Upon a case brought before the Board, the Board shall vote to withdraw or stay the order. If the order is withdrawn, it shall revert to a private settlement agreement pursuant to Section 328.43a of this title.

Added by Laws 1996, c. 2, § 16, eff. Nov. 1, 1996. Amended by Laws 2003, c. 172, § 8, emerg. eff. May 5, 2003; Laws 2005, c. 377, § 6, eff. Nov. 1, 2005; Laws 2011, c. 262, § 5, eff. July 1, 2011; Laws 2013, c. 405, § 16, eff. July 1, 2013; Laws 2015, c. 229, § 25, eff. July 1, 2015; Laws 2019, c. 397, § 10; Laws 2024, c. 46, § 10, eff. Nov. 1, 2024.

§59-328.44b. Surrender of license, permit, or certificate.

A. A holder of a license, a permit, or certificate granted by the Board of Dentistry shall have the right to surrender the license, permit, or certificate, in writing, notarized, to the Board if the holder is in good standing with the Board as determined, in its discretion, by the Board. The Board shall accept such surrender in writing after approval at a regular or special Board meeting with the statement that the holder is in good standing with the Board. Any holder who has surrendered a license, permit, or certificate issued by the Board and who shall apply for a license, permit, or certificate after surrender shall be subject to all statutes and rules of the Board applicable at the time of the new application.

B. A holder of a license, permit, or certificate shall not be considered to be in good standing if an investigation of a complaint is pending against the holder. The Board shall not accept a surrender until a complaint is dismissed by the review panel, an agreed order or agreed order of surrender is entered, or the Board determines that an individual proceeding shall be initiated pursuant to Section 328.43a of this title.

C. If a holder of a license, permit, or certificate wishes to surrender the license, permit, or certificate during the pendency of an initial proceeding, the Board may accept or reject the surrender, in its discretion. The acceptance must be in writing after approval

by the Board at a regular or special Board meeting. Any acceptance shall contain the statement that the acceptance is pending disciplinary action. No person who surrenders a license, permit, or certificate to the Board during a pending disciplinary action shall be eligible for reinstatement for a period of five (5) years from the date the surrender is accepted by the Board.

D. The Board shall retain jurisdiction over the holder of any license, permit, or certificate for all disciplinary matters pending at the time surrender is sought by the holder or over any person that does not renew his or her license while an investigation is pending.

E. All surrenders of licenses, permits, or certificates, whether the holder is or is not in good standing, shall be reported to the National Practitioner Data Bank with the notation in good standing or pending disciplinary action.

Added by Laws 2005, c. 377, § 7, eff. Nov. 1, 2005. Amended by Laws 2018, c. 151, § 14, eff. Nov. 1, 2018; Laws 2024, c. 46, § 11, eff. Nov. 1, 2024.

§59-328.45. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.46. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.47. Repealed by Laws 1996, c. 2, § 22, eff. Nov. 1, 1996.

§59-328.48. Annual statement of receipts and expenditures.

It shall be the duty of the Board of Dentistry, annually, to have prepared a statement showing the total amount of receipts and expenditures of the Board for the preceding twelve (12) months. The statement shall be properly certified under oath by the president and Executive Director of the Board to the Governor and may be sent electronically.

Added by Laws 1970, c. 173, § 48, eff. July 1, 1970. Amended by Laws 2003, c. 172, § 9, emerg. eff. May 5, 2003; Laws 2021, c. 566, § 13, emerg. eff. May 28, 2021.

§59-328.49. Unlawful practices - Criminal and civil actions.

A. The Board of Dentistry shall be responsible for the enforcement of the provisions of the State Dental Act against all persons who are in violation thereof, including, but not limited to, individuals who practice or attempt to practice dentistry or dental hygiene without proper authorization from the Board.

B. 1. It shall be unlawful for any person, except a licensed dentist, to:

a. practice or attempt to practice dentistry,

b. hold oneself out to the public as a dentist or as a person who practices dentistry, or

c. employ or use the words "Doctor" or "Dentist", or the letters "D.D.S." or "D.M.D.", or any modification or derivative thereof, when such use is intended to give the impression that the person is a dentist.

2. It shall be unlawful for any person, except a registered dental hygienist, to:

a. practice or attempt to practice dental hygiene,

b. hold oneself out to the public as a dental hygienist or as a person who practices dental hygiene, or

c. employ or use the words "Registered Dental Hygienist", or the letters "R.D.H.", or any modification or derivative thereof, when such use is intended to give the impression that the person is a dental hygienist.

3. It shall be unlawful for any person to:

a. give false or fraudulent evidence or information to the Board in an attempt to obtain any license or permit from the Board, or

b. aid or abet another person in violation of the State Dental Act.

4. Each day a person is in violation of any provision of this subsection shall constitute a separate criminal offense and, in addition, the district attorney may file a separate charge of medical battery for each person who is injured as a result of treatment performed in violation of this subsection.

C. 1. If a person violates any of the provisions of subsection B of this section, the Board shall refer the alleged violation to the district attorney of the county in which the violation is alleged to have occurred to bring a criminal action in that county against the person. At the request of the Board, district attorney or Attorney General, attorneys employed or contracted by the Board may assist the district attorney or Attorney General in prosecuting charges under the State Dental Act or any violation of law relating to or arising from an investigation conducted by the Board of Dentistry upon approval of the Board or the Executive Director.

2. Any person who violates any of the provisions of paragraph 1 or 3 of subsection B of this section, upon conviction, shall be guilty of a felony punishable by a fine in an amount not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the county jail for a term of not more than one (1) year or imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, or by both such fine and imprisonment.

Any person who violates any of the provisions of paragraph 2 of subsection B of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine in an amount not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the county jail for a

term of not more than ninety (90) days, or by both such fine and imprisonment. Any second or subsequent violation of paragraph 2 of subsection B of this section, upon conviction, shall be a felony punishable by a fine in an amount not less than One Thousand Five Hundred Dollars ($1,500.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail for a term of not more than one (1) year or imprisonment in the custody of the Department of Corrections for a term of not more than two (2) years, or by both such fine and imprisonment.

D. The Board may initiate a civil action, pursuant to Chapter 24 of Title 12 of the Oklahoma Statutes, seeking a temporary restraining order or injunction, without bond, commanding a person to refrain from engaging in conduct which constitutes a violation of any of the provisions of subsection B of this section. In a civil action filed pursuant to this subsection, the prevailing party shall be entitled to recover costs and reasonable attorney fees.

E. In addition to any other penalties provided herein, any person found guilty of contempt of court by reason of the violation of any injunction prohibiting the unlicensed practice of dentistry now in effect or hereafter entered pursuant to any provision of the State Dental Act or any preceding state dental act, shall be punished by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, and by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00). The court may also require the defendant to furnish a good and sufficient bond in a penal sum to be set by the court, not less than One Thousand Dollars ($1,000.00), which shall be conditioned upon future compliance in all particulars with the injunction entered, and in the event of failure of the defendant to furnish such bond when so ordered, the defendant shall be confined in the county jail pending compliance therewith. Such bond shall be mandatory as to any person hereafter found guilty of a second contempt of court for violation of any injunction entered pursuant to the State Dental Act, or any preceding state dental act. Added by Laws 1970, c. 173, § 49, eff. July 1, 1970. Amended by Laws 1996, c. 2, § 17, eff. Nov. 1, 1996; Laws 2003, c. 172, § 10, emerg. eff. May 5, 2003; Laws 2008, c. 358, § 1, eff. Nov. 1, 2008; Laws 2012, c. 270, § 11, eff. Nov. 1, 2012.

§59-328.50. Repealed by Laws 2000, c. 283, § 7, eff. Nov. 1, 2000.

§59-328.51a. Fees.

A. The Board of Dentistry is authorized to charge the following fees for the purpose of implementing and enforcing the State Dental Act. The penalty and late fee shall be twice the amount of the original fee for license renewals. Notwithstanding any other provisions of the State Dental Act, the fees established by the

Board shall be not less nor more than the range created by the following schedule:

1. LICENSE AND PERMIT APPLICATION FEES:

| | Minimum | Maximum |
|---|---|---|
| a. License by Examination | | |
| Dentist | $200.00 | $400.00 |
| Dental Hygienist | $100.00 | $200.00 |
| b. License by Credentialing | | |
| Dentist | $500.00 | $1,000.00 |
| Dental Hygienist | $100.00 | $200.00 |
| c. Dental Specialty License by Examination | $300.00 | $600.00 |
| d. Dental Specialty License by Credentialing | $500.00 | $1,000.00 |
| e. Faculty Permit | | |
| Dentist | $100.00 | $200.00 |
| Dental Hygienist | $50.00 | $100.00 |
| f. Dental Student Intern Permit | $50.00 | $200.00 |
| g. Temporary License to Practice Dental Hygiene | $50.00 | $100.00 |
| h. Dental Assistant or Oral Maxillofacial Surgery Assistant Permit | $50.00 | $100.00 |
| i. Dental Assistant with Expanded Duty or Duties by Credential | $100.00 | $200.00 |
| j. Temporary License to Practice Dentistry | $75.00 | $150.00 |
| k. Permit to Operate a Dental Laboratory – current Oklahoma licensed dentist | $20.00 | $60.00 |
| l. General Anesthesia Permit Dentist | $100.00 | $200.00 |
| m. Conscious Sedation Permit Dentist | $100.00 | $200.00 |
| n. Permit to Operate a Dental Laboratory – commercial | $200.00 | $500.00 |

2. RE-EXAMINATION FEES:

| | | |
|---|---|---|
| a. License by Examination | | |
| Dentist | $200.00 | $400.00 |
| Dental Hygienist | $100.00 | $200.00 |
| b. Dental Specialty License by Examination | $300.00 | $600.00 |
| c. Jurisprudence Only Re-Examination | | |
| Dentist | $10.00 | $20.00 |
| Dental Hygienist | $10.00 | $20.00 |

| | | | |
|---|---|---|---|
| 3. | ANNUAL RENEWAL FEES: | | |
| a. | Dentist | $200.00 | $400.00 |
| b. | Dental Hygienist | $100.00 | $200.00 |
| c. | Dental Specialty License | $100.00 | $200.00 |
| d. | Faculty Permit | | |
| | Dentist | $50.00 | $100.00 |
| | Dental Hygienist | $50.00 | $100.00 |
| e. | Dental Resident, Dental Fellowship | $100.00 | $200.00 |
| f. | Dental Assistant, Oral Maxillofacial Surgery Assistant, or Dental Student Intern Permit | $50.00 | $100.00 |
| g. | Permit to Operate a Dental Laboratory, current Oklahoma Licensed dentist | $20.00 | $60.00 |
| h. | General Anesthesia Permit | | |
| | Dentist | $100.00 | $200.00 |
| i. | Conscious Sedation Permit | | |
| | Dentist | $100.00 | $200.00 |
| j. | Permit to Operate a Dental Laboratory, non-dentist owner | $300.00 | $500.00 |
| 4. | OTHER FEES: | | |
| a. | Duplicate License | | |
| | Dentist or Dental Hygienist | $30.00 | $40.00 |
| b. | Duplicate Permit or Registration | $5.00 | $15.00 |
| c. | Certificate of Good Standing | $5.00 | $15.00 |
| d. | Professional Entity Certification Letter | $5.00 | $20.00 |
| e. | Professional Entity Registration or Update | $5.00 | $20.00 |
| f. | Mobile Dental Clinic | $200.00 | $400.00 |
| g. | List of the Name and Current Mailing Address of all Persons who hold a License or Permit issued by the Board. (A request for a list shall be submitted to the Board in writing noting the specific proposed use of the list.) | $25.00 | $75.00 |
| h. | Official State Dental License Identification Card with Picture | $25.00 | $35.00 |
| i. | Returned checks | $25.00 | $30.00 |

B. A person who holds a license to practice dentistry in this state, and who also holds a dental specialty license, shall not be required to pay an annual renewal fee for the dental specialty license if the licensee has paid the annual renewal fee for the license to practice dentistry.
Added by Laws 1996, c. 2, § 18, eff. Nov. 1, 1996. Amended by Laws 1997, c. 108, § 7, eff. Nov. 1, 1997; Laws 2003, c. 172, § 11, emerg. eff. May 5, 2003; Laws 2013, c. 405, § 17, eff. July 1, 2013; Laws 2017, c. 302, § 7, emerg. eff. May 17, 2017; Laws 2018, c. 151, § 15, eff. Nov. 1, 2018; Laws 2019, c. 397, § 11.

§59-328.53. Dentists - Professional malpractice liability insurance.

A. All dentists in active practice licensed by the Board of Dentistry shall maintain a policy for professional malpractice liability insurance; provided, however, that such requirement shall not apply to dentists:

1. Covered by a group or hospital malpractice insurance policy;

2. Practicing in a state facility subject to The Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes;

3. Practicing in a federal facility subject to the Federal Tort Claims Act;

4. Providing care as a volunteer under a special volunteer license pursuant to Section 328.23a of this title;

5. Providing care as a retired dentist with a valid license in a volunteer, nonpaid capacity;

6. Practicing or residing in another state or country, who will not practice within this state during the license renewal year. A dentist that is residing but not practicing in this state but wishes to maintain an active license may sign an affidavit stating that the dentist is not practicing dentistry, listing the specific dates during which the dentist will not practice. The dentist must notify the Board in writing and provide proof of malpractice insurance no less than ten (10) days prior to resuming practice; or

7. A dentist may petition the Board to be temporarily exempted due to health, injury or other personal exigent circumstance during the year. A signed and sworn affidavit and other documentation may be required by the Board. The Board at its discretion may exempt a dentist for a specific stated period of time.

B. The Board of Dentistry may promulgate rules as necessary to carry out the provisions of this section including, but not limited to, minimum requirements for professional malpractice liability insurance policies and penalties for noncompliance.
Added by Laws 2011, c. 262, § 8, eff. July 1, 2011. Amended by Laws 2012, c. 270, § 12, eff. Nov. 1, 2012; Laws 2013, c. 405, § 18, eff.

July 1, 2013; Laws 2018, c. 151, § 16, eff. Nov. 1, 2018; Laws 2022, c. 158, § 8, eff. Nov. 1, 2022.

§59-328.54. Dental practice - Diagnosis via the Internet.

A. Any person conducting a diagnosis for the purpose of prescribing medication or treatment or any other action determined to be a dental practice as defined by the State Dental Act, via the Internet or other telecommunications device on any patient that is physically located in this state shall hold a valid Oklahoma state dental license.

B. A dentist holding a valid dental license in Oklahoma may consult, diagnose and treat a patient of record via synchronous or asynchronous telecommunication between the patient and dentist. The dentist must record all activities relating to teledentistry in the patient record and must have an office location in Oklahoma available for follow-up treatment and maintenance of records.
Added by Laws 2012, c. 270, § 13, eff. Nov. 1, 2012. Amended by Laws 2021, c. 566, § 14, emerg. eff. May 28, 2021.

§59-328.55. Death of patient - Notification of Board.

All licensees engaged in the practice of dentistry in this state shall notify the Board within twenty-four (24) hours of the discovery of a death of a patient or an emergency hospital visit pursuant to treatment in a dental office and potentially related to the practice of dentistry by the licensee. A licensee shall submit a complete report to the Board of any fatality or serious injury occurring during the practice of dentistry or the discovery of the death of a patient whose death is causally related to the practice of dentistry by the licensee within thirty (30) days of such occurrence.
Added by Laws 2012, c. 270, § 14, eff. Nov. 1, 2012. Amended by Laws 2018, c. 151, § 17, eff. Nov. 1, 2018.

§59-328.56. Unauthorized or forged prescribing of controlled dangerous substances.

Every dentist shall have a duty to guard against the illegal diversion and unauthorized or forged prescribing of controlled dangerous substances while practicing dentistry and shall:

1. Notify the Board within twenty-four (24) hours of discovery that an employee or other person, known or unknown, has forged or authorized without the dentist’s permission, a prescription via a telecommunications device, electronic prescribing device, written prescription, or otherwise communicated or transferred information with the intent of allowing a person to obtain a controlled dangerous substance in the dentist’s name or by any identifiable license number of the dentist;

2. Maintain all written prescription pads in a safe place while practicing dentistry and shall ensure such prescription pads are not directly accessible to patients;

3. Ensure that all prescriptions issued shall clearly identify the name and current address of the issuing dentist; and

4. Not issue a prescription on a prescribing form in a preprinted format that lists the name of another dentist not presently licensed by the Board.

Added by Laws 2012, c. 270, § 15, eff. Nov. 1, 2012.

§59-328.57. Providing care during a pandemic, disaster or emergency – Administering vaccinations.

A. Upon the declaration by governmental officials of a health pandemic or a state or federal disaster or emergency, dentists and dental hygienists and dental assistants working under the supervision of a dentist or physician, acting in good faith, shall be considered to be acting within the scope of their profession when providing all needed care during such a declared local, state or national emergency, and shall be allowed to perform services requested of them.

B. Dentists are authorized to administer vaccinations. All dentists shall comply with Centers for Disease Control and Prevention or State Department of Health documentation if required.

C. Dental hygienists are authorized to administer vaccinations while working under the general supervision of a physician as defined by subsection C of Section 725.2 of Title 59 of the Oklahoma Statutes.

Added by Laws 2021, c. 566, § 15, emerg. eff. May 28, 2021.

§59-328.58. Dentists utilizing dental hygienist with elder care advanced procedure permit to treat patients utilizing teledentistry — Permissible facilities — Expanded duty permit for elder care and public health for dental assistants.

A. A licensed dentist may allow a dental hygienist with an elder care advanced procedure permit to treat patients under general supervision by utilizing teledentistry on a patient in:

1. A nursing facility, specialized facility, or nursing care component of a continuum of care facility licensed under or otherwise subject to the Nursing Home Care Act, Section 1-1901 et seq. of Title 63 of the Oklahoma Statutes;

2. An assisted living center or continuum of care facility licensed under the Continuum of Care and Assisted Living Act, Section 1-890.1 et seq. of Title 63 of the Oklahoma Statutes;

3. A residential care home licensed under the Residential Care Act, Section 1-819 et seq. of Title 63 of the Oklahoma Statutes;

4. An adult day care center or adult day care component of a continuum of care facility licensed under or otherwise subject to

the Adult Day Care Act, Section 1-870 et seq. of Title 63 of the Oklahoma Statutes; or

5. Another healthcare facility or long-term care facility as specifically approved by the Board of Dentistry.

B. A dental hygienist with a minimum of two (2) years of licensed active hygiene practice may apply to the Board for an advanced procedure permit for elder care and public health.

C. Upon receipt of the advanced procedure permit, the dental hygienist may provide hygiene treatments to a new or existing patient in a facility listed in subsection A of this section, utilizing mobile or other applicable dental equipment. In addition to a written record and patient file, the hygienist shall complete a visual recording of the patient's mouth through video or live teledentistry to aid the dentist in completing an evaluation and diagnosis of the patient. The video recording shall be maintained as part of the patient record.

D. A dentist shall complete an in-person, live, or recorded teledentistry assessment, diagnosis, and treatment plan for the patient taking into consideration the needs, health, and physical abilities of the patient a minimum of every thirteen (13) months.

E. The supervising dentist shall maintain all patient records including teledentistry recordings for a period of seven (7) years.

F. A dental assistant having a minimum of two (2) years of active dental assisting practice may apply to the Board for an expanded duty permit for elder care and public health. Upon receipt of the expanded duty permit, the dental assistant may assist a hygienist while providing treatment in a facility listed in subsection A of this section under the general supervision of the supervising dentist. The patient records shall list the dental assistant providing treatment while assisting the dental hygienist.
Added by Laws 2023, c. 220, § 7, eff. July 1, 2023.

§59-328.60. Citation - Subsequent enactments.

A. Part 2 of Chapter 7 of this title shall be known and may be cited as the "Oklahoma Dental Mediation Act".

B. All statutes hereinafter enacted and codified in Part 2 of Chapter 7 of this title shall be considered and deemed part of the Oklahoma Dental Mediation Act.
Added by Laws 1991, c. 213, § 1, emerg. eff. May 21, 1991. Amended by Laws 1996, c. 2, § 19, eff. Nov. 1, 1996.

§59-328.61. Declaration of public policy.

It is the declared public policy of the State of Oklahoma that the provision of quality dental health care is essential to the well-being of all citizens of this state, as is the expeditious resolution of disputes relating to dental treatment. The monitoring and assessment of dental services through a mediation system is an

efficient and reasonable method of providing an alternative dispute resolution mechanism for patient-dentist disputes while also promoting quality health care that addresses patients' concerns about the quality of treatment. The Legislature, therefore, declares that for the public good, and the general welfare of the citizens of this state, the enactment of the Oklahoma Dental Mediation Act is required.
Added by Laws 1991, c. 213, § 2, emerg. eff. May 21, 1991.

§59-328.62. Definitions - Mediation committee - Powers.

As used in the Oklahoma Dental Mediation Act:

1. "Board" means the Board of Dentistry;

2. "Dentist" means a person who has been licensed by the Board to practice dentistry, as defined in Section 328.19 of this title; and

3. "Mediation committee" means a committee of persons duly constituted of or appointed by a statewide organization representing dentists. The Committee shall consist of two (2) members of a statewide organization representing dentists and one former member of the Board not presently serving. The mediation committee is authorized, upon receiving a written request for a review, to conduct a review of the complaints or requests for review of persons, the treatment performed by a dentist and, where appropriate, hold hearings and conduct personal examinations of dental treatment of patients. The mediation committee may, but shall not be obligated to:

a. evaluate the quality of health care services provided by the dentist being reviewed,

b. determine whether health care services rendered were professionally indicated or were performed in compliance with the applicable standards of care,

c. evaluate the quality and timeliness of health care services rendered by a dentist for a patient, and

d. recommend to the parties, a method of settlement, for their acceptance or rejection.

Any decision by the mediation committee not to review a matter shall be communicated by the committee to the affected persons within thirty (30) days after the committee has received the material submitted pursuant to Section 328.65 of this title.
Added by Laws 1991, c. 213, § 3, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 1, eff. Nov. 1, 1997; Laws 2015, c. 229, § 26, eff. July 1, 2015.

§59-328.63. Voluntary status - Protections from liability.

A. A mediation conducted through the Oklahoma Dental Mediation Act shall be voluntary and shall not be construed as a final action for the purposes of injunctive relief or the basis for an appeal to

district court. A mediation committee, entities creating such mediation committees, members and staff of such mediation committee, and other persons who assist such mediation committees shall not be liable in any way for damages or injunctive relief under any law of this state with respect to any action taken in good faith by such mediation committee.

B. Any person who supplies information to a mediation committee in good faith and with reasonable belief that such information is true shall not be liable in any way for damages or injunctive relief under any law of this state with respect to giving such information to the mediation committee.

C. Either party involved in the mediation may request to be dismissed from the process at any time. Upon dismissal from the mediation program, the matter shall be referred back to the referring entity.

D. Upon the completion of a successful mediation, the referring entity shall be given notice that the mediation was successful. Added by Laws 1991, c. 213, § 4, emerg. eff. May 21, 1991. Amended by Laws 2015, c. 229, § 27, eff. July 1, 2015.

§59-328.64. Proceedings of mediation committee privileged - Exceptions.

A. Except as provided in subsections B and C of this section, any reports, statements, memoranda, proceedings, findings, or other records of mediation committees shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding. Nor shall any participants in the mediation process be compelled to disclose the proceedings of the mediation committee by deposition, interrogatories, requests for admission, or other means of legal compulsion for use as evidence in any judicial or administrative proceeding. This privilege may be claimed by the legal entity creating the mediation committee, the mediation committee, the individual members of the mediation committee, the dentist whose conduct is being examined, the patient requesting mediation and any witnesses testifying before or supplying information to the mediation committee. Such privilege shall only protect information derived from the mediation proceedings and shall not restrict discovery directed to the dentist who treated the patient, even though the testimony or records of the dentist have become part of the mediation record.

B. Nothing in this section shall limit the authority, which may otherwise be provided by law, of the Board of Dentistry to obtain records of proceedings of the mediation committee for use:

1. In conjunction with the determination of appeals of mediation committee recommendations;

2. In an investigation being conducted by a review panel of the Board, pursuant to Section 328.43a of this title; or

3. In an individual proceeding being conducted by the Board, pursuant to Section 328.44a of this title.

C. Nothing in this section shall limit the authority, which may otherwise be provided by law, of the Attorney General of the State of Oklahoma, a District Attorney, or a United States Attorney to obtain records of proceedings of the mediation committee for use in investigations or litigation, conducted by the State of Oklahoma or the federal government.

Added by Laws 1991, c. 213, § 5, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 2, eff. Nov. 1, 1997.

§59-328.65. Review of course of treatment rendered by a dentist - Election by patient - Submission of statement by dentist.

A patient may voluntarily seek review of a course of treatment rendered by a dentist. Such review is not mandatory or required prior to the initiation of litigation and the Oklahoma Dental Mediation Act shall in no way limit the patient's access to the courts nor in any way require the patient to participate in mediation proceedings as a prerequisite to initiating suit. If the patient elects to participate in the mediation procedure, the patient must file a written request for the review with a mediation committee in accordance with such rules that the organizations appointing the mediation committee may prescribe. In the request for review, the patient must provide the mediation committee with a true and correct statement of all material facts relating to the course of treatment complained of, the nature of the complaint, and the requested relief sought, in addition to any other requirements that may be prescribed by rule.

The dentist shall thereafter submit a true and correct statement of all material facts relating to the course of treatment complained of, the nature of the complaint, and the dentist's recommended action, if any, in addition to any other requirements that may be prescribed by rule.

The material submitted by the patient and dentist shall be provided by the committee to the opposing party.

Added by Laws 1991, c. 213, § 6, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 3, eff. Nov. 1, 1997.

§59-328.66. Recommendations of mediation committee.

Written recommendations of a mediation committee rendered pursuant to a request for review shall be given to the patient and the dentist concerned, by delivery thereof or by mailing such recommendations to the last-known address of each. The recommendations of the mediation committee shall not be binding on the patient or the dentist, but shall provide an objective

assessment of the facts and the course of treatment rendered, and shall include, when appropriate, a proposed remedy or solution to the complaint presented in the request for review.
Added by Laws 1991, c. 213, § 7, emerg. eff. May 21, 1991.

§59-328.67. Appeal to state mediation appeals committee.

The patient or dentist may appeal the recommendation of the mediation committee to an appellate body to be known as the state mediation appeals committee. A request for an appeal shall be timely filed and conducted in accordance with the prescribed rules. A party must first request an appeal with the state mediation appeals committee before proceeding with a final appeal to the Board of Dentistry. If no intermediate appeal is provided by the applicable mediation program rules, a party may proceed directly to a final appeal before the Board of Dentistry, pursuant to Section 328.68 of this title. The state mediation appeals committee may either affirm, modify or reverse the recommendation of the mediation committee, and shall issue its written nonbinding recommendation to the parties.
Added by Laws 1991, c. 213, § 8, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 4, eff. Nov. 1, 1997.

§59-328.68. Request for final appeal.

The patient or dentist may file a request for a final appeal of a recommendation of the mediation committee or a recommendation of the state mediation appeals committee to the Board of Dentistry within thirty (30) days after the date of mailing of the mediation committee recommendation or the state mediation appeals committee recommendation. If such recommendation is not mailed, a patient or dentist may file a request for a final appeal within thirty (30) days after the date of delivery of such recommendation to the appealing party.
Added by Laws 1991, c. 213, § 9, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 5, eff. Nov. 1, 1997.

§59-328.69. Review and hearing by the Board of Governors of Registered Dentists.

The Board of Dentistry shall review the record of the mediation committee recommendation and the state mediation appeals committee in determining any final appeal. The Board may conduct a formal hearing upon the request of a party or upon its own initiative and may affirm, modify, or reverse the recommendation appealed. Any formal hearing shall be conducted by one or more members of the Board as it may determine, and a hearing shall be conducted in accordance with such rules as it may prescribe. The action of the Board in ruling upon the appealed recommendation shall constitute a final nonappealable decision, however, the final recommendation of

the Board shall not be binding on the parties involved in the dispute.
Added by Laws 1991, c. 213, § 10, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 6, eff. Nov. 1, 1997.

§59-328.70. Reasonable procedural rules to be followed.
The mediation committee, the state mediation appeals committee, and the Board of Dentistry shall not be bound by common law or statutory rules of evidence or by technical rules of procedure, but any hearing shall be conducted in such manner as to ascertain the substantial rights of the parties. Mediation committees, state mediation appeals committees, and the Board shall apply reasonable procedural rules consistent with the provisions of the Oklahoma Dental Mediation Act. Each governing organization which is involved in the formation of mediation committees as described in paragraph 3 of Section 328.62 of this title shall adopt and, from time to time, may modify and amend rules of procedure.
Added by Laws 1991, c. 213, § 11, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 7, eff. Nov. 1, 1997.

§59-328.71. Appeals proceedings privileged and protected from liability - Admissibility of findings or recommendations during hearing or trial of litigation.
A. The protections of Section 328.64 of this title relating to the records created by mediation committees shall apply equally to any records, documents, or proceedings produced in any appeal of a mediation committee recommendation or a state mediation appeals committee recommendation, and protections from liability contained in Section 328.63 of this title shall apply equally to persons conducting or participating in appeal proceedings.
B. Neither the whole nor any portion of the findings or recommendations of a mediation committee, state mediation appeals committee, or the Board of Dentistry shall be introduced or admissible during any hearing or trial of litigation brought by the patient, unless both patient and dentist, after the court filing of a petition/complaint agree that the whole or a portion of the findings of the mediation committee, state mediation appeals committee, or the Board will be introduced or admitted during a hearing or trial.
Added by Laws 1991, c. 213, § 12, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 8, eff. Nov. 1, 1997.

§59-328.72. Implied repeal by subsequent legislation - Election out from federal coverage and reporting requirements.
The Oklahoma Dental Mediation Act being a general act intended as a unified coverage of the subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such

construction can reasonably be avoided. This legislation affirmatively elects out, to the extent permitted by law, from the coverage and reporting requirements of the federal legislation, PL 99-660, with respect to all persons practicing dentistry in this state.
Added by Laws 1991, c. 213, § 13, emerg. eff. May 21, 1991.

§59-328.73. Election of remedies - Patient's rights.
A. A person may pursue any remedy now available through the courts, without first utilizing the provisions of the Oklahoma Dental Mediation Act.
B. No provisions of the Oklahoma Dental Mediation Act shall in any manner limit, alter, modify, delay, compromise or otherwise affect in any respect a patient's right to initiate litigation for relief.
Added by Laws 1991, c. 213, § 14, emerg. eff. May 21, 1991. Amended by Laws 1997, c. 203, § 9, eff. Nov. 1, 1997.

§59-353. Short title - Purpose - Declaration of pharmacy as profession.
A. Sections 353 through 366 of Title 59 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Pharmacy Act".
B. It is the purpose of the Oklahoma Pharmacy Act to promote, preserve and protect the public health, safety and welfare by and through the effective control and regulation of the practice of pharmacy and of the registration of drug outlets engaged in the manufacture, production, sale and distribution of dangerous drugs, medication, devices and such other materials as may be used in the diagnosis and treatment of injury, illness and disease.
C. In recognition of and consistent with the decisions of the appellate courts of this state, the practice of pharmacy is hereby declared to be a profession.
Added by Laws 1990, c. 120, § 1. Amended by Laws 1993, c. 199, § 1, emerg. eff. May 24, 1993.

§59-353.1. Definitions.
For the purposes of the Oklahoma Pharmacy Act:
1. "Accredited program" means those seminars, classes, meetings, work projects, and other educational courses approved by the Board for purposes of continuing professional education;
2. "Act" means the Oklahoma Pharmacy Act;
3. "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient;
4. "Assistant pharmacist" means any person presently licensed as an assistant pharmacist in the State of Oklahoma by the Board

pursuant to Section 353.10 of this title and for the purposes of the Oklahoma Pharmacy Act shall be considered the same as a pharmacist, except where otherwise specified;

5. "Board" or "State Board" means the State Board of Pharmacy;

6. "Certify" or "certification of a prescription" means the review of a filled prescription by a licensed pharmacist or a licensed practitioner with dispensing authority to confirm that the medication, labeling and packaging of the filled prescription are accurate and meet all requirements prescribed by state and federal law. For the purposes of this paragraph, "licensed practitioner" shall not include optometrists with dispensing authority;

7. "Chemical" means any medicinal substance, whether simple or compound or obtained through the process of the science and art of chemistry, whether of organic or inorganic origin;

8. "Compounding" means the combining, admixing, mixing, diluting, pooling, reconstituting or otherwise altering of a drug or bulk drug substance to create a drug. Compounding includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns;

9. "Continuing professional education" means professional, pharmaceutical education in the general areas of the socioeconomic and legal aspects of health care; the properties and actions of drugs and dosage forms; and the etiology, characteristics and therapeutics of the diseased state;

10. "Dangerous drug", "legend drug", "prescription drug" or "Rx Only" means a drug:

a. for human use subject to 21 U.S.C. 353(b)(1), or

b. is labeled "Prescription Only", or labeled with the following statement: "Caution: Federal law restricts this drug except for use by or on the order of a licensed veterinarian.";

11. "Director" means the Executive Director of the State Board of Pharmacy unless context clearly indicates otherwise;

12. "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a prescription drug order including the preparation and delivery of a drug or device to a patient or a patient's agent in a suitable container appropriately labeled for subsequent administration to, or use by, a patient. Dispense includes sell, distribute, leave with, give away, dispose of, deliver or supply;

13. "Dispenser" means a retail pharmacy, hospital pharmacy, a group of chain pharmacies under common ownership and control that do not act as a wholesale distributor, or any other person authorized by law to dispense or administer prescription drugs, and the affiliated warehouses or distributions of such entities under common ownership and control that do not act as a wholesale distributor. For the purposes of this paragraph, "dispenser" does not mean a

person who dispenses only products to be used in animals in accordance with 21 U.S.C. 360b(a)(5);

14. "Distribute" or "distribution" means the sale, purchase, trade, delivery, handling, storage, or receipt of a product, and does not include the dispensing of a product pursuant to a prescription executed in accordance with 21 U.S.C. 353(b)(1) or the dispensing of a product approved under 21 U.S.C. 360b(b); provided, taking actual physical possession of a product or title shall not be required;

15. "Doctor of Pharmacy" means a person licensed by the Board to engage in the practice of pharmacy. The terms "pharmacist", "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall have the same meaning wherever they appear in the Oklahoma Statutes and the rules promulgated by the Board;

16. "Drug outlet" means all manufacturers, repackagers, outsourcing facilities, wholesale distributors, third-party logistics providers, pharmacies, and all other facilities which are engaged in dispensing, delivery, distribution or storage of dangerous drugs;

17. "Drugs" means all medicinal substances and preparations recognized by the United States Pharmacopoeia and National Formulary, or any revision thereof, and all substances and preparations intended for external and/or internal use in the cure, diagnosis, mitigation, treatment or prevention of disease in humans or animals and all substances and preparations, other than food, intended to affect the structure or any function of the body of a human or animals;

18. "Drug sample" means a unit of a prescription drug packaged under the authority and responsibility of the manufacturer that is not intended to be sold and is intended to promote the sale of the drug;

19. "Durable medical equipment" has the same meaning as provided by Section 2 of this act;

20. "Filled prescription" means a packaged prescription medication to which a label has been affixed which contains such information as is required by the Oklahoma Pharmacy Act;

21. "Hospital" means any institution licensed as a hospital by this state for the care and treatment of patients, or a pharmacy operated by the Oklahoma Department of Veterans Affairs;

22. "Licensed practitioner" means an allopathic physician, osteopathic physician, podiatric physician, dentist, veterinarian or optometrist licensed to practice and authorized to prescribe dangerous drugs within the scope of practice of such practitioner;

23. "Manufacturer" or "virtual manufacturer" means with respect to a product:

a. a person that holds an application approved under 21 U.S.C. 355 or a license issued under 42 U.S.C. 262 for

such product, or if such product is not the subject of an approved application or license, the person who manufactured the product,

b. a co-licensed partner of the person described in subparagraph a that obtains the product directly from a person described in this subparagraph or subparagraph a of this paragraph,

c. an affiliate of a person described in subparagraph a or b who receives the product directly from a person described in this subparagraph or in subparagraph a or b of this paragraph, or

d. a person who contracts with another to manufacture a product;

24. "Manufacturing" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical or biological synthesis and includes any packaging or repackaging of the substances or labeling or relabeling of its container, and the promotion and marketing of such drugs or devices. The term "manufacturing" also includes the preparation and promotion of commercially available products from bulk compounds for resale by licensed pharmacies, licensed practitioners or other persons;

25. "Medical gas" means those gases including those in liquid state upon which the manufacturer or distributor has placed one of several cautions, such as "Rx Only", in compliance with federal law;

26. "Medical gas order" means an order for medical gas issued by a licensed prescriber;

27. "Medical gas distributor" means a person licensed to distribute, transfer, wholesale, deliver or sell medical gases on drug orders to suppliers or other entities licensed to use, administer or distribute medical gas and may also include a patient or ultimate user;

28. "Medical gas supplier" means a person who dispenses medical gases on drug orders only to a patient or ultimate user;

29. "Medicine" means any drug or combination of drugs which has the property of curing, preventing, treating, diagnosing or mitigating diseases, or which is used for that purpose;

30. "Nonprescription drugs" means medicines or drugs which are sold without a prescription and which are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government. Such items shall also include medical and dental supplies and bottled or nonbulk chemicals which are sold or offered for sale to the general public if such articles or preparations meet the requirements of the Federal Food, Drug and Cosmetic Act, 21 U.S.C.A., Section 321 et seq.;

31. "Outsourcing facility" including "virtual outsourcing facility" means a facility at one geographic location or address that:

a. is engaged in the compounding of sterile drugs,

b. has elected to register as an outsourcing facility, and

c. complies with all requirements of 21 U.S.C. 353b;

32. "Package" means the smallest individual saleable unit of product for distribution by a manufacturer or repackager that is intended by the manufacturer for ultimate sale to the dispenser of such product. For the purposes of this paragraph, "individual saleable unit" means the smallest container of a product introduced into commerce by the manufacturer or repackager that is intended by the manufacturer or repackager for individual sale to a dispenser;

33. "Person" means an individual, partnership, limited liability company, corporation or association, unless the context otherwise requires;

34. "Pharmacist-in-charge" or "PIC" means the pharmacist licensed in this state responsible for the management control of a pharmacy and all other aspects of the practice of pharmacy in a licensed pharmacy as defined by Section 353.18 of this title;

35. "Pharmacy" means a place regularly licensed by the Board of Pharmacy in which prescriptions, drugs, medicines, chemicals and poisons are compounded or dispensed or such place where pharmacists practice the profession of pharmacy, or a pharmacy operated by the Oklahoma Department of Veterans Affairs;

36. "Pharmacy technician", "technician", "Rx tech", or "tech" means a person issued a Technician permit by the State Board of Pharmacy to assist the pharmacist and perform nonjudgmental, technical, manipulative, non-discretionary functions in the prescription department under the immediate and direct supervision of a pharmacist;

37. "Poison" means any substance which when introduced into the body, either directly or by absorption, produces violent, morbid or fatal changes, or which destroys living tissue with which such substance comes into contact;

38. "Practice of pharmacy" means:

a. the interpretation and evaluation of prescription orders,

b. the compounding, dispensing, administering and labeling of drugs and devices, except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices,

c. the participation in drug selection and drug utilization reviews,

d. the proper and safe storage of drugs and devices and the maintenance of proper records thereof,
e. the responsibility for advising by counseling and providing information, where professionally necessary or where regulated, of therapeutic values, content, hazards and use of drugs and devices,
f. the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy, or
g. the provision of those acts or services that are necessary to provide pharmaceutical care;

39. "Preparation" means an article which may or may not contain sterile products compounded in a licensed pharmacy pursuant to the order of a licensed prescriber;

40. "Prescriber" means a person licensed in this state who is authorized to prescribe dangerous drugs within the scope of practice of the person's profession;

41. "Prescription" means and includes any order for drug or medical supplies written or signed, or transmitted by word of mouth, telephone or other means of communication:

a. by a licensed prescriber,
b. under the supervision of an Oklahoma licensed practitioner, an Oklahoma licensed advanced practice registered nurse or an Oklahoma licensed physician assistant, or
c. by an Oklahoma licensed wholesaler or distributor as authorized in Section 353.29.1 of this title;

42. "Product" means a prescription drug in a finished dosage form for administration to a patient without substantial further manufacturing, such as capsules, tablets, and lyophilized products before reconstitution. "Product" does not include blood components intended for transfusion, radioactive drugs or biologics and medical gas;

43. "Repackager", including "virtual repackager", means a person who owns or operates an establishment that repacks and relabels a product or package for further sale or distribution without further transaction;

44. "Sterile drug" means a drug that is intended for parenteral administration, an ophthalmic or oral inhalation drug in aqueous format, or a drug that is required to be sterile under state and federal law;

45. "Supervising physician" means an individual holding a current license to practice as a physician from the State Board of Medical Licensure and Supervision, pursuant to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, or the State Board of Osteopathic Examiners, pursuant to the provisions of the Oklahoma Osteopathic Medicine Act, who supervises

an advanced practice registered nurse as defined in Section 567.3a of this title, and who is not in training as an intern, resident, or fellow. To be eligible to supervise an advanced practice registered nurse, such physician shall remain in compliance with the rules promulgated by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners;

46. "Supportive personnel" means technicians and auxiliary supportive persons who are regularly paid employees of a pharmacy who work and perform tasks in the pharmacy as authorized by Section 353.18A of this title;

47. "Third-party logistics provider" including "virtual third-party logistics provider" means an entity that provides or coordinates warehousing, or other logistics services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of a product but does not take ownership of the product, nor have responsibility to direct the sale or disposition of the product. For the purposes of this paragraph, "third-party logistics provider" does not include shippers and the United States Postal Service;

48. "Wholesale distributor" including "virtual wholesale distributor" means a person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or repackager engaged in wholesale distribution as defined by 21 U.S.C. 353(e)(4) as amended by the Drug Supply Chain Security Act;

49. "County jail" means a facility operated by a county for the physical detention and correction of persons charged with, or convicted of, criminal offenses or ordinance violations or persons found guilty of civil or criminal contempt;

50. "State correctional facility" means a facility or institution that houses a prisoner population under the jurisdiction of the Department of Corrections;

51. "Unit dose package" means a package that contains a single dose drug with the name, strength, control number, and expiration date of that drug on the label; and

52. "Unit of issue package" means a package that provides multiple doses of the same drug, but each drug is individually separated and includes the name, lot number, and expiration date. Added by Laws 1961, p. 445, § 1, emerg. eff. May 22, 1961. Amended by Laws 1973, c. 146, § 1, emerg. eff. May 14, 1973; Laws 1984, c. 27, § 1, emerg. eff. March 22, 1984; Laws 1987, c. 20, § 1, eff. Nov. 1, 1987; Laws 1993, c. 199, § 2, emerg. eff. May 24, 1993; Laws 1996, c. 186, § 1, eff. Nov. 1, 1996; Laws 1998, c. 128, § 1, eff. Nov. 1, 1998; Laws 2001, c. 400, § 6, eff. Nov. 1, 2001; Laws 2002, c. 22, § 19, emerg. eff. March 8, 2002; Laws 2002, c. 408, § 1, emerg. eff. June 5, 2002; Laws 2004, c. 523, § 16, emerg. eff. June 9, 2004; Laws 2005, c. 18, § 1, eff. Nov. 1, 2005; Laws 2009, c.

321, § 1, eff. Nov. 1, 2009; Laws 2014, c. 340, § 1, eff. Nov. 1, 2014; Laws 2015, c. 230, § 1, eff. Nov. 1, 2015; Laws 2016, c. 285, § 1, eff. Nov. 1, 2016; Laws 2018, c. 106, § 1, eff. Nov. 1, 2018; Laws 2022, c. 288, § 6, eff. Nov. 1, 2022.
NOTE: Laws 2001, c. 281, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§59-353.1a. Advanced practice nurses - Prescribing authority.

A. Prescribing authority shall be allowed, under the medical direction of a supervising physician, for an advanced practice nurse recognized by the Oklahoma Board of Nursing in one of the following categories: advanced registered nurse practitioners, clinical nurse specialists, or certified nurse-midwives. The advanced practice nurse may write or sign, or transmit by word of mouth, telephone or other means of communication an order for drugs or medical supplies that is intended to be filled, compounded, or dispensed by a pharmacist. The supervising physician and the advanced practice nurse shall be identified at the time of origination of the prescription and the name of the advanced practice nurse shall be printed on the prescription label.

B. Pharmacists may dispense prescriptions for non-controlled prescription drugs authorized by an advanced practice nurse or physician assistant, not located in Oklahoma, provided that they are licensed in the state in which they are actively prescribing.

C. Pharmacists may only dispense prescriptions for controlled dangerous substances prescribed by an advanced practice nurse or physician assistant licensed in the State of Oklahoma and supervised by an Oklahoma-licensed practitioner.
Added by Laws 1996, c. 186, § 2, eff. Nov. 1, 1996. Amended by Laws 2018, c. 106, § 2, eff. Nov. 1, 2018.

§59-353.1b. Certified registered nurse anesthetist - Prescribing authority.

A certified registered nurse anesthetist has authority to order, select, obtain and administer drugs pursuant to rules adopted by the Oklahoma Board of Nursing, only when engaged in the preanesthetic preparation or evaluation; anesthesia induction, maintenance or emergence; or postanesthesia care practice of nurse anesthesia. A certified registered nurse anesthetist may order, select, obtain and administer drugs only during the perioperative or periobstetrical period.
Added by Laws 1997, c. 250, § 1, eff. Nov. 1, 1997. Amended by Laws 2009, c. 321, § 2, eff. Nov. 1, 2009.

§59-353.1c. Pharmacists — Prescribing nonprescription drugs for certain purposes.

A pharmacist licensed by the State Board of Pharmacy may, in accordance with state and federal laws and rules, prescribe nonprescription drugs for the purposes of extemporaneous compounding or compounding for a known patient need in the practice area. The Board may promulgate rules to implement this section.
Added by Laws 2023, c. 105, § 1, eff. Nov. 1, 2023.

§59-353.2. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.3. Board of Pharmacy - Membership - Qualifications - Terms of office - Appointments.

## A. The State Board of Pharmacy shall consist of six (6) persons, five who shall be licensed as pharmacists by this state and one who shall be a public member.

1. The pharmacist members shall be appointed by the Governor by and with the advice and consent of the Senate and shall:
   a. be registered and in good standing in the State of Oklahoma, and
   b. have been actively engaged in the practice of pharmacy within this state for a period of not less than five (5) years immediately prior to serving on the Board.

2. The public member shall be appointed by the Governor and shall:
   a. be a resident of the State of Oklahoma for not less than five (5) years, and
   b. not be a pharmacist or be related by blood or marriage within the third degree of consanguinity to a pharmacist.

B. The present members of the Board shall be appointed for a term of five (5) years. The public member of the Board shall serve a term coterminous with the Governor and shall serve at the pleasure of the Governor. The terms of the members of the Board shall expire on the 30th day of June of the year designated for the expiration of the term for which appointed but the member shall serve until a qualified successor has been duly appointed. No person shall be appointed to serve more than two consecutive terms. Appointments of pharmacists to the Board shall be made from a list of ten (10) names representative of the pharmacy profession submitted annually by the Executive Director of the Oklahoma Pharmacists Association after an election has been held by mail ballot.
Added by Laws 1961, p. 446, § 3, emerg. eff. May 22, 1961. Amended by Laws 1993, c. 199, § 3, emerg. eff. May 24, 1993; Laws 2009, c.

321, § 3, eff. Nov. 1, 2009; Laws 2015, c. 230, § 2, eff. Nov. 1, 2015.

§59-353.4. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.5. State Board of Pharmacy – Elections and terms - Executive Director.

A. The State Board of Pharmacy shall annually elect a president and vice-president of the Board. The president and vice-president shall serve for a term of one (1) year and shall perform the duties prescribed by the Board.

B. Each member of the Board shall receive necessary travel expenses incurred in the discharge of official duties pursuant to the State Travel Reimbursement Act.

C. The Board shall employ an Executive Director who is a licensed pharmacist in this state. The Executive Director shall serve as the Chief Administrative Officer for the agency, the Chief Executive Officer of the Board, and may serve as the Chief Inspector if certified as a peace officer. The Executive Director shall perform such duties as required by the Board. The Executive Director of the Board shall receive an annual salary to be fixed by the Board.

D. The Executive Director shall:

1. Deposit funds with the State Treasurer to be expended in the manner and for the purposes provided by law; and

2. Report to the Board at each meeting, presenting an accurate monthly account as to the funds of the Board and make available written and acknowledged claims for all disbursements made.

Added by Laws 1961, p. 447, § 5, emerg. eff. May 22, 1961. Amended by Laws 1993, c. 199, § 4, emerg. eff. May 24, 1993; Laws 2005, c. 419, § 2, eff. July 1, 2005; Laws 2009, c. 321, § 4, eff. Nov. 1, 2009; Laws 2015, c. 230, § 3, eff. Nov. 1, 2015; Laws 2018, c. 106, § 3, eff. Nov. 1, 2018.

§59-353.6. Repealed by Laws 2018, c. 106, § 14, eff. Nov. 1, 2018.

§59-353.7. State Board of Pharmacy - Powers.

The State Board of Pharmacy shall have the power and duty to:

1. Regulate the practice of pharmacy;

2. Regulate the sale and distribution of drugs, medicines, chemicals and poisons;

3. Regulate the dispensing of drugs and medicines in all places where drugs and medicines are compounded and/or dispensed;

4. Examine and issue appropriate certificates of licensure as Doctor of Pharmacy to all applicants whom the Board deems qualified under the provisions of the Oklahoma Pharmacy Act;

5. Issue licenses to manufacturers, repackagers, outsourcing facilities, wholesale distributors, third-party logistics providers, pharmacies and other dispensers, medical gas suppliers, medical gas distributors, and suppliers of durable medical equipment;

6. Issue sterile compounding and drug supplier permits for pharmacies at the fee set by the Board, with the expiration date of such permits to coincide with the pharmacy license annual expiration date;

7. Prescribe minimum standards with respect to floor space and other physical characteristics of pharmacies and hospital drug rooms as may be reasonably necessary for the maintenance of professional surroundings and for the protection of the safety and welfare of the public, and to refuse the issuance of new or renewal licenses for failure to comply with such standards. Minimum standards for hospital drug rooms shall be consistent with the State Department of Health, Hospital Standards, as defined in OAC 310:667;

8. Authorize its inspectors, compliance officers and duly authorized representatives to enter and inspect any and all places including premises, vehicles, equipment, contents and records, where drugs, medicines, chemicals or poisons are stored, sold, vended, given away, compounded, dispensed, manufactured, repackaged or transported;

9. Employ the number of inspectors and pharmacist compliance officers necessary in the investigation of criminal activity or preparation of administrative actions at an annual salary to be fixed by the Board, and to authorize necessary expenses. Any inspector certified as a peace officer by the Council on Law Enforcement Education and Training shall have statewide jurisdiction to perform the duties authorized by this section. In addition, the inspectors shall be considered peace officers and shall have the same powers and authority as that granted to peace officers. In addition, such inspectors or pharmacist compliance officers shall have the authority to take and copy records and the duty to confiscate all drugs, medicines, chemicals or poisons found to be stored, sold, vended, given away, compounded, dispensed or manufactured contrary to the provisions of the Oklahoma Pharmacy Act;

10. Investigate complaints, subpoena witnesses and records, initiate prosecution and hold hearings;

11. Administer oaths in all manners pertaining to the affairs of the Board and to take evidence and compel the attendance of witnesses on questions pertaining to the enforcement of the Oklahoma Pharmacy Act;

12. Reprimand, place on probation, suspend, revoke permanently and levy fines not to exceed Three Thousand Dollars ($3,000.00) for each count for which any person charged with violating the Oklahoma Pharmacy Act or Oklahoma Board of Pharmacy administrative rules has

been convicted in Board hearings. The Board also may take other disciplinary action. The Board may impose as part of any disciplinary action the payment of costs expended by the Board for any legal fees and costs including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees. The Board may also require additional continuing education including attendance at a live continuing education program and may require participation in a rehabilitation program for the impaired. The Board may take such actions singly or in combination, as the nature of the violation requires;

13. Adopt and establish rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession of pharmacy. Such rules shall be subject to amendment or repeal by the Board as the need may arise;

14. Make and publish rules such as may be necessary for carrying out and enforcing the provisions of the Oklahoma Pharmacy Act, Oklahoma drug laws and rules, federal drug laws and regulations, and make such other rules as in its discretion may be necessary to protect the health, safety and welfare of the public;

15. Establish and collect appropriate fees for licenses, permits, inspections and services provided; and such fees shall be nonrefundable. Such fees shall be promulgated to implement the provisions of the Oklahoma Pharmacy Act and the Oklahoma Abortion-Inducing Drug Certification Program Act under the provisions of the Administrative Procedures Act;

16. Regulate:

a. personnel working in a pharmacy, such as interns and supportive personnel including technicians, and issue pharmacy technician permits and intern licenses,

b. interns, preceptors and training areas through which the training of applicants occurs for licensure as a pharmacist, and

c. such persons regarding all aspects relating to the handling of drugs, medicines, chemicals and poisons;

17. Acquire by purchase, lease, gift, solicitation of gift or by any other manner, and to maintain, use and operate or to contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal or mixed or any interest therein unless otherwise provided by the Oklahoma Pharmacy Act; provided, all contracts for real property shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes;

18. Perform other such duties, exercise other such powers and employ such personnel as the provisions and enforcement of the Oklahoma Pharmacy Act may require; and

19. Approve pilot projects designed to utilize new or expanded technology or processes and provide patients with better pharmacy

products or provide pharmacy services in a more safe and efficient manner. Such approvals may include provisions granting exemptions to any rule adopted by the Board.
Added by Laws 1961, p. 447, § 7, emerg. eff. May 22, 1961. Amended by Laws 1976, c. 83, § 1, emerg. eff. May 3, 1976; Laws 1982, c. 172, § 2, emerg. eff. April 16, 1982; Laws 1993, c. 199, § 6, emerg. eff. May 24, 1993; Laws 1997, c. 250, § 3, eff. Nov. 1, 1997; Laws 2001, c. 281, § 3, eff. Nov. 1, 2001; Laws 2002, c. 408, § 2, emerg. eff. June 5, 2002; Laws 2004, c. 523, § 17, emerg. eff. June 9, 2004; Laws 2009, c. 321, § 6, eff. Nov. 1, 2009; Laws 2015, c. 230, § 5, eff. Nov. 1, 2015; Laws 2018, c. 106, § 4, eff. Nov. 1, 2018; Laws 2021, c. 578, § 17, eff. Nov. 1, 2021; Laws 2022, c. 288, § 7, eff. Nov. 1, 2022.

§59-353.7a. Licensure fees for certain entities.

The State Board of Pharmacy shall assess the following licensure fees for the stated entities:

1. For a medical gas distributor, Four Hundred Dollars ($400.00) for an initial license and Two Hundred Dollars ($200.00) for a license renewal;

2. For a supplier of durable medical equipment, Four Hundred Dollars ($400.00) for an initial license and Two Hundred Dollars ($200.00) for a license renewal;

3. For a combined license for a medical gas distributor and supplier of durable medical equipment, Six Hundred Dollars ($600.00) for an initial license and Three Hundred Dollars ($300.00) for a license renewal; and

4. For a medical gas supplier, an amount determined by the Board in rule.
Added by Laws 2022, c. 288, § 8, eff. Nov. 1, 2022.

§59-353.8. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.9. Licensed pharmacists - Qualifications - Applications for examination - Fees - Certification.

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

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

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

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

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

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

E. The Board shall have the power to issue original certificates of licensure to applicants for the score transfer process administered by the National Association of Boards of Pharmacy; provided, such applicants shall provide sufficient proof of compliance with the requirements of paragraphs 1 through 3 of subsection A of this section. Such applicants shall be charged a fee not to exceed Two Hundred Fifty Dollars ($250.00).

Added by Laws 1961, p. 448, § 9, emerg. eff. May 22, 1961. Amended by Laws 1976, c. 83, § 3, emerg. eff. May 3, 1976; Laws 1981, c. 75, § 1, emerg. eff. April 16, 1981; Laws 1987, c. 65, § 1, eff. Nov. 1, 1987; Laws 1988, c. 30, § 1, eff. Nov. 1, 1988; Laws 1993, c. 199, § 7, emerg. eff. May 24, 1993; Laws 1994, c. 43, § 1, emerg. eff. April 11, 1994; Laws 2004, c. 523, § 18, emerg. eff. June 9, 2004; Laws 2009, c. 321, § 7, eff. Nov. 1, 2009; Laws 2015, c. 230, § 6, eff. Nov. 1, 2015; Laws 2019, c. 363, § 13, eff. Nov. 1, 2019.

§59-353.10. Assistant pharmacists.

A. Any person who was licensed as an assistant pharmacist before July 27, 1961, and who met the standards and requirements for licensure pursuant to the Oklahoma Pharmacy Act may practice as an assistant pharmacist.

B. Assistant pharmacists shall not manage a pharmacy.

C. Every assistant pharmacist shall meet the same requirements for pharmacists listed in Sections 353.11, 353.12 and 353.16A of this title.

Added by Laws 1961, p. 449, § 10, emerg. eff. May 22, 1961. Amended by Laws 1961, p. 453, § 1, emerg. eff. July 27, 1961; Laws 1993, c. 199, § 8, emerg. eff. May 24, 1993; Laws 2009, c. 321, § 8, eff. Nov. 1, 2009.

§59-353.11. License renewal - Fee

A. 1. Every licensed pharmacist who desires to continue in the profession of pharmacy in this state shall, on or before the expiration date of the license, complete a renewal form and remit to the State Board of Pharmacy a renewal fee to be fixed by the Board. Upon compliance with the provisions of the Oklahoma Pharmacy Act and payment of such renewal fee by a licensee in good standing with the Board, a renewal certificate of licensure shall be issued.

2. Every licensed pharmacist who fails to complete a renewal form and remit the required renewal fee to the Board by the fifteenth day after the expiration of the license shall pay a late fee to be fixed by the Board.

B. If any pharmacist fails or neglects to procure the renewal of his or her license, as herein required, the Board may, after the expiration of thirty (30) days following the issue of the notice, deprive the person of his or her license and all other privileges conferred by the Oklahoma Pharmacy Act.

C. In order to regain licensure, the pharmacist shall apply in writing to the Board requesting reinstatement. The pharmacist shall pay all back fees and provide proof of having obtained all delinquent continuing education plus an additional fifteen (15) hours of continuing education. The Board may require the pharmacist to appear before the Board at a regular meeting. The Board may require evidence of competency through examination or impose other requirements for reinstatement.

Added by Laws 1961, p. 449, § 11, emerg. eff. May 22, 1961. Amended by Laws 1970, c. 56, § 1, emerg. eff. March 16, 1970; Laws 1981, c. 75, § 2, emerg. eff. April 16, 1981; Laws 1990, c. 120, § 2; Laws 1993, c. 199, § 9, emerg. eff. May 24, 1993; Laws 2002, c. 408, § 3, emerg. eff. June 5, 2002; Laws 2004, c. 523, § 19, emerg. eff. June 9, 2004; Laws 2009, c. 321, § 9, eff. Nov. 1, 2009; Laws 2015, c. 230, § 7, eff. Nov. 1, 2015; Laws 2016, c. 285, § 2, eff. Nov. 1, 2016.

§59-353.11a. Continuing education requirements - Inactive renewal certificates

A. No annual renewal certificate shall be issued to a pharmacist until such pharmacist has submitted proof to the State Board of Pharmacy that the pharmacist has satisfactorily completed no less than fifteen (15) clock hours of an accredited or Board-approved program of continuing professional education during the previous calendar year.

B. The Board may grant alternate methods of obtaining continuing education hours to a pharmacist who meets all necessary requirements for licensure except the continuing education requirements.

C. 1. Any pharmacist who does not meet the requirements for continuing education may obtain an inactive renewal certificate of licensure.

2. The holder of an inactive renewal certificate of licensure shall not engage in the practice of pharmacy in this state.

3. The holder of an inactive renewal certificate of licensure may apply to the Board to be removed from inactive status.
Added by Laws 2015, c. 230, § 8, eff. Nov. 1, 2015. Amended by Laws 2016, c. 285, § 3, eff. Nov. 1, 2016.

§59-353.12. Display of certificate of licensure - Discontinuance or change of place of business - Confiscation of certificates.

A. Every pharmacist, upon receiving a certificate of licensure pursuant to the Oklahoma Pharmacy Act, shall keep such certificate conspicuously displayed in the pharmacy where such pharmacist is actively engaged in the practice of pharmacy or in such a location as is otherwise prescribed by the State Board of Pharmacy. The current renewal receipt for licensure shall be attached to the lower left corner of the original certificate.

B. Every other registrant shall keep the license or permit conspicuously displayed in the licensee or permit holder's pharmacy or place of business.

C. Every licensee or permit holder shall, within ten (10) days after discontinuing or changing his or her place of practice, remove his or her license or permit and notify the Executive Director of the Board, in writing, of his or her new place of practice. Upon receipt of the notification, the Executive Director shall make the necessary change in the Board records.

D. Any member of the Board, inspector or pharmacist compliance officer duly authorized by the Board shall have authority to confiscate and void any certificate of licensure issued by the Board which has been displayed in any place not authorized by the Board, provided that the holder of the certificate, license or permit shall be entitled to a hearing before the Board and show cause why his or her certificate, license or permit should not be canceled.

Added by Laws 1961, p. 449, § 12, emerg. eff. May 22, 1961. Amended by Laws 1993, c. 199, § 10, emerg. eff. May 24, 1993; Laws 2009, c. 321, § 10, eff. Nov. 1, 2009; Laws 2015, c. 230, § 9, eff. Nov. 1, 2015.

§59-353.13. Repealed by Laws 2016, c. 285, § 9, eff. Nov. 1, 2016.

§59-353.13A. Repealed by Laws 2015, c. 230, § 23, eff. Nov. 1, 2015.

§59-353.14. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.15. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.16. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.16A. Incapacity of pharmacist - Effect on license.

The Board may refuse to issue or renew, or may suspend, revoke or restrict the license of any pharmacist because of incapacity of a nature that prevents such pharmacist from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public.

Added by Laws 1993, c. 199, § 12, emerg. eff. May 24, 1993.

§59-353.17. Unlawful use of titles relating to pharmacy.

## A. No person shall take, use or exhibit the title of pharmacist, licensed pharmacist or Doctor of Pharmacy, "D.Ph." or "R.Ph.", either expressly or by implication, except as otherwise authorized by the Oklahoma Pharmacy Act.

B. No person other than one licensed under the Oklahoma Pharmacy Act shall take, use or exhibit the title "Druggist", "Pharmacy", "Drug Store", "Drug Department", "Drugs", "Drug Sundries", "Prescriptions", or any other term, sign or device or any word in similitude thereof.

Added by Laws 1961, p. 450, § 17, emerg. eff. May 22, 1961. Amended by Laws 1993, c. 199, § 13, emerg. eff. May 24, 1993; Laws 2009, c. 321, § 13, eff. Nov. 1, 2009; Laws 2015, c. 230, § 10, eff. Nov. 1, 2015.

§59-353.17A. Unlawful impersonation of a pharmacist.

It shall be unlawful to impersonate a pharmacist. If a person impersonates a pharmacist and causes patient harm, then, upon conviction, it shall be a felony.

Added by Laws 2009, c. 321, § 14, eff. Nov. 1, 2009.

§59-353.18. Sale, manufacturing or packaging of dangerous drugs, medicines, chemicals or poisons – Qualifications for licensure - Violations – Penalties.

A. 1. It shall be unlawful for any person, including, but not limited to, Internet, website or online pharmacies, to sell at retail or to offer for sale, dangerous drugs, medicines, chemicals or poisons for the treatment of disease, excluding agricultural chemicals and drugs, or to accept prescriptions for same, without first procuring a license from the State Board of Pharmacy. This licensure requirement applies whether such sale, offer for sale or acceptance of prescriptions occurs in this state, or such sale, offer for sale, or acceptance of prescriptions occurs out of state and the dangerous drug, medicine, chemical or poison is to be delivered, distributed or dispensed to patients or customers in this state. This licensure requirement shall not apply to the distribution or dispensing of dialysate or peritoneal dialysis devices to patients with end-stage renal disease (ESRD) consistent with subsection F of this section.

2. A pharmacy license shall be issued to such person as the Board shall deem qualified upon evidence satisfactory to the Board that:

a. the place for which the license is sought will be conducted in full compliance with the law and the rules of the Board,

b. the location and physical characteristics of the place are reasonably consistent with the maintenance of professional surroundings and constitute no known danger to the public health and safety,

c. the place will be under the management and control of a licensed pharmacist or pharmacist-in-charge who shall be licensed as a pharmacist in Oklahoma, and

d. a licensed pharmacist shall be present and on duty at all business hours; provided, however, the provisions of this subparagraph shall not apply to hospital drug rooms.

3. a. An application for an initial or renewal license issued pursuant to the provisions of this subsection shall:

(1) be submitted to the Board in writing,

(2) contain the name or names of persons owning the pharmacy, and
(3) provide other such information deemed relevant by the Board.

b. An application for an initial or renewal license shall be accompanied by a licensing fee not to exceed Three Hundred Dollars ($300.00) for each period of one (1) year. Prior to opening for business, all applicants for an initial license or permit shall be inspected. An initial licensure applicant shall pay an inspection fee not to exceed Two Hundred Dollars ($200.00); provided, however, that no charge shall be made for the licensing of any Federal Veterans Hospital in the State of Oklahoma. Non-resident pharmacies shall reimburse the Board for any actual expenses incurred for inspections.

c. A license issued pursuant to the provisions of this subsection shall be valid for a period set by the Board and shall contain the name of the licensee and the address of the place at which such business shall be conducted.

4. A retail pharmacy that prepares sterile drugs shall obtain a pharmacy license, and shall also obtain a sterile compounding permit at a fee set by the Board, not to exceed Seventy-five Dollars ($75.00). Such pharmacy shall meet requirements set by the Board by rule for sterile compounding permits.

5. An outsourcing facility desiring to dispense prescriptions to patients must additionally license and meet the requirements of a pharmacy.

B. 1. It shall be unlawful for any person to manufacture, repackage, distribute, outsource, warehouse or be a third-party logistics provider of any dangerous drugs, medicines, medical gases, chemicals, or poisons for the treatment of disease, excluding agricultural chemicals, without first procuring a license from the Board. It shall be unlawful to sell or offer for sale at retail or wholesale dangerous drugs, medicines, medical gases, chemicals or poisons without first procuring a license from the Board. This licensure requirement shall apply when the manufacturing, repackaging, distributing, outsourcing, warehousing, or provision of third-party logistics occurs in this state or out of state for delivery, distribution, or dispensing to patients or customers in this state.

2. A license shall be issued to such person as the Board shall deem qualified upon satisfactory evidence to the Board that:

a. the place for which the license is sought will be conducted in full compliance with the laws of this state and the administrative rules of the Board,

b. the location and physical characteristics of the place of business are reasonably consistent with the maintenance of professional surroundings and constitute no known danger to public health and safety,

c. the place shall be under the management and control of such persons as may be approved by the Board after a review and determination of the persons' qualifications, and

d. an outsourcing facility shall designate in writing on a Board-approved form a person to serve as the pharmacist-in-charge who is a pharmacist licensed by the Board.

3. a. An application for an initial or renewal license issued pursuant to the provisions of this subsection shall:

(1) be submitted to the Board in writing,

(2) contain the name or names of the owners or the applicants, and

(3) provide such other information deemed relevant by the Board.

b. An application for an initial or renewal license shall be accompanied by a licensing fee not to exceed Three Hundred Dollars ($300.00) for each period of one (1) year. Prior to opening for business, all applicants for initial or renewal license shall be inspected. An initial licensure applicant shall pay an inspection fee not to exceed Two Hundred Dollars ($200.00). Non-resident applicants shall reimburse the Board for any actual expenses incurred for inspections.

c. A license issued pursuant to the provisions of this subsection shall contain the name of the licensee and the address of the place at which such business shall be conducted and shall be valid for a period of time set by the Board.

C. A licensee or permit holder who, pursuant to the provisions of this section, fails to complete an application for a renewal license or permit by the fifteenth day after the expiration of the license or permit shall pay a late fee to be fixed by the Board.

D. 1. The Board shall promulgate rules regarding the issuance and renewal of licenses and permits pursuant to the Oklahoma Pharmacy Act which shall include, but need not be limited to, provisions for new or renewal application requirements for its licensees and permit holders. Requirements for new and renewal applications may include, but need not be limited to, the following:

a. type of ownership, whether individual, partnership, limited liability company or corporation,

b. names and addresses of principal owners or officers and their Social Security numbers, including applicant's full name, all trade or business names used, full business address, telephone numbers, and email addresses,
c. names of designated representatives and facility managers and their Social Security numbers and dates of birth,
d. evidence of a criminal background check and fingerprinting of the applicant, if a person, and all of the applicant's designated representatives and facility managers,
e. a copy of the license from the applicant's home state, and if applicable, from the federal government,
f. bond requirements, and
g. any other information deemed by the Board to be necessary to protect the public health and safety.

2. The Board shall be authorized to use an outside agency, such as the National Association of Boards of Pharmacy (NABP) or the Verified-Accredited Wholesale Distributors (VAWD), to accredit wholesale distributors and repackagers.

E. The Oklahoma Pharmacy Act shall not be construed to prevent the sale of nonprescription drugs in original manufacturer packages by any merchant or dealer.

F. The Oklahoma Pharmacy Act shall not be construed to apply to a facility engaged in the distribution or dispensing to patients of dialysate or peritoneal dialysis devices necessary to perform home peritoneal dialysis, provided the following criteria are met:

1. The dialysate is comprised of dextrose or icodextrin;

2. The dialysate or peritoneal dialysis devices are approved or cleared by the United States Food and Drug Administration;

3. The dialysate or peritoneal dialysis devices are lawfully held by a manufacturer, or the manufacturer's agent, who is properly licensed by the Board as a manufacturer, wholesaler or distributor;

4. The dialysate or peritoneal dialysis devices are held and delivered in their original, sealed packaging from the manufacturing facility;

5. The dialysate or peritoneal dialysis devices are delivered only upon receipt of a physician's prescription by a licensed pharmacy, and the transmittal of an order from the licensed pharmacy to the manufacturer or the manufacturer's agent; and

6. The manufacturer or agent of the manufacturer delivers the dialysate or peritoneal dialysis devices directly to:

a. a patient with ESRD or the patient's designee for the patient's self-administration of the dialysis therapy, or

b. a health care provider or institution for administration or delivery of the dialysis therapy to the patient with ESRD.

Added by Laws 1961, p. 450, § 18, emerg. eff. May 22, 1961. Amended by Laws 1970, c. 56, § 2, emerg. eff. March 16, 1970; Laws 1973, c. 115, § 1, emerg. eff. May 4, 1973; Laws 1976, c. 83, § 4, emerg. eff. May 3, 1976; Laws 1981, c. 75, § 3, emerg. eff. April 16, 1981; Laws 1982, c. 172, § 4, emerg. eff. April 16, 1982; Laws 1987, c. 20, § 2, eff. Nov. 1, 1987; Laws 1988, c. 231, § 1, emerg. eff. June 22, 1988; Laws 1990, c. 120, § 3; Laws 1993, c. 199, § 14, emerg. eff. May 24, 1993; Laws 2004, c. 523, § 20, emerg. eff. June 9, 2004; Laws 2005, c. 285, § 2, eff. Nov. 1, 2005; Laws 2009, c. 321, § 15, eff. Nov. 1, 2009; Laws 2015, c. 230, § 11, eff. Nov. 1, 2015; Laws 2016, c. 285, § 4, eff. Nov. 1, 2016; Laws 2021, c. 422, § 1, eff. Nov. 1, 2021.

NOTE: Laws 2005, c. 357, § 1 repealed by Laws 2006, c. 16, § 40, emerg. eff. March 29, 2006.

§59-353.18A. Pharmacy technicians - Permits.

## A. Supportive personnel may perform certain tasks in the practice of pharmacy if such personnel perform the tasks in compliance with rules promulgated by the State Board of Pharmacy.

B. 1. No person shall serve as a pharmacy technician without first procuring a permit from the Board.

2. An application for an initial or renewal pharmacy technician permit issued pursuant to the provisions of this subsection shall be submitted to the Board and provide any other information deemed relevant by the Board.

3. An application for an initial or renewal permit shall be accompanied by a permit fee not to exceed Seventy Five Dollars ($75.00) for each period of one (1) year. A permit issued pursuant to this subsection shall be valid for a period to be determined by the Board.

4. Every permitted pharmacy technician who fails to complete a renewal form and remit the required renewal fee to the Board by the fifteenth day after the expiration of the permit shall pay a late fee to be fixed by the Board.

5. A pharmacy technician permit shall be cancelled thirty (30) days after expiration.

6. A person may obtain reinstatement of a cancelled pharmacy technician permit by making application, paying a reinstatement fee, and satisfactorily completing other requirements set by the Board.

Added by Laws 2015, c.230, § 12, eff. Nov. 1, 2015.

§59-353.19. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.20. Pharmaceutical equipment and library required - Scales and balances - Sanitary appliances and conditions - Pharmaceutical records.

A. Every pharmacy shall have the proper pharmaceutical equipment so that prescriptions can be filled, and the practice of pharmacy can be properly conducted. The State Board of Pharmacy shall prescribe the minimum professional and technical equipment and library which a pharmacy shall at all times possess. The premises and equipment of such pharmacy shall be kept in a clean and orderly manner. Drugs shall be maintained under conditions recommended by the manufacturer until delivery to the patient. No pharmacy license shall be issued or continued until or unless such pharmacy has complied with the Oklahoma Pharmacy Act.

B. The Board may from time to time require that scales and balances be condemned, or other specific equipment changes be made. Failure by the pharmacy to comply with such requirements within sixty (60) days may result in revocation of the pharmacy license.

C. Every dispenser shall keep a suitable book, file or record in which shall be preserved for a period of not less than five (5) years every prescription compounded or dispensed at the pharmacy, and the book or file of prescriptions shall at all times be open to inspection by the members of the Board or its duly authorized agents.

Added by Laws 1961, p. 451, § 20, emerg. eff. May 22, 1961. Amended by Laws 1993, c. 199, § 15, emerg. eff. May 24, 1993; Laws 2009, c. 321, § 16, eff. Nov. 1, 2009; Laws 2015, c. 230, § 13, eff. Nov. 1, 2015.

§59-353.20.1. Recording of prescriptions - Prescription label requirements.

A. Prescriptions received by other than written communication shall be promptly recorded in writing by the pharmacist. The record made by the pharmacist shall constitute the original prescription to be filled by the pharmacist.

B. A filled prescription label shall include the name and address of the pharmacy of origin, date of filling, name of patient, name of prescriber, directions for administration, and prescription number. The symptom or purpose for which the drug is prescribed may appear on the label if provided by the practitioner and requested by the patient or the patient's authorized representative. If the symptom or purpose for which a drug is prescribed is not provided by the practitioner, the pharmacist may fill the prescription without contacting the practitioner, patient, or patient's representative. Filled prescriptions issued for veterinarian drugs shall be labeled according to rules promulgated by the Oklahoma State Board of Veterinary Medical Examiners. The label shall also include the trade or generic name, prescribed quantity, and prescription strength of the drug therein contained, except when otherwise directed by the prescriber. This requirement shall not apply to prescriptions or medicines and drugs supplied or delivered directly to patients for consumption on the premises of any hospital or mental institution. This requirement shall not apply to dialysate sold, dispensed or delivered in their original, sealed packaging upon receipt of a prescriber's order.

C. No prescription shall be written in any characters, figures, or ciphers other than in the English or Latin language generally in use among medical and pharmaceutical practitioners.

Added by Laws 2015, c. 230, § 14, eff. Nov. 1, 2015. Amended by Laws 2018, c. 106, § 5, eff. Nov. 1, 2018.

§59-353.20.2. Varying amounts of prescription refills - Pharmacist discretion – Permissible dispensing without a prescription.

A. Except as provided in subsection C of this section, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of medication per fill-up to the total number of dosage units as authorized by the prescriber on the original prescription including any refills.

B. Subsection A of this section shall not apply to scheduled medications or any medications for which a report is required under the controlled substance database. Dispensing of medication based on refills authorized by the physician on the prescription shall be limited to no more than a ninety-day supply of the medication.

C. 1. A pharmacist may dispense without a prescription one or more devices or medications as medically necessary to prevent the

death of or serious harm to the health of a patient if the following conditions are met:

a. the pharmacy which the pharmacist owns or at which the pharmacist is employed has a current record of a prescription for the medication or device prescribed in the name of the patient who is requesting it, but the prescription has expired and a refill requires authorization from the licensed practitioner who issued the prescription and neither the patient nor the pharmacist was able to obtain the refill after reasonable attempts were made to obtain such refill and the pharmacist documents such attempts on a form prescribed by the State Board of Pharmacy,

b. the failure of the pharmacist to dispense the medication or device reasonably could result in the death of or serious harm to the health of the patient,

c. the device or medication is listed on the formulary described in paragraph 4 of this subsection,

d. the patient has been on a consistent medication therapy as demonstrated by records maintained by the pharmacy, and

e. the amount of the medication or device dispensed is for a reasonable amount of time; provided, if the patient or pharmacist is unable to obtain a refill prescription from the patient's licensed practitioner before the amount prescribed to prevent death or serious harm to the health of the patient is depleted, the pharmacist may dispense an additional amount of the medication or device not more than once in an amount consistent with past prescriptions of the patient.

2. The standard of care required of a pharmacist licensed in this state who is acting in accordance with the provisions of this subsection shall be the level and type of care, skill and diligence that a reasonably competent and skilled pharmacist with a similar background and in the same or similar locality would have provided under the circumstance.

3. Any pharmacist licensed in this state who in good faith dispenses one or more medications or devices to a patient pursuant to the provisions of this subsection shall not be liable for any civil damages or subject to criminal prosecution as a result of any acts or omissions except for committing gross negligence or willful or wanton acts committed in dispensing or failure to dispense the medication or device.

4. The State Board of Pharmacy shall develop and update as necessary an inclusionary formulary of potentially life-saving prescription medications and devices, not to include controlled

dangerous substances, for the purposes of this subsection. Such medications and devices shall include but not be limited to:

a. insulin and any devices or supplies necessary for the administration of insulin,

b. glucometers and any devices or supplies necessary for the operation of the glucometer, and

c. rescue inhalers.

5. Dispensing in accordance with this subsection shall be deemed dispensing under a legal prescription for purposes of the Pharmacy Audit Integrity Act, Section 356 et seq. of this title.

D. Upon receipt of a valid Schedule II opioid prescription issued pursuant to the provisions of Section 2-309I of Title 63 of the Oklahoma Statutes, a pharmacist shall fill the prescription to the specified dose, and shall not be permitted to fill a different dosage than what is prescribed. However, the pharmacist maintains the right not to fill the valid opioid prescription.

Added by Laws 2017, c. 234, § 3, eff. Nov. 1, 2017. Amended by Laws 2019, c. 137, § 1, eff. Nov. 1, 2019; Laws 2019, c. 428, § 5, emerg. eff. May 21, 2019.

§59-353.21. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.22. Sale of poisons.

A. It shall be unlawful for:

1. Any person to sell any poison without distinctly labeling the box, vessel or paper in which the poison is contained with the name of the poison, the word "poison", and the name and the place of business of the seller; or

2. Any pharmacist, or other person, to sell any poison without causing an entry to be made in a book kept for that purpose before delivering the same to the purchaser, stating the date of the sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser. Such book shall always be available for inspection by the proper authorities and shall be preserved for at least five (5) years.

B. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses upon the prescription of a prescriber.

Added by Laws 1961, p. 451, § 22, emerg. eff. May 22, 1961. Amended by Laws 1993, c. 199, § 16, emerg. eff. May 24, 1993; Laws 2009, c.

321, § 17, eff. Nov. 1, 2009; Laws 2015, c. 230, § 15, eff. Nov. 1, 2015.

§59-353.23. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.24. Unlawful acts.

A. It shall be unlawful for any licensee or other person to:

1. Forge or increase the quantity of drug in any prescription, or to present a prescription bearing forged, fictitious or altered information or to possess any drug secured by such forged, fictitious or altered prescription;

2. Sell, offer for sale, barter or give away any unused quantity of drugs obtained by prescription, except through a program pursuant to the Utilization of Unused Prescription Medications Act or as otherwise provided by the State Board of Pharmacy;

3. Sell, offer for sale, barter or give away any drugs damaged by fire, water, or other causes without first obtaining the written approval of the Board or the State Department of Health;

4. No person, firm or business establishment shall offer to the public, in any manner, their services as a "pick-up station" or intermediary for the purpose of having prescriptions filled or delivered, whether for profit or gratuitously. Nor may the owner of any pharmacy or drug store authorize any person, firm or business establishment to act for them in this manner with these exceptions:

a. patient-specific filled prescriptions may be delivered or shipped to a prescriber's clinic for pick-up by those patients whom the prescriber has individually determined and documented do not have a permanent or secure mailing address,

b. patient-specific filled prescriptions for drugs which require special handling written by a prescriber may be delivered or shipped to the prescriber's clinic for administration or pick-up at the prescriber's office,

c. patient-specific filled prescriptions, including sterile compounded drugs, may be delivered or shipped to a prescriber's clinic where they shall be administered,

d. patient-specific filled prescriptions for patients with end-stage renal disease (ESRD) may be delivered or shipped to a prescriber's clinic for administration or final delivery to the patient,

e. patient-specific filled prescriptions for radiopharmaceuticals may be delivered or shipped to a prescriber's clinic for administration or pick-up, or

f. patient-specific filled prescriptions may be delivered or shipped by an Indian Health Services (IHS) or

federally recognized tribal health organization operating under the IHS in the delivery of the prescriptions to a pharmacy operated by the IHS or a federally recognized tribal health organization for pick-up by an IHS or tribal patient.

However, nothing in this paragraph shall prevent a pharmacist or an employee of the pharmacy from personally receiving a prescription or delivering a legally filled prescription to a residence, office or place of employment of the patient for whom the prescription was written. Provided further, the provisions of this paragraph shall not apply to any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substance Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of this title, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence. Nothing in this paragraph shall prevent veterinary prescription drugs from being shipped directly from an Oklahoma licensed wholesaler or distributor registered with the Oklahoma Board of Veterinary Medical Examiners to a client; provided, such drugs may be dispensed only on prescription of a licensed veterinarian and only when an existing veterinary-client-patient relationship exists. Nothing in this paragraph shall prevent dialysate and peritoneal dialysis devices from being shipped directly from an Oklahoma licensed manufacturer, wholesaler or distributor to an ESRD patient or patient's designee, consistent with subsection F of Section 353.18 of this title;

5. Sell, offer for sale or barter or buy any professional samples except through a program pursuant to the Utilization of Unused Prescription Medications Act;

6. Refuse to permit or otherwise prevent members of the Board or such representatives thereof from entering and inspecting any and all places, including premises, vehicles, equipment, contents, and records, where drugs, medicine, chemicals or poisons are stored, sold, vended, given away, compounded, dispensed, repackaged, transported, or manufactured;

7. Interfere, refuse to participate in, impede or otherwise obstruct any inspection, investigation or disciplinary proceeding authorized by the Oklahoma Pharmacy Act;

8. Possess dangerous drugs without a valid prescription or a valid license to possess such drugs; provided, however, this provision shall not apply to any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substance Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of this title, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence;

9. Fail to establish and maintain effective controls against the diversion of drugs for any other purpose than legitimate medical, scientific or industrial uses as provided by state, federal and local law;

10. Fail to have a written drug diversion detection and prevention policy;

11. Possess, sell, offer for sale, barter or give away any quantity of dangerous drugs not listed as a scheduled drug pursuant to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes when obtained by prescription bearing forged, fictitious or altered information.

a. A first violation of this section shall constitute a misdemeanor and upon conviction shall be punishable by imprisonment in the county jail for a term not more than one (1) year and a fine in an amount not more than One Thousand Dollars ($1,000.00).

b. A second violation of this section shall constitute a felony and upon conviction shall be punishable by imprisonment in the Department of Corrections for a term not exceeding five (5) years and a fine in an amount not more than Two Thousand Dollars ($2,000.00);

12. Violate a Board order or agreed order;

13. Compromise the security of licensure examination materials; or

14. Fail to notify the Board, in writing, within ten (10) days of a licensee or permit holder's address change.

B. 1. It shall be unlawful for any person other than a licensed pharmacist or physician to certify a prescription before delivery to the patient or the patient's representative or caregiver. Dialysate and peritoneal dialysis devices supplied pursuant to the provisions of subsection F of Section 353.18 of this title shall not be required to be certified by a pharmacist prior to being supplied by a manufacturer, wholesaler or distributor.

2. It shall be unlawful for any person to institute or manage a pharmacy unless such person is a licensed pharmacist or has placed a licensed pharmacist in charge of such pharmacy.

3. No licensed pharmacist shall manage, supervise or be in charge of more than one pharmacy.

4. No pharmacist being requested to sell, furnish or compound any drug, medicine, chemical or other pharmaceutical preparation, by prescription or otherwise, shall substitute or cause to be substituted for it, without authority of the prescriber or purchaser, any like drug, medicine, chemical or pharmaceutical preparation.

5. No pharmacy, pharmacist-in-charge or other person shall permit the practice of pharmacy except by a licensed pharmacist or assistant pharmacist.

6. No person shall subvert the authority of the pharmacist-in-charge of the pharmacy by impeding the management of the prescription department to act in compliance with federal and state law.

C. 1. It shall be unlawful for a pharmacy to resell dangerous drugs to any wholesale distributor.

2. It shall be unlawful for a wholesale distributor to purchase drugs from a pharmacy.

Added by Laws 1961, p. 452, § 24, emerg. eff. May 22, 1961. Amended by Laws 1986, c. 317, § 2, emerg. eff. June 24, 1986; Laws 1987, c. 139, § 1, emerg. eff. June 19, 1987; Laws 1993, c. 199, § 18, emerg. eff. May 24, 1993; Laws 2001, c. 400, § 8, eff. Nov. 1, 2001; Laws 2002, c. 22, § 20, emerg. eff. March 8, 2002; Laws 2004, c. 523, § 21, emerg. eff. June 9, 2004; Laws 2005, c. 1, § 87, emerg. eff. March 15, 2005; Laws 2005, c. 40, § 1, eff. July 1, 2005; Laws 2009, c. 321, § 18, eff. Nov. 1, 2009; Laws 2011, c. 239, § 1, eff. Nov. 1, 2011; Laws 2015, c. 230, § 16, eff. Nov. 1, 2015; Laws 2016, c. 285, § 5, eff. Nov. 1, 2016; Laws 2017, c. 234, § 1, eff. Nov. 1, 2017; Laws 2018, c. 106, § 6, eff. Nov. 1, 2018; Laws 2021, c. 422, § 2, eff. Nov. 1, 2021.

NOTE: Laws 2001, c. 281, § 4 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2004, c. 374, § 8 repealed by Laws 2005, c. 1, § 88, emerg. eff. March 15, 2005.

§59-353.25. Violation of act - Penalty - Perjury.

A. The violation of any provision of the Oklahoma Pharmacy Act for which no penalty is specifically provided shall be punishable as a misdemeanor.

B. Any person who shall willfully make any false representations in procuring or attempting to procure for himself or herself, or for another, licensure under the Oklahoma Pharmacy Act shall be guilty of the felony of perjury.

Added by Laws 1961, p. 452, § 25. Amended by Laws 1993, c. 199, § 17, emerg. eff. May 24, 1993; Laws 1997, c. 133, § 506, eff. July 1, 1999; Laws 2009, c. 321, § 19, eff. Nov. 1, 2009.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 506 from July 1, 1998, to July 1, 1999.

§59-353.26. Reprimand, revocation or suspension of certificate, license or permit - Grounds – Procedure.

A. The State Board of Pharmacy may reprimand, place on probation, suspend, revoke permanently and levy fines not to exceed Three Thousand Dollars ($3,000.00) per count and take other disciplinary action against any person who:

1. Violates any provision of the Oklahoma Pharmacy Act or any other applicable state or federal law;

2. Violates any of the provisions of the Uniform Controlled Dangerous Substances Act;

3. Has been convicted of a felony or has pleaded guilty or no contest to a felony;

4. Engages in the practice of pharmacy while incapacitated or abuses intoxicating liquors or other chemical substances;

5. Conducts himself or herself in a manner likely to lower public esteem for the profession of pharmacy;

6. Has been disciplined by another State Board of Pharmacy or by another state or federal entity;

7. Has been legally adjudged to be not mentally competent; or

8. Exercises conduct and habits inconsistent with the rules of professional conduct established by the Board.

B. 1. The Board, its employees, or other agents of the Board shall keep confidential information obtained during an investigation into violations of the Oklahoma Pharmacy Act; provided, however, such information may be introduced by the state in administrative proceedings before the Board and the information then becomes a public record.

To ensure the confidentiality of such information obtained during the investigation but not introduced in administrative proceedings, this information shall not be deemed to be a record as that term is defined in the Oklahoma Open Records Act, nor shall the information be subject to subpoena or discovery in any civil or criminal proceedings, except that the Board may give such information to law enforcement and other state agencies as necessary and appropriate in the discharge of the duties of that agency and only under circumstances that ensure against unauthorized access to the information.

2. The respondent may acquire information obtained during an investigation, unless the disclosure of the information is otherwise prohibited, except for the investigative report, if the respondent signs a protective order whereby the respondent agrees to use the information solely for the purpose of defense in the Board proceeding and in any appeal therefrom and agrees not to otherwise disclose the information.

C. 1. The Board shall mail by certified mail to respondent at the last address provided by respondent to the Board, postmarked at least ten (10) days before the hearing, the sworn complaint filed with its Executive Director against respondent and notice of the date and place of a hearing thereon. Alternatively, at least ten (10) days before the hearing, the Board may serve respondent personally by any person appointed to make service by the Executive Director of the Board and in any manner authorized by the law of this state for the personal service of summonses in proceedings in a state court. Such service shall be effective upon the personal service or mailing of the complaint and notice, and shall constitute

good service. If the Board finds that the allegations of the complaint are supported by the evidence rendered at the hearing, the Board is hereby authorized and empowered to, by written order, revoke permanently or suspend for a designated period, the certificate, license or permit of the respondent and/or reprimand, place on probation and/or fine the respondent.

2. A person whose certificate, license, or permit has been revoked or suspended or who has been reprimanded or placed on probation or fined may appeal such Board order pursuant to the Administrative Procedures Act.

3. The Board's order shall constitute a judgment and may be entered on the judgment docket of the district court in a county in which the respondent has property and may be executed thereon in the same manner as any other judgment of a court of record, unless the fine is paid within thirty (30) days after the appeal time has run.

D. A person, other than a pharmacy technician, whose license or permit has been suspended by the Board or by operation of law shall pay a reinstatement fee not to exceed One Hundred Fifty Dollars ($150.00) as a condition of reinstatement of the license.

Added by Laws 1961, p. 452, § 26, emerg. eff. May 22, 1961. Amended by Laws 1976, c. 83, § 5, emerg. eff. May 3, 1976; Laws 1981, c. 75, § 4, emerg. eff. April 16, 1981; Laws 1982, c. 172, § 5, emerg. eff. April 16, 1982; Laws 1993, c. 199, § 19, emerg. eff. May 24, 1993; Laws 2002, c. 408, § 4, emerg. eff. June 5, 2002; Laws 2004, c. 523, § 22, emerg. eff. June 9, 2004; Laws 2009, c. 321, § 20, eff. Nov. 1, 2009; Laws 2015, c. 230, § 17, eff. Nov. 1, 2015; Laws 2016, c. 285, § 6, eff. Nov. 1, 2016; Laws 2018, c. 106, § 7, eff. Nov. 1, 2018.

§59-353.27. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-353.28. Renumbered as §36-4511 by Laws 1990, c. 127, § 1, eff. Sept. 1, 1990.

§59-353.29. Repealed by Laws 2016, c. 285, § 9, eff. Nov. 1, 2016.

§59-353.29.1. Veterinary prescription drugs.

A. Nothing in the Oklahoma Pharmacy Act shall prevent veterinary prescription drugs from being shipped directly from an Oklahoma licensed wholesaler or distributor to a client, provided such drugs may be supplied to the client only on the order of a veterinarian licensed in this state and only when a valid veterinarian-client-patient relationship exists.

B. Drugs supplied pursuant to the provision of this section shall not be required to be certified by a pharmacist prior to being supplied by a wholesaler or distributor.

C. It shall be unlawful for a client or the client's authorized agent to acquire or use any prescription drug other than according to the label or outside of a valid veterinarian-client-patient relationship.

D. It shall be unlawful for a wholesaler or distributor licensed in this state to sell a prescription-labeled drug to a client or the client's authorized agent without a valid veterinarian-client-patient relationship in place.

E. Compliance with the Oklahoma Pharmacy Act as it relates to veterinary prescription-labeled drugs shall be pursuant to rules promulgated by the Oklahoma State Board of Veterinary Medical Examiners and in consultation with the State Veterinarian in accordance with state law.

Added by Laws 2015, c. 230, § 18, eff. Nov. 1, 2015.

§59-353.29.2. Prescriptions for ocular abnormalities.

A. Pharmacists may dispense prescriptions for dangerous drugs for the treatment of ocular abnormalities, provided that such prescriptions are written by optometrists who are certified by the state in which they are actively practicing. Prescriptions for dangerous drugs issued by licensed optometrists shall include the optometrist's license number.

B. Pharmacists may dispense prescriptions for controlled dangerous substances specified in Section 581 of this title for the treatment of ocular abnormalities, provided that such prescriptions are written by optometrists licensed by the Oklahoma State Board of Examiners in Optometry. Prescriptions for controlled dangerous substances issued by licensed optometrists shall include the optometrist's license number and the optometrist's identification number issued by the United States Drug Enforcement Administration.

Added by Laws 2015, c. 230, § 19, eff. Nov. 1, 2015. Amended by Laws 2018, c. 106, § 8, eff. Nov. 1, 2018.

§59-353.30. Use of agreements - Training requirements and administration of immunizations and therapeutic injections.

A. The use of agreements in the practice of pharmacy shall be acceptable within the rules promulgated by the State Board of Pharmacy and in consultation with the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners.

B. The Board shall develop and prepare permanent rules relating to training requirements and administration of immunizations and therapeutic injections in consultation within the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners.

C. A pharmacist who has completed a requisite course of training as approved by the Board in consultation with the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners may administer therapeutic injections on orders from a licensed prescriber, and may administer immunizations that have been approved or authorized by the Food and Drug Administration without a patient-specific prescription, standing order or similar arrangement.

Added by Laws 2002, c. 408, § 5, emerg. eff. June 5, 2002. Amended by Laws 2003, c. 307, § 1, emerg. eff. May 27, 2003; Laws 2009, c. 321, § 22, eff. Nov. 1, 2009; Laws 2018, c. 106, § 9, eff. Nov. 1, 2018; Laws 2021, c. 178, § 1, emerg. eff. April 22, 2021.

§59-354. Prescription as property right of patient - Duty to provide reference copies and transfer prescriptions.

# A. A prescription is the property of the patient for whom it is prescribed.

B. No pharmacist shall refuse, upon request by that customer in person or through an authorized pharmacist, to transfer a prescription to another pharmacy, or to supply a reference copy in writing or by telephone.

C. No licensed prescriber shall refuse to honor the request of his or her patient to have his or her prescription transmitted to the licensed pharmacist or licensed pharmacy of the patient's choice.

Added by Laws 1974, c. 79, § 1, emerg. eff. April 19, 1974. Amended by Laws 1993, c. 199, § 21, emerg. eff. May 24, 1993; Laws 2009, c. 321, § 23, eff. Nov. 1, 2009; Laws 2015, c. 230, § 20, eff. Nov. 1, 2015.

§59-355. Repealed by Laws 2009, c. 321, § 27, eff. Nov. 1, 2009.

§59-355.1. Dispensing dangerous drugs - Procedure - Registration - Exemptions.

A. Except as provided for in Section 353.1 et seq. of this title, only a licensed practitioner may dispense dangerous drugs to such practitioner's patients, and only for the expressed purpose of serving the best interests and promoting the welfare of such patients. The dangerous drugs shall be dispensed in an appropriate container to which a label has been affixed. Such label shall include the name and office address of the licensed practitioner, date dispensed, name of patient, directions for administration, prescription number, the trade or generic name and the quantity and strength, not meaning ingredients, of the drug therein contained; provided, this requirement shall not apply to compounded medicines. The licensed practitioner shall keep a suitable book, file or record in which shall be preserved for a period of not less than five (5) years a record of every dangerous drug compounded or dispensed by the licensed practitioner.

B. A prescriber desiring to dispense dangerous drugs pursuant to this section shall register annually with the appropriate licensing board as a dispenser, through a regulatory procedure adopted and prescribed by such licensing board.

C. A prescriber who dispenses professional samples to patients shall be exempt from the requirement of subsection B of this section if:

1. The prescriber furnishes the professional samples to the patient in the package provided by the manufacturer;

2. No charge is made to the patient; and

3. An appropriate record is entered in the patient's chart.

D. This section shall not apply to the services provided through the State Department of Health, city/county health

departments, or the Department of Mental Health and Substance Abuse Services.

E. This section shall not apply to organizations and services incorporated as state or federal tax-exempt charitable nonprofit entities and/or organizations and services receiving all or part of their operating funds from a local, state or federal governmental entity; provided, such organizations and services shall comply with the labeling and recordkeeping requirements set out in subsection A of this section.

Added by Laws 1987, c. 20, § 5, eff. Nov. 1, 1987. Amended by Laws 1987, c. 168, § 5, eff. Nov. 1, 1987; Laws 1990, c. 51, § 122, emerg. eff. April 9, 1990; Laws 1997, c. 250, § 5, eff. Nov. 1, 1997; Laws 2015, c. 230, § 21, eff. Nov. 1, 2015.

§59-355.2. Violations of act – Adoption of rules.

## A. A licensed prescriber violating any of the provisions of the Oklahoma Pharmacy Act shall be subject to appropriate actions established in the rules and regulations of his or her licensing board.

B. Rules relating to the Oklahoma Pharmacy Act shall be adopted by the appropriate licensing boards after consultation and review with the Oklahoma State Board of Pharmacy.

Added by Laws 1987, c. 20, § 6, eff. Nov. 1, 1987. Amended by Laws 2009, c. 321, § 24, eff. Nov. 1, 2009; Laws 2015, c. 230, § 22, eff. Nov. 1, 2015.

§59-355.3. Renumbered as § 2-312.1 of Title 63 by Laws 1990, c. 271, § 3, operative July 1, 1990.

§59-355.4. Substituting interchangeable biological products for prescribed biological products.

A. For the purposes of this section:

1. "Biological product" has the same meaning given to that term in 42 U.S.C., Section 262; and

2. "Interchangeable biological product" means a biological product that the U.S. Food and Drug Administration (FDA):

a. has licensed, and determined to meet the standards for interchangeability pursuant to 42 U.S.C., Section 262(k)(4), or

b. has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the United States Food and Drug Administration's (FDA)

Approved Drug Products with Therapeutic Equivalence Evaluations.

B. A pharmacist may substitute an interchangeable biological product for a prescribed biological product if:

1. The substituted product has been determined by FDA to be interchangeable, as defined in subsection A of this section, with the prescribed biological product;

2. The prescribing health care provider does not express a preference against substitution in writing, verbally or electronically; and

3. The pharmacy informs the patient of the substitution.

C. The dispensing pharmacist or the pharmacist's designee shall make an entry into an electronic records system of the specific product provided to the patient including the name of the product and the manufacturer. The communication shall be conveyed by making an entry through:

1. An interoperable electronic medical records system;

2. An electronic prescribing technology;

3. A pharmacy benefit management system; or

4. A pharmacy record.

D. Entry into an electronic records system as described in subsection C of this section is presumed to provide notice to the prescriber. If no electronic records system is in use by the pharmacy, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission or other prevailing means, except that communication shall not be required where:

1. There is no FDA-approved interchangeable biological product for the product prescribed; or

2. A refill prescription is not changed from the product dispensed on the prior filling of the prescription.

E. The dispensing pharmacist or a prescriber shall not be:

1. Required to show proof that the prescriber has access to the record in any type of payment audit conducted by a payer or pharmacy benefit manager; or

2. Subject to disciplinary action or civil penalties for failure to ensure that the record is accessible or for failure to access the record.

F. The State Board of Pharmacy shall maintain a link on its Internet website to the current list of all biological products determined by the FDA to be interchangeable with a specific biological product.

G. Nothing in this section shall preclude existing approved brand and generic substitutions.

Added by Laws 2021, c. 167, § 1, eff. Nov. 1, 2021.

## §59-356. Pharmacy Audit Integrity Act.

This act shall be known and may be cited as the "Pharmacy Audit Integrity Act".
Added by Laws 2008, c. 137, § 1, eff. Nov. 1, 2008.

§59-356.1. Definitions – Purpose - Application.

A. For purposes of the Pharmacy Audit Integrity Act, "pharmacy benefits manager" or "PBM" shall have the same meaning as in Section 6960 of Title 36 of the Oklahoma Statutes.

B. The purpose of the Pharmacy Audit Integrity Act is to establish minimum and uniform standards and criteria for the audit of pharmacy records by or on behalf of certain entities.

C. The Pharmacy Audit Integrity Act shall apply to any audit of the records of a pharmacy conducted by a managed care company, nonprofit hospital, medical service organization, insurance company, third-party payor, pharmacy benefits manager, a health program administered by a department of this state, or any entity that represents these companies, groups, or departments.

D. The Attorney General may promulgate rules to implement the provisions of the Pharmacy Audit Integrity Act.
Added by Laws 2008, c. 137, § 2, eff. Nov. 1, 2008. Amended by Laws 2024, c. 332, § 1, emerg. eff. May 22, 2024.

§59-356.2. Pharmacy audit requirements - Computerized medical records - Written report - Copy - Recoupment.

A. The entity conducting an audit of a pharmacy shall:

1. Identify and specifically describe the audit and appeal procedures in the pharmacy contract. Prescription claim documentation and record-keeping requirements shall not exceed the requirements set forth by the Oklahoma Pharmacy Act or other applicable state or federal laws or regulations;

2. Give the pharmacy written notice by certified letter to the pharmacy and the pharmacy's contracting agent, including identification of specific prescription numbers and fill dates to be audited, at least fourteen (14) calendar days prior to conducting the audit, including, but not limited to, an on-site audit, a desk audit, or a wholesale purchase audit, request for documentation related to the dispensing of a prescription drug or any reimbursed activity by a pharmacy provider; provided, however, that wholesale purchase audits shall require a minimum of thirty (30) calendar days' written notice. For an on-site audit, the audit date shall be the date the on-site audit occurs. For all other audit types, the audit date shall be the date the pharmacy provides the documentation requested in the audit notice. The pharmacy shall have the opportunity to reschedule the audit no more than seven (7) calendar days from the date designated on the original audit notification;

3. Not interfere with the delivery of pharmacist services to a patient and shall utilize every reasonable effort to minimize

inconvenience and disruption to pharmacy operations during the audit process;

4. Conduct any audit involving clinical or professional judgment by means of or in consultation with a licensed pharmacist;

5. Not consider as fraud any clerical or record-keeping error, such as a typographical error, scrivener's error or computer error, including, but not limited to, a miscalculated day supply, incorrectly billed prescription written date or prescription origin code, and such errors shall not be subject to recoupment. The pharmacy shall have the right to submit amended claims electronically to correct clerical or record-keeping errors in lieu of recoupment. To the extent that an audit results in the identification of any clerical or record-keeping errors such as typographical errors, scrivener's errors or computer errors in a required document or record, the pharmacy shall not be subject to recoupment of funds by the pharmacy benefits manager unless the pharmacy benefits manager can provide proof of intent to commit fraud. A person shall not be subject to criminal penalties for errors provided for in this paragraph without proof of intent to commit fraud;

6. Permit a pharmacy to use the records of a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug;

7. Not include the dispensing fee amount or the actual invoice cost of the prescription dispensed in a finding of an audit recoupment unless a prescription was not actually dispensed or a physician denied authorization of a dispensing order;

8. Audit each pharmacy under identical standards, regularity and parameters as other similarly situated pharmacies and all pharmacies owned or managed by the pharmacy benefits manager conducting or having conducted the audit;

9. Not exceed one (1) year from the date the claim was submitted to or adjudicated by a managed care company, nonprofit hospital or medical service organization, insurance company, third-party payor, pharmacy benefits manager, a health program administered by a department of this state, or any entity that represents the companies, groups, or departments for the period covered by an audit;

10. Not schedule or initiate an audit during the first seven (7) calendar days of any month unless otherwise consented to by the pharmacy;

11. Disclose to any plan sponsor whose claims were included in the audit any money recouped in the audit;

12. Not require pharmacists to break open packaging labeled "for single-patient-use only". Packaging labeled "for single-

patient-use only" shall be deemed to be the smallest package size available; and

13. Upon recoupment of funds from a pharmacy, refund first to the patient the portion of the recovered funds that were originally paid by the patient, provided such funds were part of the recoupment.

B. 1. Any entity that conducts wholesale purchase review during an audit of a pharmacist or pharmacy shall not require the pharmacist or pharmacy to provide a full dispensing report. Wholesaler invoice reviews shall be limited to verification of purchase inventory specific to the pharmacy claims paid by the health benefits plan or pharmacy benefits manager conducting the audit.

2. Any entity conducting an audit shall not identify or label a prescription claim as an audit discrepancy when:

a. the National Drug Code for the dispensed drug is in a quantity that is a subunit or multiple of the drug purchased by the pharmacist or pharmacy as supported by a wholesale invoice,

b. the pharmacist or pharmacy dispensed the correct quantity of the drug according to the prescription, and

c. the drug dispensed by the pharmacist or pharmacy shares all but the last two digits of the National Drug Code of the drug reflected on the supplier invoice.

3. An entity conducting an audit shall accept as evidence, subject to validation, to support the validity of a pharmacy claim related to a dispensed drug:

a. redacted copies of supplier invoices in the pharmacist's or pharmacy's possession, or

b. invoices and any supporting documents from any supplier as authorized by federal or state law to transfer ownership of the drug acquired by the pharmacist or pharmacy.

4. An entity conducting an audit shall provide, no later than five (5) calendar days after the date of a request by the pharmacist or pharmacy, all supporting documents the pharmacist's or pharmacy's purchase suppliers provided to the health benefits plan issuer or pharmacy benefits manager.

C. A pharmacy shall be allowed to provide the pharmacy's computerized patterned medical records or the records of a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written or transmitted by any means of communication for purposes of supporting the pharmacy record with respect to orders or refills of a legend or narcotic drug.

D. The entity conducting the audit shall not audit more than fifty prescriptions, with specific date of service, per calendar year. The annual limit to the number of prescription claims audited shall be inclusive of all audits, including any prescription-related documentation requests from the health insurer, pharmacy benefits manager or any third-party company conducting audits on behalf of any health insurer or pharmacy benefits manager during a calendar year.

E. If paper copies of records are requested by the entity conducting the audit, the entity shall pay twenty-five cents ($0.25) per page to cover the costs incurred by the pharmacy. The entity conducting the audit shall provide the pharmacy with accurate instructions, including any required form for obtaining reimbursement for the copied records.

F. The entity conducting the audit shall:

1. Deliver a preliminary audit findings report to the pharmacy and the pharmacy's contracting agent within forty-five (45) calendar days of conducting the audit;

2. Allow the pharmacy at least ninety (90) calendar days following receipt of the preliminary audit findings report in which to produce documentation to address any discrepancy found during the audit; provided, however, a pharmacy may request an extension, not to exceed an additional forty-five (45) calendar days;

3. Deliver a final audit findings report to the pharmacy and the pharmacy's contracting agent signed by the auditor within ten (10) calendar days after receipt of additional documentation provided by the pharmacy, as provided for in Section 356.3 of this title;

4. Allow the pharmacy to reverse and resubmit claims electronically within thirty (30) calendar days of receipt of the final audit report in lieu of the auditing entity recouping discrepant claim amounts from the pharmacy;

5. Not recoup any disputed funds until after final disposition of the audit findings, including the appeals process as provided for in Section 356.3 of this title; and

6. Not accrue interest during the audit and appeal period.

G. Each entity conducting an audit shall provide a copy of the final audit results, and a final audit report upon request, after completion of any review process to the plan sponsor.

H. 1. The full amount of any recoupment on an audit shall be refunded to the plan sponsor. Except as provided for in paragraph 2 of this subsection, a charge or assessment for an audit shall not be based, directly or indirectly, on amounts recouped.

2. This subsection does not prevent the entity conducting the audit from charging or assessing the responsible party, directly or indirectly, based on amounts recouped if both of the following conditions are met:

a. the plan sponsor and the entity conducting the audit have a contract that explicitly states the percentage charge or assessment to the plan sponsor, and
b. a commission to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped.

I. Unless superseded by state or federal law, auditors shall only have access to previous audit reports on a particular pharmacy conducted by the auditing entity for the same pharmacy benefits manager, health plan or insurer. An auditing vendor contracting with multiple pharmacy benefits managers or health insurance plans shall not use audit reports or other information gained from an audit on a pharmacy to conduct another audit for a different pharmacy benefits manager or health insurance plan.

J. Sections A through I of this section shall not apply to any audit initiated based on or that involves fraud, willful misrepresentation, or abuse.

K. If the Attorney General, after notice and opportunity for hearing, finds that the entity conducting the audit failed to follow any of the requirements pursuant to the Pharmacy Audit Integrity Act, the audit shall be considered null and void. Any monies recouped from a null and void audit shall be returned to the affected pharmacy within fourteen (14) calendar days. Any violation of this section by a pharmacy benefits manager or auditing entity shall be deemed a violation of the Pharmacy Audit Integrity Act. Added by Laws 2008, c. 137, § 3, eff. Nov. 1, 2008. Amended by Laws 2011, c. 375, § 1, eff. Nov. 1, 2011; Laws 2021, c. 409, § 1, emerg. eff. May 4, 2021; Laws 2024, c. 332, § 2, emerg. eff. May 22, 2024.

§59-356.3. Appeals process - Dismissal - Fraud or willful misrepresentation - Application of act.

A. Each entity conducting an audit shall establish a written appeals process under which a pharmacy may appeal an unfavorable preliminary audit report and/or final audit report to the entity.

B. Following an appeal, if the entity finds that an unfavorable audit report or any portion thereof is unsubstantiated, the entity shall dismiss the audit report or the unsubstantiated portion of the audit report without any further action.

C. Any final audit report, following the final audit appeal period, with a finding of fraud or willful misrepresentation shall be referred to the district attorney having proper jurisdiction or the Attorney General for prosecution upon completion of the appeals process.

D. For any audit initiated based on or that involves fraud, willful misrepresentation, or abuse, the auditing entity shall provide, in writing, at the time of the audit, a clear and conspicuous declaration to the pharmacy being audited that the audit

is being conducted under suspicion of fraud, willful misrepresentation, or abuse and a statement of facts that supports the reasonable suspicion.

E. Any entity conducting an audit that is based on or involves fraud, willful misrepresentation, or abuse shall provide to the Office of the Attorney General:

1. Notice at least two (2) calendar days prior to beginning performance of an audit pursuant to this section;

2. A preliminary report within thirty (30) calendar days of performing the audit pursuant to this section; and

3. A final report within thirty (30) calendar days following the closure of the final appeal period for an audit performed pursuant to this section.

F. The Attorney General, authorized employees, and examiners shall have access to any pharmacy benefits manager's files and records that may relate to an audit that is based on or involves fraud, willful misrepresentation, or abuse.

G. The Attorney General may levy a civil or administrative fine of not less than One Hundred Dollars ($100.00) and not greater than Ten Thousand Dollars ($10,000.00) for each violation of this section and assess any other penalty or remedy authorized by law.

Added by Laws 2008, c. 137, § 4, eff. Nov. 1, 2008. Amended by Laws 2011, c. 375, § 2, eff. Nov. 1, 2011; Laws 2021, c. 409, § 2, emerg. eff. May 4, 2021; Laws 2024, c. 332, § 3, emerg. eff. May 22, 2024.

§59-356.4. Extrapolation audit prohibited.

A. For the purposes of the Pharmacy Audit Integrity Act, "extrapolation audit" means an audit of a sample of prescription drug benefit claims submitted by a pharmacy to the entity conducting the audit that is then used to estimate audit results for a larger batch or group of claims not reviewed by the auditor.

B. The entity conducting the audit shall not use the accounting practice of extrapolation in calculating recoupments or penalties for audits.

Added by Laws 2008, c. 137, § 5, eff. Nov. 1, 2008.

§59-356.5. Retrospective application – Audits not covered by act.

A. The audit criteria set forth in the Pharmacy Audit Integrity Act shall apply only to audits of claims for services provided and claims submitted for payment after this act becomes law.

B. The Pharmacy Audit Integrity Act shall not apply to any audit, including but not limited to audits conducted by or on behalf of a state agency, which involves fraud, willful misrepresentation, abuse or Medicaid payments including, without limitation, investigative audits or any other statutory provision which authorizes investigations relating to insurance fraud.

Added by Laws 2008, c. 137, § 6, eff. Nov. 1, 2008.

§59-357. Definitions.

A. As used in Sections 357 through 360 of this title:

1. "Covered entity" means a nonprofit hospital or medical service organization, for-profit hospital or medical service organization, insurer, health benefit plan, health maintenance organization, health program administered by the state in the capacity of providing health coverage, or an employer, labor union, or other group of persons that provides health coverage to persons in this state. This term does not include a health benefit plan that provides coverage only for accidental injury, specified disease, hospital indemnity, disability income, or other limited benefit health insurance policies and contracts that do not include prescription drug coverage;

2. "Covered individual" means a member, participant, enrollee, contract holder or policy holder or beneficiary of a covered entity who is provided health coverage by the covered entity. A covered individual includes any dependent or other person provided health coverage through a policy, contract or plan for a covered individual;

3. "Department" means the Insurance Department;

4. "Maximum allowable cost", "MAC", or "MAC list" means the list of drug products delineating the maximum per-unit reimbursement for multiple-source prescription drugs, medical product, or device;

5. "Multisource drug product reimbursement" (reimbursement) means the total amount paid to a pharmacy inclusive of any reduction in payment to the pharmacy, excluding prescription dispense fees;

6. "Office" means the Office of the Attorney General;

7. "Pharmacy benefits management" means a service provided to covered entities to facilitate the provision of prescription drug benefits to covered individuals within the state, including negotiating pricing and other terms with drug manufacturers and providers. Pharmacy benefits management may include any or all of the following services:

a. claims processing, retail network management and payment of claims to pharmacies for prescription drugs dispensed to covered individuals,

b. clinical formulary development and management services, or

c. rebate contracting and administration;

8. "Pharmacy benefits manager" or "PBM" means a person, business, or other entity that performs pharmacy benefits management. The term shall include a person or entity acting on behalf of a PBM in a contractual or employment relationship in the performance of pharmacy benefits management for a managed care company, nonprofit hospital, medical service organization, insurance

company, third-party payor, or a health program administered by an agency or department of this state;

9. "Plan sponsor" means the employers, insurance companies, unions and health maintenance organizations or any other entity responsible for establishing, maintaining, or administering a health benefit plan on behalf of covered individuals; and

10. "Provider" means a pharmacy licensed by the State Board of Pharmacy, or an agent or representative of a pharmacy, including, but not limited to, the pharmacy's contracting agent, which dispenses prescription drugs or devices to covered individuals.

B. Nothing in the definition of pharmacy benefits management or pharmacy benefits manager in the Patient's Right to Pharmacy Choice Act, Pharmacy Audit Integrity Act, or Sections 357 through 360 of this title shall deem an employer a "pharmacy benefits manager" of its own self-funded health benefit plan, except, to the extent permitted by applicable law, where the employer, without the utilization of a third party and unrelated to the employer's own pharmacy:

a. negotiates directly with drug manufacturers,

b. processes claims on behalf of its members, or

c. manages its own retail network of pharmacies.

Added by Laws 2014, c. 263, § 1, eff. July 1, 2014. Amended by Laws 2016, c. 285, § 7, eff. Nov. 1, 2016; Laws 2024, c. 332, § 4, emerg. eff. May 22, 2024.

§59-358. Pharmacy benefits management licensure – Procedures – Penalties for noncompliance.

A. In order to provide pharmacy benefits management or any of the services included under the definition of pharmacy benefits management in this state, a pharmacy benefits manager or any entity acting as one in a contractual or employment relationship for a covered entity shall first obtain a license from the Insurance Department, and the Department may charge a fee for such licensure.

B. The Department shall establish, by regulation, licensure procedures, required disclosures for pharmacy benefits managers (PBMs) and other rules as may be necessary for carrying out and enforcing the provisions of this title. The licensure procedures shall, at a minimum, include the completion of an application form that shall include the name and address of an agent for service of process, the payment of a requisite fee, and evidence of the procurement of a surety bond.

C. The Department or the Office of the Attorney General may subpoena witnesses and information. Its compliance officers may take and copy records for investigative use and prosecutions. Nothing in this subsection shall limit the Office of the Attorney General from using its investigative demand authority to investigate and prosecute violations of the law.

D. The Department may suspend, revoke or refuse to issue or renew a license for noncompliance with any of the provisions hereby established or with the rules promulgated by the Department; for conduct likely to mislead, deceive or defraud the public or the Department; for unfair or deceptive business practices or for nonpayment of an application or renewal fee or fine. The Department may also levy administrative fines for each count of which a PBM has been convicted in a Department hearing.

E. 1. The Office of the Attorney General, after notice and opportunity for hearing, may instruct the Insurance Commissioner that the PBM's license be censured, suspended, or revoked for conduct likely to mislead, deceive, or defraud the public or the State of Oklahoma; or for unfair or deceptive business practices, or for any violation of the Patient's Right to Pharmacy Choice Act, the Pharmacy Audit Integrity Act, or Sections 357 through 360 of this title. The Office of the Attorney General may also levy administrative fines for each count of which a PBM has been convicted following a hearing before the Attorney General. If the Attorney General makes such instruction, the Commissioner shall enforce the instructed action within thirty (30) calendar days.

2. In addition to or in lieu of any censure, suspension, or revocation of a license by the Commissioner, the Attorney General may levy a civil or administrative fine of not less than One Hundred Dollars ($100.00) and not greater than Ten Thousand Dollars ($10,000.00) for each violation of this subsection and/or assess any other penalty or remedy authorized by this section. For purposes of this section, each day a PBM fails to comply with an investigation or inquiry may be considered a separate violation.

F. The Attorney General may promulgate rules to implement the provisions of Sections 357 through 360 of this title.

Added by Laws 2014, c. 263, § 2, eff. July 1, 2014. Amended by Laws 2021, c. 409, § 3, emerg. eff. May 4, 2021; Laws 2024, c. 332, § 5, emerg. eff. May 22, 2024.

§59-359. Information regarding difference in amount paid for prescription services rendered and amount billed.

A pharmacy benefits manager shall provide, upon request by the covered entity, information regarding the difference in the amount paid to providers for prescription services rendered to covered individuals and the amount billed by the pharmacy benefits manager to the covered entity or plan sponsor to pay for prescription services rendered to covered individuals.

Added by Laws 2014, c. 263, § 3, eff. July 1, 2014. Amended by Laws 2021, c. 409, § 4, emerg. eff. May 4, 2021.

§59-360. Pharmacy benefits manager – Contractual duties to provider.

A. The pharmacy benefits manager shall, with respect to contracts between a pharmacy benefits manager and a provider, including a pharmacy service administrative organization:

1. Include in such contracts the specific sources utilized to determine the maximum allowable cost (MAC) pricing of the pharmacy, update MAC pricing at least every seven (7) calendar days, and establish a process for providers to readily access the MAC list specific to that provider;

2. In order to place a drug on the MAC list, ensure that the drug is listed as "A" or "B" rated in the most recent version of the FDA's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book, and the drug is generally available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete;

3. Ensure dispensing fees are not included in the calculation of MAC price reimbursement to pharmacy providers;

4. Provide a reasonable administration appeals procedure to allow a provider, a provider's representative and a pharmacy service administrative organization to contest reimbursement amounts within fourteen (14) calendar days of the final adjusted payment date. The pharmacy benefits manager shall not prevent the pharmacy or the pharmacy service administrative organization from filing reimbursement appeals in an electronic batch format. The pharmacy benefits manager must respond to a provider, a provider's representative and a pharmacy service administrative organization who have contested a reimbursement amount through this procedure within ten (10) calendar days. The pharmacy benefits manager must respond in an electronic batch format to reimbursement appeals filed in an electronic batch format. The pharmacy benefits manager shall not require a pharmacy or pharmacy services administrative organization to log into a system to upload individual claim appeals or to download individual appeal responses. If a price update is warranted, the pharmacy benefits manager shall make the change in the reimbursement amount, permit the dispensing pharmacy to reverse and rebill the claim in question, and make the reimbursement amount change retroactive and effective for all contracted providers; and

5. If a below-cost reimbursement appeal is denied, the PBM shall provide the reason for the denial, including the National Drug Code (NDC) number from, and the name of, the specific national or regional wholesalers doing business in this state where the drug is currently in stock and available for purchase by the dispensing pharmacy at a price below the PBM's reimbursement price. If the NDC number provided by the pharmacy benefits manager is not available below the acquisition cost obtained from the pharmaceutical wholesaler from whom the dispensing pharmacy purchases the majority of the prescription drugs that are dispensed, the pharmacy benefits manager shall immediately adjust the reimbursement amount, permit

the dispensing pharmacy to reverse and rebill the claim in question, and make the reimbursement amount adjustment retroactive and effective for all contracted providers.

B. The reimbursement appeal requirements in this section shall apply to all drugs, medical products, or devices reimbursed according to any payment methodology, including, but not limited to:

1. Average acquisition cost, including the National Average Drug Acquisition Cost;

2. Average manufacturer price;

3. Average wholesale price;

4. Brand effective rate or generic effective rate;

5. Discount indexing;

6. Federal upper limits;

7. Wholesale acquisition cost; and

8. Any other term that a pharmacy benefits manager or an insurer of a health benefit plan may use to establish reimbursement rates to a pharmacist or pharmacy for pharmacist services.

C. The pharmacy benefits manager shall not place a drug on a MAC list, unless there are at least two therapeutically equivalent, multiple-source drugs, generally available for purchase by dispensing retail pharmacies from national or regional wholesalers.

D. In the event that a drug is placed on the FDA Drug Shortages Database, pharmacy benefits managers shall reimburse claims to pharmacies at no less than the wholesale acquisition cost for the specific NDC number being dispensed.

E. The pharmacy benefits manager shall not require accreditation or licensing of providers, or any entity licensed or regulated by the State Board of Pharmacy, other than by the State Board of Pharmacy or federal government entity as a condition for participation as a network provider.

F. A pharmacy or pharmacist may decline to provide the pharmacist clinical or dispensing services to a patient or pharmacy benefits manager if the pharmacy or pharmacist is to be paid less than the pharmacy’s cost for providing the pharmacist clinical or dispensing services.

G. The pharmacy benefits manager shall provide a dedicated telephone number, email address and names of the personnel with decision-making authority regarding MAC appeals and pricing.

Added by Laws 2014, c. 263, § 4, eff. July 1, 2014. Amended by Laws 2016, c. 285, § 8, eff. Nov. 1, 2016; Laws 2021, c. 409, § 5, emerg. eff. May 4, 2021; Laws 2024, c. 332, § 6, emerg. eff. May 22, 2024

§59-361. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-362. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-363. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-364. Repealed by Laws 2016, c. 285, § 9, eff. Nov. 1, 2016.

§59-365. Repealed by Laws 1993, c. 199, § 25, emerg. eff. May 24, 1993.

§59-366. Repealed by Laws 2016, c. 285, § 9, eff. Nov. 1, 2016.

§59-367.1. Short title.

Sections 1 through 7 of this act shall be known and may be cited as the "Utilization of Unused Prescription Medications Act". Added by Laws 2004, c. 374, § 1, emerg. eff. June 3, 2004.

§59-367.2. Definitions.

As used in the Utilization of Unused Prescription Medications Act:

1. "Assisted living center" has the same meaning as such term is defined in Section 1-890.2 of Title 63 of the Oklahoma Statutes;

2. "Cancer drugs" means any of several drugs that control or kill neoplastic cells, commonly referred to as "cancer-fighting drugs"; and includes, but is not limited to, drugs used in chemotherapy to destroy cancer cells;

3. "Health care professional" means any of the following persons licensed and authorized to prescribe and dispense drugs or to provide medical, dental, or other health-related diagnoses, care or treatment within the scope of their professional license:

a. a physician holding a current license to practice medicine pursuant to Chapter 11 or Chapter 14 of Title 59 of the Oklahoma Statutes,

b. an advanced practice nurse licensed pursuant to Chapter 12 of Title 59 of the Oklahoma Statutes,

c. a physician assistant licensed pursuant to Chapter 11 of Title 59 of the Oklahoma Statutes,

d. a dentist licensed pursuant to Chapter 7 of Title 59 of the Oklahoma Statutes,

e. an optometrist licensed pursuant to Chapter 13 of Title 59 of the Oklahoma Statutes, and

f. a pharmacist licensed pursuant to Chapter 8 of Title 59 of the Oklahoma Statutes;

4. "Medically indigent" means a person eligible to receive Medicaid or Medicare or a person who has no health insurance and who otherwise lacks reasonable means to purchase prescribed medications;

5. "Charitable clinic" means a charitable nonprofit corporation or a facility organized as a not-for-profit pursuant to the provisions of the Oklahoma General Corporation Act that:

a. holds a valid exemption from federal income taxation issued pursuant to Section 501(a) of the Internal Revenue Code (26 U.S.C., Section 501(a)),

b. is listed as an exempt organization under 501(c) of the Internal Revenue Code (26 U.S.C., Section 501(c)),

c. provides on an outpatient basis for a period of less than twenty-four (24) consecutive hours to persons not residing or confined at such facility advice, counseling, diagnosis, treatment, surgery, care or services relating to the preservation or maintenance of health, and

d. has a licensed outpatient pharmacy; and

6. "Prescription drug" means a drug which may be dispensed only upon prescription by a health care professional authorized by his or her licensing authority and which is approved for safety and effectiveness as a prescription drug under Section 505 or 507 of the Federal Food, Drug and Cosmetic Act (52 Stat. 1040 (1938), 21 U.S.C.A., Section 301).

Added by Laws 2004, c. 374, § 2, emerg. eff. June 3, 2004.

§59-367.3. Program for utilization of unused prescription drugs.

A. The Board of Pharmacy shall implement statewide a program consistent with public health and safety through which unused prescription drugs, other than prescription drugs defined as controlled dangerous substances in Section 2-101 of Title 63 of the Oklahoma Statutes, may be transferred from residential care homes, nursing facilities, assisted living centers, public intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) or pharmaceutical manufacturers to pharmacies operated by a county. If no county pharmacy exists, or if a county pharmacy chooses not to participate, such unused prescription medications may be transferred to a pharmacy operated by a city-county health department or a pharmacy under contract with a city-county health department, a pharmacy operated by the Department of Mental Health and Substance Abuse Services or a charitable clinic for the purpose of distributing the unused prescription medications to Oklahoma residents who are medically indigent.

B. The Board of Pharmacy shall promulgate rules and establish procedures necessary to implement the program established by the Utilization of Unused Prescription Medications Act.

C. The Board of Pharmacy shall provide technical assistance to entities who may wish to participate in the program.

Added by Laws 2001, c. 281, § 1, eff. Nov. 1, 2001. Amended by Laws 2002, c. 462, § 3, eff. July 1, 2002; Laws 2003, c. 167, § 1, emerg.

eff. May 5, 2003; Laws 2004, c. 374, § 3, emerg. eff. June 3, 2004. Renumbered from § 1-1918.2 of Title 63 by Laws 2004, c. 374, § 9, emerg. eff. June 3, 2004. Amended by Laws 2005, c. 285, § 1, eff. Nov. 1, 2005; Laws 2006, c. 109, § 1, eff. Nov. 1, 2006; Laws 2019, c. 475, § 45, eff. Nov. 1, 2019.

§59-367.4. Criteria for accepting unused prescription drugs.

The following criteria shall be used in accepting unused prescription drugs for use under the Utilization of Unused Prescription Medications Act:

1. Only prescription drugs in their original sealed unit dose packaging or unused injectables shall be accepted and dispensed pursuant to the Utilization of Unused Prescription Medications Act;

2. The packaging must be unopened, except that cancer drugs packaged in single-unit doses may be accepted and dispensed when the outside packaging is opened if the single-unit-dose packaging has not been opened;

3. Expired prescription drugs shall not be accepted;

4. A prescription drug shall not be accepted or dispensed if the person accepting or dispensing the drug has reason to believe that the drug is adulterated;

5. No controlled dangerous substances shall be accepted; and

6. Subject to the limitation specified in this section, unused prescription drugs dispensed for purposes of a medical assistance program or drug product donation program may be accepted and dispensed under the Utilization of Unused Prescription Medications Act.

Added by Laws 2004, c. 374, § 4, emerg. eff. June 3, 2004.

§59-367.5. Participation in program voluntary – Acts and obligations of participating organization – Government reimbursement not considered resale.

A. Participation in the Utilization of Unused Prescription Medications Act by pharmacies, nursing homes, assisted living centers, charitable clinics or prescription drug manufacturers shall be voluntary. Nothing in the Utilization of Unused Prescription Medications Act shall require any pharmacy, nursing home, assisted living center, charitable clinic or prescription drug manufacturer to participate in the program.

B. A pharmacy or charitable clinic which meets the eligibility requirements established in the Utilization of Unused Prescription Medications Act may:

1. Dispense prescription drugs donated under the Utilization of Unused Prescription Medications Act to persons who are medically indigent residents of Oklahoma as established in rules by the Board of Pharmacy; and

2. Charge persons receiving donated prescription drugs a handling fee established by rule by the Board of Pharmacy.

C. A pharmacy or charitable clinic which meets the eligibility requirements established and authorized by the Utilization of Unused Prescription Medications Act which accepts donated prescription drugs shall:

1. Comply with all applicable federal and state laws related to the storage and distribution of dangerous drugs;

2. Inspect all prescription drugs prior to dispensing the prescription drugs to determine that such drugs are not adulterated; and

3. Dispense prescription drugs only pursuant to a prescription issued by a health care professional.

D. Prescription drugs donated under the Utilization of Unused Prescription Medications Act shall not be resold.

E. For purposes of the Utilization of Unused Prescription Medications Act, reimbursement from governmental agencies to charitable clinics shall not be considered resale of prescription drugs.

Added by Laws 2004, c. 374, § 5, emerg. eff. June 3, 2004.

§59-367.5.1. Pharmacies operated by or under contract with Department of Corrections – Resale or redispensing of prescription drugs.

A. A pharmacy operated by the Department of Corrections or under contract with the Department of Corrections or a county jail may accept for the purpose of resale or redispensing a prescription drug that has been dispensed and has left the control of the pharmacist if the prescription drug is being returned by a state correctional facility or a county jail that has a licensed physician's assistant, a registered professional nurse, or a licensed practical nurse, who is responsible for the security, handling, and administration of prescription drugs within that state correctional facility or county jail and if all of the following conditions are met:

1. The pharmacist is satisfied that the conditions under which the prescription drug has been delivered, stored and handled before and during its return were such as to prevent damage, deterioration or contamination that would adversely affect the identity, strength, quality, purity, stability, integrity or effectiveness of the prescription drug;

2. The pharmacist is satisfied that the prescription drug did not leave the control of the registered professional nurse or licensed practical nurse responsible for the security, handling, and administration of that prescription drug and that the prescription drug did not come into the physical possession of the individual for whom it was prescribed;

3. The pharmacist is satisfied that the labeling and packaging of the prescription drug are accurate, have not been altered, defaced or tampered with, and include the identity, strength, expiration date and lot number of the prescription drug; and

4. The prescription drug was dispensed in a unit dose package or unit of issue package.

B. A pharmacy operated by the Department of Corrections or under contract with the Department of Corrections or a county jail shall not accept or return prescription drugs as provided under this section until the pharmacist in charge develops a written set of protocols for accepting, returning to stock, repackaging, labeling and redispensing prescription drugs. The written protocols shall be maintained on the premises and shall be readily accessible to each pharmacist on duty and available for review by the Board. The written protocols shall include, but not be limited to:

1. Methods to ensure that damage, deterioration or contamination has not occurred during the delivery, handling, storage and return of the prescription drugs which would adversely affect the identity, strength, quality, purity, stability, integrity or effectiveness of those prescription drugs or otherwise render those drugs unfit for distribution;

2. Methods for accepting, returning to stock, repackaging, labeling and redispensing the prescription drugs returned pursuant to this section; and

3. A uniform system of recording and tracking prescription drugs that are returned to stock, repackaged, labeled, and redistributed pursuant to this section.

C. If the integrity of a prescription drug and its package is maintained, a prescription drug returned pursuant to this section shall be returned to stock and redistributed as follows:

1. A prescription drug that was originally dispensed in the manufacturer's unit dose package or unit of issue package and is returned in that same package may be returned to stock, repackaged and redispensed as needed;

2. A prescription drug that is repackaged into a unit dose package or a unit of issue package by the pharmacy, dispensed and returned to that pharmacy in that unit dose package or unit of issue package may be returned to stock, but it shall not be repackaged. A unit dose package or unit of issue package prepared by the pharmacist and returned to stock shall only be redispensed in that same unit dose package or unit of issue package. A pharmacist shall not add unit dose package drugs to a partially used unit of issue package.

D. This section does not apply to any of the following:

1. A controlled dangerous substance;

2. A prescription drug that is dispensed as part of customized adherence medication packaging;

3. A prescription drug that is not dispensed as a unit dose package or a unit of issue package; or

4. A prescription drug that is not properly labeled with the identity, strength, lot number and expiration date.

Added by Laws 2018, c. 106, § 10, eff. Nov. 1, 2018.

§59-367.6. Liability of participating organizations and manufacturers – Bad faith or gross negligence.

A. For matters related only to the lawful donation, acceptance, or dispensing of prescription drugs under the Utilization of Unused Prescription Medications Act, the following persons and entities, in compliance with the Utilization of Unused Prescription Medications Act, in the absence of bad faith or gross negligence, shall not be subject to criminal or civil liability for injury other than death, or loss to person or property, or professional disciplinary action:

1. The Board of Pharmacy;

2. The Department of Mental Health and Substance Abuse Services;

3. Any prescription drug manufacturer, governmental entity, nursing home, or assisted living center donating prescription drugs under the Utilization of Unused Prescription Medications Act;

4. Any prescription drug manufacturer or its representative that directly donates prescription drugs in professional samples to a charitable clinic or a pharmacy under the Utilization of Unused Prescription Medications Act;

5. Any pharmacy, charitable clinic or health care professional that accepts or dispenses prescription drugs under the Utilization of Unused Prescription Medications Act; and

6. Any pharmacy, charitable clinic, city-county pharmacy or other state-contracted pharmacy that employs a health care professional who accepts or can legally dispense prescription drugs under the Utilization of Unused Prescription Medications Act and the Oklahoma Pharmacy Act.

B. For matters related to the donation, acceptance, or dispensing of a prescription drug manufactured by the prescription drug manufacturer that is donated by any entity under the Utilization of Unused Prescription Medications Act, a prescription drug manufacturer shall not, in the absence of bad faith or gross negligence, be subject to criminal or civil liability for injury other than for death, or loss to person or property including, but not limited to, liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug.

Added by Laws 2004, c. 374, § 6, emerg. eff. June 3, 2004.

§59-367.7. Promulgation of rules – Donation of unused prescription drugs.

A. The Board of Pharmacy shall promulgate emergency rules by December 1, 2004, to implement the Utilization of Unused Prescription Medications Act. Permanent rules shall be promulgated pursuant to the Administrative Procedures Act. Such rules shall include:

1. Eligibility criteria for pharmacies and charitable clinics authorized to receive and dispense donated prescription drugs under the Utilization of Unused Prescription Medications Act;

2. Establishment of a formulary which shall include all prescription drugs approved by the federal Food and Drug Administration;

3. Standards and procedures for transfer, acceptance, safe storage, security, and dispensing of donated prescription drugs;

4. A process for seeking input from the State Department of Health in establishing provisions which affect nursing homes and assisted living centers;

5. A process for seeking input from the Department of Mental Health and Substance Abuse Services in establishing provisions which affect mental health and substance abuse clients;

6. Standards and procedures for inspecting donated prescription drugs to ensure that the drugs are in compliance with the Utilization of Unused Prescription Medications Act and to ensure that, in the professional judgment of the pharmacist, the medications meet all federal and state standards for product integrity;

7. Procedures for destruction of medications that are donated which are controlled substances;

8. Procedures for verifying whether the pharmacy and responsible pharmacist participating in the program are licensed and in good standing with the Board of Pharmacy;

9. Establishment of standards for acceptance of unused prescription medications from assisted living centers; and

10. Any other standards and procedures the Board of Pharmacy deems appropriate or necessary to implement the provisions of the Utilization of Unused Prescription Medications Act.

B. In accordance with the rules and procedures of the program established pursuant to this section, a resident of a nursing facility or assisted living center, or the representative or guardian of a resident may donate unused prescription medications, other than prescription drugs defined as controlled dangerous substances by Section 2-101 of Title 63 of the Oklahoma Statutes, for dispensation to medically indigent persons.

Added by Laws 2004, c. 374, § 7, emerg. eff. June 3, 2004. Amended by Laws 2005, c. 73, § 1, emerg. eff. April 19, 2005.

§59-367.8. Maintenance of drugs in emergency kits by pharmacies.

A. A pharmacy may maintain drugs in an emergency medication kit for dispensation in a facility as provided by this section. The pharmacy shall establish a policy and procedures governing the maintenance and dispensation of such drugs in accordance with the provisions of this section. The drugs may be used only for the emergency medication needs of a resident at the facility. The pharmacy shall maintain the drugs in the emergency medication kit for the facility.

B. The pharmacy may establish a pharmacy designee at the facility who shall be responsible for transmitting required information for dispensation of controlled dangerous substances to the central repository of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control as provided by the Anti-Drug Diversion Act.

C. The pharmacy shall register the emergency medication kit as a pharmacy location with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and shall comply with the requirements for controlled dangerous substances prescribed by rules of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.

D. The State Board of Pharmacy shall promulgate rules relating to emergency medication kits including, but not limited to:

1. The amount and type of drugs that may be maintained in an emergency medication kit. The total volume of each controlled dangerous substance shall be limited to the lesser of three doses per licensed bed or sixty individual doses. Controlled dangerous substances stored in emergency medication kits must be dispensed pursuant to a valid prescription and shall be reported to the registered pharmacy;

2. Procedures regarding the use of drugs from an emergency medication kit;

3. Recordkeeping requirements; and

4. Security requirements.

E. As used in this section, "facility" means a facility as defined by the Nursing Home Care Act or an assisted living center as defined by the Continuum of Care and Assisted Living Act.

Added by Laws 2009, c. 74, § 1, eff. Nov. 1, 2009. Amended by Laws 2010, c. 247, § 1, emerg. eff. May 10, 2010; Laws 2011, c. 7, § 1, eff. Nov. 1, 2011; Laws 2018, c. 106, § 11, eff. Nov. 1, 2018; Laws 2021, c. 300, § 1, eff. Nov. 1, 2021.

§59-368. Access to prescription drugs for low income Oklahomans.

A. 1. This act shall be known and may be cited as the "Oklahoma Prescription Drug Discount Program Act of 2005".

2. Recognizing that many Oklahomans do not have health insurance coverage for prescription drugs, the Oklahoma Legislature hereby establishes provisions to increase access to prescription drugs for low income Oklahomans.

B. The Oklahoma Health Care Authority shall contract with a pharmacy benefit manager for the administration of a prescription drug discount program. Oklahoma incorporated entities having a strong working relationship with Oklahoma's pharmacies should be given preference when selecting the administrating entity to ensure Oklahoma pharmacy's participation and to ensure the success of the program. The prescription drug discount program will:

1. Enable persons without prescription drug coverage to be linked to appropriate manufacturer-sponsored prescription drug programs via the use of computer software;

2. Establish agreements with prescription drug manufacturers that outline available discounts and drugs, and in which prescription drug manufacturers agree to allow the Oklahoma Health Care Authority contracted pharmacy benefit manager to be the means testing agent for their programs;

3. Negotiate prescription drug discounts with manufacturers and utilize Medicaid reimbursement for pharmacy networks and implement a "one-stop" Oklahoma Prescription Drug Discount program for uninsured Oklahomans and their families. All negotiated manufacturer drug discounts shall be provided as a one-hundred-percent pass-through discount to the plan participant. The plan administrator will be required to provide the Oklahoma Health Care Authority full disclosure and transparency of financial relationships with manufacturers for this program, and will include right-to-audit provisions in all contracts with the Oklahoma Health Care Authority;

4. Ensure that one hundred percent (100%) of the savings from prescription drug manufacturers and pharmacies is passed on to the consumer;

5. Enroll persons into a prescription drug discount card program using specialized computer software that will allow the consumer to have access via a single application process to all participating prescription drug manufacturer discount programs;

6. Include outreach and advertising of the program in order to provide access to the program to potential consumers who do not have access to prescription drug coverage; and

7. Charge a basic enrollment fee to cover the administrative costs of the program; provided, however, this provision shall not apply to an applicant whose income is less than 150% of the Federal Poverty Level. Provided further, dispensing fees shall not exceed allowable Medicaid rates.

C. Nothing in this act shall be construed to allow public disclosure of any proprietary pricing information as contained in contractual agreements between a pharmaceutical manufacturer and the Oklahoma Health Care Authority, or a pharmacy benefit manager under contract with the Oklahoma Health Care Authority to be the means testing agent for the program.

Added by Laws 2005, c. 419, § 1, eff. July 1, 2005.

§59-369. Emergency contraceptive prescription.

Plan B One-Step, or its generic equivalent, also known as the "morning-after" emergency contraceptive, shall not be available to women under the age of seventeen (17) without a prescription. Such emergency contraceptive shall be dispensed by pharmacists to women seventeen (17) years of age and older without a prescription.
Added by Laws 2013, c. 362, § 2.

§59-374. Medication services procedures.

In facilities operated by the Oklahoma Department of Veterans Affairs, the following medication services procedures shall be utilized:

1. An inventory record shall be maintained for each Schedule II-V medication distributed to a nursing station such that each dose (unit) is documented;

2. For medications which require a prescription, the resident's full name will be affixed to the resident's individual drawer located on the medication cart; and the medication strength, dosage, and directions for use will be located on the medical administration record (MAR);

3. For over-the-counter medications that are prescribed, the resident's full name will be affixed to the resident's individual drawer located on the medication cart; and the medication strength, dosage, and directions for use will be located on the medical administration record (MAR);

4. When a resident is permanently discharged, the unused medication shall be returned to the facility pharmacy as required by United States Department of Veterans Affairs guidelines;

5. Noncontrolled medications prescribed for residents who have died and noncontrolled medications which have been discontinued shall be returned to the facility pharmacy; and

6. Facilities may maintain nonprescription drugs as bulk medications. Bulk medications may include drugs listed in a formulary developed by the facility pharmacist, medical director, and director of nursing. Nonformulary over-the-counter medications may be prescribed if the resident has therapeutic failure, drug allergy, drug interaction or contraindication to the over-the-counter formulary. In addition, bulk dispensing of prescription medications may include controlled and noncontrolled medications. Facilities shall establish policies and procedures to assure the safe administration of all medications and full accountability of controlled medications.
Added by Laws 2014, c. 340, § 2, eff. Nov. 1, 2014.

§59-375.1. Short title - Oklahoma Durable Medical Equipment Licensing Act.

Sections 2 through 5 of this act shall be known and may be cited as the "Oklahoma Durable Medical Equipment Licensing Act".
Added by Laws 2022, c. 288, § 1, eff. Nov. 1, 2022.

§59-375.2. Definitions.

As used in the Oklahoma Durable Medical Equipment Licensing Act:

1. "Board" means the State Board of Pharmacy;

2. a. "Durable medical equipment" means equipment for which a prescription is required, including for repair and replacement parts, and that:
   (1) can stand repeated use,
   (2) has an expected useful life of at least three (3) years,
   (3) is primarily and customarily used to serve a medical purpose,
   (4) is not generally useful to a person in the absence of illness or injury,
   (5) is appropriate for use in the home, and
   (6) is intended for use by the consumer.

   b. Durable medical equipment includes, but is not limited to:
   (1) ambulating assistance equipment,
   (2) mobility equipment,
   (3) rehabilitation seating,
   (4) oxygen care and oxygen delivery systems,
   (5) respiratory equipment and respiratory disease management devices,
   (6) rehabilitation environmental control equipment,
   (7) ventilators,
   (8) apnea monitors,
   (9) diagnostic equipment,
   (10) feeding pumps,
   (11) beds prescribed by physicians to alleviate medical conditions,
   (12) transcutaneous electrical nerve stimulators, and
   (13) sequential compression devices; and

3. "Supplier" means any person or entity that provides durable medical equipment services or products and that currently bills or plans to bill a claim for reimbursement of services or products to a third party.
Added by Laws 2022, c. 288, § 2, eff. Nov. 1, 2022.

§59-375.3. Supplier license – Inspections – Promulgation of rules.

A. Any supplier of durable medical equipment to a consumer in this state shall possess a durable medical equipment supplier license issued by the State Board of Pharmacy pursuant to the Oklahoma Durable Medical Equipment Licensing Act.

B. Licenses issued by the Board pursuant to the Oklahoma Durable Medical Equipment Licensing Act shall be effective for twelve (12) months from the date of issuance and shall not be transferable or assignable.

C. The Board may initially and periodically inspect the applicant's office or place of business.

D. The Board shall promulgate rules necessary to implement the provisions of the Oklahoma Durable Medical Equipment Licensing Act. Such rules shall prioritize patient safety and quality of durable medical equipment. The Board may provide by rule that any person or entity accredited by organizations recognized by the Centers for Medicare and Medicaid Services is deemed to meet all or some of the requirements of the Oklahoma Durable Medical Equipment Licensing Act.

E. Nothing in this section shall be construed to restrict or prohibit private transactions between two parties.

Added by Laws 2022, c. 288, § 3, eff. Nov. 1, 2022.

§59-375.4. Application for license – Fee – Out-of-state supplier – Safety standards – Revocation or suspension.

A. The State Board of Pharmacy may issue a license to an applicant for licensure as a supplier of durable medical equipment if the applicant pays the appropriate license fee established under Section 8 of this act and submits, in a form prescribed by the Board, an application and proof that the applicant:

1. a. Maintains a physical office or place of business within this state, or

   b. For a Medicare or Medicaid enrolled out-of-state supplier, maintains a physical office or place of business within one hundred (100) miles of a resident of this state being served by the supplier;

2. Has obtained a state sales tax permit and any other necessary license or permit as determined by the Board including but not limited to any permit from the State Department of Health; and

3. Meets all state and federal accreditation requirements.

Each individual physical office or place of business owned or operated by the supplier must be licensed separately.

B. 1. The Board may issue a license to a Medicare or Medicaid enrolled out-of-state supplier who has at least one accredited facility within one hundred (100) miles of any resident of this state being served by the supplier.

2. The Board may assess a fee on out-of-state suppliers necessary to cover the cost of inspection of those suppliers. The inspection fee shall be in addition to the licensure fee.

C. A supplier licensed by the Board shall meet all safety standards established by the Board, which shall include, but not be limited to:

1. Ensuring that all personnel engaged in delivery, maintenance, and repair of durable medical equipment receive annual continuing education;

2. Instructing the patient or patient's caregiver about how to use the durable medical equipment provided;

3. Receiving and responding to complaints from patients;

4. Maintaining records of all patients receiving durable medical equipment; and

5. Managing, maintaining, and servicing durable medical equipment.

D. The Board may revoke or suspend a license for:

1. Violation of state or federal law;

2. Violation of rules promulgated pursuant to the Oklahoma Durable Medical Equipment Licensing Act;

3. Permitting, aiding, or abetting any illegal act;

4. Failing to meet the safety standards established by the Board pursuant to the Oklahoma Durable Medical Equipment Licensing Act;

5. Engaging in conduct or practices found by the Board to be detrimental to the health, safety, or welfare of patients; or

6. Failing to renew a license.

Added by Laws 2022, c. 288, § 4, eff. Nov. 1, 2022.

§59-375.5. Application of act.

The Oklahoma Durable Medical Equipment Licensing Act shall not apply to:

1. Pharmacies and pharmacists;

2. Hospitals;

3. Ambulatory surgical centers;

4. Health care facilities owned or operated by the state or federal government;

5. Skilled nursing facilities;

6. Assisted living facilities;

7. Prosthetic or orthotic practitioners;

8. Health care practitioners who are licensed to practice health care in this state and who provide durable medical equipment within the scope of their health care practice;

9. Manufacturers or wholesale distributors that do not sell or rent durable medical equipment directly to consumers;

10. Suppliers of insulin infusion pumps and related supplies or services; or

11. Suppliers of medical devices approved by the U.S. Food and Drug Administration that are used in the treatment of cancerous tumors.

Added by Laws 2022, c. 288, § 5, eff. Nov. 1, 2022.

§59-381. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-382. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-383. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-384. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-385. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-386. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-387. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-388. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-389. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-390. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-391. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-392. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-393. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-394. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-395. Repealed by Laws 1941, p. 243, § 28, emerg. eff. May 20, 1941.

§59-395.1. Short title.

Sections 395.1 through 396.28 of this title, and Sections 24 through 26 of this act shall be known and may be cited as the "Funeral Services Licensing Act".
Added by Laws 1989, c. 297, § 1, eff. Nov. 1, 1989. Amended by Laws 1999, c. 64, § 1, eff. July 1, 1999; Laws 2003, c. 57, § 1, emerg. eff. April 10, 2003.

§59-396. Oklahoma Funeral Board - Appointment - Term - Qualifications.

There is hereby re-created, to continue until July 1, 2024, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Funeral Board. Any reference in the statutes to the Oklahoma State Board of Embalmers and Funeral Directors shall be a reference to the Oklahoma Funeral Board. The Board shall consist of seven (7) persons, who shall be appointed by the Governor. The term of membership of each member of the Board shall be five (5) years from the expiration of the term of the member succeeded. Any member having served as a member of the Board shall be eligible for reappointment. Provided that, a member of the Board shall serve no more than two consecutive terms and any unexpired term that a member is appointed to shall not apply to this limit. The Governor shall appoint the necessary members to the Board upon vacancies and immediately prior to the expiration of the various terms. Upon request of the Governor, appointments of a licensed embalmer and funeral director member of the Board shall be made from a list of five qualified persons submitted by the Oklahoma Funeral Directors Association. An appointment to fill a vacancy shall be for the unexpired term. A member of the Board shall serve until a successor is appointed and qualified. No person shall be a member of the Board, unless, at the time of appointment, the person is of good moral character and a resident of this state. Five of the members shall have been actively engaged in the practice of embalming and funeral directing in this state for not less than seven (7) consecutive years immediately prior to the appointment of the person, shall have an active license as provided by the Funeral Services Licensing Act, shall keep the license effective, and remain a resident of this state during the entire time the person serves on the Board. Two of the members of the Board shall be chosen from the general public, one of whom shall, if possible, be a person licensed and actively engaged in the health care field, and shall not be licensed funeral directors or embalmers or have any interest, directly or indirectly, in any funeral establishment or any business dealing in funeral services, supplies or equipment. These two members shall be appointed to serve for five-year terms.
Added by Laws 1941, p. 235, § 1, emerg. eff. May 20, 1941. Amended by Laws 1963, c. 117, § 1, emerg. eff. May 31, 1963; Laws 1978, c. 96, § 1, emerg. eff. March 29, 1978; Laws 1980, c. 312, § 1, emerg.

eff. June 17, 1980; Laws 1986, c. 30, § 1, eff. July 1, 1986; Laws 1992, c. 3, § 1; Laws 1998, c. 40, § 1; Laws 2003, c. 57, § 2, emerg. eff. April 10, 2003; Laws 2004, c. 28, § 1; Laws 2010, c. 32, § 1; Laws 2014, c. 61, § 1; Laws 2020, c. 116, § 7, eff. July 1, 2020; Laws 2023, c. 32, § 1, eff. July 1, 2023.

§59-396.1. Oath of office.

Members of said Board, before entering upon their duties, shall take and subscribe to the oath of office provided for state officers, and the same shall be filed in the office of the Secretary of State.

Added by Laws 1941, p. 235, § 2, emerg. eff. May 20, 1941.

§59-396.1A. Removal of Board members.

The Governor shall remove from membership of the Oklahoma Funeral Board, at any time, any member of the Board for continued neglect of duty required by the Funeral Services Licensing Act, conduct involving moral turpitude or any violation of the provisions of Section 396.12c of this title.

Added by Laws 1941, p. 242, § 22, emerg. eff. May 20, 1941. Amended by Laws 2003, c. 57, § 21, emerg. eff. April 10, 2003. Renumbered from § 396.21 of this title by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§59-396.1B. Expenses of Board members - Executive director - Other personnel.

All of the members of the Oklahoma Funeral Board shall be reimbursed for travel expenses incident to attendance upon the business of the Board as provided in the State Travel Reimbursement Act. The Board is hereby authorized to employ an executive director at an annual salary to be set by the Board, payable monthly, and to rent and equip an office therefor in some city in the state to be selected by the Board. The Board shall not employ any of its members for a period of three (3) years following their expiration of term of office. The executive director shall keep such books, records, and perform such other lawful duties as are required by or placed upon the executive director by the Board, and shall be entitled to receive traveling expenses while in the performance of the duties as directed and prescribed by the Board. The executive director shall not accept any employment from any funeral home or wholesale house dealing in funeral supplies or equipment while acting as the executive director. The Board shall have the right and authority to employ necessary personnel to carry out the provisions of the Funeral Services Licensing Act. The expenses of the Board shall at no time exceed the monies available to the Fund of the Oklahoma Funeral Board.

Added by Laws, 1941, p. 241, § 19, emerg. eff. May 20, 1941. Amended by Laws 1945, p.195, § 8, emerg. eff. April 28, 1945; Laws 1961, p. 456, § 6, emerg. eff. July 11, 1961; Laws 1970, c. 311, § 5, emerg. eff. April 27, 1970; Laws 1978, c. 96, § 3, emerg. eff. March 29, 1978; Laws 1985, c. 178, § 32, operative July 1, 1985; Laws 1999, c. 64, § 15, eff. July 1, 1999; Laws 2003, c. 57, § 19, emerg. eff. April 10, 2003. Renumbered from § 396.18 of this title by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§59-396.1C. Executive director of Board - Powers and duties - Collection and disposition of funds.

The executive director of the Board shall keep and preserve all records of the Board, issue all necessary notices to the embalmers, funeral directors and apprentices of the state, and perform such other duties as may be imposed upon the executive director by the Board. The executive director is hereby authorized and empowered to collect, in the name and on behalf of the Board, the fees prescribed in the Funeral Services Licensing Act, and all fees so collected shall at the end of each month be deposited by the executive director with the State Treasurer. The State Treasurer shall place ten percent (10%) of the money so received in the general fund of the state, and the balance in a special fund to be known as the "Fund of the Oklahoma Funeral Board". Payment from the fund shall be upon warrants drawn by the State Treasurer against claims submitted by the Board to the Director of the Office of Management and Enterprise Services for approval and payment. All monies so received by the fund may be used by the Board in carrying out the provisions of the Funeral Services Licensing Act.

Added by Laws 1941, p. 240, § 15, emerg. eff. May 20, 1941. Amended by Laws 1945, p. 194, § 6, emerg. eff. April 28, 1945; Laws 1970, c. 311, § 4, emerg. eff. April 27, 1970; Laws 1979, c. 47, § 37, emerg. eff. April 9, 1979; Laws 1999, c. 64, § 14, eff. July 1, 1999; Laws 2003, c. 57, § 17, emerg. eff. April 10, 2003. Renumbered from § 396.14 of this title by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003. Amended by Laws 2012, c. 304, § 264.

§59-396.2. Definitions.

As used in the Funeral Services Licensing Act:

1. "Embalmer" means a person who disinfects or preserves dead human remains, entire or in part, by the use of chemical substances, fluids or gases in the remains, or by the introduction of same into the remains by vascular or hypodermic injection, or by direct application into organs or cavities;

2. "Funeral director" means a person who:

a. is engaged in or conducts or represents themselves as being engaged in preparing for the burial or disposal

and directing and supervising the burial or disposal of dead human remains,

b. is engaged in or conducts or represents themselves as being engaged in maintaining a funeral establishment for the preparation and the disposition, or for the care of dead human remains,

c. uses, in connection with the name of the person or funeral establishment, the words "funeral director" or "undertaker" or "mortician" or any other title implying that the person is engaged as a funeral director,

d. sells funeral service merchandise to the public, or

e. is responsible for the legal and ethical operation of a crematory;

3. "Funeral establishment" means a place of business used in the care and preparation for burial, commercial embalming, or transportation of dead human remains, or any place where any person or persons shall hold forth and be engaged in the profession of undertaking or funeral directing;

4. "Apprentice" means a person who is engaged in learning the practice of embalming or the practice of funeral directing, as the case may be, under the instruction and personal supervision of a duly licensed embalmer or a duly licensed funeral director of and in the State of Oklahoma, pursuant to the provisions of the Funeral Services Licensing Act, and who is duly registered as such with said Board;

5. "Board" means the Oklahoma Funeral Board;

6. "Directing a funeral" or "funeral directing" means directing funeral services from the time of the first call until final disposition or release to a common carrier or release to next of kin of the deceased or the designee of the next of kin;

7. "First call" means the beginning of the relationship and duty of the funeral director to take charge of dead human remains and have such remains prepared by embalming, cremation, or otherwise, for burial or disposition, provided all laws pertaining to public health in this state are complied with. First call does not include calls made by ambulance, when the person dispatching the ambulance does not know whether or not dead human remains are to be picked up;

8. "Personal supervision" means the physical presence of a licensed funeral director or embalmer at the specified time and place of the providing of acts of funeral service;

9. "Commercial embalming establishment" means a fixed place of business consisting of an equipped preparation room, and other rooms as necessary, for the specified purpose of performing preparation and shipping services of dead human remains to funeral establishments inside and outside this state;

10. "Funeral service merchandise or funeral services" means those products and services normally provided by funeral establishments and required to be listed on the General Price List of the Federal Trade Commission, 15 U.S.C., Section 57a(a), including, but not limited to, the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches or outer enclosures;

11. "Outer enclosure" means a grave liner, grave box, or grave vault;

12. "Funeral director in charge" means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board;

13. "Authorizing agent" means a person legally entitled to order the cremation or final disposition of particular human remains pursuant to Section 1151 or 1158 of Title 21 of the Oklahoma Statutes;

14. "Cremation" means the technical process, using heat and flame, or heat and pressure, that reduces human remains to essential elements, including bone fragments. The reduction takes place through heat and evaporation. Cremation shall include, but not be limited to, the processing and pulverization of the bone fragments, or through alkaline hydrolysis;

15. "Crematory" means a structure containing a furnace or alkaline hydrolysis vessel used or intended to be used for the cremation of human remains. The term includes a facility that cremates human remains through alkaline hydrolysis; and

16. "Alkaline hydrolysis" means the reduction of human remains to bone fragments and essential elements in a licensed crematory using heat, pressure, water and base chemical agents.

Added by Laws 1941, p. 625, § 3, emerg. eff. May 20, 1941. Amended by Laws 1963, c. 117, § 2, emerg. eff. May 31, 1963; Laws 1989, c. 297, § 2, eff. Nov. 1, 1989; Laws 1999, c. 64, § 2, eff. July 1, 1999; Laws 2003, c. 57, § 3, emerg. eff. April 10, 2003; Laws 2013, c. 97, § 1, eff. Nov. 1, 2013; Laws 2021, c. 148, § 1, eff. Nov. 1, 2021.

§59-396.2a. Board - Additional powers and duties.

In addition to any other powers and duties imposed by law, the Oklahoma Funeral Board shall have the power and duty to:

1. Prescribe and promulgate rules necessary to effectuate the provisions of the Funeral Services Licensing Act, and to make orders as it may deem necessary or expedient in the performance of its duties;

2. Prepare, conduct and grade examinations, written or oral, of persons who apply for the issuance of licenses to them;

3. Determine the satisfactory passing score on such examinations and issue licenses to persons who pass the examinations or are otherwise entitled to licensure;

4. Determine eligibility for licenses and certificates of apprenticeship;

5. Issue licenses for funeral directors, embalmers, funeral establishments, commercial embalming establishments, and crematories;

6. Issue certificates of apprenticeship;

7. Upon good cause shown, as hereinafter provided, deny the issuance of a license or certificate of apprenticeship or suspend, revoke or refuse to renew licenses or certificates of apprenticeship, and upon proper showing, to reinstate them;

8. Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation or refusal to renew;

9. Establish and levy administrative penalties against any person or entity who violates any of the provisions of the Funeral Services Licensing Act or any rule promulgated pursuant thereto;

10. Obtain an office, secure facilities and employ, direct, discharge and define the duties and set the salaries of office personnel as deemed necessary by the Board;

11. Initiate disciplinary, prosecution and injunctive proceedings against any person or entity who violates any of the provisions of the Funeral Services Licensing Act or any rule promulgated pursuant thereto;

12. Investigate alleged violations of the Funeral Services Licensing Act or of the rules, orders or final orders of the Board;

13. Promulgate rules of conduct governing the practice of licensed funeral directors, embalmers, funeral establishments, and commercial embalming establishments and sale of funeral service merchandise;

14. Keep accurate and complete records of its proceedings and certify the same as may be appropriate;

15. Request prosecution by the district attorney or the Attorney General of this state of any person or any violation of the Funeral Services Licensing Act;

16. When it deems appropriate, confer with the Attorney General of this state or the assistants of the Attorney General in connection with all legal matters and questions;

17. Take such other action as may be reasonably necessary or appropriate to effectuate the Funeral Services Licensing Act;

18. Promulgate rules, issue licenses, and regulate crematories pursuant to the Funeral Services Licensing Act;

19. Issue temporary licenses to a funeral establishment when its facilities are destroyed or damaged in order that the funeral establishment can continue to operate. During the effective period of the temporary license, the Board may waive certain licensing requirements if the funeral establishment is making a good faith effort to rebuild or restore its operations in order to meet all licensing requirements;

20. Promulgate rules for continuing education for licensees pursuant to Section 396.5b of this title; and

21. Approve course providers and course curriculum for licensure of a funeral director.

Added by Laws 1989, c. 297, § 3, eff. Nov. 1, 1989. Amended by Laws 1999, c. 64, § 3, eff. July 1, 1999; Laws 2003, c. 57, § 4, emerg. eff. April 10, 2003; Laws 2017, c. 204, § 1, eff. Nov. 1, 2017.

§59-396.3. Qualifications and examination of funeral directors and embalmers - Approved schools – Licenses.

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

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

An applicant for a license to practice funeral directing or embalming shall be at least eighteen (18) years of age, a legal resident of this state, and a citizen or permanent resident of the United States. In addition, an applicant shall be a graduate of a program of mortuary science accredited by the American Board of Funeral Service Education, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, or subsequent to graduation from the school, and pass the International Conference of Funeral Service Examining Board National Board Science Examination and/or Arts Examination with a seventy-five (75) or higher score on each exam.

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

C. 1. If a person chooses not to meet the qualifications in subsection B of this section for a funeral director, the person may alternatively qualify for a license to practice funeral directing,

but not embalming, upon meeting the eligibility requirements of this subsection as follows:

An applicant for a license to practice funeral directing shall be at least eighteen (18) years of age, a legal resident of this state, and a citizen or permanent resident of the United States. An applicant is required to complete a funeral director course of study approved by the Oklahoma Funeral Board and that is administered by a program of funeral service/mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The funeral director course of study shall include at least thirty (30) semester hours or equivalent closely following the ABFSE curriculum standard, limited to only: Business Management, Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory, plus essential elements of embalming, restorative art, general concerns when dealing with human remains, a practicum experience, and preparation for the required board exams. In addition to the funeral director course of study, the applicant is required to complete a twelve-month minimum term as a registered apprentice with employment at a licensed establishment and must have assisted with twenty-five arrangement conferences and assisted with twenty-five separate funeral or memorial services under the supervision of a licensed funeral director in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study.

2. Curriculum of study for a funeral director license shall be in a program of mortuary science which shall be that prescribed by the Oklahoma Funeral Board. An applicant must pay all fees as provided in Section 396.4 of this title and pass an exam provided by the International Conference of Funeral Service Examining Board with a score of seventy-five (75) or higher as well as pass a law exam provided by the Oklahoma Funeral Board, with a score of seventy-five (75) or higher. A license to practice as a funeral director issued pursuant to this subsection shall be restricted to funeral director, and the licensee shall not be eligible to practice as the funeral director in charge as defined in Section 396.2 of this title.

3. If a person chooses not to meet the qualifications in subsection B of this section for an embalmer, the person may alternatively qualify for a license to practice embalming, upon meeting the eligibility requirements of this subsection as follows:

An applicant for a license of this state, a citizen or permanent resident of the United States, and of good moral character. An applicant is required to complete an embalmer course of study approved by the Oklahoma Funeral Board and that is administered by a program of funeral service/mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The embalmer course of study shall include at least thirty (30) semester hours or

equivalent closely following the ABFSE curriculum standard, limited to only: Biology, Chemistry, Microbiology, Human Anatomy, Pathology, Embalming, Embalming Chemistry, and Restorative Art, plus essential elements of grief, communication, and preparation for the required board examinations. The applicant must also complete a twelve-month minimum term as a registered apprentice with full-time employment at a licensed establishment or licensed commercial embalming establishment and must have assisted with twenty-five embalmings under the supervision of a licensed embalmer in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the embalmer course of study.

4. Curriculum of study for an embalmer license shall be in a program of funeral service/mortuary science which shall be that prescribed by the Oklahoma Funeral Board. An applicant must pay all fees as provided in Section 396.4 of this title and pass the embalmer examination provided by the International Conference of Funeral Service Examining Board with a score of seventy-five (75) or higher as well as pass a law exam provided by the Oklahoma Funeral Board with a score of seventy-five (75) or higher. A license to practice as an embalmer issued pursuant to this subsection shall be restricted to embalmer, and the licensee shall not be eligible to practice as the funeral director in charge as defined in Section 396.2 of this title.

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

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

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

G. Upon the effective date of this act, and for one (1) year thereafter, the Board may issue a temporary funeral director or embalmer license in the event a statewide state of emergency is

declared by the Governor and during such time as the state of emergency is in effect.
Added by Laws 1941, p. 236, § 4, emerg. eff. May 20, 1941. Amended by Laws 1945, p. 192, § 1, emerg. eff. April 28, 1945; Laws 1961, p. 453, § 1, emerg. eff. July 11, 1961; Laws 1963, c. 117, § 3, emerg. eff. May 31, 1963; Laws 1970, c. 311, § 1, emerg. eff. April 27, 1970; Laws 1983, c. 163, § 1; Laws 1989, c. 297, § 4, eff. Nov. 1, 1989; Laws 1999, c. 64, § 4, eff. July 1, 1999; Laws 2003, c. 57, § 5, emerg. eff. April 10, 2003; Laws 2013, c. 97, § 2, eff. Nov. 1, 2013; Laws 2017, c. 204, § 2, eff. Nov. 1, 2017; Laws 2019, c. 363, § 14, eff. Nov. 1, 2019; Laws 2021, c. 183, § 1, emerg. eff. April 23, 2021; Laws 2022, c. 217, § 1, emerg. eff. May 5, 2022; Laws 2023, c. 54, § 1, emerg. eff. April 21, 2023.

§59-396.3a. Persons and businesses required to be licensed.

The following persons, professions and businesses shall be required to be licensed pursuant to the Funeral Services Licensing Act:

1. Any person engaged or who may engage in:
   a. the practice or profession of funeral directing or embalming,
   b. maintaining the business of a funeral establishment or commercial embalming establishment,
   c. the sale of any funeral service merchandise, or
   d. providing funeral services; and
2. Any funeral establishment or commercial embalming establishment.

Added by Laws 1989, c. 297, § 5, eff. Nov. 1, 1989. Amended by Laws 1999, c. 64, § 5, eff. July 1, 1999.

§59-396.4. Fees.

A. 1. The Oklahoma Funeral Board shall set fees pursuant to rule for all licenses, registrations, examinations and renewals required by the Funeral Services Licensing Act.

2. Until the Oklahoma Funeral Board sets fees pursuant to rule, the following shall be the fees charged for the licenses, registrations, and examinations required by the Funeral Services Licensing Act:

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|---|---|
| Funeral Director License or Renewal | $75.00 |
| Embalmer License or Renewal | $75.00 |
| Registration for Funeral Director/Embalmer Apprentice | $150.00 |
| Extension of Funeral Director/Embalmer Apprentice | $150.00 |
| Embalmer Examination | $100.00 |
| Funeral Director Examination | $100.00 |
| State Law Examination | $100.00 |
| Funeral Establishment License or Renewal | $250.00 |
| Commercial Embalming Establishment License or Renewal | $250.00 |

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|---|---|
| Reciprocal License for Funeral Director or Embalmer | $150.00 |
| Change of Funeral Director in Charge | $150.00 |
| Crematory License or Renewal | $250.00 |

B. The Oklahoma Funeral Board shall assess Three Dollars ($3.00) for each disposition performed by the licensed funeral establishment or commercial embalming establishment. The disposition fee shall be payable upon renewal of the license as provided in subsection E of this section and shall be calculated from November 1 of the preceding calendar year to October 31 of the current calendar year for each licensee. For purposes of this subsection, "disposition" means each time the licensed establishment files an original death certificate pursuant to Section 1-317 of Title 63 of the Oklahoma Statutes.

C. Fees for funeral director, embalmer, and state law examinations shall be paid prior to the scheduled examination. An examination fee shall not be refundable.

D. The Oklahoma Funeral Board is authorized to determine and fix special administrative service fees. Each such fee shall not be in excess of Two Hundred Dollars ($200.00).

E. If any renewal fee required by this section is not paid on or before December 31 of each year, the amount of the fee shall be doubled and if the fee is not paid on or before April 30 of the subsequent year, the licensee shall be in default and the license shall terminate automatically.

F. All examinations of the Oklahoma Funeral Board shall be exempt from the Oklahoma Open Records Act in order to maintain the integrity of the examination process. Copies of completed examinations shall only be released upon receipt of a court order from a court of competent jurisdiction.

Added by Laws 1941, p. 236, § 5, emerg. eff. May 20, 1941. Amended by Laws 1945, p. 193, § 2, emerg. eff. April 28, 1945; Laws 1961, p. 455, § 2, emerg. eff. July 11, 1961; Laws 1970, c. 311, § 2, emerg. eff. April 27, 1970; Laws 1978, c. 96, § 2, emerg. eff. March 29, 1978; Laws 1983, c. 163, § 2; Laws 1989, c. 297, § 6, eff. Nov. 1, 1989; Laws 1990, c. 195, § 2, emerg. eff. May 10, 1990; Laws 1999, c. 64, § 6, eff. July 1, 1999; Laws 2003, c. 57, § 6, emerg. eff. April 10, 2003; Laws 2015, c. 375, § 1, eff. Nov. 1, 2015.

§59-396.5. Expiration of license - Renewal.

All licenses issued by the Board shall expire on the 31st day of December of each year. The Board shall issue a renewal for such license without further examination upon the payment of a renewal fee as required by Section 396.4 of this title. A funeral director or embalmer who fails to apply for a renewal license for a period of three (3) years or more shall be reinstated by taking a written and oral examination, as required by the Board, and by paying a fee and the current years' dues as required by Section 396.4 of this title.

Added by Laws 1941, p. 237, § 6, emerg. eff. May 20, 1941. Amended by Laws 1965, c. 374, § 1, emerg. eff. June 28, 1965; Laws 1983, c. 163, § 3; Laws 2021, c. 148, § 2, eff. Nov. 1, 2021.

§59-396.5a. Inactive military service list - Not subject to renewal fees - Reinstatement on discharge.

All funeral directors and/or embalmers regularly licensed in this state, who are or become members of the armed forces of the United States, shall upon proper notification to the executive director of the Oklahoma Funeral Board be placed upon the inactive military service list to be kept by the executive director and shall not be subject to the payment of renewal fees upon their licenses as funeral directors and/or embalmers until they have been discharged from the military service of the United States and desire to practice their profession in this state. Upon the discharge of licensees from military service, they shall be reinstated as active funeral directors and/or embalmers upon the payment of the then current year's license fee.

Added by Laws 1943, p. 134, § 1, emerg. eff. April 12, 1943. Amended by Laws 2003, c. 57, § 7, emerg. eff. April 10, 2003.

§59-396.5b. Continuing education courses.

A. Beginning July 1, 2006, as a condition of renewal or reactivation of a license, each licensee shall submit to the Oklahoma Funeral Board evidence of the completion of clock hours of continuing education courses approved by the Board within the twelve (12) months immediately preceding the term for which the license is issued. The number of hours, or its equivalent, required for each licensed term shall be determined by the Board and promulgated by rule. Each licensee shall be required to complete and include as part of the continuing education provision a certain number of required subjects as provided by rule.

B. The continuing education courses required by this section shall be satisfied by courses approved by the Board or the Academy of Professional Funeral Service Practice.

C. The Board shall maintain a listing of courses approved by the Board.

D. The Board shall not issue an active renewal license or reactivate a license unless the continuing education requirement set forth in this section is satisfied within the prescribed time period.

E. The provisions of this section shall not apply:

1. During the period a licensee is on inactive status;

2. To a nonresident licensee licensed in this state if the licensee is not engaged in funeral service or embalming practice in Oklahoma; and

3. To classes of licensees exempted by rules of the Board.

Added by Laws 2003, c. 57, § 8, emerg. eff. April 10, 2003.

§59-396.6. License required - Employment of licensed embalmer – Display of license or certificate.

A. No person shall operate a funeral establishment, commercial embalming establishment, or crematory, engage in the sale of any funeral service merchandise to the public, provide funeral services, carry on the business or profession of embalming or funeral directing or perform any of the functions, duties, or powers prescribed for funeral directors or embalmers pursuant to the provisions of the Funeral Services Licensing Act unless the person has obtained the license specified by rules promulgated pursuant to the Funeral Services Licensing Act and has otherwise complied with the provisions of the Funeral Services Licensing Act. The license shall be nontransferable and nonnegotiable.

B. A license shall not be issued to any person for the operation of a funeral or embalming establishment which does not employ an embalmer licensed pursuant to the provisions of Section 396.3 of this title. An individual who supervises a funeral or embalming establishment shall be licensed pursuant to the provisions of Section 396.3 of this title.

C. The holder of any license or certificate issued pursuant to the Funeral Services Licensing Act, or any rules promulgated pursuant thereto, shall have the license or certificate displayed conspicuously in the place of business of the holder.

Added by Laws 1941, p. 237, § 7, emerg. eff. May 20, 1941. Amended by Laws 1983, c. 163, § 4; Laws 1989, c. 297, § 7, eff. Nov. 1, 1989; Laws 1999, c. 64, § 7, eff. July 1, 1999; Laws 2003, c. 57, § 9, emerg. eff. April 10, 2003.

§59-396.7. Repealed by Laws 1961, p. 457, § 1.

§59-396.8. Reciprocity – Definitions.

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

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

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

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

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

3. Has never been convicted of a felony crime that substantially relates to the occupation of an embalmer or funeral director and poses a reasonable threat to public safety, and has never been convicted of a misdemeanor related to funeral service;

4. Has never had said license revoked or suspended;

5. Is not currently facing disciplinary action;

6. Intends to practice in this state;

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

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

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

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

11. Has passed the National Board Examination or State Board Examination administered by the International Conference of Funeral Service Examining Board; and

12. Has passed the Oklahoma State Law Examination.

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.

Added by Laws 1941, p. 237, § 9, emerg. eff. May 20, 1941. Amended by Laws 1943, p. 133, § 1, emerg. eff. March 5, 1943; Laws 1945, p. 193, § 3, emerg. eff. April 28, 1945; Laws 1983, c. 163, § 5; Laws 1999, c. 64, § 8, eff. July 1, 1999; Laws 2019, c. 363, § 15, eff. Nov. 1, 2019; Laws 2022, c. 217, § 2, emerg. eff. May 5, 2022.

§59-396.8a. Repealed by Laws 1945, p. 193, § 4.

§59-396.9. Repealed by Laws 1983, p. 163, § 7 and Laws 1983, c. 245, § 5, operative Sept. 1, 1983.

§59-396.10. Application - Rules of Board - Publication of changes in rules.

Any person desiring to engage in the profession or business of embalming or funeral directing or both, as defined herein, shall make application, be required to show all preliminary requisites, comply with the rules of the Board, and take all examinations as shall be deemed necessary by the Board in its rules. The Board

shall publish in its rules the subject to be covered in the examination and the standards to be attained thereon. Changes in the rules shall be published pursuant to the Administrative Procedures Act.
Added by Laws 1941, p. 238, § 11, emerg. eff. May 20, 1941. Amended by Laws 2003, c. 57, § 10, emerg. eff. April 10, 2003.

§59-396.11. Apprenticeship - Application - Certificate - Rules.

A. The term for an apprenticeship in embalming and the term for an apprenticeship in funeral directing may be served concurrently. Applications for an apprenticeship in funeral directing or embalming shall be made to the Board in writing on a form and in a manner prescribed by the Board. The Board shall issue a certificate of apprenticeship to any person applying for said certificate who submits to the Board satisfactory evidence that said person is seventeen (17) years of age or older, of good moral character, and a graduate of an accredited high school or has earned a G.E.D. credential. The application shall be accompanied by a registration fee as required by Section 396.4 of this title.

B. The Board shall prescribe and enforce such rules as necessary to qualify apprentice applicants as embalmers or funeral directors. A license to practice embalming or funeral directing shall not be issued until said applicant has complied with the rules of the Board, and said applicant has embalmed at least twenty-five dead human bodies for burial or shipment during apprenticeship.

C. The certificate of apprenticeship shall expire one (1) year from the date of issuance but may be renewed by the Board for four additional one-year periods.
Added by Laws 1941, p. 238, § 12, emerg. eff. May 20, 1941. Amended by Laws 1961, p. 455, § 4, emerg. eff. July 11, 1961; Laws 1983, c. 163, § 6; Laws 1999, c. 64, § 9, eff. July 1, 1999; Laws 2002, c. 161, § 1, eff. Nov. 1, 2002; Laws 2003, c. 57, § 11, emerg. eff. April 10, 2003.

§59-396.12. Funeral establishment required to be licensed – Display of license - Inspection of premises - Sanitary rules – Commercial embalming establishments.

A. Any place where a person shall hold forth by word or act that the person is engaged in the profession of undertaking or funeral directing shall be deemed as a funeral establishment and shall be licensed as such pursuant to the provisions of the Funeral Services Licensing Act.

B. A funeral establishment shall not do business in a location that is not licensed as a funeral establishment, shall not advertise a service that is available from an unlicensed location, and shall advertise itself by the name that the establishment is licensed as pursuant to the Funeral Services Licensing Act.

C. Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge. Each establishment license shall be conspicuously displayed at the location.

D. The Oklahoma Funeral Board shall have the power to inspect the premises in which funeral directing is conducted or where embalming or cremation is practiced or where an applicant proposed to practice, and the Board is hereby empowered to prescribe and endorse rules for reasonable sanitation of such establishments, including necessary drainage, ventilation, and necessary and suitable instruments for the business or profession of embalming and funeral directing.

E. Any place where a person shall hold forth by word or act that such person is engaged in preparing and shipping of dead human remains to funeral establishments inside and outside this state shall be deemed a commercial embalming establishment and shall be licensed as such pursuant to the provisions of the Funeral Services Licensing Act.

Added by Laws 1941, p. 238, § 13, emerg. eff. May 20, 1941. Amended by Laws 1945, p. 193, § 5, emerg. eff. April 28, 1945; Laws 1961, p. 455, § 5, emerg. eff. July 11, 1961; Laws 1970, c. 311, § 3, emerg. eff. April 27, 1970; Laws 1989, c. 297, § 8, eff. Nov. 1, 1989; Laws 1999, c. 64, § 10, eff. July 1, 1999; Laws 2003, c. 57, § 12, emerg. eff. April 10, 2003.

§59-396.12a. Embalming to be performed by licensed embalmer or apprentice - Holding out as funeral director, embalmer, etc. without license prohibited.

A. No person shall place any chemical substance, fluid or gas on or in dead human remains who is not a licensed embalmer. This prohibition shall not apply to a registered apprentice, working under the supervision of a licensed embalmer and shall not apply to medical students or their teachers in state-maintained medical schools in this state.

B. No person shall act or represent themselves as a funeral director, embalmer, apprentice, provide funeral services or merchandise or operate a funeral establishment or a commercial embalming establishment without a current license or registration issued pursuant to the Funeral Services Licensing Act.

Added by Laws 1989, c. 297, § 9, eff. Nov. 1, 1989. Amended by Laws 1999, c. 64, § 11, eff. July 1, 1999.

§59-396.12b. Conducting funeral, persons authorized - Embalming, persons authorized - Transfer or removal of remains.

A. Each funeral conducted within this state shall be under the personal supervision of a duly licensed funeral director who holds a valid license from the Oklahoma Funeral Board. A registered

apprentice may assist in conducting funerals. To conduct a funeral shall require the personal supervision of a licensed funeral director from the time of the first call until interment is completed. A funeral director conducting a funeral in this state shall ensure that the casket or other container holding the deceased human remains shall not incur any damage other than that which is normally incurred in the burial or final disposition of human remains.

B. The embalming of dead human remains shall require the presence and the direct supervision of a duly licensed embalmer, however, a licensed registered apprentice embalmer may perform the embalming of a dead human provided said registered apprentice embalmer is under the direct supervision of a duly licensed embalmer.

C. Nothing in this section regarding the conduct of funerals or personal supervision of a licensed director, a registered apprentice embalmer, or licensed embalmer, shall apply to persons related to the deceased by blood or marriage. Further, nothing in this section shall apply or in any manner interfere with the duties of any state officer or any employee of a local state institution.

D. Dead human remains shall be picked up on first call only under the direction and supervision of a licensed funeral director or embalmer. Dead human remains may be picked up or transferred without the personal supervision of a funeral director or embalmer; provided however, any inadvertent contact with family members or other persons shall be restricted to identifying the employer to the person, arranging an appointment with the employer for any person who indicates a desire to make funeral arrangements for the deceased and making any disclosure to the person that is required by any federal or state regulation. A funeral director or embalmer who directs the removal or transfer of dead human remains without providing personal supervision shall be held strictly accountable for compliance with the requirements of the Funeral Services Licensing Act.

Added by Laws 1989, c. 297, § 10, eff. Nov. 1, 1989. Amended by Laws 2003, c. 57, § 13, emerg. eff. April 10, 2003; Laws 2013, c. 97, § 3, eff. Nov. 1, 2013.

§59-396.12c. Refusal to issue or renew, revocation or suspension of license – Grounds – Definitions.

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

1. Conviction of a felony crime that substantially relates to the occupation of a funeral director and poses a reasonable threat to public safety;

2. Conviction of a misdemeanor involving funeral services;

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

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

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

6. Fraud or misrepresentation in obtaining a license;

7. Using any casket or part thereof which has previously been used as a receptacle for, or in connection with, the burial or other disposition of dead human remains, unless the disclosure is made to the purchaser;

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

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

10. Solicitation of business, either personally or by an agent, from a dying individual or the relatives of a dead or individual with a terminal condition, as defined by the Oklahoma Advance Directive Act, other than through general advertising;

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

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

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

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

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

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

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

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

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

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

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

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

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.

Added by Laws 1989, c. 297, § 11, eff. Nov. 1, 1989. Amended by Laws 1999, c. 64, § 12, eff. July 1, 1999; Laws 2003, c. 57, § 14, emerg. eff. April 10, 2003; Laws 2013, c. 97, § 4, eff. Nov. 1, 2013; Laws 2019, c. 363, § 16, eff. Nov. 1, 2019.

§59-396.12d. Violations - Penalties - Liabilities.

Any person who violates any of the provisions of the Funeral Services Licensing Act or rule or regulation promulgated or order issued pursuant thereto, after notice and hearing pursuant to Article II of the Administrative Procedures Act, shall be subject to any of the following penalties and liabilities authorized by the Funeral Services Licensing Act:

1. License or certificate of apprenticeship revocation, denial, suspension or nonrenewal;

2. Administrative fines;

3. Injunctive proceedings; and

4. Other disciplinary action.

Further, such person shall be subject to criminal penalties pursuant to the provisions of Section 396.24 of Title 59 of the Oklahoma Statutes.

Added by Laws 1989, c. 297, § 12, eff. Nov. 1, 1989.

§59-396.12e. Administrative penalty and costs - Surrender of license in lieu of penalty.

A. Any person or entity who has been determined by the Oklahoma Funeral Board to have violated any provision of the Funeral Services Licensing Act or any rule or order issued pursuant thereto may be liable for an administrative penalty. The maximum administrative penalty shall not exceed Ten Thousand Dollars ($10,000.00) for any related series of violations.

B. The Board shall be authorized, at its discretion, to take action as the nature of the violation requires. The Board shall have the authority to impose on the licensee, or certificate holder,

as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation. The costs may include but are not limited to staff time, salary and travel expenses, witness fees and attorney fees, and shall be considered part of the order of the Board.

C. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act. The Board shall make a report of any action to any entity deemed appropriate for transmittal of the public record but shall in no cause be held liable for the content of the reported action or be made a party to any civil liability action taken as a result of the discipline imposed by the Board. All monies collected from the administrative penalties shall be deposited with the State Treasurer and by the State Treasurer placed in the "Fund of the Oklahoma Funeral Board", created pursuant to Section 17 of this act.

D. Any license or certificate of apprenticeship holder may elect to surrender the license or certificate of apprenticeship of the person in lieu of said penalty but shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.

Added by Laws 1989, c. 297, § 13, eff. Nov. 1, 1989. Amended by Laws 1999, c. 64, § 13, eff. July 1, 1999; Laws 2003, c. 57, § 15, emerg. eff. April 10, 2003.

§59-396.12f. Complaints - Investigation - Hearing - Emergencies - Orders - Appeal - Service of instruments.

A. Complaints against any person for alleged violations of the Funeral Services Licensing Act or of any of the rules issued pursuant thereto shall be in writing, signed by the complainant and filed with the executive director of the Oklahoma Funeral Board. In addition to the general public, any member or employee of the Board, or the executive director of the Oklahoma Funeral Board, may sign a complaint for any violation of which the executive director has knowledge. All complaints shall name the person complained of, and shall state the time and place of the alleged violations and the facts of which the complainant has knowledge. Upon receiving a complaint, the Board shall examine the complaint, and determine whether there is a reasonable cause to believe the charges to be true.

B. If upon inspection, investigation or complaint, or whenever the Board determines that there are reasonable grounds to believe that a violation of the Funeral Services Licensing Act or of any rule promulgated pursuant thereto has occurred, the Board shall give written notice to the alleged violator specifying the cause of complaint. The notice shall require that the matters complained of be corrected immediately or that the alleged violator appear before the Board at a time and place specified in the notice and answer the charges. The notice shall be delivered to the alleged violator in accordance with the provisions of subsection E of this section.

C. The Board shall afford the alleged violator an opportunity for a fair hearing in accordance with the provisions of subsection F of this section not less than fifteen (15) days after receipt of the notice provided for in subsection B of this section. 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. The Board shall give written notice of the order to the alleged violator and to any other persons who appeared at the hearing and made written request for notice of the order. If the hearing is held before a hearing officer as provided for in subsection F of this section, the hearing officer 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 pursuant to Article II of the Administrative Procedures Act, within thirty (30) days after notice has been sent to the parties.

D. Whenever the Board finds that as a result of a violation of the Funeral Services Licensing Act or any rule promulgated thereto an emergency exists requiring immediate action to protect the public health or welfare, the Board may without notice or hearing issue an order stating the existence of an emergency and requiring that action be taken as it deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom an order is directed shall comply with the order immediately but on application to the Board shall be afforded a hearing within ten (10) days of receipt of the notice. On the basis of a hearing, the Board shall continue the order in effect, revoke it or modify it. Any person aggrieved by an order continued after the hearing provided for in this subsection may appeal to the district court of the county in which the person resides, or in which the business of the person is located, within thirty (30) days of the Board's action. The appeal when docketed shall have priority over all cases pending on the docket, except criminal cases.

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

Every certificate or affidavit of service made and filed as provided for in this subsection shall be prima facie evidence of the facts therein stated. A certified copy thereof shall have like force and effect.

F. The hearings authorized by this section may be conducted by the Board. The Board may designate hearing officers who shall have the power and authority to conduct hearings in the name of the Board at any time and place. The hearings shall be conducted in conformity with and records made thereof pursuant to Article II of the Administrative Procedures Act.

G. All records on complaints filed against any licensee pursuant to the Funeral Services Licensing Act shall be exempt from the Oklahoma Open Records Act unless the Board gave written notice of the complaint pursuant to subsection B of this section.
Added by Laws 1989, c. 297, § 14, eff. Nov. 1, 1989. Amended by Laws 2003, c. 57, § 16, emerg. eff. April 10, 2003.

§59-396.13. Repealed by Laws 1989, p. 297, § 36, eff. Nov. 1, 1989.

§59-396.14. Renumbered as § 396.1C of this title by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§59-396.15. Repealed by Laws 2003, c. 57, § 30, emerg. eff. April 10, 2003.

§59-396.16. Records of Board - Contents - Public inspection.

The Board shall keep a record of its proceedings, and its acts relating to the issuance, refusal, renewal, suspensions and revocation of licenses. This record shall contain the name, place of business, and residence of each registered embalmer and funeral director and registered apprentice, and the date and number of his certificate of registration. This record shall be open to public inspection.
Added by Laws 1941, p. 241, § 17, emerg. eff. May 20, 1941.

§59-396.17. Board - Officers - Rules.

The Oklahoma Funeral Board shall have the power to select from its own members a president and a vice-president and to make, adopt, promulgate and enforce reasonable rules for the:

1. Transaction of its business;
2. Sanitary management of funeral homes;
3. Work of embalmers and apprentices;
4. Management of the Board's affairs;
5. Betterment and promotion of the educational standards of the profession of embalming and the standards of service and practice to be followed in the profession of embalming and funeral directing in this state; and
6. Carrying into effect of any of the provisions of the Funeral Services Licensing Act, as the Board may deem expedient, just and reasonable and consistent with the laws of this state.

Added by Laws 1941, p. 241, § 18, emerg. eff. May 20, 1941. Amended by Laws 1945, p. 195, § 7, emerg. eff. April 28, 1945; Laws 1989, c. 297, § 15, eff. Nov. 1, 1989; Laws 2003, c. 57, § 18, emerg. eff. April 10, 2003.

§59-396.18. Renumbered as § 396.1B of this title by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§59-396.19. Act inapplicable when.

Nothing in this act shall apply to or in any manner interfere with the duties of any officer of local or state institutions, nor shall this act apply to any person simply furnishing a burial receptacle for the dead and burying the dead who were related to such person by blood or marriage, but not embalming or directing funerals.

Added by Laws 1941, p. 242, § 20, emerg. eff. May 20, 1941.

§59-396.20. Suspicion of crime - Embalming body without permission unlawful.

It shall be unlawful to embalm a dead human body when any fact within the knowledge or brought to the attention of the embalmer is sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, until permission of the Chief Medical Examiner has been first obtained.

Added by Laws 1941, p. 242, § 21, emerg. eff. May 20, 1941. Amended by Laws 2003, c. 57, § 20, emerg. eff. April 10, 2003.

§59-396.21. Renumbered as § 396.1A of this title by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§59-396.22. Meetings of Board.

Meetings of the Board shall be held at least twice a year at such places as may be designated by the Board. Three members of the Board shall constitute a quorum.
Added by Laws 1941, p. 242, § 23, emerg. eff. May 20, 1941.

§59-396.23. Schools - Privileges.
Schools for teaching embalming shall have extended to them the same privileges as to the use of bodies for dissection while teaching as those granted in this state to medical colleges; provided, that such bodies must be obtained through the State Board of Health.
Added by Laws 1941, p. 242, § 24, emerg. eff. May 20, 1941.

§59-396.24. Violations - Penalties.
Any person, firm, association or corporation who violates any of the provisions of the Funeral Services Licensing Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.
Added by Laws 1941, p. 242, § 25, emerg. eff. May 20, 1941. Amended by Laws 1970, c. 311, § 6, emerg. eff. April 27, 1970; Laws 1989, c. 297, § 16, eff. Nov. 1, 1989.

§59-396.25. Repealed by Laws 2002, c. 460, § 47, eff. Nov. 1, 2002.

§59-396.26. Partial invalidity.
If any section of this act shall be declared unconstitutional for any reason, the remainder of this act shall not be affected thereby.
Added by Laws 1941, p. 243, § 27, emerg. eff. May 20, 1941.

§59-396.27. Risk of transmission of communicable disease - Precautions.
A. In handling and preparing dead human remains for final disposition, any person who comes in direct contact with an unembalmed dead human body or who enters a room where dead human bodies are being embalmed shall exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body in accordance with federal regulations regarding the control of infectious diseases and occupational and workplace health and safety.
B. Each funeral director shall notify employees concerning risk exposures pursuant to Section 1-502.3 of Title 63 of the Oklahoma Statutes and the rules and guidelines promulgated by the State Board of Health.

C. If a funeral director or embalmer has been notified that a deceased person has tested positive for human immunodeficiency virus (HIV), MRSA, hepatitis or any other communicable disease the funeral director or embalmer shall notify any person who may be transporting the body or preparing the body for burial or other disposition of the positive test.
Added by Laws 1988, c. 153, § 4, eff. Jan. 1, 1989. Amended by Laws 2003, c. 57, § 22, emerg. eff. April 10, 2003; Laws 2020, c. 9, § 1, eff. Nov. 1, 2020.

§59-396.28. Funeral directors and embalmers from other states – Temporary permit.

In case of a catastrophe as declared by the executive director of the Board, funeral directors and embalmers from other states may be allowed to practice in this state. A temporary permit may be issued to those persons, and the permit shall allow the persons to practice for a length of time as determined by the Board.
Added by Laws 1999, c. 64, § 16, eff. July 1, 1999. Amended by Laws 2003, c. 57, § 23, emerg. eff. April 10, 2003.

§59-396.29. Cremation – Intermingling – Liability for final disposition or cremation – Identification system – Disposition of unclaimed remains – Military veteran.

A. The person charged by law with the duty of burying the body of a deceased person may discharge such duty by causing the body to be cremated as authorized and provided for in the following sections of this article, but the body of a deceased person shall not be disposed of by cremation, or other similar means, within the State of Oklahoma, except in a crematory duly licensed as provided for herein, and then only under a special permit for cremation issued in accordance with the provisions hereof.

B. Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the crematory and placed in a separate container so that the residue may not be commingled with the cremated remains of other persons. Cremated remains of a dead human shall not be divided or separated without the prior written consent of the authorizing agent.

C. A funeral director or funeral establishment that has received express written authorization for final disposition or cremation from the authorizing agent shall not be liable if the final disposition or cremation is performed in accordance with the provisions of the Funeral Services Licensing Act. The funeral director or funeral establishment shall not be liable for following in a reasonable fashion the instructions of any persons who falsely represent themselves as the proper authorizing agents.

D. Absent the receipt of a court order or other suitable confirmation of resolution, a funeral director or funeral establishment shall not be liable for refusing to accept human remains for final disposition or cremation if the funeral director or other agent of the funeral establishment:

1. Is aware of any dispute concerning the final disposition or cremation of the human remains; or

2. Has a reasonable basis for questioning any of the representations made by the authorizing agent.

E. Each funeral establishment which offers or performs cremations shall maintain an identification system that ensures the ability of the funeral establishment to identify the human remains in its possession throughout all phases of the cremation process. Upon completion of the cremation process, the crematory operator shall attest to the identity of the cremated remains and the date, time, and place the cremation process occurred on a form prescribed by rule of the Oklahoma Funeral Board. The form shall accompany the human remains in all phases of transportation, cremation, and return of the cremated remains.

F. The authorizing agent is responsible for the disposition of the cremated remains. If, after sixty (60) calendar days from the date of cremation, the authorizing agent or the representative of the agent has not specified the ultimate disposition or claimed the cremated remains, the funeral establishment in possession of the cremated remains may dispose of the cremated remains in a dignified and humane manner in accordance with any state, county, or municipal laws or provisions regarding the disposition of cremated remains, except as provided in subsection G of this section. A record of this disposition shall be made and kept by the entity making the disposition. Upon the disposition of unclaimed cremated remains in accordance with this subsection, the funeral establishment and entity which disposed the cremated remains shall be discharged from any legal obligation or liability concerning the disposition of the cremated remains.

G. If the authorizing agent determines that the unclaimed cremated remains are those of a military veteran, the funeral establishment may transfer the remains to a charitable organization approved by the Military Department of the State of Oklahoma for the purpose of providing a dignified and honorable funeral for the veteran at a veterans cemetery. The charitable organization shall be listed as an exempt organization under Section 501(c) of the Internal Revenue Code, 26 U.S.C., Section 501(c). Upon the transfer of the veteran’s remains to the charitable organization, the funeral establishment shall be discharged from any legal obligation or liability concerning the disposition of the cremated remains.

Added by Laws 1963, c. 325, art. 3, § 328, operative July 1, 1963. Amended by Laws 2003, c. 57, § 24, emerg. eff. April 10, 2003.

Renumbered from § 1-328 of Title 63 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003. Amended by Laws 2010, c. 127, § 2, eff. Nov. 1, 2010.

§59-396.30. Licenses – Requirements – Records and reports – Compliance with state and federal health and environmental laws – Inspections.

A. No person shall dispose of the body of any deceased person by cremation or other similar means, within this state, without first having obtained from the Oklahoma Funeral Board an annual license to operate a crematory.

B. Application for an annual license shall be made to the executive director of the Board upon forms prescribed and furnished by the executive director, shall give the location of the crematory, and any other information as the executive director shall require, and shall be accompanied by the crematory license fee pursuant to Section 396.4 of this title. A crematory shall not be licensed separately from a funeral or commercial embalming establishment but shall be licensed in conjunction with and operated by a funeral service or commercial embalming establishment. Annual licenses shall expire on December 31 each year, shall specify the name or names of the owners of the crematory and the location thereof, the funeral director in charge, and shall not be transferable either as to the ownership of the crematory, the funeral director in charge or as to the location thereof. The first annual license issued for any crematory at any location shall not be issued by the executive director until the executive director has been satisfied:

1. That the crematory is, or will be, so constructed as to be capable of reducing the body of a deceased person to a residue which shall not weigh more than five percent (5%) of the weight of the body immediately after death; and

2. That the crematory has at least one operable crematory for cremation.

The requirement of paragraph 1 of this subsection may, but need not, be waived by the executive director for any subsequent annual license issued for the same crematory.

C. All funeral establishments performing cremations shall have a licensed funeral director in charge.

D. Each funeral establishment performing cremation services shall keep records as required by the Board to assure compliance with all laws relating to the disposition of dead human remains and shall file annually with the Board a report in the form prescribed by the Board describing the operations of the licensee, including the number of cremations performed, the disposition thereof, and any other information that the Board may require by rule.

E. A funeral establishment performing cremation services shall be subject to all local, state, and federal health and environmental

requirements and shall obtain all necessary licenses and permits from the Oklahoma Funeral Board, and the appropriate federal and state health and environmental authorities.

F. Crematories licensed by the Board on the effective date of this act shall be exempt from the provisions of subsections C, D and E of this section.

G. All crematories shall be subject to inspection, at all reasonable times, by the Board or its duly authorized agents or employees.

Added by Laws 1963, c. 325, art. 3, § 331, operative July 1, 1963. Amended by Laws 2001, c. 75, § 2, eff. Nov. 1, 2001; Laws 2003, c. 57, § 25, emerg. eff. April 10, 2003. Renumbered from § 1-331 of Title 63 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003. Amended by Laws 2013, c. 97, § 5, eff. Nov. 1, 2013.

§59-396.31. Rules for licensing, inspection, and regulation of crematories.

The Oklahoma State Board of Embalmers and Funeral Directors is authorized, pursuant to the Administrative Procedures Act, to adopt and promulgate rules necessary for the licensing, inspection, and regulation of crematories.

Added by Laws 2001, c. 75, § 3, eff. Nov. 1, 2001. Renumbered from Title 63, § 1-331.1 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§59-396.32. Residue of cremated body.

The residue resulting from the cremation of the body of a deceased person may be transported in this state in any manner, without any permit therefor, and may be disposed of in any manner desired or directed by the person or persons charged by law with the duty of burying the body.

Added by Laws 1963, c. 325, art. 3, § 332, operative July 1, 1963. Renumbered from § 1-332 of Title 63 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

§59-396.33. Cremation without license and permit a felony.

Disposing of the body of a deceased person by cremation or other similar means, within the State of Oklahoma, except in a crematory duly licensed as provided for in Section 25 of this act and under a special permit for cremation issued in accordance with the provisions of Section 1-329.1 of Title 63 of the Oklahoma Statutes, is hereby declared to be a felony.

Added by Laws 1963, c. 325, art. 3, § 333, operative July 1, 1963. Amended by Laws 1997, c. 133, § 521, eff. July 1, 1999; Laws 2003, c. 57, § 26, emerg. eff. April 10, 2003. Renumbered from § 1-333 of Title 63 by Laws 2003, c. 57, § 31, emerg. eff. April 10, 2003.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 521 from July 1, 1998, to July 1, 1999.

§59-475.1. Registration as engineer or land surveyor - Privilege.

In order to safeguard life, health and property, and to promote the public welfare, the practice of engineering and the practice of surveying in this state are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person or entity to practice or to offer to practice engineering and/or surveying in this state, as defined in the provisions of this act, or to use in connection with any name or otherwise assume or advertise any title or description tending to convey the impression that they are a licensed engineer, professional engineer, professional structural engineer, a licensed surveyor and/or professional surveyor, unless such person has been duly licensed, authorized, or is exempt under the provisions of this act. The practice of engineering or surveying shall be deemed a privilege granted by the state through the State Board of Licensure for Professional Engineers and Surveyors, based on the qualifications of the individual as evidenced by a license, which shall not be transferable.

Added by Laws 1968, c. 245, § 1, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 1; Laws 1992, c. 165, § 1, eff. July 1, 1992; Laws 2005, c. 115, § 1, eff. Nov. 1, 2005; Laws 2017, c. 259, § 1, eff. Nov. 1, 2017; Laws 2024, c. 147, § 9, eff. Nov. 1, 2024.

§59-475.2. Definitions.

As used in this act:

1. "Professional Engineer" or "P.E." means a person who is qualified to practice engineering by reason of engineering education, training, experience, and examination in the application of engineering principles and the interpretation of engineering data and is qualified, after meeting the requirements of this act and the regulations issued by the Board pursuant thereto, to be duly licensed as a professional engineer by the Board and engage in the practice of engineering;

2. "Professional Structural Engineer", "P.E., S.E." or "S.E." means an individual who has been duly licensed as a professional engineer by the Board, and who has been further authorized by the Board to use the title Professional Structural Engineer, P.E. S.E., or S.E., and perform structural engineering analysis and design services for significant structures based upon education, experience and examinations as described in Section 475.12c of this title. For purposes of this definition, the term "significant structures" shall not include any structure that is a residential structure;

3. "Engineer Intern" or "E.I." means a person who complies with the requirement for education and has passed an examination in the fundamental engineering subjects, as provided in this act and the regulations issued by the Board pursuant thereto;

4. "Practice of engineering" means any service or creative work requiring engineering education, training and experience in the application of engineering principles and the interpretation of engineering data to engineering activities, including the engineering design of buildings, structures, products, machines, processes, and systems, that potentially impact the life, health, property and welfare of the public. The services may include, but are not limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; engineering reports or material developed in connection with expert witness testimony or anticipated testimony; commissioning of engineered systems; and performing surveying that is incidental to the practice of engineering and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works. Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment or determination of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the United States Public Land Survey System and is limited to conducting field measurements to supplement the documentation of existing conditions. Unless a Professional Surveyor has provided the professional engineer with geocentric/geodetic control coordinates which meet the accuracy standards set forth in OAC 245:15-13-2, the professional engineer shall only use a coordinate system based on assumed values for the project, and so state on the documents. These services or work, either public or private, may be performed in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems and industrial or consumer products or equipment of a mechanical, electrical, chemical, environmental, hydraulic, pneumatic, thermal, control system or communications nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the design coordination of a multidiscipline work, planning, progress and completion of any engineering services.

Design coordination includes the review and coordination of technical submissions prepared by others, including the work of other professionals working with or under the direction of an engineer, with professional regard for the ability of each professional involved in a multidisciplinary effort.

a. An engineer is responsible for the engineering plans and specifications of a building. The term "engineering plans and specifications" means:
   (1) plans for a structural, mechanical, plumbing, electrical, low voltage fire suppression, utilities, or geotechnical system in a building,
   (2) specification of structural elements and connections of a building,
   (3) evaluation of structural members before the addition of roof-mounted equipment or a heavier roof covering,
   (4) design of changes in roof pitch by the addition of structural members and diaphragm,
   (5) repair of damaged structural systems including, but not limited to, roof structural members and diaphragm,
   (6) hydrologic management calculations and design of surface water control and detention necessary for compliance with ordinances and regulations,
   (7) design of changes in roof pitch by the addition of structural framing members,
   (8) evaluation and repair of damaged roof structural framing,
   (9) design of electrical and signal and control systems,
   (10) shop drawings by manufacturers or fabricators of materials and products to be used in the building features designed by the engineer, and
   (11) specifications listing the nature and quality of materials and products for construction of features of the building elements or systems designed by an engineer.

b. The preparation of engineering plans and specifications for the following tasks is within the scope of the practice of engineering:
   (1) site plans depicting the location and orientation of a building on the site based on:
      (a) a determination of the relationship of the intended use with the environment, topography, vegetation, climate, and geographic aspects,
      (b) the legal aspects of site development, including setback requirements, zoning, and other legal restrictions, and
      (c) surface drainage,

(2) the depiction of the building systems, including structural, mechanical, electrical, and plumbing systems, in:
    (a) plan views,
    (b) cross-sections depicting building components from a hypothetical cut line through a building, and
    (c) the design of details of components and assemblies, including any part of a building exposed to water infiltration or fire-spread considerations,
(3) life safety plans and sheets, including accessibility ramps and related code analyses,
(4) roof plans and details depicting the design of roof system materials, components, drainage, slopes, and directions and location of roof accessories and equipment not involving structural engineering calculations.

c. The following activities may be performed by an engineer:
(1) programming for construction projects, including:
    (a) identification of economic, legal, and natural constraints, and
    (b) determination of the scope of functional elements,
(2) recommending and overseeing appropriate construction project delivery systems,
(3) consulting with regard to investigating, and analyzing the design, form, materials, and construction technology used for the construction, enlargement, or alteration of a building or its environment, and
(4) providing expert opinion and testimony with respect to issues within the responsibility of the engineer.

d. A person or entity shall be construed to practice or offer to practice engineering, within the meaning and intent of this act who does any of the following: practices any branch of the profession of engineering; by verbal claim, sign, advertisement, letterhead, card or in any other way represents such person to be a professional engineer or through the use of some other title implies that any person is a professional engineer or is licensed or qualified under this act; or who represents qualifications or ability to perform or who does practice engineering;

5. "Professional Surveyor", "P.L.S.", or "P.S." means a person who is qualified to practice surveying by reason of surveying education training, experience, and examination in the application of surveying principles and the interpretation of surveying data and has been duly licensed as a professional surveyor pursuant to this act and the regulations issued by the Board pursuant thereto;

6. "Surveyor Intern" or "L.I." means a person who complies with the requirement for education and has passed an examination in the fundamental surveying subjects, as provided in this act and regulations issued by the Board pursuant thereto;

7. a. "Practice of surveying" means any authoritative service or work performed to a stated accuracy, the adequate performance of which involves the application of special knowledge of the principles of mathematics, methods of measurement, and the law for the determination and preservation of boundaries. "Practice of surveying" includes, without limitation:

(1) restoration and rehabilitation of corners and boundaries in the United States Public Land Survey System or the subdivision thereof,

(2) obtaining and evaluating evidence for the accurate determination of boundaries,

(3) monumenting the subdivision of land parcels into smaller parcels and the preparation of the descriptions in connection therewith,

(4) measuring and platting underground mine workings,

(5) creation, preparation or modification of electronic or computerized data including portions of geographic information systems and land information systems, relative to the performance of the practice of surveying,

(6) establishment, restoration, and rehabilitation of survey monuments and bench marks,

(7) preparation of survey plats, condominium plats, monument records, survey reports, and site plans as an ancillary service to surveying work, such as noting proposed site improvements,

(8) surveying, monumenting, and platting of easements, and rights-of-way,

(9) measuring, locating, or establishing lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, utilities and other structures within underground workings, and on the beds of bodies of water, the configuration or contour of the earth's surface, or the position of fixed objects on the earth's surface,

(10) geodetic surveying,
(11) any other activities incidental to and necessary for the adequate performance of the services described in this paragraph,
(12) surveying reports or like material developed in connection with expert witness testimony or anticipated testimony, and
(13) locating or laying out alignments, positions, or elevations for the construction of fixed works for public projects.

b. A person or entity shall be construed to practice or offer to practice surveying, within the meaning and intent of this act, who does any one of the following: practices any branch of the profession of surveying; by verbal claim, sign, advertisement, letterhead, card or in any other way represents such person to be a professional surveyor or through the use of some other title implies that such person or entity is a professional surveyor or that such person is licensed or qualified under this act; represents qualifications or ability to perform; or who does practice surveying;

8. "Board" means the State Board of Licensure for Professional Engineers and Surveyors;

9. "Responsible charge" means direct control and personal supervision of engineering or surveying work;

10. "Rules of professional conduct for professional engineers and professional surveyors" means those rules promulgated by the Board;

11. "Firm" means any form of business or entity, other than an individual operating as a sole proprietorship under his or her name;

12. "Direct control" and "personal supervision", whether used separately or together, mean active and personal management of the firm's personnel and practice to maintain charge of, and concurrent direction over, engineering or surveying decisions and the instruments of professional services to which the licensee affixes the seal, signature, and date;

13. "Core curriculum" means the Board-approved surveying courses adopted by Board policy, developed to ensure that professional surveyor applicants meet the minimum educational requirements for licensing;

14. "Engineering-related science degree" means a bachelor's degree from an ETAC/ABET accredited engineering technology program of four (4) years or more. A degree of four (4) years or more in mathematical, physical or engineering sciences may be considered as an engineering-related science degree if it was obtained from a Board-approved program, and shall include a minimum of eight (8) hours of mathematics beyond trigonometry, such as calculus and

differential equations, and twenty (20) hours of engineering sciences or related sciences, including physics, such as mechanics, fluid mechanics, statics, dynamics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, computer engineering, etc. Non-accredited engineering degree programs shall meet the above requirements to be considered an engineering-related science degree;

15. "Authoritative" means being presented as trustworthy, competent, and in accordance with the rules and statutes governing the practice of engineering and surveying, codes, ordinances, and other recognized standards when used to describe products, processes, applications or data derived from the practice of engineering or surveying;

16. "Disciplinary action" means any final written decision or settlement taken against an individual or firm by a licensing board based upon a violation of the Board's laws and rules unless otherwise stated in the decision or settlement. Disciplinary actions may include reprimands; sanctions; administrative fines; the Board's refusal to issue, restore, or renew a license; settlement agreements or consent orders; probation; suspension; revocation; practice restriction, surrendering, relinquishing, or agreeing not to renew a license as part of an agreement or board order; or any combination thereof;

17. "Building" means any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy;

18. "Plans" means technical documents issued by the licensed professionals intended to meet all current and applicable codes as adopted by the Oklahoma Uniform Building Code Commission, other statutory codes and applicable federal codes and which shall be submitted to all required building code and/or permit offices required by the State of Oklahoma, county, municipal, and/or federal government;

19. a. "Significant structure" means buildings and other structures that represent a substantial hazard to human life in the event of failure or are designated as essential facilities, including but not limited to:

(1) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than three hundred (300),

(2) elementary schools, secondary schools, or day care facilities with an occupant load greater than fifty (50),

(3) adult education facilities, such as colleges and universities, with an occupant load greater than five hundred (500),

(4) hospitals, nursing homes, mental hospitals, and detoxification facilities with an occupant load

of fifty (50) or more resident care recipients and/or surgery or emergency treatment facilities,
(5) prisons, jails, reformatories, detention centers, and correctional centers,
(6) any building or other structure with an occupant load greater than five thousand (5,000),
(7) primary power-generating structures above fifty (50) kilowatts,
(8) structures at water treatment facilities for potable water and wastewater treatment facilities serving more than five thousand (5,000) people,
(9) structures for public utility facilities containing quantities of toxic or explosive materials that are sufficient to pose a threat to the public if released,
(10) fire, rescue, ambulance, and police stations and emergency vehicle garages,
(11) designated tornado, earthquake, or other nonresidential emergency shelters,
(12) designated emergency preparedness, communications, and operations centers and other facilities required for emergency response,
(13) aviation control towers, air traffic control centers, and emergency aircraft hangars,
(14) buildings and other structures having critical national defense functions,
(15) elevated water storage structures, and
(16) buildings and other structures with high lateral loadings including:
(a) those subjected to ultimate design three-second wind gust speeds equaling or exceeding wind speeds corresponding to approximately a three percent (3%) probability of exceedance in fifty (50) years, or
(b) those that are in Seismic Design Category D and above.

b. Significant structures shall exclude bridges and geo-structures. As defined in this act, "bridges" shall not include elevated structures linking buildings. "Geo-structures" shall mean engineered structures that are loaded by the earth or whose resistance is derived from the earth.

c. A project defined as a significant structure shall be required to have an Engineer of Record who is a licensed Professional Structural Engineer;

20. "Engineer of Record" means the responsible professional engineer for design and construction phases of a project who signs and seals drawings, reports, or documents for the project or a portion of the project;

21. "Technical submissions" means the documents necessary to demonstrate compliance with applicable regulatory requirements and/or to fabricate or construct a project including, but not limited to, drawings, surveys, plats, digital models, specifications, performance criteria, and installation requirements; and

22. "Person" means an individual or firm.

Added by Laws 1968, c. 245, § 2, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 2; Laws 1992, c. 165, § 2, eff. July 1, 1992; Laws 1999, c. 74, § 1, eff. Nov. 1, 1999; Laws 2005, c. 115, § 2, eff. Nov. 1, 2005; Laws 2006, c. 58, § 1, eff. July 1, 2006; Laws 2008, c. 312, § 1, eff. Nov. 1, 2008; Laws 2012, c. 139, § 1; Laws 2017, c. 259, § 2, eff. Nov. 1, 2017; Laws 2024, c. 147, § 10, eff. Nov. 1, 2024.

§59-475.3. State Board of Licensure for Professional Engineers and Surveyors.

A. The State Board of Licensure for Professional Engineers and Surveyors is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, whose duty it shall be to administer the provisions of this act. The Board shall consist of four professional engineers and two professional surveyors, at least one of whom is not a professional engineer, all of whom shall be appointed by the Governor, with the advice and consent of the Oklahoma State Senate. The Governor shall also appoint one lay member. The professional engineers and professional surveyors shall have the qualifications required by this act.

B. Each member of the Board shall file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties.

C. Appointments to the Board shall be in such manner and for such period of time so that no two terms, with the exception of the lay member, shall expire in the same year. On the expiration of the term of any member, except the lay member, the Governor shall in the manner herein provided appoint for a term of six (6) years a professional engineer or professional surveyor having the qualifications required in this act. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, the lay member may continue to serve after the expiration of the member's term until such time as a successor is appointed. Members may be reappointed to succeed themselves. Each

member may hold office until the expiration of the term for which appointed or until a successor has been duly appointed and has qualified. In the event of a vacancy on the Board due to resignation, death or for any cause resulting in an unexpired term, if not filled within three (3) months, the Board may appoint a provisional member to serve in the interim until the Governor acts.
Added by Laws 1968, c. 245, § 3, emerg. eff. April 26, 1968. Amended by Laws 1980, c. 287, § 1, eff. July 1, 1980; Laws 1982, c. 297, § 3; Laws 1986, c. 31, § 1, eff. July 1, 1986; Laws 1992, c. 4, § 1; Laws 1992, c. 165, § 3, eff. July 1, 1992; Laws 1998, c. 37, § 1; Laws 2004, c. 26, § 1; Laws 2005, c. 115, § 3, eff. Nov. 1, 2005; Laws 2010, c. 33, § 1; Laws 2014, c. 56, § 1; Laws 2017, c. 259, § 3, eff. Nov. 1, 2017; Laws 2020, c. 116, § 2, eff. July 1, 2020; Laws 2023, c. 63, § 1; Laws 2024, c. 147, § 11, eff. Nov. 1, 2024.

§59-475.4. Qualifications of Board members.

Each professional engineer member of the Board shall be a citizen of the United States and resident of this state. The member shall have been engaged in the lawful practice of engineering as a professional engineer for at least ten (10) years. The member shall have been in responsible charge of engineering projects for at least five (5) years and shall be a licensed professional engineer in this state. Not more than two professional engineer board members shall have the same primary area of competence designated in the Board records. A minimum of one professional engineer board member shall be a Professional Structural Engineer. Each professional surveyor member of the Board shall be a citizen of the United States and a resident of this state. The member shall have been engaged in the lawful practice of surveying as a professional surveyor for at least ten (10) years. The member shall have been in responsible charge of surveying projects for at least five (5) years and shall be a licensed professional surveyor in this state.
Added by Laws 1968, c. 245, § 4, emerg. eff. April 26, 1968. Amended by Laws 1980, c. 287, § 2, eff. July 1, 1980; Laws 1982, c. 297, § 4; Laws 1992, c. 165, § 4, eff. July 1, 1992; Laws 2005, c. 115, § 4, eff. Nov. 1, 2005; Laws 2017, c. 259, § 4, eff. Nov. 1, 2017; Laws 2024, c. 147, § 12, eff. Nov. 1, 2024.

§59-475.6. Removal of Board members - Vacancies.

The Governor may remove any member of the Board for misconduct, incompetence, neglect of duty or any sufficient cause, in the manner prescribed by law for removal of state officials. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in this act.
Added by Laws 1968, c. 245, § 6, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 6; Laws 2005, c. 115, § 5, eff. Nov. 1, 2005; Laws 2024, c. 147, § 13, eff. Nov. 1, 2024.

§59-475.7. Meetings - Officers - Quorum.

The Board shall hold at least four regular meetings each year. Special meetings may be held as the bylaws of the Board provide. The Board shall elect or appoint annually the following officers: Chair, Vice Chair, and Secretary. A quorum of the Board shall consist of a majority of the full Board that includes at least one professional surveyor member.

Added by Laws 1968, c. 245, § 7, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 7; Laws 1992, c. 165, § 5, eff. July 1, 1992; Laws 2005, c. 115, § 6, eff. Nov. 1, 2005; Laws 2024, c. 147, § 14, eff. Nov. 1, 2024.

§59-475.8. Powers and authority of Board.

A. The State Board of Licensure for Professional Engineers and Surveyors shall have the power to adopt and amend all bylaws and rules of procedure, not inconsistent with the Constitution and laws of this state and this act, including the adoption and promulgation of Rules of Professional Conduct for Professional Engineers and Surveyors, which may be reasonably necessary for the proper performance of its duties and the regulation of its proceedings, meetings, records, examinations and the conduct thereof. These actions by the Board shall be binding upon persons licensed or recognized under this act and shall be applicable to firms which hold or should hold a certificate of authority, and non-licensees found by the Board to be in violation of the provisions of this act. The Board shall adopt and have an official seal, which shall be affixed to each certificate issued. The Board shall have the further power and authority to:

1. Establish and amend minimum standards for the practice of engineering and surveying;

2. Establish continuing education requirements for renewal of professional engineering and professional surveying licenses;

3. Promulgate rules concerning the ethical marketing of professional engineering and professional surveying services; and

4. Upon good cause shown, as hereinafter provided, deny the issuance, restoration or renewal of, or place on probation for a period of time and subject to such conditions as the Board may specify, a license or certificate of authority. In addition, the Board may suspend, revoke, place practice restrictions, or refuse to renew licenses or certificates of authority previously issued, and upon proper showing to review, affirm, reverse, vacate or modify its orders with respect to such denial, suspension, revocation or refusal to renew.

B. The Board is hereby authorized to levy administrative penalties against any person or entity who or which violates any of the provisions of this act or any rule or regulation promulgated

pursuant thereto. The Board is hereby authorized to initiate disciplinary, prosecutorial and injunctive proceedings against any person or entity who or which has violated any of the provisions of this act or any rule or regulation of the Board promulgated pursuant thereto. The Board shall investigate alleged violations of the provisions of this act or of the rules or regulations, orders or final decisions of the Board.

C. The Board is hereby authorized to acquire by purchase, lease, gift, solicitation of gift or by any other lawful means, and maintain, use and operate real property and improvements; contract for the maintenance, use, and operation of or lease of any and all real property and improvements; lease or sublease any part of real property and improvements acquired pursuant to this section to public entities, private entities, or private persons, on any terms and for any consideration deemed appropriate by the Board, subject to restrictions in purchase or lease documents relating to property acquired; provided, all contracts for real property and improvements shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes.

D. In carrying into effect the provisions of this act, the Board, under the hand of its Chair, Vice Chair, or Executive Director and the seal of the Board, may subpoena witnesses and compel their attendance, and may also require the submission of books, papers, documents or other pertinent data, in any disciplinary matters, or in any case wherever a violation of this act is alleged. Upon failure or refusal to comply with any such order of the Board, or upon failure to honor its subpoena, as herein provided, the Board may apply to a court of proper jurisdiction for an order to enforce compliance with same.

E. The Board is hereby authorized in the name of the state to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of this act, or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the Board shall not be personally liable under this proceeding.

F. The Board may subject an applicant for a license or a licensee to such examinations as it deems necessary to determine the applicant's or licensee's qualifications. The Board may dispose of a formal complaint against a licensee for a violation of this act by an order that a licensee shall complete the examinations as the Board deems necessary to determine the qualifications of the licensee, and upon the initial failure or refusal to successfully complete the examination, within the time ordered, place conditions

on the license of the licensee to practice and order other remedies until competence is demonstrated.

G. No action or other legal proceedings for damages shall be instituted against the Board or against any Board member or employee of the Board for any act done in good faith and in the intended performance of any power granted under this act or for any neglect or default in the performance or exercise in good faith of any such duty or power.

H. The Board may give scholarships, as determined by the Board, to an individual or individuals advancing toward obtaining an EAC, TAC/ABET, or Board-approved degree in engineering or surveying at an Oklahoma higher education institution, and take such other action as may be reasonably necessary or appropriate to effectuate the rules of the State Board of Licensure for Professional Engineers and Surveyors. The Board may, at its discretion, contract with other state agencies and nonprofit corporations for the endowment, management and administration of scholarships. The requirements of such scholarships shall be determined by the Board. However, nothing contained herein shall be construed as requiring the Board to endow or award any scholarship.

I. The Board may use its funds to establish and conduct instructional programs for persons who are currently licensed to practice engineering or surveying, as well as refresher courses for persons interested in obtaining adequate instruction or programs of study to qualify them for licensure to practice engineering or surveying. The Board may expend its funds for these purposes and may conduct, sponsor and arrange for instructional programs and also may carry out instructional workforce development programs through extension courses or other media. The Board may enter into plans or agreements with community colleges, public or private institutions of higher learning, the State Board of Education, nonprofit organizations, or with Oklahoma CareerTech for the purpose of planning, scheduling or arranging courses, instruction, extension courses or in assisting in obtaining courses of study or programs in the fields of engineering and surveying. The Board shall encourage the educational institutions in Oklahoma to offer courses necessary to complete the educational requirements of this act. To carry out these objectives, the Board may adopt rules as may be necessary for the educational programs, instruction, extension services or for entering into plans or contracts with persons or educational institutions and Oklahoma CareerTech.

Added by Laws 1968, c. 245, § 8, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 8; Laws 1992, c. 165, § 6, eff. July 1, 1992; Laws 2005, c. 115, § 7, eff. Nov. 1, 2005; Laws 2010, c. 337, § 1, emerg. eff. June 6, 2010; Laws 2012, c. 139, § 2; Laws 2017, c. 259, § 5, eff. Nov. 1, 2017; Laws 2024, c. 147, § 15, eff. Nov. 1, 2024.

§59-475.9. Professional Engineers and Surveyors Fund - Expenditures - Audits.

A. The Executive Director of the State Board of Licensure for Professional Engineers and Surveyors shall be responsible for accounting for all monies derived under the provisions of this act. This fund shall be known as the "Professional Engineers and Surveyors Fund", and shall be deposited with the State Treasurer, and shall be paid out only upon requisitions submitted by the Secretary or Executive Director. All monies in this fund are hereby specifically appropriated for the use of the Board, and at the end of each fiscal year the Board shall pay into the General Revenue Fund of the state an amount equal to ten percent (10%) of all licensure and certification fees in compliance with Section 211 of Title 62 of the Oklahoma Statutes.

B. The Board shall obtain an office, secure such facilities, and employ, direct, discharge and define the duties and salaries of an Executive Director as necessary for the proper performance of its work. The Executive Director shall be responsible for the administration of the policies of the Board and for the processing of its routine operations. The Executive Director may also employ those persons required and qualified, including full or part-time, to perform the administration of the laws in Oklahoma and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary. All employees of the Board, current or future, shall be considered in the unclassified service and shall not be placed under the classified service. The Board shall make expenditures from the fund created in subsection A of this section for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under this act, including examination administration fees, the expenses of the Board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying, meaning the national nonprofit organization composed of engineering and surveying licensing boards commonly called NCEES, and any of its subdivisions, as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this act exceed the amount of monies in the fund.

Added by Laws 1968, c. 245, § 9, emerg. eff. April 26, 1968. Amended by Laws 1980, c. 159, § 11, emerg. eff. April 2, 1980; Laws 1982, c. 297, § 9; Laws 1992, c. 165, § 7, eff. July 1, 1992; Laws 2005, c. 115, § 8, eff. Nov. 1, 2005; Laws 2008, c. 312, § 2, eff. Nov. 1, 2008; Laws 2010, c. 413, § 17, eff. July 1, 2010; Laws 2012,

c. 139, § 3; Laws 2017, c. 259, § 6, eff. Nov. 1, 2017; Laws 2024, c. 147, § 16, eff. Nov. 1, 2024.

§59-475.10. Record of proceedings and applications - Evidentiary use - Annual reports - Confidentiality.

A. The State Board of Licensure for Professional Engineers and Surveyors shall keep a record of its proceedings and of all applications for licensing, which record shall show:

1. The name, date of birth and last-known mailing and email address of each applicant;

2. The date of application;

3. The place of business of the applicant;

4. The education, experience and other qualifications of the applicant;

5. The type of examination required;

6. Whether or not the applicant was rejected;

7. Whether or not a license was granted;

8. The date of the action of the Board;

9. The board-approved area(s) of competence in a specific discipline(s) or branch(es) of engineering;

10. A declaration under penalty of perjury from each applicant that he or she will abide by the statutes and rules prescribed by the Board, with the declaration becoming a part of his or her application for licensing; and

11. Such other information as may be deemed necessary by the Board.

B. The Board shall keep a record of all applications for a certificate of authority, which shall show all of the following:

1. The name, date of formation, and business address of each applicant;

2. The date of application;

3. The name, physical address, and license number of the managing agent;

4. Whether or not the application was rejected;

5. Whether or not a certificate of authority was granted;

6. The date of the action by the Board;

7. Services offered from each location;

8. A declaration under penalty of perjury from an officer and managing agent, if the officer is not the managing agent, that the applicant will abide by the statutes and rules prescribed by the Board, with the oath becoming a part of its application for a certificate of authority; and

9. Any other information deemed necessary by the Board.

C. The record of the Board shall be prima facie evidence of the proceedings of the Board and a transcript thereof, duly certified by the Secretary or Executive Director of the Board under seal, shall

be admissible as evidence with the same force and effect as if the original were produced.

D. The Board shall submit, upon request from the Governor, a report of its transactions of the preceding year, including a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chair and its Secretary.

E. Board records and papers of the following class may be kept confidential by the Board: examination materials, file records of examination problem solutions, exam scores or results, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, email addresses, ongoing investigation files, closed complaints, information otherwise protected by law and all other matters of like confidential nature.

Added by Laws 1968, c. 245, § 10, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 10; Laws 1992, c. 165, § 8, eff. July 1, 1992; Laws 2005, c. 115, § 9, eff. Nov. 1, 2005; Laws 2008, c. 312, § 3, eff. Nov. 1, 2008; Laws 2017, c. 259, § 7, eff. Nov. 1, 2017; Laws 2024, c. 147, § 17, eff. Nov. 1, 2024.

§59-475.11. Rosters.

Complete rosters showing the names and last-known mailing addresses of all professional engineers, professional structural engineers, professional surveyors, certified interns, and firms holding a certificate of authority shall be made available to the licensees and the public.

Added by Laws 1968, c. 245, § 11, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 11; Laws 1992, c. 165, § 9, eff. July 1, 1992; Laws 2005, c. 115, § 10, eff. Nov. 1, 2005; Laws 2017, c. 259, § 8, eff. Nov. 1, 2017; Laws 2024, c. 147, § 18, eff. Nov. 1, 2024.

§59-475.12. Repealed by Laws 2017, c. 259, § 21, eff. Nov. 1, 2017.

§59-475.12a. Licensure or certification as professional engineer.

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

1. Satisfying the education requirements as outlined in this section; and

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

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

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

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

3. Submit references acceptable to the Board as described in Board rules.

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

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

a. a degree in engineering from an EAC/ABET-accredited bachelor's program, or the equivalent,
b. a degree in a Board-approved related science bachelor's program,
c. a degree in engineering from an EAC/ABET- or ETAC/ABET-accredited master's program from an institution that offers an EAC/ABET- or ETAC/ABET-accredited bachelor's program in the same or similar discipline of engineering,
d. a degree in engineering from a non-EAC/ABET- or ETAC/ABET-accredited bachelor's, master's, or doctorate program. This individual's education shall be evaluated by the NCEES Credentials Evaluation service or other Board-approved evaluation service based upon the criteria set forth in the NCEES Engineering Education Standard,
e. a master's degree in engineering from an EAC/M-ABET-accredited program, or
f. an earned doctoral degree in engineering acceptable to the Board.

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

a. the FE examination may be taken at any time according to NCEES examination policies and procedures, but is recommended to be taken during the student's senior year of college,
b. the PE examination may be taken by a graduate of an approved degree program pursuant to this section, or
c. the Board may waive the FE examination requirement for the issuance of a license if the applicant possesses, at a minimum, fifteen (15) years of progressive experience on engineering projects which indicate to the Board the applicant may be competent to practice engineering. The Board shall evaluate all elements of

the application, according to Board rules, to assess waiver requests.

3. Experience Requirements. An individual seeking licensure as a professional engineer shall present evidence of a specific record of engineering experience following the conferment of the qualifying degree as described in paragraph 1 of this subsection. This experience should be progressive and of a grade and character that indicate to the Board that the applicant may be competent to practice engineering. The following educational criteria may apply as a substitute to the length of experience set forth in this section:

a. an individual who qualifies pursuant to subparagraph a of paragraph 1 of this subsection: four (4) years of experience after the bachelor's degree is conferred,
b. an individual who qualifies pursuant to subparagraph b of paragraph 1 of this subsection: six (6) years of experience after the bachelor's degree is conferred,
c. an individual who qualifies pursuant to subparagraph c or e of paragraph 1 of this subsection: three (3) years of experience after the master's degree is conferred, or
d. an individual who qualifies pursuant to subparagraph f of paragraph 1 of this subsection: two (2) years of experience after the doctoral degree is conferred.

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice. Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

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

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

D. Comity Licensure for a Professional Engineer. The following shall be considered as minimum evidence satisfactory to the Board

that the applicant is qualified for licensure by comity as a professional engineer:

1. An individual holding a license to engage in the practice of engineering issued by a proper authority of any state, jurisdiction, or foreign country, based on requirements that do not conflict with the provisions of this act, and possessing credentials that are, in the judgment of the Board, of a standard not lower than that specified in the applicable licensure act in effect in Oklahoma at the time such license was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this state. If the requirements that were met were of a standard lower than that specified in the applicable licensure act in effect in this state at the time such license was issued but, in the judgment of the Board, the standard was a reasonable standard at the time the original license was issued, the individual may, upon application, be considered by the Board according to the provisions in the Board rules; or

2. An individual holding an active NCEES Record whose qualifications, as evidenced by the NCEES Record, meet the requirements of this act may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to Oklahoma.

Added by Laws 2017, c. 259, § 9, eff. Nov. 1, 2017. Amended by Laws 2019, c. 363, § 17, eff. Nov. 1, 2019; Laws 2024, c. 147, § 19, eff. Nov. 1, 2024.

§59-475.12b. Licensure or certification as a professional surveyor.

A. Certification as a Surveyor Intern. Passing of the NCEES Fundamentals of Surveying (FS) examination and completion of one of the following shall be considered as minimum evidence that the applicant is qualified for certification as a surveyor intern:

1. Graduating from a surveying program of four (4) years or more approved by the Board and providing proof of graduation;

2. Graduating from a surveying program of two (2) years or more approved by the Board, providing proof of graduation;

3. Graduating from a program of two (2) years or more approved by the Board which shall include the Board-approved core curriculum, completed with a minimum grade of C, and providing proof of graduation;

4. Graduating from a program of four (4) years or more approved by the Board which shall include the Board-approved core curriculum, completed with a minimum grade of C, and providing proof of graduation; or

5. Completing sixty (60) college credit hours approved by the Board which shall include the Board-approved core curriculum,

completed with a minimum grade of C, and providing proof of successful completion of the required college credit hours. No application will be accepted after January 1, 2026, for an applicant qualifying under this paragraph.

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

1. Satisfy the education and experience criteria set forth in this act;

2. Pass the applicable examinations set forth in this act; and

3. Submit references acceptable to the Board as described in Board rules.

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

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

2. An individual meeting the experience requirements in paragraph 2 or 3 of subsection A of this section: five (5) years of total experience including two (2) years which shall follow the date of the conferment of the degree; or

3. An individual meeting the experience requirements in paragraph 4 of subsection A of this section: five (5) years of total experience.

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

D. Comity Licensure for a Professional Surveyor. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for licensure by comity as a professional surveyor:

An individual holding a license to engage in the practice of surveying issued by a proper authority of any state or jurisdiction, based on requirements that do not conflict with the provisions of this act, and possessing credentials that are, in the judgment of the Board, of a standard not lower than that specified in the applicable licensure act in effect in this state at the time such certificate was issued may, upon application, which may include a NCEES Record, be licensed upon passing an examination or

examinations of such duration as established by the Board, which shall include questions on laws, procedures and practices pertaining to surveying in Oklahoma.
Added by Laws 2017, c. 259, § 10, eff. Nov. 1, 2017. Amended by Laws 2019, c. 363, § 18, eff. Nov. 1, 2019; Laws 2024, c. 147, § 20, eff. Nov. 1, 2024.

§59-475.12c. Qualifications to use title Professional Structural Engineer.

A. A "Professional Structural Engineer", "P.E., S.E.", or "S.E." professional engineer licensed in Oklahoma shall submit the following by application and prescribed fees, if applicable, for Board consideration as minimum evidence that the applicant is qualified to use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any similar variation using the "S.E." designation and perform structural engineering analysis and design services for significant structures, as defined:

1. Proof of acceptable structural engineering experience by way of a description of representative projects completed, or courses taught, verified by licensed professional engineers who claim competence in structural engineering, and have personal knowledge of the applicant's structural engineering experience. This requirement may be satisfied by the licensee's original application if sufficient structural engineering-specific experience is included and verified by a qualified reference(s); and

2. Proof of structural engineering education evidenced by original transcripts submitted directly to the Board office from the university or college showing coursework or degrees obtained. This requirement may be satisfied by the licensee's original application if all relevant transcripts are included; and

3. Proof of successful completion of one of the following structural engineering examination paths below:

   a. the NCEES Structural I and Structural II exams taken prior to January 1, 2011,
   b. an equivalent sixteen-hour state-written examination prior to January 1, 2004,
   c. the NCEES Structural II exam plus an equivalent eight-hour state-written structural examination prior to January 1, 2011, or
   d. the NCEES S.E. examination taken after January 1, 2011.

B. Comity applicants for a professional engineer license who wish to also apply for authorization to use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any variation using the "S.E." designation and perform structural engineering analysis and design services for significant structures, shall submit the

following by application and prescribed fees for Board consideration as minimum evidence that the applicant is qualified:

1. Proof of acceptable structural engineering experience by way of a description of representative projects completed, or courses taught, and verified by licensed professional engineers who claim competence in structural engineering, and have personal knowledge of the applicant's structural engineering experience;

2. Proof of structural engineering education, and original transcripts submitted directly to the Board office from the university or college showing coursework or degrees obtained since the individual's original professional engineer application to the Board, if applicable; and

3. Proof of successful completion of one of the following structural engineering examination paths below:

a. the NCEES Structural I and Structural II exams taken prior to January 1, 2011,

b. an equivalent sixteen-hour state-written examination prior to 2004,

c. the NCEES Structural II exam plus an equivalent eight-hour state-written structural examination prior to January 1, 2011, or

d. the NCEES S.E. examination taken after January 1, 2011.

C. Initial applicants for a professional engineer license who wish to also apply for authorization to use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any variation using the "S.E." designation and to perform structural engineering analysis and design services for significant structures shall submit the following by application and prescribed fees for Board consideration as minimum evidence that the applicant is qualified, in addition to all requirements in this act:

1. Proof of acceptable structural engineering experience by way of a description of representative projects completed, or courses taught, and verified by licensed professional engineers having personal knowledge of the applicant's structural engineering experience; and

2. Proof of structural engineering education evidenced by original transcripts submitted directly to the Board office from the university or college showing coursework or degrees obtained.

D. Professional engineers who have indicated in their official board records that they have competence in structural engineering may offer and perform structural engineering services and use the term structural engineer or structural engineering to describe their qualifications or services. However, only licensed professional engineers who have been authorized by this Board to do so may use "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any

"S.E." designation and to perform structural engineering analysis and design services for significant structures.

E. The Board may define significant structures and establish standards of competence in structural engineering analysis and design relating to seismic or other influences which have a direct impact on the life, health, safety, property and welfare of the public.

Added by Laws 2017, c. 259, § 11, eff. Nov. 1, 2017. Amended by Laws 2024, c. 147, § 21, eff. Nov. 1, 2024.

§59-475.13. Application form - Certified council record in lieu of form - Fees.

A. 1. Application for a professional engineer, professional structural engineer, or professional surveyor license, or certification as an engineer intern or surveyor intern, shall be on a form prescribed and furnished by the Board. It shall contain statements made under oath, showing the applicant's education and a detailed summary of technical and engineering or surveying experience and shall include the names and complete mailing addresses of the references, none of whom may be members of the Board or immediate family members of the applicant.

2. The Board may accept the certified information contained in a valid NCEES Record issued by the National Council of Examiners for Engineering and Surveying for professional engineer or professional surveyor applicants in lieu of the same information that is required on the form prescribed and furnished by the Board. All initial applicants for a license must submit an NCEES Record along with any additional required forms to be considered for licensure.

B. 1. The application fees shall be established by Board rules.

2. The certification fee for a firm shall be established by Board rules.

3. Should the Board deny the issuance of a license to any applicant, including the application of a firm for a certificate of authority, the fee shall be retained as an application fee.

Added by Laws 1968, c. 245, § 13, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 13; Laws 1992, c. 165, § 11, eff. July 1, 1992; Laws 2005, c. 115, § 12, eff. Nov. 1, 2005; Laws 2008, c. 312, § 5, eff. Nov. 1, 2008; Laws 2017, c. 259, § 12, eff. Nov. 1, 2017; Laws 2024, c. 147, § 22, eff. Nov. 1, 2024.

§59-475.14. Examinations.

A. Examinations shall be held at such times and places as the Board directs and/or in accordance with NCEES examination policy.

B. Examinations may be taken only after the applicant has met other minimum requirements as set forth in Sections 475.12a, 475.12b and 475.12c of this title, and has been authorized to seek admission

through NCEES or approved by the Board for admission to one or more of the following examinations:

1. NCEES Fundamentals of Engineering (FE) examination;
2. NCEES Principles and Practice of Engineering (PE) examination;
3. NCEES Structural Engineering (SE) examination;
4. NCEES Fundamentals of Surveying (FS) examination;
5. NCEES Principles and Practice of Surveying (PS) examination;
6. Oklahoma Law and Surveying (OLS) examination; and
7. Oklahoma Law and Engineering (OLE) examination.

C. A candidate failing an NCEES examination may apply for re-examination in accordance with NCEES policy. A candidate failing a Board examination may apply for re-examination as directed by the Board and Board policy.

D. The applicant shall pay all NCEES examination fees per published NCEES policies and procedures.

E. The Board may prepare and adopt specifications for the examinations in engineering and surveying. They shall be made available to any person interested in being licensed as a professional engineer or as a professional surveyor.

F. For any examination that is administered by NCEES using computer-based testing, a candidate shall only be admitted pursuant to Board policy and administered the examination during a specified time as frequently as prescribed by NCEES policies and procedures. Added by Laws 1968, c. 245, § 14, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 14; Laws 1992, c. 165, § 12, eff. July 1, 1992; Laws 2005, c. 115, § 13, eff. Nov. 1, 2005; Laws 2008, c. 312, § 6, eff. Nov. 1, 2008; Laws 2012, c. 139, § 5; Laws 2017, c. 259, § 13, eff. Nov. 1, 2017; Laws 2024, c. 147, § 23, eff. Nov. 1, 2024.

§59-475.15. License - Seal - Intern certificate.

A. The Board shall issue to any applicant who, in the opinion of the Board, has met the requirements of this act, a license giving the licensee proper authority to practice in this state. The license for a professional engineer shall carry the designation "Professional Engineer", for a professional structural engineer shall carry the designation "Professional Structural Engineer", and for a professional surveyor, "Professional Surveyor". It shall give the full name of the licensee with the license number of the licensee and shall be signed by the Chair and the Secretary under the seal of the Board.

B. This license shall be prima facie evidence that the person named thereon is entitled to all rights, privileges and responsibilities of a professional engineer, professional structural engineer, or professional surveyor, while the license remains active and in good standing.

C. Each licensee hereunder may obtain a seal, the design and use of which are described in Board rules. It shall be unlawful for a licensee to affix, or permit his or her seal or signature to be affixed, to any document after the expiration or revocation of a license, or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of this act. Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and was in responsible charge of the work product. Documents must be sealed and signed in accordance with the Board rules whenever presented to a client, a user or any public or governmental agency. Whenever the seal is applied, the signature of the licensee and date of signature shall be placed adjacent to or across the seal. Drawings, reports or documents that are signed using a digital or electronic signature must be done in a manner that is in direct control and personal supervision of the professional and must conform to the specifications in the Board rules regarding digital or electronic signatures.

D. A professional or firm shall retain a hard copy or electronic copy of all technical submissions produced for a minimum of ten (10) years following the date of preparation.

E. The Board shall issue to any applicant who, in the opinion of the Board, has met the requirements of this act, a certificate as an engineer intern or surveyor intern which indicates that his or her name has been recorded as such in the Board office. The engineer intern or surveyor intern certificate does not authorize the holder to practice as a professional engineer or professional surveyor.

Added by Laws 1968, c. 245, § 15, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 15; Laws 1992, c. 165, § 13, eff. July 1, 1992; Laws 2005, c. 115, § 14, eff. Nov. 1, 2005; Laws 2008, c. 312, § 7, eff. Nov. 1, 2008; Laws 2012, c. 139, § 6; Laws 2017, c. 259, § 14, eff. Nov. 1, 2017; Laws 2024, c. 147, § 24, eff. Nov. 1, 2024.

§59-475.16. Terms for certificates of authority — Renewal.

A. The Board shall issue licenses and certificates of authority for firms for a term of twenty-four (24) months.

B. A license or certificate of authority may be renewed up to sixty (60) days prior to the expiration date. Renewal and reinstatement fees and conditions shall be established by Board rules.

C. Every licensee is required to comply with the Board's rules regarding continuing education or meet the Model NCEES Continuing Professional Competency standard requirement, which is equivalent to fifteen (15) professional development hours per calendar year with no allowable carryover, as a condition of license renewal.

Added by Laws 1968, c. 245, § 16, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 16; Laws 1992, c. 165, § 14, eff. July 1, 1992; Laws 2005, c. 115, § 15, eff. Nov. 1, 2005; Laws 2017, c. 259, § 15, eff. Nov. 1, 2017; Laws 2024, c. 147, § 25, eff. Nov. 1, 2024.

§59-475.17. Lost or destroyed license or certificate — Replacement.

A new license or certificate of authority, to replace any certificate lost or destroyed, may be issued, subject to the rules of the Board.

Added by Laws 1968, c. 245, § 17, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 17; Laws 2005, c. 115, § 16, eff. Nov. 1, 2005; Laws 2024, c. 147, § 26, eff. Nov. 1, 2024.

§59-475.18. Disciplinary actions - Grounds - Rules of Professional Conduct – Definitions.

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, place practice restrictions on, 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. Any fraud or deceit in obtaining or attempting to obtain or renew a license, or a certificate of authority, or in taking the examinations administered by the Board or its authorized representatives;

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

3. Conviction of or entry of a plea of guilty or nolo contendere to a felony crime that substantially relates to the practice of engineering or surveying and poses a reasonable threat to public safety; 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 is a violation of the practice of engineering or surveying;

4. Failure to comply with any of the provisions of this act or any of the rules or regulations pertaining thereto;

5. Disciplinary action, including voluntary surrender of a professional engineer's or professional surveyor's license in order to avoid disciplinary action by 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 grounds for discipline 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 or its designated staff as a result of a

formal or informal investigation or complaint to the Board which would indicate a violation of this act;

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 this act or the rules or regulations pertaining thereto;

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

10. Signing, affixing the professional engineer's or professional surveyor's seal, or permitting the professional engineer's or professional 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 professional surveyor in responsible charge;

11. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, harm or endanger 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 or an engineer's areas of competence designated in the official Board records;

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

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

B. The Board shall prepare and adopt Rules of Professional Conduct for Professional Engineers and Surveyors as provided for in Section 475.8 of this title. The Board may revise and amend these Rules of Professional Conduct for Professional Engineers and Surveyors 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 for the firm as required by this act may be subject to disciplinary action.

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 or has a bearing on the fitness or ability to serve the public or work with others in the occupation.

Added by Laws 1968, c. 245, § 18, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 18; Laws 1992, c. 165, § 15, eff. July 1, 1992; Laws 2005, c. 115, § 17, eff. Nov. 1, 2005; Laws 2008, c. 312, § 8, eff. Nov. 1, 2008; Laws 2012, c. 139, § 7; Laws 2015, c. 183, § 3, eff. Nov. 1, 2015; Laws 2017, c. 259, § 16, eff. Nov. 1, 2017; Laws 2019, c. 363, § 19, eff. Nov. 1, 2019; Laws 2024, c. 147, § 27, eff. Nov. 1, 2024.

§59-475.19. Allegations of violations - Notice and hearing - Appeal.

A. Investigations and inquiries concerning the professional licensed activities of licensees, or any person or entity who may be in violation of the Board's statutes and rules, may be initiated pursuant to the request of the Investigative Committee or the public. In the event of such an investigation, all licensees and subjects of complaints have a duty to provide all information requested by the Board within thirty (30) days or a later time if agreed to by the licensee and the Investigative Committee. All allegations shall be timely investigated by the Investigative Committee of the Board and, unless determined unfounded or trivial, or unless settled by mutual accord, shall be filed as a formal notice of charges by the Board.

B. The time and place for the hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last-known address of such person, licensee, or entity at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused shall have the right to appear in person or by counsel, or both, to cross-examine witnesses in their defense, and to produce evidence and witnesses in their own defense. If the accused fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

C. If, after such hearing, a majority of the quorum of the empaneled Board vote in favor of sustaining any one or more of the charges, the Board shall reprimand, fine for each count or separate offense, levy administrative penalties pursuant to Section 475.20 of this title, place on probation for a period of time and subject to such conditions as the Board may specify, refuse to issue, restore, renew, place practice restrictions on, suspend or revoke the individual's license, or the firm's certificate of authority.

D. Any named respondent aggrieved by any action of the Board in levying a fine, denying, suspending, refusing to issue, restore or renew, placing practice restrictions on, or revoking the license of the person, or its certificate of authority, may appeal therefrom to the proper court under normal civil procedures.

E. The Board may, upon petition of an individual licensee or firm holding a certificate of authority, reissue a license or authorization, provided that a majority of the members of the Board vote in favor of such issuance.

Added by Laws 1968, c. 245, § 19, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 19; Laws 1992, c. 165, § 16, eff. July 1, 1992; Laws 2005, c. 115, § 18, eff. Nov. 1, 2005; Laws 2008, c. 312, § 9, eff. Nov. 1, 2008; Laws 2017, c. 259, § 17, eff. Nov. 1, 2017; Laws 2024, c. 147, § 28, eff. Nov. 1, 2024.

§59-475.20. Criminal and administrative penalties - Legal counsel.

A. Criminal penalties:

Any person or entity who practices, or offers to practice, engineering or surveying in this state without being licensed by the State Board of Licensure for Professional Engineers and Surveyors in accordance with the provisions of this act, or any person or entity using or employing the words "engineer" or "engineering" or "surveyor" or "surveying" or any modification or derivative thereof in its name or form of business or activity except as authorized in this act, or any person presenting or attempting to use the license or the seal of another, or any person who gives false or forged evidence of any kind to the Board or to any member thereof in obtaining or attempting to obtain a license, or any person who falsely impersonates any other licensee of like or different name, or any person who attempts to use an expired, suspended, revoked, or nonexistent license, or who practices or offers to practice when not qualified, or their practice is restricted, or any person who falsely claims to be registered or licensed under this act, or any person who violates any of the provisions of this act, shall be guilty of a misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars ($250.00), nor more than Two Thousand Dollars ($2,000.00).

B. Administrative penalties:

1. Any person or entity who has been determined by the Board to have violated any provision of this act, or any rule, regulation or order issued pursuant to such provisions, may be liable for an administrative penalty of not less than Five Hundred Dollars ($500.00) nor more than Twenty Thousand Dollars ($20,000.00) for each separate violation.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of paragraph 1 of this subsection, after notice and hearing. In determining the amount of the penalty, the

Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of this act. All monies collected from administrative penalties shall be deposited with the State Treasurer and placed in the "Professional Engineers and Surveyors Fund".

3. Any license or certificate of authority holder may request to surrender the license or certificate of authority in lieu of an administrative action, but shall be permanently barred from obtaining a reissuance of the license or certificate of authority. All such requests shall be presented to the Board for approval.

C. Legal Counsel:

The Attorney General of this state or an assistant shall act as legal advisor to the Board and render such legal assistance as may be necessary in carrying out the provisions of this act. The Board may employ counsel whose compensation and expenses shall be paid from Board funds for necessary legal assistance to aid in the enforcement of and carrying out the provisions of this act.
Added by Laws 1968, c. 245, § 20, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 20; Laws 1992, c. 165, § 17, eff. July 1, 1992; Laws 1997, c. 133, § 508, eff. July 1, 1999; Laws 1999, c. 74, § 2, eff. Nov. 1, 1999; Laws 2005, c. 115, § 19, eff. Nov. 1, 2005; Laws 2008, c. 312, § 10, eff. Nov. 1, 2008; Laws 2017, c. 259, § 18, eff. Nov. 1, 2017; Laws 2024, c. 147, § 29, eff. Nov. 1, 2024.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 508 from July 1, 1998, to July 1, 1999.

§59-475.21. Condition for practice of engineering or surveying by firm.

A. The practice of or offer to practice engineering or surveying by firms authorized under this act, or by more than one person acting individually through a firm, is permitted provided:

1. The managing agent(s) in responsible charge of such practice and all personnel who act in behalf of the firm in professional engineering and surveying matters in this state are licensed under this act; and

2. The firm has been issued a certificate of authority by the Board.

B. An engineering or surveying firm requiring a certificate of authority shall file with the Board an application, using a form provided by the Board, and provide all the information required by the Board. The Board shall prescribe a form to be filed with the renewal fee and which shall be updated within thirty (30) days of

the time any information contained on the form is changed or differs for any reason. If, in the Board's judgment, the information contained on the form warrants such action, the Board shall issue a certificate of authority for the firm to practice engineering and/or surveying.

No such firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers or partners by reason of its compliance with the provisions of this section. No individual practicing engineering or surveying, pursuant to the provisions of this act, shall be relieved of responsibility for engineering or surveying services performed by reason of employment or other relationship with a firm holding a certificate of authority.

C. The Secretary of State shall not issue a certificate of incorporation to an applicant, approve for filing articles of organization for a limited liability company, approve for filing a certificate of limited partnership or accept a registration as a foreign firm to a firm which includes in the firm's name or among the objectives for which it is established any of the words "Engineer", "Engineering", "Surveyor", "Surveying" or any modification or derivation thereof unless the Board for these professions has issued for the applicant a certificate of authority or a letter indicating the eligibility of such applicant to receive such a certificate. The firm applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

D. The Secretary of State shall decline to register any trade name or service mark which includes such words, as set forth in subsection C of this section, or modifications or derivatives thereof in its firm name or logotype except those firms holding certificates of authority issued under the provisions of this section.

E. The certificate of authority shall be renewed as hereinbefore provided in Section 475.16 of this title.

F. Firms applying for a certificate of authority shall designate a managing agent.

Managing agent. A firm offering engineering or surveying services shall designate an engineer or surveyor, respectively, to be the managing agent for the firm. A firm offering both engineering and surveying services must have a licensed professional engineer and licensed professional surveyor listed as managing agent. A licensee may not be designated as a managing agent for more than one firm without prior Board approval. The managing agent must hold a position of recognized authority within the firm to be designated as the managing agent. In the case of a corporation, a licensee must be an officer, principal, director or shareholder of the firm to be designated as the managing agent. In the case of a limited liability company or limited liability partnership, the

licensee must be a member of the firm to be designated as the managing agent. In the case of a limited partnership, the licensee must be a general partner of the firm to be designated as the managing agent. In the case of a partnership, the licensee must be an owner of the firm to be designated as the managing agent. If the ownership is less than fifty percent (50%) ownership, an explanation must be included as to the extent of authority this partner holds regarding engineering or surveying decisions, respectively, as it pertains to paragraphs 1 through 3 of this subsection. A licensee who is a full-time employee of a firm and holds a position of recognized authority within the firm but does not hold one of the above-stated titles may request Board approval to be named the managing agent by submitting a letter to the Board on firm letterhead signed by a person within the firm holding one of the above-stated titles, describing the special circumstances surrounding the requested exception and the extent of authority this employee holds regarding engineering or surveying decisions, respectively, as it pertains to paragraphs 1 through 3 of this subsection. A licensee who is self-employed, an independent contractor or who renders consulting engineering or surveying services to, or for, a firm shall not be designated as a managing agent. The managing agent's responsibilities include:

1. Renewal of the firm's certificate of authority and notification to the Board of any change in managing agent or firm's contact information;

2. Overall administrative supervision of the firm's licensed and subordinate personnel performing engineering or surveying work in Oklahoma; and

3. Institution and adherence of policies of the firm that are in accordance with this act, Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and the rules of the Board.

G. Out-of-state firms authorized to offer or perform professional engineering or professional surveying services in Oklahoma may have one or more branch offices located in Oklahoma only if the firm has a professional engineer or professional surveyor, respectively, designated as the managing agent in Oklahoma. The professional engineer or professional surveyor designated for this purpose shall be required to spend a majority of normal business hours at one or more branch offices located in Oklahoma and be duly licensed as a professional engineer or professional surveyor, respectively, in this state. The professional engineer or professional surveyor designated managing agent shall be responsible for:

1. Maintaining and renewal of the firm's certificate of authority and notification to the Board of any change in managing agent or firm's contact information;

2. Overall administrative supervision of the firm's licensed and subordinate personnel who provide the engineering work in this state; and

3. The institution of and adherence to policies of the firm that shall be in accordance with this act, Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and the rules promulgated by the Board.

Added by Laws 1968, c. 245, § 21, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 21; Laws 1992, c. 165, § 18, eff. July 1, 1992; Laws 2005, c. 115, § 20, eff. Nov. 1, 2005; Laws 2012, c. 139, § 8; Laws 2017, c. 259, § 19, eff. Nov. 1, 2017; Laws 2024, c. 147, § 30, eff. Nov. 1, 2024.

§59-475.22. Exceptions.

This act shall not be construed to prevent:

1. Other professions. The practice of any other legally recognized profession;

2. Temporary license:

a. Professional engineer. The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state is allowed; provided, such person is legally qualified by licensure to practice engineering, as defined in Section 475.2 of this title, in the applicant's resident state or jurisdiction and who has made application for licensure to the Board. Such person shall make application for temporary licensure to the Board, in a manner prescribed by the Board. After payment of a temporary license fee, a temporary license may be granted to perform a particular job for a definite period of time, to expire at the earliest issuance of a professional engineering license by the Board. Further, such person shall submit a complete permanent professional engineer application to the Board within thirty (30) days of the date of issuance of the temporary license, with all required properly completed forms and fees. Failure to submit a permanent professional engineer application for Board consideration within the designated thirty-day time period may be considered a violation of this act and Board rules. No right to practice engineering shall accrue to such applicant by reason of a temporary license for any works not set forth in the license, and

b. Professional surveyor. The practice of surveying under a temporary permit by a person licensed as a professional surveyor in another state is not

considered to be in the best interest of the public and therefore shall not be granted unless the person is applying pursuant to the Military Service Occupation, Education and Credentialing Act;

3. Employees and subordinates. The work of an employee or a subordinate of a person holding a license under this act, or an employee of a person practicing lawfully under paragraph 2 of this section is allowed; provided, such work does not include final engineering or surveying designs or decisions and is done under the direct supervision of and verified by a person holding a license under this act or a person practicing lawfully under paragraph 2 of this section;

4. Material takeoff. Providing a list of material derived from measuring and interpreting a set of blueprints or plans, otherwise known as a "material takeoff" or advising a person on such a "material takeoff" shall not constitute the practice of engineering; and

5. A person shall not be construed to practice or offer to practice surveying, within the meaning and intent of this act, who merely acts as an agent of a purchaser of surveying services. Agents of a purchaser of surveying services include, but are not limited to, real estate agents and brokers, title companies, attorneys providing title examination services, and persons who or firms that coordinate the acquisition and use of surveying services. The coordination of surveying services includes, but is not limited to, sales and marketing of services, discussion of requirements of surveys, contracting to furnish surveys, review of surveys, the requesting of revisions of surveys, and making any and all modifications to surveys with the written consent of the professional surveyor, and furnishing final revised copies to the professional surveyor showing all revisions, the distribution of surveys and receiving payment for such services. These actions do not constitute the practice of surveying, and do not violate any part of this act or the bylaws and rules of the Board.

Added by Laws 1968, c. 245, § 22, emerg. eff. April 26, 1968. Amended by Laws 1982, c. 297, § 22; Laws 1992, c. 165, § 19, eff. July 1, 1992; Laws 2005, c. 115, § 21, eff. Nov. 1, 2005; Laws 2010, c. 337, § 2, emerg. eff. June 6, 2010; Laws 2017, c. 259, § 20, eff. Nov. 1, 2017; Laws 2024, c. 147, § 31, eff. Nov. 1, 2024.

§59-475.22a. Surveying documents - Conditions of filing.

It shall be unlawful for the registrar of deeds or the county clerk of any county or proper public authority to file any map, plat, survey or other documents within the definition of surveying which do not have impressed thereon and affixed thereto the personal signature and seal of a professional surveyor by whom or under whose

direct supervision the map, plat, survey or other documents were prepared.
Added by Laws 1982, c. 297, § 23. Amended by Laws 1992, c. 165, § 20, eff. July 1, 1992; Laws 2024, c. 147, § 32, eff. Nov. 1, 2024.

§59-475.22b. Repealed by Laws 1992, c. 165, § 21, eff. July 1, 1992.

§59-475.40. XXX.

A. As used in this section:

1. "Design profession" means the practice of architecture, landscape architecture, land surveying or engineering;

2. "Design professional" means an architect, landscape architect, land surveyor or professional engineer or a business entity authorized to practice one or more of the design professions specified in paragraph 1 of this subsection;

3. "Architect" shall have the same meaning ascribed to such term in Section 46.3 of Title 59 of the Oklahoma Statutes;

4. "Landscape architect" shall have the same meaning ascribed to such term in Section 46.3 of Title 59 of the Oklahoma Statutes;

5. "Land surveyor" shall have the same meaning ascribed to such term in Section 475.2 of Title 59 of the Oklahoma Statutes;

6. "Professional engineer" shall have the same meaning ascribed to such term in Section 475.2 of Title 59 of the Oklahoma Statutes;

7. "Lessons learned" means any internal meeting, class, publication in any medium, presentation, lecture or other means of teaching and communicating after substantial completion of the project which is conducted solely and exclusively by and with the employees, partners, consultants and coworkers of the design professional who prepared the project's design for the purpose of learning best practices and reducing errors and omissions in design documents and procedures;

8. "Peer review" or "peer review process" means any of the following functions:

a. evaluating and improving the design, drawings specifications or quality of services rendered by a design professional,

b. evaluating the design, construction, procedures and results of improvements to real property based upon services rendered by a design professional during or after completion of such improvements, or

c. preparing an internal lessons-learned review of any project or services rendered for the purpose of improving the quality of services rendered by a design professional; and

9. "Peer reviewer" or "peer review committee" means an individual design professional or a committee of design professionals retained, employed, designated or appointed by:

a. a state, county or local society of design professionals, or

b. the board of directors, chief executive officer, quality control director, risk manager or employed design professional of a business entity authorized to practice one or more of the design professions specified in paragraph 1 of this subsection.

B. The reports, statements, memoranda, proceedings, findings and other records submitted to or generated by any peer review committee or peer reviewer shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process.

C. The design professional who retains, employs, designates or appoints the peer reviewer or peer review committee is the holder of the privilege established by this section. This privilege may be claimed by such design professional and shall not be waived as a result of any disclosure by a peer reviewer or peer review committee.

D. A peer review committee or peer reviewer may report to and discuss activities, information and findings with other peer review committees or peer reviewers or to the design professional who retains, employs, designates or appoints the peer reviewer or peer review committee and with any officer, director or quality control director, risk manager or employed design professional thereof without waiver of the privilege provided by subsection B of this section, and the records of all such peer review committees or peer reviewers relating to such report shall be privileged as provided by subsection B of this section.

E. Each peer reviewer and member of a peer review committee shall be immune from civil liability for such acts described in paragraph 8 of subsection A and subsection D of this section, so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review process. The immunity in this subsection is intended to cover only outside peer reviews by a third-party design professional who:

1. Is not an employee, coworker or partner of the design professional whose design is being peer reviewed; and

2. Has no other role in the project besides performing the peer review.

Added by Laws 2021, c. 237, § 1, eff. Nov. 1, 2021.

§59-478. Definitions.

As used in Section 478.1 of this title, "telemedicine" means technology-enabled health and care management and delivery systems that extend capacity and access, which includes:

a. synchronous mechanisms, which may include live audiovisual interaction between a patient and a health care professional or real-time provider to provider consultation through live interactive audiovisual means,

b. asynchronous mechanisms, which include store and forward transfers, online exchange of health information between a patient and a health care professional and online exchange of health information between health care professionals, but shall not include the use of automated text messages or automated mobile applications that serve as the sole interaction between a patient and a health care professional,

c. remote patient monitoring, and

d. other electronic means that support clinical health care, professional consultation, patient and professional health-related education, public health and health administration.

Added by Laws 2017, c. 228, § 1, eff. Nov. 1, 2017. Amended by Laws 2021, c. 293, § 3, eff. Nov. 1, 2021.

§59-478.1. Establishment of physician-patient relationship through telemedicine.

A. Unless otherwise prohibited by law, a valid physician-patient relationship may be established by an allopathic or osteopathic physician with a patient located in this state through telemedicine, provided that the physician:

1. Holds a license to practice medicine in this state;

2. Confirms with the patient the patient's identity and physical location; and

3. Provides the patient with the treating physician's identity and professional credentials.

B. Telemedicine encounters shall comply with the Health Insurance Portability and Accountability Act of 1996 and ensure that all patient communications and records are secure and confidential.

C. Telemedicine encounters in this state shall not be used to establish a valid physician-patient relationship for the purpose of prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisprodol, unless the encounter is used to prescribe:

1. Opioid antagonists or partial agonists pursuant to Sections 1-2506.1 and 1-2506.2 of Title 63 of the Oklahoma Statutes; or

2. A Schedule III, IV, or V controlled dangerous substance approved by the United States Food and Drug Administration for medication assisted treatment or detoxification treatment for substance use disorder.

D. A physician-patient relationship shall not be created solely based on the receipt of patient health information by a physician. The duties and obligations created by a physician-patient relationship shall not apply until the physician affirmatively:

1. Undertakes to diagnose and treat the patient; or

2. Participates in the diagnosis and treatment of the patient.

Added by Laws 2017, c. 228, § 2, eff. Nov. 1, 2017. Amended by Laws 2021, c. 293, § 4, eff. Nov. 1, 2021; Laws 2023, c. 250, § 3, emerg. eff. May 15, 2023.

§59-480. Short title - Intent - Definitions.

Sections 481 through 518 of Title 59 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act". It is the intent that this act shall apply only to allopathic and surgical practices and to exclude any other healing practices. Allopathy is a method of treatment practiced by recipients of the degree of Doctor of Medicine, but specifically excluding homeopathy. The terms medicine, physician and drug(s) used herein are limited to allopathic practice.

Added by Laws 1994, c. 323, § 1, eff. July 1, 1994.

§59-481. See the following versions:

OS 59-481v1 (SB 597, Laws 2024, c. 227, § 1).

OS 59-481v2 (HB 2956, Laws 2024, c. 283, § 1).

§59-481.1. Statutory references.

Whenever in the Statutes reference is made to the State Board of Medical Examiners, it shall mean hereafter the State Board of Medical Licensure and Supervision.

Added by Laws 1987, c. 118, § 6, operative July 1, 1987.

§59-481v1. State Board of Medical Licensure and Supervision - Members.

A. A State Board of Medical Licensure and Supervision hereinafter referred to as the “Board”, is hereby re-created, to continue until July 1, 2024, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall be composed of seven (7) allopathic physicians licensed to practice medicine in this state and represent the public and four (4) lay members.

B. The physician members of the Board shall be graduates of legally chartered medical schools recognized by the Oklahoma State Regents for Higher Education or the Liaison Committee on Medical Education or foreign medical schools recognized by the State Board of Medical Licensure and Supervision. The physician members shall:

1. Be currently licensed physicians who have actively practiced as licensed physicians continuously in this state for the three (3) years immediately preceding their appointment to the Board; or

2. Be retired physicians; provided, that such physicians must demonstrate satisfactorily to the Board that since retirement they have remained in compliance with, and are currently in compliance with, continuing medical education requirements of the Board.

C. All members of the Board shall be residents of this state and shall be appointed by the Governor as provided for in Section 482 of this title. All present members of the Board shall continue to serve for the remainder of their current terms.

Added by Laws 1923, c. 59, p. 102, § 1, emerg. eff. March 31, 1923. Amended by Laws 1925, c. 63, p. 95, § 1, emerg. eff. April 6, 1925; Laws 1943, p. 135, § 4, emerg. eff. March 24, 1943; Laws 1965, c. 264, § 1, emerg. eff. June 23, 1965; Laws 1983, c. 159, § 1, operative July 1, 1983; Laws 1987, c. 118, § 5, operative July 1, 1987; Laws 1988, c. 225, § 9; Laws 1993, c. 280, § 1; Laws 1994, c. 323, § 2, eff. July 1, 1994; Laws 1997, c. 33, § 1; Laws 1998, c. 324, § 1, emerg. eff. May 28, 1998; Laws 2003, c. 10, § 1; Laws 2009, c. 17, § 1; Laws 2013, c. 349, § 1; Laws 2019, c. 404, § 1; Laws 2024, c. 227, § 1, eff. Nov. 1, 2024.

§59-481v2. State Board of Medical Licensure and Supervision - Members.

A State Board of Medical Licensure and Supervision hereinafter referred to as the "Board", is hereby re-created, to continue until July 1, 2025, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall be composed of seven (7) allopathic physicians licensed to practice medicine in this state and represent the public and four (4) lay members. The physician members of the Board shall be graduates of legally chartered medical schools recognized by the Oklahoma State Regents for Higher Education or the Liaison Council on Medical Education. The physician members shall have actively practiced as licensed physicians continuously in this state for the three (3) years immediately preceding their appointment to the Board. All members of the Board shall be residents of this state and shall be appointed by the Governor as provided for in Section 482 of this title. All present members of the Board shall continue to serve for the remainder of their current terms.

Added by Laws 1923, c. 59, p. 102, § 1, emerg. eff. March 31, 1923. Amended by Laws 1925, c. 63, p. 95, § 1, emerg. eff. April 6, 1925;

Laws 1943, p. 135, § 4, emerg. eff. March 24, 1943; Laws 1965, c. 264, § 1, emerg. eff. June 23, 1965; Laws 1983, c. 159, § 1, operative July 1, 1983; Laws 1987, c. 118, § 5, operative July 1, 1987; Laws 1988, c. 225, § 9; Laws 1993, c. 280, § 1; Laws 1994, c. 323, § 2, eff. July 1, 1994; Laws 1997, c. 33, § 1; Laws 1998, c. 324, § 1, emerg. eff. May 28, 1998; Laws 2003, c. 10, § 1; Laws 2009, c. 17, § 1; Laws 2013, c. 349, § 1; Laws 2019, c. 404, § 1; Laws 2024, c. 283, § 1, eff. July 1, 2024.

§59-482. Tenure - Appointment list - Persons ineligible.

Physician members of the State Board of Medical Licensure and Supervision shall be appointed for terms of seven (7) years. The lay members of the Board shall serve terms coterminous with that of the Governor and until a qualified successor has been duly appointed and shall serve at the pleasure of the Governor. No member shall be appointed to serve more than two complete consecutive terms. Each physician member shall hold office until the expiration of the term for which appointed or until a qualified successor has been duly appointed. An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member or the occurrence of a vacancy on the Board due to resignation, death, or any cause resulting in an unexpired term. The appointment of allopathic physicians shall be made from a list of three names submitted to the Governor by the Oklahoma State Medical Association. The Association may submit names of members or nonmembers of the Association. No member of the Board shall be a stockholder in any medical school.

Added by Laws 1923, c. 59, p. 102, § 2, emerg. eff. March 31, 1923. Amended by Laws 1925, c. 63, p. 95, § 2, emerg. eff. April 6, 1925; Laws 1943, p. 135, § 5, emerg. eff. March 24, 1943; Laws 1965, c. 264, § 2, emerg. eff. June 23, 1965; Laws 1983, c. 159, § 2, operative July 1, 1983; Laws 1987, c. 118, § 7, operative July 1, 1987; Laws 1993, c. 280, § 2; Laws 1994, c. 323, § 3, eff. July 1, 1994; Laws 1998, c. 324, § 2, emerg. eff. May 28, 1998; Laws 2024, c. 227, § 2, eff. Nov. 1, 2024.

§59-483. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§59-484. Oath.

Each member of said Board shall, before entering upon the duties of office, take the constitutional oath of office, and shall, in addition, make oath that he or she is qualified under the terms of this act to hold such office.

Added by Laws 1923, c. 59, p. 103, § 4, emerg. eff. March 31, 1923. Amended by Laws 1994, c. 323, § 4, eff. July 1, 1994.

§59-485. Organization - Officers.

The State Board of Medical Licensure and Supervision shall elect a president and a vice-president each year. If either office becomes vacant during that year, an election to fill the vacancy shall be held at the next regularly scheduled meeting of the Board. Added by Laws 1923, c. 59, p. 103, § 5, emerg. eff. March 31, 1923. Amended by Laws 1943, p. 136, § 7, emerg. eff. March 24, 1943; Laws 1965, c. 264, § 4, emerg. eff. June 23, 1965; Laws 1987, c. 118, § 8, operative July 1, 1987; Laws 1994, c. 323, § 5, eff. July 1, 1994; Laws 1995, c. 211, § 1, eff. Nov. 1, 1995; Laws 1998, c. 324, § 3, emerg. eff. May 28, 1998.

§59-486. Repealed by Laws 1980, c. 159, § 40, emerg. eff. April 2, 1980.

§59-487. Secretary - Duties.

A. The State Board of Medical Licensure and Supervision may appoint the secretary to serve as Medical Advisor or hire a physician to serve as Medical Advisor to the Board and the Board staff. The Board may hire the secretary as an employee of the Board at such hours of employment and compensation as determined by the Board. The Board may hire a licensed allopathic physician to serve as the secretary or medical advisor, or both, to the Board and its staff. This position shall be in the exempt unclassified service, as provided for in subsection B of Section 840-5.5 of Title 74 of the Oklahoma Statutes. The secretary shall not be a member of the Board and shall not vote on Board actions.

B. The secretary of the Board shall preserve a true record of the official proceedings of the meetings of the Board. He or she shall also preserve a record of physicians licensed, applying for such license or applying for reinstatement of such license in this state showing:

1. Age;
2. Ethnic origin;
3. Sex;
4. Place of practice and residence;
5. The time spent in premedical and medical study, together with the names of the schools attended, and the date of graduation therefrom, with the degrees granted;
6. The grades made in examination for license or grades filed in application therefor; and
7. A record of the final disposition of each application for licensure.

The secretary of the Board shall, on or before the first day of May in each year, transmit an official copy of the register for the preceding calendar year, to the Secretary of State for permanent

record, a certified copy of which shall be admitted as evidence in all courts of the state.
Added by Laws 1923, c. 59, p. 103, § 7, emerg. eff. March 31, 1923. Amended by Laws 1994, c. 323, § 6, eff. July 1, 1994; Laws 1995, c. 211, § 2, eff. Nov. 1, 1995; Laws 2009, c. 11, § 1, eff. Nov. 1, 2009; Laws 2019, c. 492, § 1, eff. Nov. 1, 2019.

§59-488. Meetings of Board - Determining qualifications of applicants.

A. The State Board of Medical Licensure and Supervision may hold regular meetings at times to be fixed by the president and secretary of the Board in accordance with the provisions of the Oklahoma Open Meeting Act. In addition, the president and secretary may call such special and other meetings in accordance with the provisions of the Oklahoma Open Meeting Act. A majority of the members of the Board shall constitute a quorum for the transaction of business but a less number may adjourn from time to time until a quorum is present.

B. No meeting as provided for in subsection A of this section shall be required for the determination of the qualifications of an applicant for a certificate or license issued for all licenses under the legislative jurisdiction of the Board. Each member of the Board authorized to vote on licensure may review the qualifications of the applicant during times other than when a regular or special meeting is held, to determine the sufficiency of said qualifications. Each member shall notify the secretary of his findings, in writing. The provisions of this subsection shall not be construed to prohibit the Board from reviewing the qualifications of an applicant for licensure during any regular or special meeting of the Board.
Added by Laws 1923, c. 59, p. 103, § 8, emerg. eff. March 31, 1923. Amended by Laws 1925, c. 63, p. 95, § 3, emerg. eff. April 6, 1925; Laws 1935, p. 56, § 1, emerg. eff. May 13, 1935; Laws 1943, p. 136, § 8, emerg. eff. March 24, 1943; Laws 1984, c. 75, § 1, emerg. eff. April 3, 1984; Laws 1987, c. 118, § 9, operative July 1, 1987; Laws 1994, c. 323, § 7, eff. July 1, 1994; Laws 2024, c. 302, § 1, eff. Nov. 1, 2024.

§59-489. Rules - Fees - Increasing or changing educational requirements.

The Board shall from time to time adopt such rules as may be necessary to carry into effect the provisions of this act, and shall have authority to establish fees not otherwise provided for in this act; and from time to time, as the courses of instruction in medical colleges, under the contemplation of this act, are increased or changed, the Board is hereby directed in like manner to increase or change its educational requirements for license to practice medicine within the state.

Added by Laws 1923, c. 59, p. 104, § 9, emerg. eff. March 31, 1923. Amended by Laws 1987, c. 118, § 10, operative July 1, 1987; Laws 1994, c. 323, § 8, eff. July 1, 1994.

§59-489.1. Repealed by Laws 1987, c. 118, § 60, operative July 1, 1987.

§59-490. Administration of oaths - Evidence and witnesses.

Any member of the Board shall have the authority to administer oaths in all matters pertaining to the affairs of the Board and to take evidence and compel the attendance of witnesses on questions pertaining to the enforcement of this act. The trial examiner of the Board shall have the authority to compel the attendance of witnesses.

Added by Laws 1923, c. 59, p. 104, § 10, emerg. eff. March 31, 1923. Amended by Laws 1987, c. 118, § 11, operative July 1, 1987; Laws 1994, c. 323, § 9, eff. July 1, 1994.

§59-491. Practicing without a license - Penalties.

A. 1. Every person before practicing medicine and surgery or any of the branches or departments of medicine and surgery, within the meaning of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, the Oklahoma Osteopathic Medicine Act, or the Oklahoma Interventional Pain Management and Treatment Act, within this state, must be in legal possession of the unrevoked license or certificate issued pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act.

2. Any person practicing in such manner within this state, who is not in the legal possession of a license or certificate, shall, upon conviction, be guilty of a felony, punishable by a fine in an amount not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the county jail for a term of not more than one (1) year or imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, or by both such fine and imprisonment.

3. Each day a person is in violation of any provision of this subsection shall constitute a separate criminal offense and, in addition, the district attorney may file a separate charge of medical battery for each person who is injured as a result of treatment or surgery performed in violation of this subsection.

4. Any person who practices medicine and surgery or any of the branches or departments thereof without first complying with the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, the Oklahoma Osteopathic Medicine Act, or the Oklahoma Interventional Pain Management and Treatment Act shall, in addition to the other penalties provided therein, receive no

compensation for such medical and surgical or branches or departments thereof services.

B. 1. If a license has been revoked or suspended pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act whether for disciplinary reasons or for failure to renew the license, the State Board of Medical Licensure and Supervision may, subject to rules promulgated by the Board, assess and collect an administrative fine not to exceed Five Thousand Dollars ($5,000.00) for each day after revocation or suspension whether for disciplinary reasons or for failure to renew such license that the person practices medicine and surgery or any of the branches or departments thereof within this state.

2. The Board may impose administrative penalties against any person who violates any of the provisions of the Oklahoma Interventional Pain Management and Treatment Act or any rule promulgated pursuant thereto. The Board is authorized to initiate disciplinary and injunctive proceedings against any person who has violated any of the provisions of the Oklahoma Interventional Pain Management and Treatment Act or any rule of the Board promulgated pursuant thereto. The Board is authorized in the name of the state to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of the Oklahoma Interventional Pain Management and Treatment Act, or to restrain any violation thereof. The members of the Board shall not be personally liable for proceeding under this section.

3. Fines assessed shall be in addition to any criminal penalty provided pursuant to subsection A of this section.

Added by Laws 1923, c. 59, p. 104, § 11, emerg. eff. March 31, 1923. Amended by Laws 1994, c. 323, § 10, eff. July 1, 1994; Laws 2001, c. 115, § 1, emerg. eff. April 18, 2001; Laws 2004, c. 523, § 3, emerg. eff. June 9, 2004; Laws 2008, c. 358, § 2, eff. Nov. 1, 2008; Laws 2010, c. 67, § 2, emerg. eff. April 9, 2010; Laws 2016, c. 229, § 1, eff. July 1, 2016.

§59-491.1. Repealed by Laws 1996, c. 6, § 2, eff. Sept. 1, 1996.

§59-492. Designation of physicians - Employment by hospitals - Practice of medicine defined - Services rendered by trained assistants - Persons practicing nonallopathic healing.

A. Every person shall be regarded as practicing allopathic medicine within the meaning and provisions of this act, who shall append to his or her name the letters "M.D.", "Physician" or any other title, letters or designation which represent that such person is a physician, or who shall for a fee or any form of compensation diagnose and/or treat disease, injury or deformity of persons in

this state by any allopathic legend drugs, surgery, manual, or mechanical treatment unless otherwise authorized by law.

B. A hospital or related institution as such terms are defined in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the principal purpose or function of providing hospital or medical care, including but not limited to any corporation, association, trust, or other organization organized and operated for such purpose, may employ one or more persons who are duly licensed to practice medicine in this state without being regarded as itself practicing medicine within the meaning and provisions of this section. The employment by the hospital or related institution of any person who is duly licensed to practice medicine in this state shall not, in and of itself, be considered as an act of unprofessional conduct by the person so employed. Nothing provided herein shall eliminate, limit, or restrict the liability for any act or failure to act of any hospital, any hospital's employees, or persons duly licensed to practice medicine.

C. The definition of the practice of medicine and surgery shall include, but is not limited to:

1. Advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine and surgery in this state;

2. Any offer or attempt to prescribe, order, give, or administer any drug or medicine and surgery for the use of any other person, except as otherwise authorized by law;

3. a. any offer or attempt, except as otherwise authorized by law, to prevent, diagnose, correct, or treat in any manner or by any means, methods, devises, or instrumentalities except for manual manipulation any disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of any person, including the management of pregnancy and parturition, except as otherwise authorized by law,

   b. except as provided in subsection D of this section, performance by a person within or outside of this state, through an ongoing regular arrangement, of diagnostic or treatment services, including but not limited to, stroke prevention and treatment, through electronic communications for any patient whose condition is being diagnosed or treated within this state by a physician duly licensed and practicing in this state. A person who performs any of the functions covered by this subparagraph submits himself or herself to the jurisdiction of the courts of this state for the purposes of any cause of action resulting from the functions performed, and

c. nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall be construed to affect or give jurisdiction to the Board over any person other than medical doctors or persons holding themselves out as medical doctors;

4. Any offer or attempt to perform any surgical operation upon any person, except as otherwise authorized by law; and

5. The use of the title Doctor of Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D. or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless, where appropriate, such a designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this state.

D. The practice of medicine and surgery, as defined in this section, shall not include:

1. A student while engaged in training in a medical school approved by the Board or while engaged in graduate medical training under the supervision of the medical staff of a hospital or other health care facility approved by the state medical board for such training, except that a student engaged in graduate medical training shall hold a license issued by the Board for such training;

2. Any person who provides medical treatment in cases of emergency where no fee or other consideration is contemplated, charged or received;

3. A commissioned medical officer of the armed forces of the United States or medical officer of the United States Public Health Service or the Department of Veterans Affairs of the United States in the discharge of official duties and/or within federally controlled facilities; and provided that such person shall be fully licensed to practice medicine and surgery in one or more jurisdictions of the United States; provided further that such person who holds a medical license in this state shall be subject to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act;

4. Any person licensed under any other act when properly practicing in the healing art for which that person is duly licensed;

5. The practice of those who endeavor to prevent or cure disease or suffering by spiritual means or prayer;

6. Any person administering a domestic or family remedy to a member of such person's own family;

7. Any person licensed to practice medicine and surgery in another state or territory of the United States who renders emergency medical treatment or briefly provides critical medical service at the specific lawful direction of a medical institution or

federal agency that assumes full responsibility for that treatment or service and is approved by the Board;

8. Any person who is licensed to practice medicine and surgery in another state or territory of the United States whose sole purpose and activity is limited to brief actual consultation with a specific physician who is licensed to practice medicine and surgery by the Board, other than a person with a special or restricted license; or

9. The practice of any other person as licensed by appropriate agencies of this state, provided that such duties are consistent with the accepted standards of the person's profession and the person does not represent himself or herself as a Doctor of Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D., or any combination thereof.

E. Nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall prohibit:

1. The service rendered by a physician's unlicensed trained assistant, if such service is rendered under the supervision and control of a licensed physician pursuant to Board rules, provided such rules are not in conflict with the provisions of any other healing arts licensure act or rules promulgated pursuant to such act; or

2. The service of any other person duly licensed or certified by the state to practice the healing arts.

F. Nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall prohibit services rendered by any person not licensed by the Board and practicing any nonallopathic healing practice.

G. Nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall be construed as to require a physician to secure a Maintenance of Certification (MOC) as a condition of licensure, reimbursement, employment or admitting privileges at a hospital in this state. For the purposes of this subsection, "Maintenance of Certification (MOC)" shall mean a continuing education program measuring core competencies in the practice of medicine and surgery and approved by a nationally-recognized accrediting organization.

Added by Laws 1923, c. 59, p. 104, § 12, emerg. eff. March 31, 1923. Amended by Laws 1965, c. 399, § 1, emerg. eff. July 5, 1965; Laws 1974, c. 305, § 2, emerg. eff. May 29, 1974; Laws 1987, c. 118, § 12, operative July 1, 1987; Laws 1990, c. 91, § 1, emerg. eff. April 18, 1990; Laws 1993, c. 230, § 25, eff. July 1, 1993; Laws 1994, c. 323, § 12, eff. July 1, 1994; Laws 1996, c. 147, § 1, eff. Nov. 1, 1996; Laws 1998, c. 324, § 4, emerg. eff. May 28, 1998; Laws 1999, c. 23, § 1, eff. Nov. 1, 1999; Laws 2000, c. 52, § 4, emerg. eff. April 14, 2000; Laws 2009, c. 148, § 4, eff. Nov. 1, 2009; Laws

2009, c. 261, § 2, eff. July 1, 2009; Laws 2016, c. 40, § 1, eff. Nov. 1, 2016.

§59-492.1. Application forms - Requirements for practicing medicine - Agent or representative of applicant.

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

B. No person shall be licensed to practice medicine and surgery in this state except upon a finding by the Board that such person has fully complied with all applicable licensure requirements of this act and has produced satisfactory evidence to the Board of the ability of the applicant to practice medicine and surgery with reasonable skill and safety.

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

Added by Laws 1994, c. 323, § 13, eff. July 1, 1994. Amended by Laws 2019, c. 363, § 20, eff. Nov. 1, 2019.

§59-493. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-493.1. Contents of application - Requirements for licensure.

A. An applicant to practice medicine and surgery in this state shall provide to the State Board of Medical Licensure and Supervision and attest to the following information and documentation in a manner required by the Board:

1. The applicant's full name and all aliases or other names ever used, current address, Social Security number and date and place of birth;

2. A photograph of the applicant, taken within the previous twelve (12) months;

3. All documents and credentials required by the Board, or notarized photocopies or other verification acceptable to the Board of such documents and credentials;

4. A list of all jurisdictions, United States or foreign, in which the applicant is licensed or has applied for licensure to practice medicine and surgery or is authorized or has applied for authorization to practice medicine and surgery;

5. A list of all jurisdictions, United States or foreign, in which the applicant has been denied licensure or authorization to practice medicine and surgery or has voluntarily surrendered a license or an authorization to practice medicine and surgery;

6. A list of all sanctions, judgments, awards, settlements, or convictions against the applicant in any jurisdiction, United States or foreign, that would constitute grounds for disciplinary action under this act or the Board's rules;

7. A detailed educational history, including places, institutions, dates, and program descriptions, of all his or her education, including all college, preprofessional, professional, and professional graduate education;

8. A detailed chronological life history from age eighteen (18) years to the present, including places and dates of residence, employment, and military service (United States or foreign) and all professional degrees or licenses or certificates now or ever held; and

9. Any other information or documentation specifically requested by the Board that is related to the applicant's ability to practice medicine and surgery.

B. The applicant shall possess a valid degree of Doctor of Medicine from a medical college or school located in the United States, its territories or possessions, or Canada that was approved by the Board or by a private nonprofit accrediting body approved by the Board at the time the degree was conferred. The application shall be considered by the Board based upon the product and process of the medical education and training.

C. The applicant shall have satisfactorily completed twelve (12) months of progressive postgraduate medical training approved by the Board or by a private nonprofit accrediting body approved by the Board in an institution in the United States, its territories or possessions, or in programs in Canada, England, Scotland, Ireland, Australia or New Zealand approved by the Board or by a private nonprofit accrediting body approved by the Board.

D. The applicant shall submit a history from the Administration of the Medical School from which the applicant graduated of any suspension, probation, or disciplinary action taken against the applicant while a student at that institution.

E. The applicant shall have passed medical licensing examination(s) satisfactory to the Board.

F. The applicant shall have demonstrated a familiarity with all appropriate statutes and rules and regulations of this state and the federal government relating to the practice of medicine and surgery.

G. The applicant shall be physically, mentally, professionally, and morally capable of practicing medicine and surgery in a manner reasonably acceptable to the Board and in accordance with federal law and shall be required to submit to a physical, mental, or professional competency examination or a drug dependency evaluation if deemed necessary by the Board.

H. The applicant shall not have committed or been found guilty by a competent authority, United States or foreign, of any conduct that would constitute grounds for disciplinary action under this act or rules of the Board. The Board may modify this restriction for cause.

I. Upon request by the Board, the applicant shall make a personal appearance before the Board or a representative thereof for interview, examination, or review of credentials. At the discretion of the Board, the applicant shall be required to present his or her original medical education credentials for inspection during the personal appearance.

J. The applicant shall be held responsible for verifying to the satisfaction of the Board the identity of the applicant and the validity of all credentials required for his or her medical licensure. The Board may review and verify medical credentials and screen applicant records through recognized national physician information services.

K. The applicant shall have paid all fees and completed and attested to the accuracy of all application and information forms required by the Board.

L. Grounds for the denial of a license shall include:

1. Use of false or fraudulent information by an applicant;

2. Suspension or revocation of a license in another state unless the license has been reinstated in that state;

3. Refusal of licensure in another state other than for examination failure; and

4. Multiple examination failures.

M. The Board shall not deny a license to a person otherwise qualified to practice allopathic medicine within the meaning of this act solely because the person's practice or a therapy is experimental or nontraditional.

Added by Laws 1994, c. 323, § 14, eff. July 1, 1994. Amended by Laws 1998, c. 324, § 5, emerg. eff. May 28, 1998; Laws 2002, c. 213, § 1, emerg. eff. May 8, 2002; Laws 2013, c. 280, § 2, eff. Nov. 1, 2013; Laws 2019, c. 492, § 2, eff. Nov. 1, 2019.

§59-493.2. Foreign applicants - Requirements for licensure.

A. Foreign applicants shall meet all requirements for licensure as provided in Sections 492.1 and 493.1 of this title.

B. 1. A foreign applicant shall possess the degree of Doctor of Medicine or a Board-approved equivalent based on satisfactory completion of educational programs from a foreign medical school as evidenced by recognized national and international resources available to the Board.

2. In the event the foreign medical school utilized clerkships in the United States, its territories or possessions, such clerkships shall have been performed in hospitals and schools that have programs accredited by the Accreditation Council for Graduate Medical Education (ACGME).

C. A foreign applicant shall have a command of the English language that is satisfactory to the State Board of Medical

Licensure and Supervision, demonstrated by the passage of an oral English competency examination.

D. The Board may promulgate rules requiring all foreign applicants to satisfactorily complete at least twelve (12) months and up to twenty-four (24) months of Board-approved progressive graduate medical training as determined necessary by the Board for the protection of the public health, safety and welfare.

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

F. Foreign applicants shall provide satisfactory evidence of having met the requirements for permanent residence or temporary nonimmigrant status as set forth by the United States Immigration and Naturalization Service.

G. Foreign applicants shall provide a certified copy of the Educational Commission for Foreign Medical Graduates (ECFMG) Certificate to the Board at such time and in such manner as required by the Board. The Board may waive the requirement for an Educational Commission for Foreign Medical Graduates Certificate by rule for good cause shown.

Added by Laws 1994, c. 323, § 15, eff. July 1, 1994. Amended by Laws 2002, c. 213, § 2, emerg. eff. May 8, 2002; Laws 2004, c. 523, § 4, emerg. eff. June 9, 2004; Laws 2009, c. 261, § 4, eff. July 1, 2009.

§59-493.3. Licensure by endorsement - Temporary and special licensure.

A. Endorsement of licensed applicants: The State Board of Medical Licensure and Supervision may issue a license by endorsement to an applicant who:

1. Has complied with all current medical licensure requirements except those for examination; and

2. Has passed a medical licensure examination given in English in another state, the District of Columbia, a territory or possession of the United States, or Canada, or has passed the National Boards Examination administered by the National Board of Medical Examiners, provided the Board determines that such examination was equivalent to the Board's examination used at the time of application.

B. Notwithstanding any other provision of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, the Board may require applicants for full and unrestricted medical licensure by endorsement, who have not been formally tested by another state or territory of the United States or any Canadian medical licensure jurisdiction, a Board-approved medical certification agency, or a Board-approved medical specialty board

within a specific period of time before application to pass a written and/or oral medical examination approved by the Board.

C. The Board may authorize the secretary to issue a temporary medical license for the intervals between Board meetings. A temporary license shall be granted only when the secretary is satisfied as to the qualifications of the applicant to be licensed under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act but where such qualifications have not been verified to the Board. A temporary license shall:

1. Be granted only to an applicant demonstrably qualified for a full and unrestricted medical license under the requirements set by the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the rules of the Board; and

2. Automatically terminate on the date of the next Board meeting at which the applicant may be considered for a full and unrestricted medical license.

D. The Board authorizes the issuance of conditional, restricted, or otherwise circumscribed licenses, or issuance of licenses under terms of agreement, for all licenses under its jurisdiction as are necessary for the public health, safety, and welfare.

E. The Board may issue a temporary license to any of the professions under the jurisdiction of the Board based on defined qualifications set by each advisory committee of the profession. Added by Laws 1994, c. 323, § 16, eff. July 1, 1994. Amended by Laws 1995, c. 211, § 3, eff. Nov. 1, 1995; Laws 1998, c. 324, § 6, emerg. eff. May 28, 1998; Laws 2009, c. 261, § 5, eff. July 1, 2009; Laws 2024, c. 302, § 2, eff. Nov. 1, 2024.

§59-493.4. Special licenses.

A. No person who is granted a special license or a special training license shall practice outside the limitations of the license.

B. To be eligible for special or special training licensure, the applicant shall have completed all the requirements for full and unrestricted medical licensure except graduate education and/or licensing examination or other requirements relative to the basis for the special license or special training license.

C. By rule, the State Board of Medical Licensure and Supervision shall establish restrictions for special and special training licensure to assure that the holder will practice only under appropriate circumstances as set by the Board.

D. A special license or special training license shall be renewable annually upon the approval of the Board and upon the evaluation of performance in the special circumstances upon which the special license or special training license was granted.

E. The issuance of a special license or a special training license shall not be construed to imply that a full and unrestricted medical license will be issued at a future date.

F. All other provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall apply to holders of special licenses or special training licenses.

G. This section shall not limit the authority of any state agency or educational institution in this state which employs a special or special training licensed physician to impose additional practice limitations upon such physician.

Added by Laws 1994, c. 323, § 17, eff. July 1, 1994. Amended by Laws 2004, c. 523, § 5, emerg. eff. June 9, 2004; Laws 2008, c. 149, § 2, emerg. eff. May 12, 2008.

§59-493.5. Special volunteer license.

A. 1. There is established a special volunteer license for eligible volunteers from a medically related field who are retired from active practice or actively licensed in another state and practicing in that state and wish to donate their expertise for the care and treatment of indigent and needy persons of this state.

2. For purposes of this section:

a. "eligible volunteer" means a physician, physician assistant, nurse, dentist, optometrist or pharmacist, and

b. "nurse" means an advanced practice nurse, advanced registered nurse practitioner, registered nurse, or licensed practical nurse.

3. The special volunteer license shall be:

a. issued by the State Board of Medical Licensure and Supervision to eligible physicians and physician assistants, by the Board of Osteopathic Examiners to eligible physicians, by the Oklahoma Board of Nursing to eligible nurses, the Board of Dentistry to eligible dentists, the Board of Examiners in Optometry to eligible optometrists, and by the Board of Pharmacy to eligible pharmacists,

b. issued without the payment of an application fee, license fee or renewal fee,

c. issued or renewed without any continuing education requirements in this state,

d. issued for a period of time to be determined by the applicable board, and

e. renewable upon approval of the applicable Board.

B. An eligible volunteer shall meet the following requirements before obtaining a special volunteer license:

1. Completion of a special volunteer license application, including, as applicable, documentation of:

a. the medical school graduation of the physician,
b. the completion of a physician assistant program by a physician assistant,
c. the completion of the basic professional curricula of a school of nursing by the nurse,
d. the dental school graduation of the dentist,
e. the optometry school graduation of the optometrist, or
f. the school or college of pharmacy graduation of a pharmacist, and
g. the relevant practice history of the applicant;

2. Documentation or electronic verification that the eligible volunteer has been previously issued a full and unrestricted license to practice in Oklahoma or in another state of the United States and written acknowledgment that he or she has never been the subject of any professional disciplinary action in any jurisdiction;

3. Written acknowledgement that the practice of the eligible volunteer under the special volunteer license will be exclusively and totally devoted to providing care to needy and indigent persons in Oklahoma or to providing care under the Oklahoma Medical Reserve Corps; and

4. Written acknowledgement that the eligible volunteer shall not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any services rendered in this state under the special volunteer license. The only exception to the indirect compensation provision is for those out-of-state physicians, physician assistants, nurses, dentists, optometrists or pharmacists that participate in the free care given by means of Telemedicine through the Shriners Hospitals for Children national network.

Added by Laws 2003, c. 138, § 1, eff. Nov. 1, 2003. Amended by Laws 2004, c. 313, § 17, emerg. eff. May 19, 2004; Laws 2004, c. 523, § 24, emerg. eff. June 9, 2004; Laws 2007, c. 133, § 3, eff. Nov. 1, 2007; Laws 2009, c. 255, § 1, eff. Nov. 1, 2009; Laws 2010, c. 247, § 2, emerg. eff. May 10, 2010.

NOTE: Laws 2009, c. 247, § 1 repealed by Laws 2010, c. 2, § 29, emerg. eff. March 3, 2010.

§59-493.5a. Temporary critical need license.

The State Board of Medical Licensure and Supervision may issue temporary critical need licenses for allopathic physicians under Section 1 of this act.

Added by Laws 2022, c. 262, § 2, eff. July 1, 2022.

§59-493.6. Enactment of Interstate Medical Licensure Compact.

The Interstate Medical Licensure Compact is hereby enacted into law and the Governor shall enter into a compact on behalf of the

State of Oklahoma with any jurisdiction legally joined therein, in the form substantially as set forth in Section 2 of this act. Added by Laws 2019, c. 85, § 1, eff. Nov. 1, 2019.

§59-493.7. Interstate Medical Licensure Compact.

INTERSTATE MEDICAL LICENSURE COMPACT

Section 1. PURPOSE

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The Compact creates another pathway for licensure and does not otherwise change a state's existing Medical Practice Act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the Compact.

Section 2. DEFINITIONS

In this Compact:

(a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to Section 11 of the Compact for its governance, or for directing and controlling its actions and conduct;

(b) "Commissioner" means the voting representative appointed by each member board pursuant to Section 11 of the Compact;

(c) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board;

(d) "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Compact;

(e) "Interstate Commission" means the interstate commission created pursuant to Section 11 of the Compact;

(f) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization;

(g) "Medical Practice Act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state;

(h) "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation and education of physicians as directed by the state government;

(i) "Member state" means a state that has enacted the Compact;

(j) "Practice of medicine" means the clinical prevention, diagnosis or treatment of human disease, injury or condition requiring a physician to obtain and maintain a license in compliance with the Medical Practice Act of a member state;

(k) "Physician" means any person who:

(1) is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent,

(2) passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes,

(3) successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association,

(4) holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists,

(5) possesses a full and unrestricted license to engage in the practice of medicine issued by a member board,

(6) has never been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction,

(7) has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license,

(8) has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration, and

(9) is not under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction;

(l) "Offense" means a felony, gross misdemeanor or crime of moral turpitude;

(m) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Section 12 of the Compact that is of general applicability; implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural or practice requirement of the Interstate Commission; has the force and effect of statutory law in a member state; and includes the amendment, repeal or suspension of an existing rule;

(n) "State" means any state, commonwealth, district or territory of the United States; and

(o) "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

Section 3. ELIGIBILITY

(a) A physician must meet the eligibility requirements as defined in subsection (k) of Section 2 of the Compact to receive an expedited license under the terms and provisions of the Compact.

(b) A physician who does not meet the requirements of subsection (k) of Section 2 of the Compact may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state.

Section 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

(1) the state of primary residence for the physician, or

(2) the state where at least twenty-five percent (25%) of the practice of medicine occurs, or

(3) the location of the physician's employer, or

(4) if no state qualifies under paragraph (1), (2) or (3), the state designated as state of residence for purpose of federal income tax.

(b) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements in subsection (a) of this section.

(c) The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

Section 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

(a) A physician seeking licensure through the Compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary-source verification where already primary-source-verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with U.S. C.F.R. Section 731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

(c) Upon verification in subsection (b) of this section, physicians eligible for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection (a) of this section, including the payment of any applicable fees.

(d) After receiving verification of eligibility under subsection (b) of this section and any fees under subsection (c) of this section, a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the Medical Practice Act and all applicable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(f) An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a nondisciplinary reason, without redesignation of a new state of principal licensure.

(g) The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

Section 6. FEES FOR EXPEDITED LICENSURE

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the Compact.

(b) The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

Section 7. RENEWAL AND CONTINUED PARTICIPATION

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:

(1) maintains a full and unrestricted license in a state of principal license,

(2) has not been convicted of, or received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction,

(3) has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license, and

(4) has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected in subsection (c) of this section, a member board shall renew the physician's license.

(e) Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.

(f) The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the Compact.

Section 8. COORDINATED INFORMATION SYSTEM

(a) The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, under Section 5 of the Compact.

(b) Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied or received an expedited license through the Compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.

(d) Member boards may report any nonpublic complaint, disciplinary or investigatory information not required by subsection (c) of this section to the Interstate Commission.

(e) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

(f) All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal and used only for investigatory or disciplinary matters.

(g) The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

Section 9. JOINT INVESTIGATIONS

(a) Licensure and disciplinary records of physicians are deemed investigative.

(b) In addition to the authority granted to a member board by its respective Medical Practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

(c) A subpoena issued by a member state shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

Section 10. DISCIPLINARY ACTIONS

(a) Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the Medical Practice Act or regulations in that state.

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be

placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) impose the same or lesser sanction(s) against the physician so long as such sanction(s) are consistent with the Medical Practice Act of that state, or

(2) pursue separate disciplinary action against the physician under its respective Medical Practice Act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the Medical Practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety-day suspension period in a manner consistent with the Medical Practice Act of that state.

Section 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

(a) The member states hereby create the "Interstate Medical Licensure Compact Commission".

(b) The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.

(c) The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth in the Compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the Compact.

(d) The Interstate Commission shall consist of two voting representatives appointed by each member state who shall serve as Commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A Commissioner shall be:

(1) an allopathic or osteopathic physician appointed to a member board,
(2) an executive director, executive secretary or similar executive of a member board, or
(3) a member of the public appointed to a member board.

(e) The Interstate Commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the Commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

(f) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

(g) Each Commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of Commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to another Commissioner. In the absence of its Commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection (d) of this section.

(h) The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the public. The Interstate Commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the Commissioners present that an open meeting would be likely to:

(1) relate solely to the internal personnel practices and procedures of the Interstate Commission,
(2) discuss matters specifically exempted from disclosure by federal statute,
(3) discuss trade secrets or commercial or financial information that is privileged or confidential,
(4) involve accusing a person of a crime or formally censuring a person,
(5) discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,
(6) discuss investigative records compiled for law enforcement purposes, or
(7) specifically relate to the participation in a civil action or other legal proceeding.

(i) The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll-call votes.

(j) The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the Compact or by its rules, available to the public for inspection.

(k) The Interstate Commission shall establish an executive committee, which shall include an executive director, officers, members and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the Compact, including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties, as necessary.

(l) The Interstate Commission may establish other committees for governance and administration of the Compact.

Section 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the duty and power to:

(a) Oversee and maintain the administration of the Compact;

(b) Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;

(c) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact and its bylaws, rules and actions;

(d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission and the bylaws using all necessary and proper means, including but not limited to the use of judicial process;

(e) Establish and appoint committees including, but not limited to, an executive committee as required by Section 11 of the Compact, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;

(f) Pay, or provide for the payment of the expenses related to the establishment, organization and ongoing activities of the Interstate Commission;

(g) Establish and maintain one or more offices;

(h) Borrow, accept, hire or contract for services of personnel;

(i) Purchase and maintain insurance and bonds;

(j) Employ an executive director who shall have such powers to employ, select or appoint employees, agents or consultants, and to determine their qualifications, define their duties and fix their compensation;

(k) Establish personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;

(l) Accept donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of them

in a manner consistent with the conflict-of-interest policies established by the Interstate Commission;

(m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed;

(n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed;

(o) Establish a budget and make expenditures;

(p) Adopt a seal and bylaws governing the management and operation of the Interstate Commission;

(q) Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission;

(r) Coordinate education, training and public awareness regarding the Compact, its implementation and its operation;

(s) Maintain records in accordance with the bylaws;

(t) Seek and obtain trademarks, copyrights and patents; and

(u) Perform such functions as may be necessary or appropriate to achieve the purposes of the Compact.

Section 13. FINANCE POWERS

(a) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

(b) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

(c) The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

(d) The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant, and the report of the audit shall be included in the annual report of the Interstate Commission.

Section 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within twelve (12) months of the first Interstate Commission meeting.

(b) The Interstate Commission shall elect or appoint annually from among its Commissioners a chairperson, a vice-chairperson and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission.

(c) Officers selected in subsection (b) of this section shall serve without remuneration from the Interstate Commission.

(d) The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The Interstate Commission shall defend the executive director, its employees, and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional

or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

Section 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

(b) Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the Model State Administrative Procedure Act of 2010, and subsequent amendments thereto.

(c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission.

Section 16. OVERSIGHT OF INTERSTATE COMPACT

(a) The executive, legislative and judicial branches of state government in each member state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have standing as statutory law

but shall not override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact which may affect the powers, responsibilities or actions of the Interstate Commission.

(c) The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the Compact or promulgated rules.

Section 17. ENFORCEMENT OF INTERSTATE COMPACT

(a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.

(b) The Interstate Commission may, by majority vote of the Commissioners, initiate legal action in the United States District Court for the District of Columbia, or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

Section 18. DEFAULT PROCEDURES

(a) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the Compact, or the rules and bylaws of the Interstate Commission promulgated under the Compact.

(b) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated rules, the Interstate Commission shall:

(1) provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default, and

(2) provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the Commissioners and all rights, privileges and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

(e) The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state or the withdrawal of a member state.

(f) The member state which has been terminated is responsible for all dues, obligations and liabilities incurred through the effective date of termination, including obligations, the performance of which extends beyond the effective date of termination.

(g) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(h) The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

Section 19. DISPUTE RESOLUTION

(a) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the Compact and which may arise among member states or member boards.

(b) The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution, as appropriate.

Section 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

(a) Any state is eligible to become a member state of the Compact.

(b) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven

(7) states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law by that state.

(c) The governors of nonmember states, or their designees, shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the Compact by all states.

(d) The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

Section 21. WITHDRAWAL

(a) Once effective, the Compact shall continue in force and remain binding upon each and every member state; provided, that a member state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.

(b) Withdrawal from the Compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

(d) The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection (c) of this section.

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extends beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.

(g) The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

Section 22. DISSOLUTION

(a) The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the Compact to one (1) member state.

(b) Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded

and surplus funds shall be distributed in accordance with the bylaws.

Section 23. SEVERABILITY AND CONSTRUCTION

(a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

(b) The provisions of the Compact shall be liberally construed to effectuate its purposes.

(c) Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

Section 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

(b) All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

(c) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

(d) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Added by Laws 2019, c. 85, § 2, eff. Nov. 1, 2019.

§59-494. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-494.1. Medical licensure examinations.

A. The State Board of Medical Licensure and Supervision shall offer a medical licensure examination as necessary to test the qualifications of applicants.

1. Except as otherwise provided, no person shall receive a license to practice medicine and surgery in this state unless he or she passes or has passed all required examinations satisfactory to the Board.

2. The Board shall approve the preparation and administration of any examination, in English, that it deems necessary to determine an applicant's ability to practice medicine and surgery with reasonable skill and safety.

3. Examinations shall be reviewed and scored in a way to ensure the anonymity of applicants.

4. Examinations shall be conducted at least semiannually, provided that there is an applicant.

5. The Board shall specify the minimum score required to pass any examination. The required passing score shall be specified prior to the administration of any examination.

6. Applicants shall be required to pass all examinations with a score as set by rule, within a specific period of time after initial application. Specific requirements for the satisfactory completion of further medical education shall be established by the Board for those applicants seeking to be examined after the specified period of time after initial application.

7. The Board may limit the number of times an applicant may take an examination before the satisfactory completion of further medical education is required of an applicant, provided that this limitation may be waived by the Board for good cause.

8. Fees for any examination shall be paid by an applicant prior to the examination and no later than a date set by the Board.

B. To apply for an examination, an applicant shall provide the Board and attest to the following information and documentation no later than a date set by the Board:

1. His or her full name and all aliases or other names ever used, current address, Social Security number, and date and place of birth;

2. A signed and notarized photograph of the applicant, taken within the previous twelve (12) months;

3. Originals of all documents and credentials required by the Board, or notarized photocopies or other verification acceptable to the Board of such documents and credentials;

4. A list of all jurisdictions, United States or foreign, in which the applicant is licensed or has applied for licensure to practice medicine and surgery or is authorized or has applied for authorization to practice medicine and surgery;

5. A list of all jurisdictions, United States or foreign, in which the applicant has been denied licensure or authorization to practice medicine and surgery or has voluntarily surrendered a license or an authorization to practice medicine and surgery;

6. A list of all sanctions, judgments, awards, settlements, or convictions against the applicant in any jurisdiction, United States or foreign, that would constitute grounds for disciplinary action under this act or the Board's rules;

7. A detailed educational history, including places, institutions, dates, and program descriptions, of the applicant's education including all college, preprofessional, professional, and professional graduate education;

8. A detailed chronological life history from age eighteen (18) to present, including places and dates of residence, employment, and military service (United States or foreign); and

9. Any other information or documentation specifically requested by the Board that is related to the applicant's eligibility to sit for the examination.

C. No person shall subvert or attempt to subvert the security of any medical licensure examination. The Board shall establish procedures to ensure the security and validity of all medical licensure examinations.

Any individual found by the Board to have engaged in conduct that subverts or attempts to subvert the medical licensing examination process may have his or her scores on the licensing examination withheld or declared invalid, be disqualified from the practice of medicine and surgery, or be subject to the imposition of other appropriate sanctions. The Board shall notify the Federation of State Medical Boards of the United States of any such action.

Conduct that subverts or attempts to subvert the medical licensing examination process shall include, but not be limited to:

1. Conduct that violates the security of the examination materials, such as removal from the examination room of any of the examination materials; reproduction or reconstruction of any portion of the licensure examination; aid by any means in the reproduction or reconstruction of any portion of the licensure examination; sale, distribution, purchase, receipt, or unauthorized possession of any portion of a future, current, or previously administered licensure examination; or

2. Conduct that violates the standard of test administration, such as communication with any other examinee during the administration of the licensure examination; copying answers from another examinee or by knowingly permitting one's answers to be copied by another examinee during the administration of the licensure examination; possession during the administration of the licensing examination, unless otherwise required or authorized, of any books, notes, written or printed materials or data of any kind, other than the examination distributed; or

3. Conduct that violates the credentialing process, such as falsification or misrepresentation of educational credentials or other information required for admission to the licensure examination; impersonation of an examinee or having an impersonator take the licensure examination on one's behalf.

D. The Board shall provide written notice to all applicants for medical licensure of such prohibitions and of the sanctions imposed for such conduct. A copy of such notice, attesting that the applicant has read and understands the notice, shall be signed by the applicant and filed with the application.

E. The Board shall have exclusive power and authority to determine the qualifications and fitness of all applicants for admission to practice allopathic medicine in this state. The Board shall require that each applicant submit to a national criminal

history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. The Board shall not disseminate criminal history record information resulting from the background check outside of this state.
Added by Laws 1994, c. 323, § 18, eff. July 1, 1994. Amended by Laws 1998, c. 324, § 7, emerg. eff. May 28, 1998; Laws 2020, c. 145, § 1, emerg. eff. May 21, 2020.

§59-495. Issuance of licenses.

When an applicant shall have shown that he or she is qualified as herein required, a license, in form approved by the State Board of Medical Licensure and Supervision and attested by the seal of the Board, shall be issued to the applicant by the Board, authorizing the applicant to practice medicine and surgery within the meaning of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act.
Added by Laws 1923, c. 59, p. 106, § 15. Amended by Laws 1994, c. 323, § 19, eff. July 1, 1994; Laws 1995, c. 211, § 4, eff. Nov. 1, 1995; Laws 1998, c. 324, § 8, emerg. eff. May 28, 1998.

§59-495a. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-495a.1. License reregistration.

A. At regular intervals set by the State Board of Medical Licensure and Supervision, no less than one time per annum, each licensee licensed by the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall demonstrate to the Board the licensee's continuing qualification to practice medicine and surgery. The licensee shall apply for license reregistration on a form or forms provided by the Board, which shall be designed to require the licensee to update or add to the information in the Board's file relating to the licensee and his or her professional activity. It shall also require the licensee to report to the Board the following information:

1. Any action taken against the licensee for acts or conduct similar to acts or conduct described in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as grounds for disciplinary action by:

a. any jurisdiction or authority (United States or foreign) that licenses or authorizes the practice of medicine and surgery,
b. any peer review body,
c. any health care institution,
d. any professional medical society or association,
e. any law enforcement agency,
f. any court, or
g. any governmental agency;

2. Any adverse judgment, settlement, or award against the licensee arising from a professional liability claim;

3. The licensee's voluntary surrender of or voluntary limitation on any license or authorization to practice medicine and surgery in any jurisdiction, including military, public health and foreign;

4. Any denial to the licensee of a license or authorization to practice medicine and surgery by any jurisdiction, including military, public health or foreign;

5. The licensee's voluntary resignation from the medical staff of any health care institution or voluntary limitation of the licensee's staff privileges at such an institution if that action occurred while the licensee was under formal or informal investigation by the institution or a committee thereof for any reason related to alleged medical incompetence, unprofessional conduct, or mental or physical impairment;

6. The licensee's voluntary resignation or withdrawal from a national, state, or county medical society, association, or organization if that action occurred while the licensee was under formal or informal investigation or review by that body for any reason related to possible medical incompetence, unprofessional or unethical conduct, or mental or physical impairment;

7. Whether the licensee has abused or has been addicted to or treated for addiction to alcohol or any chemical substance during the previous registration period, unless such person is in a rehabilitation program approved by the Board;

8. Whether the licensee has had any physical injury or disease or mental illness during the previous registration period that affected or interrupted his or her practice of medicine and surgery; and

9. The licensee's completion of continuing medical education or other forms of professional maintenance or evaluation, including specialty board certification or recertification, during the previous registration period.

B. The Board may require continuing medical education for license reregistration and require documentation of that education. The Board shall promulgate rules on the specific requirements of the amount of continuing medical education needed for reregistration. Failure to meet the requirements in the allotted time may result in the licensee being required to pay a nondisciplinary fine by the Board secretary of up to but not more than One Thousand Dollars ($1,000.00).

C. The Board shall require that the licensee receive not less than one (1) hour of education in pain management or one (1) hour of education in opioid use or addiction each year preceding an application for renewal of a license, unless the licensee has demonstrated to the satisfaction of the Board that the licensee does

not currently hold a valid federal Drug Enforcement Administration registration number.

D. The licensee shall sign and attest to the veracity of the application form for license reregistration. Failure to report fully and correctly shall be grounds for disciplinary action by the Board.

E. The Board shall establish a system for reviewing reregistration forms. The Board may initiate investigations and disciplinary proceedings based on information submitted by licensees for license reregistration.

F. Upon a finding by the Board that the licensee is fit to continue to practice medicine and surgery in this state, the Board shall issue to the licensee a license to practice medicine and surgery during the next registration period.

Added by Laws 1994, c. 323, § 20, eff. July 1, 1994. Amended by Laws 2018, c. 175, § 1, eff. Nov. 1, 2018; Laws 2019, c. 492, § 3, eff. Nov. 1, 2019.

§59-495b. Practice without renewal license prohibited - Punishment - Revocation or suspension of license.

Any person practicing medicine and surgery in Oklahoma as defined by law without having the legal possession of a current renewal license shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than One Thousand Dollars ($1,000.00), and such practice shall constitute grounds for the revocation or suspension of his or her license to practice medicine and surgery in this state.

Added by Laws 1941, p. 243, § 2, emerg. eff. May 15, 1941. Amended by Laws 1987, c. 118, § 16, operative July 1, 1987; Laws 1994, c. 323, § 21, eff. July 1, 1994.

§59-495c. Reregistration fees - Depository funds - Disposition.

A. Each application for reregistration, as set forth in Section 20 of this act, shall be accompanied by a reregistration fee in an amount fixed by the Board.

B. All reregistration fees paid to the secretary of the Board under the provisions of this act shall be deposited with the State Treasurer, who shall place the same in the regular depository fund of the Board. Said fund, less the ten percent (10%) gross fees paid into the General Fund of the state under the provisions of Sections 211 through 214 of Title 62 of the Oklahoma Statutes, shall be expended in the manner and for the purposes now provided by law.

Added by Laws 1941, p. 243, § 3, emerg. eff. May 15, 1941. Amended by Laws 1970, c. 145, § 2, emerg. eff. April 7, 1970; Laws 1987, c. 118, § 17, operative July 1, 1987; Laws 1994, c. 323, § 22, eff. July 1, 1994.

§59-495d. Suspension in absence of reregistration - Reinstatement.

If a licensee fails to apply for reregistration within sixty (60) days from the end of the previous registration period, as provided in this act, his original license to practice medicine and surgery in this state shall be suspended and the Board shall report to the office of the district attorney of the county of practice any physician who failed to reregister if the physician's practice is still in Oklahoma. Said original license shall, upon due application by said person therefor, be reinstated by the Board or its agent designated for that purpose if and when the applicant furnishes satisfactory proof that:

(a) The licensee had not practiced medicine or surgery in any other state or territory of the United States in violation of the laws thereof during said period;

(b) The licensee's license to practice medicine or surgery had not been revoked in any other such state or territory during said period;

(c) The licensee has not been convicted of a felony or the violation of the narcotic laws of the United States during said period; and

(d) The licensee has met the same standards for licensure as is required at the time for initial licensure and the latest reregistration period.

A fee set by the Board shall accompany the application for reinstatement. The Board may in its discretion require the applicant to take and pass an examination prescribed by it to assess the applicant's clinical competency unless the applicant can show that fifty percent (50%) of his monthly activities during the time the applicant's Oklahoma license has been inactive include the practice of medicine.

Added by Laws 1951, p. 165, § 1, emerg. eff. Feb. 26, 1951. Amended by Laws 1987, c. 118, § 18, operative July 1, 1987; Laws 1994, c. 323, § 23, eff. July 1, 1994.

§59-495e. Appeal from rejection of reregistration.

Any licensee whose reregistration application is rejected by the Board, shall have the right to appeal from such action to the district court of the county of residence. If the licensee does not reside or practice in Oklahoma, appeal shall be to the Oklahoma County District Court.

Added by Laws 1951, p. 165, § 2, emerg. eff. Feb. 26, 1951. Amended by Laws 1994, c. 323, § 24, eff. July 1, 1994.

§59-495f. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-495g. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-495h. Reinstatement of license or certificate - Satisfactory evidence of professional competence.

The State Board of Medical Licensure and Supervision may require satisfactory evidence of professional competence and good moral character from applicants requesting reinstatement of any license or certificate issued by the Board. The Board may set criteria for measurement of professional competence by rule.

Added by Laws 1995, c. 211, § 5, eff. Nov. 1, 1995. Amended by Laws 2004, c. 523, § 6, emerg. eff. June 9, 2004.

§59-495i. Physician Preceptor Tax Credit Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Medical Licensure and Supervision to be designated the "Physician Preceptor Tax Credit Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of the monies received by the Board from a portion of licensure fees received from allopathic physicians under subsection I of Section 1 of this act. All monies accruing to the credit of the fund are hereby appropriated and the fund shall be used to make a transfer payment to the Oklahoma Tax Commission in an amount equal to the amount of tax credits awarded pursuant to this act. The Oklahoma Tax Commission shall apportion monies transferred from the fund in the same manner as provided by Section 2352 of Title 68 of the Oklahoma Statutes. Monies in the fund which are not required for payment of administrative expenses to the Health Care Workforce Training Commission, which shall not exceed five percent (5%) of monies apportioned to the fund, or which are not required to be transferred to the Oklahoma Tax Commission as otherwise required by this act to offset the revenue impacted by the use of the income tax credits awarded pursuant to Section 1 of this act may be used to implement programs required or authorized by law.

Added by Laws 2024, c. 316, § 2, emerg. eff. May 16, 2024.

§59-496. Repealed by Laws 1983, c. 159, § 4, operative July 1, 1983.

§59-497. Duplicate licenses.

The State Board of Medical Licensure and Supervision is hereby authorized to issue a duplicate license to any licensee of this state, who may have lost his license except through suspension, failure to renew, revocation or denial; provided, that the application, properly verified by oath, be made upon forms provided for that purpose; and provided, further, that a fee set by the Board shall be paid.

Amended by Laws 1987, c. 118, § 20, operative July 1, 1987.

§59-498. Repealed by Laws 1983, c. 159, § 4, operative July 1, 1983.

§59-499. Repealed by Laws 1949, p. 403, § 1a.

§59-500. Notice of practice location and address - Proof of licensure.

Each person holding a license authorizing the practice of medicine and surgery in this state shall notify the State Board of Medical Licensure and Supervision, in writing, of such licensee's current practice location and mailing address. Each licensee shall carry on his or her person at all times while engaged in such practice of medicine and surgery official verification of valid and effective licensure as may be issued by the Board.
Added by Laws 1923, c. 59, p. 107, § 20, emerg. eff. March 31, 1923. Amended by Laws 1987, c. 118, § 21, operative July 1, 1987; Laws 1994, c. 323, § 25, eff. July 1, 1994; Laws 2004, c. 523, § 7, emerg. eff. June 9, 2004.

§59-501. Repealed by Laws 1990, c. 163, § 7, eff. Sept 1, 1990.

§59-502. Repealed by Laws 1990, c. 163, § 7, eff. Sept 1, 1990.

§59-503. Sanctions for unprofessional conduct.

The State Board of Medical Licensure and Supervision may suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice in this state for unprofessional conduct, but no such suspension, revocation or other penalty shall be made until the licensee is cited to appear for hearing. No such citation shall be issued except upon sworn complaint filed with the secretary of the Board charging the licensee with having been guilty of unprofessional conduct and setting forth the particular act or acts alleged to constitute unprofessional conduct. In the event it comes to the attention of the Board that a violation of the rules of professional conduct may have occurred, even though a formal complaint or charge may not have been filed, the Board staff may conduct an investigation of the possible violation, and may upon its own motion institute a formal complaint. In the course of the investigation persons appearing before the Board may be required to testify under oath. Upon the filing of a complaint, either by an individual or the Board staff as provided herein, the citation must forthwith be issued by the secretary of the Board over the signature of the secretary and seal of the Board, setting forth the complaint of unprofessional conduct, and giving due notice of the time and place of the hearing by the Board. In any case in which a physician disputes allegations made in a complaint, the matter shall be set

and heard by the Board at the next regular meeting of the Board occurring at least thirty (30) days after the day of service of the citation, exclusive of the day of service, but will be heard not later than the next regular meeting of the Board occurring ninety (90) days after service of the citation, exclusive of the day of service. No continuance may be granted by the Board on its own motion or at the request of the defendant or his or her counsel or at the request of the attorney for the state, unless the record of the case, either orally or in writing, sets forth a finding that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the defendant in a speedy hearing. The defendant shall file a written answer under oath with the secretary of the Board within twenty (20) days after the service of the citation, exclusive of the day of service. The secretary of the Board may extend the time of answer upon satisfactory showing that the defendant is for reasonable cause unable to answer within the twenty (20) days exclusive of the day of service, but in no case shall the time be extended beyond the date of the next regular meeting of the Board, unless a continuance is granted by the Board. Added by Laws 1923, c. 59, p. 108, § 23, emerg. eff. March 31, 1923. Amended by Laws 1955, p. 328, § 1, emerg. eff. March 17, 1955; Laws 1987, c. 118, § 23, operative July 1, 1987; Laws 1994, c. 323, § 26, eff. July 1, 1994; Laws 1995, c. 211, § 6, eff. Nov. 1, 1995; Laws 2014, c. 176, § 1, eff. Nov. 1, 2014; Laws 2019, c. 492, § 4, eff. Nov. 1, 2019.

§59-503.1. Emergency suspension of licensure.

The Secretary of the State Board of Medical Licensure and Supervision, upon concurrence of the President of the Board that an emergency exists for which the immediate suspension of a license is imperative for the public health, safety and welfare, may conduct a hearing as contemplated by Section 314 of Title 75 of the Oklahoma Statutes and may, upon probable cause, suspend temporarily the license of any person under the jurisdiction of the Board. Added by Laws 1994, c. 323, § 27, eff. July 1, 1994. Amended by Laws 2019, c. 492, § 5, eff. Nov. 1, 2019.

§59-503.2. Authority to prescribe administrative remedies for licensee violations.

A. The State Board of Medical Licensure and Supervision may promulgate rules to create administrative remedies for licensee violations of statutory or regulatory prescribed unprofessional conduct.

B. The Board is authorized to prescribe by rule administrative remedies, disciplinary actions and administrative procedures to provide remedies and disciplinary actions for licensee violations of statutory or regulatory prescribed unprofessional conduct, to

include fines up to the limits otherwise prescribed by statute or rule.

C. Any such administrative action rules promulgated by the Board shall provide procedure:

1. For the licensee to contest or dispute any administrative action;

2. For procedures for resolution of any such contest or dispute; and

3. For appropriate protection of private information consistent with state and federal law.

D. ALL LICENSED PROFESSIONALS: All administrative remedies defined in this section are applicable to any and all professional licensees under the legislative jurisdiction of the State Board of Medical Licensure and Supervision.

Added by Laws 2019, c. 492, § 6, eff. Nov. 1, 2019. Amended by Laws 2024, c. 227, § 4, eff. Nov. 1, 2024.

§59-504. Process - How served - Depositions - Subpoenas.

All citations and subpoenas, under the contemplation of this act, shall be served in general accordance with the statutes of the State of Oklahoma then in force applying to the service of such documents, and all provisions of the statutes of the state then in force, relating to citations and subpoenas, are hereby made applicable to the citations and subpoenas herein provided for. The secretary of the State Board of Medical Licensure and Supervision, or the secretary's designee, during the course of an investigation, shall have the power to issue subpoenas for the attendance of witnesses, the inspection of premises and the production of documents or things, including, but not limited to, pharmacy, medical and hospital records. Such subpoenas shall carry the same force and effect as if issued as an order from a district court of competent jurisdiction. Patient confidentiality shall be maintained by the Board and subpoena compliance shall not be considered a violation of any state or federal confidentiality laws. All the provisions of the statutes of the state, then in force, governing the taking of testimony by depositions, are made applicable to the taking of depositions under this act. The attendance of witnesses shall be compelled in such hearings by subpoenas issued by the secretary of the Board over the seal thereof, and the secretary shall in no case refuse to issue such subpoenas upon praecipe filed therefor accompanied with the fee of Five Dollars ($5.00) for each subpoena issued. If any person refuse to obey such subpoena served upon him in such manner, the fact of such refusal shall be certified by the secretary of the Board, over the seal thereof, to the district court of the county in which such service was had, and the court shall proceed to hear said matter in accordance with the

statutes of the state then in force governing contempt as for disobedience of its own process.
Added by Laws 1923, c. 59, p. 109, § 24, emerg. eff. March 31, 1923. Amended by Laws 1987, c. 118, § 24, operative July 1, 1987; Laws 2014, c. 176, § 2, eff. Nov. 1, 2014.

§59-505. State as party to actions - Board as trial body - Rulings - Record.

It is hereby provided that the State of Oklahoma is a proper and necessary party in the prosecution of all such actions and hearings before the Board in all matters pertaining to unprofessional conduct under the contemplation of this act, and the Attorney General of the state, in person, or by deputy, is authorized and directed to appear in behalf thereof and the defendant in such action shall have the right to be represented by counsel. The Board shall sit as a trial body and the rulings of the president thereof in all questions shall be the rulings of the Board, unless reversed by a majority vote of the Board upon appeal thereto from such rulings of the president. The secretary shall preserve a record of all proceedings in such hearings and shall furnish a transcript thereof to the defendant upon request therefor, provided the said defendant shall pay the actual cost of preparing such transcript. If the services of a court reporter are requested, the court reporter shall be reimbursed or paid by the party who made such request.
Added by Laws 1923, c. 59, p. 109, § 25, emerg. eff. March 31, 1923. Amended by Laws 1987, c. 118, § 25, operative July 1, 1987; Laws 1994, c. 323, § 28, eff. July 1, 1994.

§59-506. Decisions of Board - Suspension and reinstatement - Narcotics conviction.

A. If it is the decision of the State Board of Medical Licensure and Supervision, after considering all the testimony presented, that the defendant is guilty as charged, the Board shall revoke the license of the defendant, and the defendant's rights to practice medicine and surgery. The Board, however, may suspend a license, during which suspension the holder of such suspended license shall not be entitled to practice medicine and surgery thereunder. If during suspension, the defendant practiced medicine or surgery or has been guilty of any act of unprofessional conduct, as defined by the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, the Board may revoke the license of such licensee or place the licensee upon probation for any period of time not less than one (1) year, nor more than five (5) years, or on second offense place the licensee on probation for an indefinite period of time, during which time the licensee's conduct will be kept under observation. The Board, furthermore, may impose on the defendant, as a condition of any suspension or probation, a

requirement that the defendant attend and produce evidence of successful completion of a specific term of education, residency, or training in enumerated fields and/or institutions as ordered by the Board based on the facts of the case. The education, residency, or training shall be at the expense of the defendant. The Board may also impose other disciplinary actions as provided for in Section 509.1 of this title. At the end of any term of suspension imposed by the Board, the applicant for reinstatement shall show to the Board successful completion of all conditions and requirements imposed by the Board and demonstrate eligibility for reinstatement.

B. Immediately upon learning that a licensee has been convicted of a felonious violation of a state or federal narcotics law, the Executive Director of the Board shall summarily suspend the license and assign a hearing date for the matter to be presented to the Board. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.

Added by Laws 1923, c. 59, p. 109, § 26, emerg. eff. March 31, 1923. Amended by Laws 1963, c. 200, § 1, emerg. eff. June 10, 1963; Laws 1987, c. 118, § 26, operative July 1, 1987; Laws 1994, c. 323, § 29, eff. July 1, 1994; Laws 1995, c. 211, § 7, eff. Nov. 1, 1995; Laws 1998, c. 324, § 9, emerg. eff. May 28, 1998; Laws 2009, c. 261, § 6, eff. July 1, 2009.

§59-507. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-508. Revocation for fraud, misrepresentation or mistake - Misdemeanor.

A. Whenever any license has been procured or obtained by fraud or misrepresentation on the licensure application, or was issued by mistake; or if the diploma of graduation in medicine and surgery or any other credentials required as necessary to the admission to the examination for license were obtained by fraud or misrepresentation on the licensure application, or were issued by mistake; or if the reciprocity endorsement from another state, upon which a license has been issued in this state, was procured by fraud or misrepresentation, or was issued by mistake, it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided by the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act for the disciplining of unprofessional conduct or in cases of unintentional misrepresentation of information on the licensure application, the State Board of Medical Licensure and Supervision shall delegate to the Board secretary the ability to issue a nondisciplinary administrative fine of up to but not more

than One Thousand Dollars ($1,000.00) per licensure applicant or to require a continuing medical education course in ethics, or to take both actions, to impress upon the applicant the seriousness of completing the application truthfully.

B. Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Added by Laws 1923, c. 59, p. 110, § 28, emerg. eff. March 31, 1923. Amended by Laws 1987, c. 118, § 27, operative July 1, 1987; Laws 1994, c. 323, § 30, eff. July 1, 1994; Laws 2002, c. 213, § 3, emerg. eff. May 8, 2002; Laws 2019, c. 492, § 7, eff. Nov. 1, 2019.

§59-508.1. Reinstatement on Board's own motion.

At any time after the Board has revoked or suspended the license to practice medicine or surgery of any person, the Board, upon its own motion and of its own authority and right, may reconsider such order and decision for any reason deemed by it to be sufficient and may, in its discretion, reinstate the license of such person.

Added by Laws 1943, p. 135, § 1, emerg. eff. March 24, 1943. Amended by Laws 1987, c. 118, § 28, operative July 1, 1987; Laws 1994, c. 323, § 31, eff. July 1, 1994.

§59-508.2. Reinstatement on application of person whose license is suspended or revoked.

A. At any time after the expiration of twelve (12) months from the date the license of any person to practice medicine or surgery has been revoked with right to reapply, or at any time after the expiration of six (6) months from the date the license of any person to practice medicine or surgery has been suspended by the State Board of Medical Licensure and Supervision, such person whose license has been so revoked or suspended may file an application with the secretary of the Board, together with an application fee set by the Board, to reinstate the license. A licensee who has had a license revoked, suspended or who has surrendered a license in lieu of prosecution shall not be reinstated and no probation shall be lifted unless the licensee has paid all fines and reimbursements in a manner satisfactory to the Board.

B. The application shall be assigned for hearing at the next regular meeting of the Board following the filing thereof. In addition, the Board may authorize the secretary to hold a hearing on the application at any time. In such cases, the Board shall have the authority and right to reconsider the order and decision of revocation or suspension.

C. For such causes and reasons deemed by it sufficient and for the best interest of the medical profession and the citizens of this

state, the Board may reinstate a license of an applicant and issue the order therefor.

D. The Board may negotiate with the licensee a plan of repayment for any fines or other costs that is satisfactory to the Board.

Added by Laws 1943, p. 135, § 2, emerg. eff. March 24, 1943. Amended by Laws 1987, c. 118, § 29, operative July 1, 1987; Laws 1994, c. 323, § 32, eff. July 1, 1994; Laws 2004, c. 523, § 8, emerg. eff. June 9, 2004.

§59-508.3. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-509. Unprofessional conduct - Definition.

The words "unprofessional conduct" as used in Sections 481 through 518.1 of this title are hereby declared to include, but shall not be limited to, the following:

1. Procuring, aiding or abetting a criminal operation;

2. The obtaining of any fee or offering to accept any fee, present or other form of remuneration whatsoever, on the assurance or promise that a manifestly incurable disease can or will be cured;

3. Willfully betraying a professional secret to the detriment of the patient;

4. Habitual intemperance or the habitual use of habit-forming drugs;

5. Conviction or confession of, or plea of guilty, nolo contendere, no contest or Alford plea to a felony or any offense involving moral turpitude;

6. All advertising of medical business in which statements are made which are grossly untrue or improbable and calculated to mislead the public;

7. Conviction or confession of, or plea of guilty, nolo contendere, no contest or Alford plea to a crime involving violation of:

a. the antinarcotic or prohibition laws and regulations of the federal government,

b. the laws of this state,

c. State Commissioner of Health rules, or

d. a determination by a judge or jury;

8. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public;

9. The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct;

10. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs;

11. The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs;

12. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship and not prescribing in a safe, medically accepted manner;

13. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice;

14. Aiding or abetting, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state;

15. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this section the State Board of Medical Licensure and Supervision may, upon probable cause, request a physician to submit to a mental or physical examination by physicians designated by it. If the physician refuses to submit to the examination, the Board shall issue an order requiring the physician to show cause why the physician will not submit to the examination and shall schedule a hearing on the order within thirty (30) days after notice is served on the physician, exclusive of the day of service. The physician shall be notified by either personal service or by certified mail with return receipt requested. At the hearing, the physician and the physician's attorney are entitled to present any testimony and other evidence to show why the physician should not be required to submit to the examination. After a complete hearing, the Board shall issue an order either requiring the physician to submit to the examination or withdrawing the request for examination. The medical license of a physician ordered to submit for examination may be suspended until the results of the examination are received and reviewed by the Board;

16. a. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice,

b. Prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with pertinent licensing board standards, or

c. Prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes;

17. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient;

18. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient;

19. Failure to provide necessary ongoing medical treatment when a doctor-patient relationship has been established, which relationship can be severed by either party providing a reasonable period of time is granted;

20. Performance of an abortion as defined by Section 1-730 of Title 63 of the Oklahoma Statutes, except for an abortion necessary to prevent the death of the mother or to prevent substantial or irreversible physical impairment of the mother that substantially increases the risk of death. The performance of an abortion on the basis of the mental or emotional health of the mother shall be a violation of this paragraph, notwithstanding a claim or diagnosis that the woman may engage in conduct which she intends to result in her death. The Board shall impose a penalty as provided in Section 509.1 of this title on a licensee who violates this paragraph. The penalty shall include, but not be limited to, suspension of the license for a period not less than one (1) year;

21. Failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained; or

22. Knowingly providing gender transition procedures as defined in Section 1 of this act to a child.

Added by Laws 1923, c. 59, p. 110, § 29, emerg. eff. March 31, 1923. Amended by Laws 1925, c. 63, p. 96, § 5, emerg. eff. April 6, 1925; Laws 1973, c. 99, § 1, emerg. eff. May 2, 1973; Laws 1980, c. 208, § 1, emerg. eff. May 30, 1980; Laws 1993, c. 338, § 1, eff. Sept. 1, 1993; Laws 1995, c. 211, § 8, eff. Nov. 1, 1995; Laws 1998, c. 324, § 10, emerg. eff. May 28, 1998; Laws 2004, c. 523, § 9, emerg. eff. June 9, 2004; Laws 2009, c. 261, § 7, eff. July 1, 2009; Laws 2018, c. 175, § 2, eff. Nov. 1, 2018; Laws 2019, c. 492, § 8, eff. Nov. 1, 2019; Laws 2020, c. 161, § 36, emerg. eff. May 21, 2020; Laws 2021, c. 205, § 1, eff. Nov. 1, 2021; Laws 2023, c. 150, § 2, emerg. eff. May 1, 2023.

NOTE: Laws 2019, c. 428, § 6 repealed by Laws 2020, c. 161, § 37, emerg. eff. May 21, 2020.

§59-509.1. Disciplinary actions.

A. RANGE OF ACTIONS: The State Board of Medical Licensure and Supervision may impose disciplinary actions in accordance with the severity of violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act. Disciplinary actions may include, but are not limited to the following:

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

2. Suspension of the medical license;

3. Probation;

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

5. Censure, including specific redress, if appropriate;

6. Reprimand;

7. A period of free public or charity service;

8. Satisfactory completion of an educational, training, and/or treatment program or programs; and

9. Administrative fines of up to Five Thousand Dollars ($5,000.00) per violation.

Provided, as a condition of disciplinary action sanctions, the Board may impose as a condition of any disciplinary action, the payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees. The Board may take such actions singly or in combination as the nature of the violation requires.

B. LETTER OF CONCERN: The Board may authorize the secretary to issue a confidential and privileged letter of concern to a licensee when evidence does not warrant formal proceedings, but the secretary has noted indications of possible errant conduct that could lead to serious consequences and formal action. The letter of concern may contain, at the secretary’s discretion, clarifying information from the licensee.

C. EXAMINATION/EVALUATION: The Board may, upon reasonable cause, require professional competency, physical, mental, or chemical dependency examinations of any licensee, including withdrawal and laboratory examination of body fluids.

D. DISCIPLINARY ACTION AGAINST LICENSEES:

1. The Board shall promulgate rules describing acts of unprofessional or unethical conduct by physicians pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act; and

2. Grounds for Action: The Board may take disciplinary action for unprofessional or unethical conduct as deemed appropriate based upon the merits of each case and as set out by rule. The Board shall not revoke the license of a person otherwise qualified to

practice allopathic medicine within the meaning of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act solely because the person's practice or a therapy is experimental or nontraditional.

Reports of all disciplinary action provided for in this section will be available to the public upon request. Investigative files shall remain confidential and privileged. The Board, its employees, or other agents of the Board shall keep confidential and privileged all information that initiated, was obtained during, or is related to an investigation into possible violations of any and all acts governing any and all professional licensees under the legislative jurisdiction of the State Board of Medical Licensure and Supervision. However, such information may be offered by the state in administrative proceedings before the Board and if admitted the information then becomes a public record. Unless admitted into administrative proceedings, the information shall not be deemed to be a record as that term is defined in the Oklahoma Open Records Act, nor shall the information be subject to subpoena or discovery in any civil or criminal proceedings, except that the Board may give such information to law enforcement and other state agencies as necessary and appropriate in the discharge of the duties of that agency and only under circumstances that ensure against unauthorized access to the information.

E. SURRENDER IN LIEU OF PROSECUTION:

1. The Board may accept a surrender of license from a licensee who has engaged in unprofessional conduct in lieu of Board staff prosecuting a pending disciplinary action or filing formal disciplinary proceedings only as provided in this section. To effect such a surrender, the licensee must submit a sworn statement to the Board:

   a. expressing the licensee's desire to surrender the license,
   b. acknowledging that the surrender is freely and voluntarily made, that the licensee has not been subjected to coercion or duress, and that the licensee is fully aware of the consequences of the license surrender,
   c. stating that the licensee is the subject of an investigation or proceeding by the Board or a law enforcement or other regulatory agency involving allegations which, if proven, would constitute grounds for disciplinary action by the Board, and
   d. specifically admitting to and describing the misconduct.

2. The sworn written statement must be submitted with the licensee's wallet card and wall certificate. The Secretary or Executive Director of the Board may accept the sworn statement,

wallet card and wall certificate from a licensee pending formal acceptance by the Board. The issuance of a complaint and citation by the Board shall not be necessary for the Board to accept a surrender under this subsection. A surrender under this subsection shall be considered disciplinary action by the Board in all cases, even in cases where surrender occurs prior to the issuance of a formal complaint and citation, and shall be reported as disciplinary action by the Board to the public and any other entity to whom the Board regularly reports disciplinary actions.

3. As a condition to acceptance of the surrender, the Board may require the licensee to pay the costs expended by the Board for any legal fees and costs and any investigation, probation and monitoring fees including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees.

4. The licensee whose surrender in lieu of prosecution is accepted by the Board shall be ineligible to reapply for reinstatement of his or her license for at least one (1) year from the date of the accepted surrender.

F. ALL LICENSED PROFESSIONALS: All disciplinary actions defined in this section are applicable to any and all professional licensees under the legislative jurisdiction of the State Board of Medical Licensure and Supervision.

Added by Laws 1994, c. 323, § 33, eff. July 1, 1994. Amended by Laws 1999, c. 23, § 2, eff. Nov. 1, 1999; Laws 2002, c. 213, § 4, emerg. eff. May 8, 2002; Laws 2004, c. 523, § 10, emerg. eff. June 9, 2004; Laws 2009, c. 261, § 8, eff. July 1, 2009; Laws 2019, c. 492, § 9, eff. Nov. 1, 2019; Laws 2024, c. 227, § 3, eff. Nov. 1, 2024.

§59-510. Repealed by Laws 2023, c. 153, § 3, eff. Nov. 1, 2023.

§59-510.1. Guidance to allopathic physicians for recommending medical marijuana – Disciplinary action.

A. The State Board of Medical Licensure and Supervision is hereby authorized to issue guidance to all allopathic physicians in this state on the recommending of medical marijuana to patients.

B. The Board may take disciplinary action as provided for in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act against any allopathic physician who willfully violates or aids another in the willful violation of the provisions of Section 420 et seq. of Title 63 of the Oklahoma Statutes or the provisions of Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma Legislature.

Added by Laws 2019, c. 390, § 4, emerg. eff. May 15, 2019.

§59-511. Deposit of fees and other monies - Payments from fund - Disposition of balance.

All monies accruing to the Board from fees herein provided for, and from all other sources whatsoever, shall be received by the secretary who shall make deposit thereof with the State Treasurer, who shall place the same in a designated depository fund to the credit of the Board. All salaries and expenses of the Board shall be paid from said depository fund upon proper vouchers approved by the secretary of the Board in the usual manner as the other similar departments of state. It is further provided that, at the end of each fiscal year, the unexpended balance of such funds shall be carried forward and placed to the credit of the Board for the succeeding fiscal year.
Added by Laws 1923, c. 59, p. 112, § 31, emerg. eff. March 31, 1923. Amended by Laws 1987, c. 118, § 30, operative July 1, 1987; Laws 1994, c. 323, § 34, eff. July 1, 1994.

§59-512. Salary of secretary - Personnel - Investigators - Travel expenses.

A. The Secretary of the State Board of Medical Licensure and Supervision shall be paid an annual salary in an amount fixed by the Board. The Board shall have the authority to expend such funds as are necessary in carrying out the duties of the Board and shall have the authority to hire all necessary personnel, at salaries to be fixed by the Board, as the Board shall deem necessary. The Board shall have the authority to hire attorneys to represent the Board in all legal matters and to assist authorized state and county officers in prosecuting or restraining violations of Section 481 et seq. of this title, and to fix the salaries or per diem of the attorneys.

B. The Board shall have the authority to hire one or more investigators as may be necessary to carry out the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act at an annual salary to be fixed by the Board. Such investigators may be commissioned peace officers of this state.

C. 1. For purposes of this section, at least one investigator shall be a peace officer certified by the Council on Law Enforcement Education and Training and shall have statewide jurisdiction to perform the duties authorized by this section. In addition, the investigators shall have all the powers now or hereafter vested by law in peace officers. In addition, such investigators shall have the authority and duty to investigate and inspect the records of all persons including, but not limited to, personnel records of the licensee in order to determine:

a. whether or not a disciplinary action for unprofessional misconduct is warranted, or
b. whether the narcotic laws or the dangerous drug laws have been complied with.

2. Investigators for the Oklahoma State Board of Medical Licensure and Supervision shall perform such services as are

necessary in the investigation of criminal activity or preparation of administrative actions.

3. Any licensee or applicant for license subject to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall be deemed to have given consent to any duly authorized investigator of the Board to access, enter or inspect the records, either on-site or at the Board office, or facilities of such licensee or applicant subject to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act. Refusal to allow such access, entry or inspection may constitute grounds for the denial, nonrenewal, suspension or revocation of a license. Upon refusal of such access, entry or inspection, pursuant to this section, the Board or a duly authorized representative may make application for and obtain a search warrant from the district court where the facility or records are located to allow such access, entry or inspection.

D. 1. The Board is specifically authorized to contract with state agencies or other bodies to perform investigative services or other administrative services at a rate set by the Board.

2. The Board is authorized to pay the travel expenses of Board employees and members in accordance with the State Travel Reimbursement Act.

3. The expenditures authorized herein to include capital purchases shall not be a charge against the state, but the same shall be paid solely from the Board's depository fund.

Added by Laws 1923, c. 59, p. 112, § 32, emerg. eff. March 31, 1923. Amended by Laws 1970, c. 145, § 3, emerg. eff. April 7, 1970; Laws 1980, c. 159, § 12, emerg. eff. April 2, 1980; Laws 1985, c. 178, § 33, operative July 1, 1985; Laws 1987, c. 118, § 31, operative July 1, 1987; Laws 1994, c. 323, § 35, eff. July 1, 1994; Laws 2002, c. 213, § 5, emerg. eff. May 8, 2002; Laws 2014, c. 176, § 3, eff. Nov. 1, 2014; Laws 2019, c. 492, § 10, eff. Nov. 1, 2019; Laws 2024, c. 302, § 3, eff. Nov. 1, 2024.

§59-513. Quasi-judicial powers of Board - Appeals to Supreme Court - Revocation on conviction of felony - Fugitive from justice.

A. 1. The State Board of Medical Licensure and Supervision is hereby given quasi-judicial powers while sitting as a Board for the purpose of revoking, suspending or imposing other disciplinary actions upon the license of physicians or surgeons of this state, and appeals from its decisions shall be taken to the Supreme Court of this state within thirty (30) days of the date that a copy of the decision is mailed to the appellant, as shown by the certificate of mailing attached to the decision.

2. The license of any physician or surgeon who has been convicted of any felony in or without the State of Oklahoma, and whether in a state or federal court, may be suspended by the Board

upon the submission thereto of a certified copy of the judgment and sentence of the trial court and the certificate of the clerk of the court of the conviction.

3. Upon proof of a felony conviction by the courts, the Board shall revoke the physician's license. If the felony conviction is overturned on appeal and no other appeals are sought, the Board shall restore the license of the physician. Court records of such a conviction shall be prima facie evidence of the conviction.

4. The Board shall also revoke and cancel the license of any physician or surgeon who has been charged in a court of record of this or other states of the United States or in the federal court with the commission of a felony and who is a fugitive from justice, upon the submission of a certified copy of the charge together with a certificate from the clerk of the court that after the commitment of the crime the physician or surgeon fled from the jurisdiction of the court and is a fugitive from justice.

B. To the extent necessary to allow the Board the power to enforce disciplinary actions imposed by the Board, in the exercise of its authority, the Board may punish willful violations of its orders and impose additional penalties as allowed by Section 509.1 of this title.

Added by Laws 1923, c. 59, p. 112, § 33, emerg. eff. March 31, 1923. Amended by Laws 1925, c. 63, p. 96, § 6, emerg. eff. April 6, 1925; Laws 1935, p. 56, § 2, emerg. eff. May 13, 1935; Laws 1987, c. 118, § 32, operative July 1, 1987; Laws 1994, c. 323, § 36, eff. July 1, 1994; Laws 1998, c. 374, § 3, eff. Nov. 1, 1998; Laws 2004, c. 523, § 11, emerg. eff. June 9, 2004; Laws 2019, c. 492, § 11, eff. Nov. 1, 2019.

§59-514. Partial invalidity.

In the event any of the provisions of this act shall be held unconstitutional, the same shall not affect the enforcement of the other provisions hereof.

Laws 1923, c. 59, p. 112, § 34.

§59-515. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-516. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-517. Repealed by Laws 1994, c. 323, § 38, eff. July 1, 1994.

§59-518. Emergency care or treatment - Immunity from civil damages or criminal prosecution.

No person who is a licensed practitioner of a healing art in the State of Oklahoma, who in good faith renders emergency care or treatment at the scene of the emergency, shall be liable for any civil damages as a result of any acts or omissions by such person in

rendering the emergency care or treatment, and no person who is a licensed practitioner of a healing art in the State of Oklahoma shall be prosecuted under the criminal statutes of this state for treatment of a minor without the consent of a minor's parent or guardian when such treatment was performed under emergency conditions and in good faith.
Laws 1961, p. 458, § 1; Laws 1967, c. 57, § 1; Laws 1968, c. 405, § 1, emerg. eff. May 17, 1968.

§59-518.1. Allied Professional Peer Assistance Program – Committees - Records.

A. There is hereby established the Allied Professional Peer Assistance Program to rehabilitate allied medical professionals whose competency may be compromised because of the abuse of drugs or alcohol, so that such allied medical professionals can be treated and can return to or continue the practice of allied medical practice in a manner which will benefit the public. The program shall be under the supervision and control of the State Board of Medical Licensure and Supervision.

B. The Board may appoint one or more peer assistance evaluation advisory committees, hereinafter called the "allied peer assistance committees". Each of these committees shall be composed of members, the majority of which shall be licensed allied medical professionals with expertise in chemical dependency. The allied peer assistance committees shall function under the authority of the State Board of Medical Licensure and Supervision in accordance with the rules of the Board. The program may be one hundred percent (100%) outsourced to professional groups specialized in this arena. The committee members shall serve without pay, but may be reimbursed for the expenses incurred in the discharge of their official duties in accordance with the State Travel Reimbursement Act.

C. The Board may appoint and employ a qualified person or persons to serve as program coordinators and shall fix such person's compensation. The program may employ a director for purposes of ongoing nonclerical administrative duties and shall fix the director's compensation. The Board shall define the duties of the program coordinators and director who shall report directly to the Board.

D. The Board is authorized to adopt and revise rules, not inconsistent with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, as may be necessary to enable it to carry into effect the provisions of this section.

E. A portion of licensing fees for each allied profession, not to exceed Ten Dollars ($10.00), may be used to implement and maintain the Allied Professional Peer Assistance Program.

F. All monies paid pursuant to subsection E of this section shall be deposited in an agency special account revolving fund under

the State Board of Medical Licensure and Supervision, and shall be used for the general operating expenses of the Allied Professional Peer Assistance Program, including payment of personal services.

G. Records and management information system of the professionals enrolled in the Allied Professional Peer Assistance Program and reports shall be maintained in the program office in a place separate and apart from the records of the Board. The records shall be made public only by subpoena and court order; provided however, confidential treatment shall be cancelled upon default by the professional in complying with the requirements of the program.

H. Any person making a report to the Board or to an allied peer assistance committee regarding a professional suspected of practicing allied medical practice while habitually intemperate or addicted to the use of habit-forming drugs, or a professional's progress or lack of progress in rehabilitation, shall be immune from any civil or criminal action resulting from such reports, provided such reports are made in good faith.

I. A professional's participation in the Allied Professional Peer Assistance Program in no way precludes additional proceedings by the Board for acts or omissions of acts not specifically related to the circumstances resulting in the professional's entry into the program. However, in the event the professional defaults from the program, the Board may discipline the professional for those acts which led to the professional entering the program.

J. The Board may suspend the license immediately upon notification that the licensee has defaulted from the Allied Professional Peer Assistance Program, and shall assign a hearing date for the matter to be presented to the Board.

K. All treatment information, whether or not recorded, and all communications between a professional and therapist are both privileged and confidential. In addition, the identity of all persons who have received or are receiving treatment services shall be considered confidential and privileged.

L. As used in this section, unless the context otherwise requires:

1. "Board" means the State Board of Medical Licensure and Supervision; and

2. "Allied peer assistance committee" means the peer assistance evaluation advisory committee created in this section, which is appointed by the State Board of Medical Licensure and Supervision to carry out specified duties.

M. The Allied Professional Peer Assistance Program may contract with outside entities for services that are not available to it or can be obtained for a lesser cost through such a contract. The contract shall be ratified by the Board.

Added by Laws 2009, c. 261, § 3, eff. July 1, 2009. Amended by Laws 2019, c. 492, § 12, eff. Nov. 1, 2019; Laws 2024, c. 302, § 4, eff. Nov. 1, 2024.

§59-519. Repealed by Laws 1993, c. 289, § 12, emerg. eff. June 3, 1993.

§59-519.1. Short title.

The provisions of this act shall be known and may be cited as the "Physician Assistant Act".

Added by Laws 1993, c. 289, § 1, emerg. eff. June 3, 1993.

§59-519.2. Definitions.

As used in the Physician Assistant Act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Committee" means the Physician Assistant Committee;

3. "Practice of medicine" means services which require training in the diagnosis, treatment and prevention of disease, including the use and administration of drugs, and which are performed by physician assistants so long as such services are within the physician assistants' skill, form a component of the physician's scope of practice, and are provided with physician supervision, including authenticating by signature any form that may be authenticated by the delegating physician's signature with prior delegation by the physician;

4. "Patient care setting" means and includes, but is not limited to, a physician's office, clinic, hospital, nursing home, extended care facility, patient's home, ambulatory surgical center, hospice facility or any other setting authorized by the delegating physician;

5. "Physician assistant" means a health care professional, qualified by academic and clinical education and licensed by the State Board of Medical Licensure and Supervision, to practice medicine with physician supervision;

6. "Delegating physician" means an individual holding a license in good standing as a physician from the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners, who supervises physician assistants and delegates decision making pursuant to the practice agreement;

7. "Supervision" means overseeing or delegating the activities of the medical services rendered by a physician assistant through a practice agreement between a medical doctor or osteopathic physician performing procedures or directly or indirectly involved with the treatment of a patient, and the physician assistant working jointly toward a common goal of providing services. Delegation shall be defined by the practice agreement. The physical presence of the

delegating physician is not required as long as the delegating physician and physician assistant are or can be easily in contact with each other by telecommunication. At all times a physician assistant shall be considered an agent of the delegating physician;

8. "Telecommunication" means the use of electronic technologies to transmit words, sounds or images for interpersonal communication, clinical care (telemedicine) and review of electronic health records; and

9. "Practice agreement" means a written agreement between a physician assistant and the delegating physician concerning the scope of practice of the physician assistant to only be determined by the delegating physician and the physician assistant based on the education, training, skills and experience of the physician assistant. The agreement shall involve the joint formulation, discussion and agreement on the methods of supervision and collaboration for diagnosis, consultation and treatment of medical conditions.

Added by Laws 1993, c. 289, § 2, emerg. eff. June 3, 1993. Amended by Laws 1997, c. 47, § 1, emerg. eff. April 7, 1997; Laws 1998, c. 128, § 2, eff. Nov. 1, 1998; Laws 2001, c. 385, § 2, eff. Nov. 1, 2001; Laws 2015, c. 163, § 1, eff. Nov. 1, 2015; Laws 2020, c. 154, § 1.

§59-519.3. Physician Assistant Committee - Powers and duties.

A. There is hereby created the Physician Assistant Committee, which shall be composed of seven (7) members. Three members of the Committee shall be physician assistants appointed by the State Board of Medical Licensure and Supervision from a list of qualified individuals submitted by the Oklahoma Academy of Physician Assistants. One member shall be a physician appointed by the Board from its membership. One member shall be a physician appointed by the Board from a list of qualified individuals submitted by the Oklahoma State Medical Association and who is not a member of the Board. One member shall be a physician appointed by the State Board of Osteopathic Examiners from its membership. One member shall be a physician appointed by the State Board of Osteopathic Examiners from a list of qualified individuals submitted by the Oklahoma Osteopathic Association and who is not a member of said board.

B. The term of office for each member of the Committee shall be five (5) years.

C. The Committee shall meet at least quarterly. At the initial meeting of each calendar year, the Committee members shall elect a chair. The chair or his or her designee shall represent the Committee at all meetings of the Board. Four members shall constitute a quorum for the purpose of conducting official business of the Committee.

D. The State Board of Medical Licensure and Supervision is hereby granted the power and authority to promulgate rules, which are in accordance with the provisions of Section 519.1 et seq. of this title, governing the requirements for licensure as a physician assistant, as well as to establish standards for training, approve institutions for training, and regulate the standards of practice of a physician assistant after licensure, including the power of revocation of a license.

E. The State Board of Medical Licensure and Supervision is hereby granted the power and authority to investigate all complaints, hold hearings, subpoena witnesses and initiate prosecution concerning violations of Section 519.1 et seq. of this title. When such complaints involve physicians licensed by the State Board of Osteopathic Examiners, the State Board of Osteopathic Examiners shall be officially notified of such complaints.

F. 1. The Committee shall advise the Board on all matters pertaining to the practice of physician assistants.

2. The Committee shall review and make recommendations to the Board on all applications for licensure as a physician assistant and all applications to practice which shall be approved by the Board. When considering applicants for licensure, to establish standards of training or approve institutions for training, the Committee shall include the Director, or designee, of all Physician Assistant educational programs conducted by institutions of higher education in the state as members.

3. The Committee shall assist and advise the Board in all hearings involving physician assistants who are deemed to be in violation of Section 519.1 et seq. of this title or the rules of the Board.

Added by Laws 1993, c. 289, § 3, emerg. eff. June 3, 1993. Amended by Laws 1997, c. 47, § 2, emerg. eff. April 7, 1997; Laws 1998, c. 128, § 3, eff. Nov. 1, 1998; Laws 2015, c. 163, § 2, eff. Nov. 1, 2015.

§59-519.4. Licensure requirements.

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

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

2. Successfully pass an examination for physician assistants recognized by the Board.

Added by Laws 1993, c. 289, § 4, emerg. eff. June 3, 1993. Amended by Laws 1997, c. 47, § 3, emerg. eff. April 7, 1997; Laws 2019, c. 363, § 21, eff. Nov. 1, 2019.

§59-519.5. Repealed by Laws 1998, c. 128, § 7, eff. Nov. 1, 1998.

§59-519.6. Filing of application to practice - Services performed - Display and inspection of license.

A. No health care services may be performed by a physician assistant unless a current license is on file with and approved by the State Board of Medical Licensure and Supervision. All practice agreements and any amendments shall be filed with the State Board of

Medical Licensure and Supervision within ten (10) business days of being executed. Practice agreements may be filed electronically. The State Board of Medical Licensure and Supervision shall not charge a fee for filing or amendments of practice agreements.

B. A physician assistant may have practice agreements with multiple allopathic or osteopathic physicians. Each physician shall be in good standing with the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners.

C. The delegating physician need not be physically present nor be specifically consulted before each delegated patient care service is performed by a physician assistant, so long as the delegating physician and physician assistant are or can be easily in contact with one another by means of telecommunication. In all patient care settings, the delegating physician shall provide appropriate methods of participating in health care services provided by the physician assistant including:

a. being responsible for the formulation or approval of all orders and protocols, whether standing orders, direct orders or any other orders or protocols, which direct the delivery of health care services provided by a physician assistant, and periodically reviewing such orders and protocols,

b. regularly reviewing the health care services provided by the physician assistant and any problems or complications encountered,

c. being available physically or through telemedicine or direct telecommunications for consultation, assistance with medical emergencies or patient referral,

d. reviewing a sample of outpatient medical records. Such reviews shall take place at a site agreed upon between the delegating physician and physician assistant in the practice agreement which may also occur using electronic or virtual conferencing, and

e. that it remains clear that the physician assistant is an agent of the delegating physician; but, in no event shall the delegating physician be an employee of the physician assistant.

D. In patients with newly diagnosed complex illnesses, the physician assistant shall contact the delegating physician within forty-eight (48) hours of the physician assistant's initial examination or treatment and schedule the patient for appropriate evaluation by the delegating physician as directed by the physician. The delegating physician shall determine which conditions qualify as complex illnesses based on the clinical setting and the skill and experience of the physician assistant.

E. 1. A physician assistant under the direction of a delegating physician may prescribe written and oral prescriptions

and orders. The physician assistant may prescribe drugs, including controlled medications in Schedules II through V pursuant to Section 2-312 of Title 63 of the Oklahoma Statutes, and medical supplies and services as delegated by the delegating physician and as approved by the State Board of Medical Licensure and Supervision after consultation with the State Board of Pharmacy on the Physician Assistant Drug Formulary.

2. A physician assistant may write an order for a Schedule II drug for immediate or ongoing administration on site. Prescriptions and orders for Schedule II drugs written by a physician assistant must be included on a written protocol determined by the delegating physician and approved by the medical staff committee of the facility or by direct verbal order of the delegating physician. Physician assistants may not dispense drugs, but may request, receive, and sign for professional samples and may distribute professional samples to patients.

F. A physician assistant may perform health care services in patient care settings as authorized by the delegating physician.

G. Each physician assistant licensed under the Physician Assistant Act shall keep his or her license available for inspection at the primary place of business and shall, when engaged in professional activities, identify himself or herself as a physician assistant.

H. A physician assistant shall be bound by the provisions contained in Sections 725.1 through 725.5 of Title 59 of the Oklahoma Statutes.

Added by Laws 1993, c. 289, § 6, emerg. eff. June 3, 1993. Amended by Laws 1998, c. 128, § 4, eff. Nov. 1, 1998; Laws 2001, c. 385, § 3, eff. Nov. 1, 2001; Laws 2015, c. 163, § 3, eff. Nov. 1, 2015; Laws 2020, c. 154, § 2.

§59-519.7. Temporary approval of a license and application to practice.

A. The Secretary of the State Board of Medical Licensure and Supervision is authorized to grant temporary approval of a license to any physician assistant who has filed a license which meets the requirements set forth by the Board. Such temporary licensure approval shall be reviewed at the next regularly scheduled meeting of the Board. The temporary approval may be approved, extended or rejected by the Board. If rejected, the temporary approval shall expire immediately.

B. The State Board of Medical Licensure and Supervision shall collect the following data and publish a report compiling such data on an annual basis:

1. Whether the physician assistant practices at the same location as the delegating physician;

2. The type of facility in which the physician assistant practices;

3. Number of physicians the physician assistant has a practice agreement with;

4. Number of physician assistants physicians have a practice agreement with;

5. Number of years a physician assistant has been practicing; and

6. Number of licensed physician assistants in Oklahoma.

Added by Laws 1993, c. 289, § 7, emerg. eff. June 3, 1993. Amended by Laws 2001, c. 385, § 4, eff. Nov. 1, 2001; Laws 2020, c. 154, § 3.

§59-519.7a. Temporary critical need license.

The State Board of Medical Licensure and Supervision may issue temporary critical need licenses for physician assistants under Section 1 of this act.

Added by Laws 2022, c. 262, § 3, eff. July 1, 2022.

§59-519.8. License renewal - Fees.

A. Licenses issued to physician assistants shall be renewed annually on a date determined by the State Board of Medical Licensure and Supervision. Each application for renewal shall document that the physician assistant has earned at least twenty (20) hours of continuing medical education during the preceding calendar year. Such continuing medical education shall include not less than one (1) hour of education in pain management or one (1) hour of education in opioid use or addiction.

B. The Board shall promulgate, in the manner established by its rules, fees for the following:

1. Initial licensure;

2. License renewal;

3. Late license renewal; and

4. Disciplinary hearing.

Added by Laws 1993, c. 289, § 8, emerg. eff. June 3, 1993. Amended by Laws 1997, c. 47, § 5, emerg. eff. April 7, 1997; Laws 2019, c. 428, § 7, emerg. eff. May 21, 2019; Laws 2020, c. 154, § 4.

§59-519.8a. Physician Assistant Preceptor Tax Credit Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Medical Licensure and Supervision to be designated the "Physician Assistant Preceptor Tax Credit Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of the monies received by the Board from a portion of licensure fees received from physician assistants under subsection I of Section 1 of this act. All monies

accruing to the credit of the fund are hereby appropriated and the fund shall be used to make a transfer payment to the Oklahoma Tax Commission in an amount equal to the amount of tax credits awarded pursuant to this act. The Oklahoma Tax Commission shall apportion monies transferred from the fund in the same manner as provided by Section 2352 of Title 68 of the Oklahoma Statutes. Monies in the fund which are not required for payment of administrative expenses to the Health Care Workforce Training Commission, which shall not exceed five percent (5%) of monies apportioned to the fund, or which are not required to be transferred to the Oklahoma Tax Commission as otherwise required by this act to offset the revenue impacted by the use of the income tax credits awarded pursuant to Section 1 of this act may be used to implement programs required or authorized by law.
Added by Laws 2024, c. 316, § 3, emerg. eff. May 16, 2024.

§59-519.9. Preexisting certificates.

Any person who holds a certificate as a physician assistant from the State Board of Medical Licensure and Supervision prior to June 3, 1993, shall be granted licensure as a physician assistant under the provisions of Section 519.1 et seq. of this title.
Added by Laws 1993, c. 289, § 9, emerg. eff. June 3, 1993. Amended by Laws 1997, c. 250, § 14, eff. Nov. 1, 1997.
NOTE: Laws 1997, c. 47, § 6 repealed by Laws 1997, c. 250, § 15, eff. Nov. 1, 1997.

§59-519.10. Violations - Penalties.

## Any person not licensed under the Physician Assistant Act is guilty of a misdemeanor and is subject to penalties applicable to the unlicensed practice of medicine if he or she:

1. Holds himself or herself out as a physician assistant;
2. Uses any combination or abbreviation of the term "physician assistant" to indicate or imply that he or she is a physician assistant; or
3. Acts as a physician assistant without being licensed by the State Board of Medical Licensure and Supervision.

An unlicensed physician shall not be permitted to use the title of "physician assistant" or to practice as a physician assistant unless he or she fulfills the requirements of Section 519.1 et seq. of this title.
Added by Laws 1993, c. 289, § 10, emerg. eff. June 3, 1993. Amended by Laws 1997, c. 47, § 7, emerg. eff. April 7, 1997; Laws 2015, c. 163, § 4, eff. Nov. 1, 2015.

§59-519.11. Construction of act.

A. Nothing in the Physician Assistant Act shall be construed to prevent or restrict the practice, services or activities of any persons of other licensed professions or personnel supervised by licensed professions in this state from performing work incidental to the practice of their profession or occupation, if that person does not represent himself as a physician assistant.

B. Nothing stated in the Physician Assistant Act shall prevent any hospital from requiring the physician assistant or the delegating physician to meet and maintain certain staff appointment and credentialing qualifications for the privilege of practicing as, or utilizing, a physician assistant in the hospital.

C. Nothing in the Physician Assistant Act shall be construed to permit a physician assistant to practice medicine or prescribe drugs and medical supplies in this state except when such actions are performed under the supervision and at the direction of a physician or physicians approved by the State Board of Medical Licensure and Supervision.

D. Nothing herein shall be construed to require licensure under the Physician Assistant Act of a physician assistant student enrolled in a physician assistant educational program accredited by the Accreditation Review Commission on Education for the Physician Assistant.

E. Notwithstanding any other provision of law, no one who is not a physician licensed to practice medicine in this state may perform acts restricted to such physicians pursuant to the provisions of Section 1-731 of Title 63 of the Oklahoma Statutes. This paragraph is inseverable.

F. Nothing in the Physician Assistant Act shall limit the activities of a physician assistant in the performance of their duties if the physician assistant is employed by or under contract with the United States Department of Veterans Affairs or if the physician assistant is employed by, under contract with, or commissioned by one of the uniformed services; provided, the physician assistant must be currently licensed in this state or any other state or currently credentialed as a physician assistant by the United States Department of Veterans Affairs or the applicable uniformed service. Any physician assistant who is employed by or under contract with the United States Department of Veterans Affairs or is employed by, under contract with, or commissioned by one of the uniformed services and practices outside of such employment, contract, or commission shall be subject to the Physician Assistant Act while practicing outside of such employment, contract, or commission. As used in this subsection, "uniformed services" shall have the same meaning as provided by Title 10 of the U.S. Code.

Added by Laws 1993, c. 289, § 11, emerg. eff. June 3, 1993. Amended by Laws 2015, c. 163, § 5, eff. Nov. 1, 2015; Laws 2020, c. 154, § 5; Laws 2022, c. 164, § 1, eff. Nov. 1, 2022.

§59-519.12. Providing gender transition procedures to a minor.

Unprofessional conduct by a physician assistant shall include, but not be limited to, knowingly providing gender transition procedures as defined in Section 1 of this act to a child.
Added by Laws 2023, c. 150, § 3, emerg. eff. May 1, 2023.

§59-520. Repealed by Laws 1993, c. 289, § 12, emerg. eff. June 3, 1993.

§59-521. Exceptions.

No health care services may be performed under this act in any of the following areas:

(a) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive states of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(b) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(c) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

Nothing in this section shall preclude the performance of routine visual screening.
Laws 1972, c. 220, § 3, emerg. eff. April 7, 1972.

§59-521.1. Primary care provider.

Notwithstanding any other provision of law or regulation, a physician assistant shall be considered to be a primary care provider when the physician assistant is practicing in the medical specialties required for a physician to be a primary care provider.
Added by Laws 2020, c. 154, § 6.

§59-521.2. Billing and payment.

A. Payment for services within the physician assistant's scope of practice by a health insurance plan shall be made when ordered or performed by the physician assistant, if the same service would have been covered if ordered or performed by a physician. An in-network physician assistant shall be authorized to bill for and receive direct payment for the medically necessary services the physician assistant delivers.

B. To ensure accountability and transparency for patients, payers and the health care system, an in-network physician assistant shall be identified as the rendering professional in the billing and

claims process when the physician assistant delivers medical or surgical services to patients.

C. No insurance company or third-party payer shall impose a practice, education, or collaboration requirement that is inconsistent with or more restrictive than existing physician assistant state laws or regulations.

Added by Laws 2020, c. 154, § 7.

§59-521.3. Emergency or state or local disaster medical care – Liability immunity.

A. A physician assistant licensed in this state or licensed or authorized to practice in any other U.S. jurisdiction or who is credentialed as a physician assistant by a federal employer who is responding to a need for medical care created by an emergency or a state or local disaster may render such care that the physician assistant is able to provide.

B. A physician assistant so responding who voluntarily and gratuitously, and other than in the ordinary course of employment or practice, renders emergency medical assistance shall not be liable for civil damages for any personal injuries that result from acts or omissions which may constitute ordinary negligence. The immunity granted by this section shall not apply to acts or omissions constituting gross, willful or wanton negligence.

Added by Laws 2020, c. 154, § 8.

§59-521.4. Physician supervision required – Practice agreement with delegating physician.

Nothing in the Physician Assistant Act shall be construed to permit a physician assistant to:

1. Provide health care services independent of physician supervision; or

2. Maintain or operate an independent practice without a practice agreement between a physician assistant and a delegating physician.

Added by Laws 2020, c. 154, § 9.

§59-522. Repealed by Laws 1993, c. 289, § 12, emerg. eff. June 3, 1993.

§59-523. Repealed by Laws 1993, c. 289, § 12, emerg. eff. June 3, 1993.

§59-524. Abortion - Infant prematurely born alive - Right to medical treatment.

The rights to medical treatment of an infant prematurely born alive in the course of an abortion shall be the same as the rights of an infant of similar medical status prematurely born.

Laws 1977, c. 10, § 1, emerg. eff. March 11, 1977.

§59-525. Short title.

This act shall be known and may be cited as the "Oklahoma Athletic Trainers Act".

Laws 1981, c. 150, § 1, operative July 1, 1981.

§59-526. Definitions.

As used in the Oklahoma Athletic Trainers Act:

1. "Athletic trainer" means a person with the qualifications specified in Section 530 of this title, whose major responsibility is the rendering of professional services for the prevention, emergency care, first aid and treatment of injuries incurred by an athlete by whatever methods are available, upon written protocol from the team physician or consulting physician to effect care, or rehabilitation;

2. "Apprentice athletic trainer" means a person who assists in the duties usually performed by an athletic trainer under the direct supervision of a licensed athletic trainer;

3. "Board" means the State Board of Medical Licensure and Supervision; and

4. "Committee" means the Athletic Trainers Advisory Committee.

Added by Laws 1981, c. 150, § 2, operative July 1, 1981. Amended by Laws 1987, c. 118, § 37, operative July 1, 1987; Laws 1996, c. 201, § 1, eff. July 1, 1996.

§59-527. License required.

No person shall hold himself or herself out as an athletic trainer without firstbeing licensed under the provisions of this act.

Laws 1981, c. 150, § 3, operative July 1, 1981.

§59-528. Board - Powers and duties.

The Board, acting upon the advice of the Committee, shall issue all licenses required by this act, and shall exercise the following powers and duties:

1. To make rules and regulations deemed necessary to implement the provisions of this act;

2. To prescribe application forms for license applicants, license certificate forms and such other forms as necessary to implement the provisions of this act;

3. To establish guidelines for athletic trainers in this state;

4. To prepare and conduct an examination for applicants for licensure under this act;

5. To keep a complete record of all licensed athletic trainers and to prepare an official listing of the names and addresses of all licensed athletic trainers which shall be kept current. A copy of

such listing shall be available to any person requesting it upon payment of a copying fee established by the Board;

6. To keep a permanent record of all proceedings under this act;

7. To employ and establish the duties of clerical personnel necessary to carry out the provisions of this act; and

8. To conduct hearings to deny, revoke, suspend or refuse renewal of licenses under this act, and to issue subpoenas to compel witnesses to testify or produce evidence at such hearings in accordance with the Administrative Procedures Act.

Laws 1981, c. 150, § 4, operative July 1, 1981.

§59-529. Athletic Trainers Advisory Committee.

There is hereby created the Athletic Trainers Advisory Committee, to be composed of five (5) members to be appointed by the State Board of Medical Licensure and Supervision. To qualify as a member, a person must be a citizen of the United States and a resident of Oklahoma for five (5) years immediately preceding appointment. Two members shall be licensed athletic trainers, except for the initial appointees, and two members shall be physicians licensed by the state and one member shall be a member of the Oklahoma Coaches Association who shall be selected by the Board of the Association. Except for the initial appointees, members shall hold office for terms of six (6) years. In the event of death, resignation or removal of any member, the vacancy of the unexpired term shall be filled by the Board in the same manner as other appointments. The Athletic Trainers Advisory Committee shall assist the Board in conducting examinations for applicants and shall advise the Board on all matters pertaining to the licensure of athletic trainers. Members of the Committee shall be reimbursed for expenses incurred while performing their duties under the provisions of this act in accordance with the State Travel Reimbursement Act.

Amended by Laws 1987, c. 118, § 38, operative July 1, 1987.

§59-530. Qualifications of applicants - Applications - Examination fee - Apprentice athletic trainers license.

A. An applicant to be eligible for an athletic trainer license must meet one of the following qualifications:

1. Has successfully completed the athletic training curriculum requirements of an accredited college or university approved by the Board and provide proof of graduation;

2. Be licensed or certified in physical therapy and has spent at least eight hundred (800) hours working under the direct supervision of a licensed athletic trainer; or

3. Holds a four-year degree from an accredited college or university and has completed at least two (2) consecutive years of supervision, military duty excepted, as an apprentice athletic

trainer under the direct supervision of a licensed athletic trainer.
B. An applicant for an athletic trainer license shall submit an application to the Board and submit the required examination fee. The applicant is entitled to an athletic trainer license if he is qualified as provided in subsection A of this section, satisfactorily completes the examination administered by the Board, pays the applicable license fee, and has not committed an act which constitutes grounds for denial of a license under Section 8 of this act.

C. An applicant for an apprentice athletic trainer license must submit an application to the Board accompanied by a written commitment to supervise signed by the licensed athletic trainer who will be supervising the applicant. The Board may require the taking of an apprentice athletic trainer license examination, which would be administered without cost to the applicant. Fees for such examination may be established by the Board.

Laws 1981, c. 150, § 6, operative July 1, 1981.

§59-531. Expiration of license - Renewal - License fees.

A. A license issued pursuant to this act expires one (1) year from the date of issuance. Licenses shall be renewed according to procedures established by the Board and upon payment of the renewal fee.

B. License fees shall be established by the Board:

1. An athletic trainer examination fee of Twenty Dollars ($20.00) for each examination taken;

2. An athletic trainer license fee of Twenty-five Dollars ($25.00);

3. An athletic trainer annual license renewal fee of Ten Dollars ($10.00); and

4. An apprentice athletic trainer license fee of Five Dollars ($5.00).

Laws 1981, c. 150, § 7, operative July 1, 1981.

§59-532. Denial, suspension or revocation of license – Definitions.

A. The State Board of Medical Licensure and Supervision may refuse to issue a license to an applicant or may suspend or revoke the license of any 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 and poses a reasonable threat to the public safety;

2. Secured the license by fraud or deceit; or

3. Violated or conspired to violate the provisions of the Oklahoma Athletic Trainers 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.

Added by Laws 1981, c. 150, § 8, operative July 1, 1981. Amended by Laws 2015, c. 183, § 4, eff. Nov. 1, 2015; Laws 2019, c. 363, § 22, eff. Nov. 1, 2019.

§59-533. Violation of act - Penalty.

Violation of any provision of this act shall be a misdemeanor and conviction shall be punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00).

Laws 1981, c. 150, § 9, operative July 1, 1981.

§59-534. Persons actively engaged as athletic trainers exempted from qualifications - Misrepresentations - Voluntary prevention, emergency care or first aid services.

A. Any person actively engaged as an athletic trainer in this state on the effective date of this act shall, within six (6) months of that date, be issued a license if proof is submitted of five (5) years' experience as an athletic trainer within the preceding ten-year period, and the license fee required by the Oklahoma Athletic Trainers Act is paid. Nothing herein shall be construed to require any educational institution or other bona fide athletic organization to use the services of a licensed athletic trainer.

B. Athletic trainers shall not misrepresent in any manner, either directly or indirectly, their skills, training, professional credentials, identity or services.

C. Any person, as authorized in accordance with Section 5 of Title 76 of the Oklahoma Statutes, may offer prevention, emergency care or first aid services on a voluntary, uncompensated basis, to any amateur or group at an amateur athletic event.

Added by Laws 1981, c. 150, § 10, operative July 1, 1981. Amended by Laws 1996, c. 201, § 2, eff. July 1, 1996.

§59-535. Practice of medicine unauthorized - Exemptions from act.

A. Nothing herein shall be construed to authorize the practice of medicine by any person. The provisions of this act do not apply to physicians licensed as such by the State Board of Medical Licensure and Supervision; to dentists, duly qualified and registered under the laws of this state who confine their practice

strictly to dentistry as defined by this title; nor to licensed optometrists who confine their practice strictly to optometry as defined by law; nor to licensed chiropractic physicians who confine their practice strictly to chiropractic as defined by law; nor to licensed osteopathic physicians or osteopathic physicians and surgeons who confine their practice strictly to osteopathy as defined by law; nor to occupational therapists who confine their practice to occupational therapy as defined by this title; nor to nurses who practice nursing only as defined by this title; nor to duly licensed podiatric physicians who confine their practice strictly to podiatric medicine as defined by law; nor to physical therapists who confine their practice to physical therapy as defined by this title; nor to masseurs or masseuses in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists' assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Services.

B. The provisions of this act shall not apply to persons coming into this state for a specific athletic event or series of athletic events with an individual or group not based in this state.

Laws 1981, c. 150, § 11, operative July 1, 1981; Laws 1987, c. 118, § 39, operative July 1, 1987; Laws 1995, c. 207, § 3, eff. Nov. 1, 1995.

§59-536.1. Short title.

Sections 1 through 11 of this act shall be known and may be cited as the "Registered Electrologist Act".

Added by Laws 1985, c. 151, § 1, operative July 1, 1985.

§59-536.2. Definitions.

As used in the Registered Electrologist Act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Committee" means the Advisory Committee of Registered Electrologists;

3. "Electrolysis" means the practice of using an electrosurgical apparatus to accomplish permanent hair removal by inserting electric current into the hair follicle thereby destroying living tissue and germinative hair cells; and

4. "Registered Electrologist" means a person licensed to practice electrolysis pursuant to the Registered Electrologist Act.

Added by Laws 1985, c. 151, § 2, operative July 1, 1985. Amended by Laws 1987, c. 118, § 40, operative July 1, 1987.

§59-536.3. Transfer of funds, records, etc.

On or before August 1, 1985, all monies, funds, records, equipment, furniture and fixtures, files and supplies now subject to

the jurisdiction and control of the State Board of Electrology are hereby transferred to the State Board of Medical Licensure and Supervision. Any other outstanding obligation or function remaining to be performed by the State Board of Electrology shall be performed by the State Board of Medical Licensure and Supervision.
Added by Laws 1985, c. 151, § 3, operative July 1, 1985. Amended by Laws 1987, c. 118, § 41, operative July 1, 1987.

§59-536.4. Board - Powers and duties.

The Board, acting upon the advice of the Committee, shall issue all licenses required by the Registered Electrologist Act, and shall exercise the following powers and duties:

1. To make rules and regulations deemed necessary to implement the provisions of the Registered Electrologist Act;

2. To prescribe application forms for license applicants, license certificate forms and such other forms as necessary to implement the provisions of the Registered Electrologist Act;

3. To establish a curriculum of study for licensure in the practice of electrolysis in this state;

4. To prepare and conduct an examination for applicants for licensure pursuant to the Registered Electrologist Act;

5. To keep a complete record of all licensed electrologists and to prepare an official listing of the names and addresses of all licensed electrologists which shall be kept current. A copy of such listing shall be available to any person requesting it upon payment of a copying fee established by the Board;

6. To keep a permanent record of all proceedings pursuant to the Registered Electrologist Act;

7. To employ and establish the duties of clerical personnel necessary to carry out the provisions of the Registered Electrologist Act;

8. To conduct hearings to deny, revoke, suspend or refuse renewal of licenses under the Registered Electrologist Act, and to issue subpoenas to compel witnesses to testify or produce evidence at such hearings in accordance with the Administrative Procedures Act; and

9. To set the fees imposed by the provisions of the Registered Electrologist Act in amounts that are adequate to collect sufficient revenue to meet the expenses necessary to perform their duties without accumulating an unnecessary surplus.
Added by Laws 1985, c. 151, § 4, operative July 1, 1985.

§59-536.5. Advisory Committee of Registered Electrologists.

A. There is hereby created the Advisory Committee of Registered Electrologists. The Committee shall consist of three (3) members appointed by the Board. The Board may appoint the Committee members from a list of six (6) persons submitted annually by the Oklahoma

State Electrologists' Association. Said persons shall have been licensed electrologists for more than three (3) years, and at the time, residents of this state and actively engaged in the practice of electrolysis as herein defined. No person shall be appointed to the Committee who has been convicted of any felony or any crime involving moral turpitude.

B. The terms of the members shall be for three (3) years and until their successors are appointed and qualify. Provided however, of those first appointed, one shall serve for one (1) year, one shall serve for two (2) years, and one shall serve for three (3) years. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. The Board, after notice and opportunity for hearing, may remove any member of the Committee for neglect of duty, incompetence, revocation or suspension of his electrolysis license, or other dishonorable conduct.

C. No member of the Committee shall be a stockholder in or a member of the faculty or board of trustees of any school teaching electrolysis or engaged in the training of electrologists.

D. Members of the Committee shall elect from their number a chairperson. Special meetings of the Committee shall be called by the chairperson on the written request of any three (3) members. The Committee may recommend to the Board the adoption of rules necessary to govern its proceedings and implement the purposes of the Registered Electrologist Act.

E. Each member of the Committee shall be reimbursed for his reasonable and necessary expenses as provided for in the State Travel Reimbursement Act.

Added by Laws 1985, c. 151, § 5, operative July 1, 1985.

59-536.6. Use of titles and abbreviations.

A. No person shall practice electrolysis or hold himself out as an electrologist, or use the title "Electrologist", or "Registered Electrologist", or the initials "R.E." or "L.E.", in this state, unless he is licensed in accordance with the provisions of the Registered Electrologist Act. No other person shall in any way, orally or in writing, in print, or by sign or transmission of sound or sight, directly or by implication, represent himself as an electrologist. Such misrepresentation, upon conviction, shall constitute a misdemeanor and shall be punishable as provided in the Registered Electrologist Act.

B. Nothing in the Registered Electrologist Act shall prohibit any person in the healing arts in this state under any other act from engaging in the practice for which he is duly licensed.

Added by Laws 1985, c. 151, § 6, operative July 1, 1985.

§59-536.7. Qualifications for licensure - Evidence - Examination - Nonresidents - Continuing education - Renewal of license.

A. A licensed electrologist shall consist of all persons who are currently licensed by the State Board of Electrology and all persons over twenty-one (21) years of age who have satisfactorily passed all examinations before the State Board of Medical Licensure and Supervision. All applicants for licensure as electrologists shall be required to furnish to the Board the following evidence:

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

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

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

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

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

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

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

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

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

Added by Laws 1985, c. 151, § 7, operative July 1, 1985. Amended by Laws 1987, c. 118, § 42, operative July 1, 1987; Laws 2002, c. 166, § 1, emerg. eff. May 6, 2002; Laws 2013, c. 280, § 1, eff. Nov. 1, 2013; Laws 2019, c. 363, § 23, eff. Nov. 1, 2019.

§59-536.8. Registration of license - Display - Surrender.

Every person who is licensed pursuant to the provisions of the Registered Electrologist Act to practice electrolysis in this state shall keep the license displayed in his place of business as long as he or she is engaged in the practice of electrolysis. The receipt for the annual renewal of license shall be kept at such person's place of business and shall be shown to any person requesting to see the same. The licensee shall keep the Board informed of his or her current address. A license issued by the Board is the property of the Board and shall be surrendered on demand of the Board.
Added by Laws 1985, c. 151, § 8, operative July 1, 1985. Amended by Laws 2023, c. 153, § 1, eff. Nov. 1, 2023; Laws 2024, c. 227, § 5, eff. Nov. 1, 2024.

§59-536.9. Suspension or revocation of license.

A. The Board may suspend or revoke the license of any person authorized to practice electrolysis pursuant to the provisions of the Registered Electrologist Act upon proof that the licensee:

1. Has used fraud or deception in applying for a license or in passing the examination provided for in the Registered Electrologist Act;

2. Has been guilty of unprofessional conduct defined by the rules established by the Board or has violated the Code of Ethics adopted by the Board;

3. Has been guilty of fraud or deceit in connection with services rendered as an electrologist;

4. Has been grossly negligent in the practice of his profession; or

5. Has willfully violated any of the provisions of the Registered Electrologist Act or any regulation adopted hereunder.

B. No suspension or revocation shall be made until such person appears before the Board for a hearing. Proceedings for the suspension or revocation of a license are governed by rules and regulations of the Board and by the Administrative Procedures Act.
Added by Laws 1985, c. 151, § 9, operative July 1, 1985.

§59-536.10. Personnel and facilities.

A. The basic personnel and necessary facilities which are required to administer the Registered Electrologist Act shall be the personnel and facilities of the Board. The Board personnel shall act as agents of the Committee. If necessary for the administration or implementation of the Registered Electrologist Act, the Board may

secure and provide for compensation for services that the Board considers necessary and may employ and compensate within available resources professional consultants, technical assistants, and employees on a full-time or part-time basis.

B. The Board shall maintain the records of all licensed electrologists, process all applications for licensure for review by the Committee, and investigate all complaints deemed to be appropriate allegations of violations of the Registered Electrologist Act.

C. The Board shall employ such staff, equipment, and supplies as are necessary to carry out administrative and investigative functions required to maintain and support the objectives of the Committee in exercising its duties as prescribed by the Registered Electrologist Act.

Added by Laws 1985, c. 151, § 10, operative July 1, 1985.

§59-536.11. Violation of act - Penalties.

On and after July 1, 1985, any person who practices electrolysis in violation of the provisions of the Registered Electrologist Act, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00) and costs. Each day of such violation shall constitute a separate offense.

Added by Laws 1985, c. 151, § 11, operative July 1, 1985.

§59-538.1. Short title — Laser Hair Removal Act.

This act shall be known and may be cited as the "Laser Hair Removal Act".

Added by Laws 2024, c. 291, § 1, eff. Nov. 1, 2024.

§59-538.2. Definitions.

1. "Health professional" means a physician, physician assistant as defined in Section 519.2 of Title 59 of the Oklahoma Statutes, Advanced Practice Registered Nurse as defined in Section 567.3a of Title 59 of the Oklahoma Statutes, Registered Nurse as defined in Section 567.3a of Title 59 of the Oklahoma Statutes, or Licensed Practical Nurse as defined in Section 567.3a of Title 59 of the Oklahoma Statutes;

2. "Laser hair removal" means the use of a class three or class four laser light-based device approved by the United States Food and Drug Administration (FDA) to perform a nonablative hair removal procedure that does not remove the epidermis. Laser hair removal does not include electrolysis as defined in Section 536.2 of Title 59 of the Oklahoma Statutes;

3. "Laser hair removal facility" means a business location that provides laser hair removal;

4. "Laser practitioner" means a person who practices laser hair removal pursuant to this act; and

5. "Physician" means a person licensed to practice medicine pursuant to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act.

Added by Laws 2024, c. 291, § 2, eff. Nov. 1, 2024.

§59-538.3. Practitioner requirements — Physician oversight.

A. A laser practitioner shall only perform laser hair removal using lasers or pulsed light devices approved by the United States Food and Drug Administration (FDA) for noninvasive procedures.

B. A person shall not perform or attempt to perform laser hair removal unless the person holds the appropriate health professional license or certificate as defined in Section 2 of this act. A laser practitioner who is not a physician shall complete a laser practitioner training and education program. A laser training and education program may be completed internally at the laser hair removal facility or via a third party, provided such third-party program is overseen by a physician. A laser practitioner training and education program shall include forty (40) total hours of training, which may be a combination of didactic training, in-person hands-on training, and performance of laser hair removal procedures.

C. A laser hair removal facility shall be overseen by a physician; provided, that Advanced Practice Registered Nurses shall be exempt from this oversight requirement.

D. The overseeing physician shall:

1. Establish proper protocols for laser hair removal provided at a facility including, but not limited to, complication management. A laser practitioner shall follow all written procedure protocols established and revised by the overseeing physician. Such protocols shall require utilizing a physician, physician assistant, or Advanced Practice Registered Nurse for complication management;

2. Determine the number of laser practitioners under such physician's supervision; and

3. Review not less than ten percent (10%) of laser hair removal patient records.

E. A physician shall not be required to be physically present or to supervise laser hair removal, but shall be available for communication during the procedure, either in person or by two-way, real time interactive communication.

F. A laser practitioner may perform laser hair removal on a patient without the prior evaluation or referral of such patient by a physician.

G. The conduct of allopathic physicians and physician assistants pursuant to this act shall be regulated by the State Board of Medical Licensure and Supervision. The conduct of

osteopathic physicians pursuant to this act shall be regulated by the State Board of Osteopathic Examiners. The conduct of Registered Nurses, Licensed Practical Nurses, and Advanced Practice Registered Nurses pursuant to this act shall be regulated by the Oklahoma Board of Nursing.

H. Nothing in this act shall prohibit any person in the healing arts, in this state, under any other act, from engaging in the practice for which he or she is duly licensed.

Added by Laws 2024, c. 291, § 3, eff. Nov. 1, 2024.

§59-540. Short title.

This act shall be known and may be cited as the "Therapeutic Recreation Practice Act".

Added by Laws 2009, c. 384, § 1, eff. Nov. 1, 2010.

§59-540.1. Purpose of act.

In order to safeguard the public health, safety and welfare, to protect the public from being misled by incompetent and un-authorized persons, to assure the highest degree of professional conduct on the part of therapeutic recreation specialists and to assure the availability of therapeutic recreation services of high quality to persons in need of such services, it is the purpose of this act to provide for the regulation of persons offering therapeutic recreation service to the public.

Added by Laws 2009, c. 384, § 2, eff. Nov. 1, 2010.

§59-540.2. Definitions.

As used in the Therapeutic Recreation Practice Act:

1. "Therapeutic recreation specialist" means a person licensed to practice therapeutic recreation in the State of Oklahoma;

2. a. "Therapeutic recreation" or "recreation therapy" means the specialized application of recreation to assist with the treatment and/or maintenance of the health status, functional abilities, recreational and leisure activities and ultimately quality of life for individuals hospitalized and/or receiving treatment for various diagnoses and individuals with disabilities. For purposes of accomplishing therapeutic recreation goals, therapeutic recreation may include:

   (1) remediating or restoring an individual’s participation levels in recreational and leisure activities that are limited due to impairment in physical, cognitive, social or emotional abilities,

   (2) analyzing and evaluating recreational activities to determine the physical, social, and

programmatic elements necessary for involvement and modifying those elements to promote full participation and maximization of functional independence in recreational and leisure activities, and

(3) using recreational modalities in designed intervention strategies to maximize physical, cognitive, social, or emotional abilities to promote participation in recreational and leisure activities.

b. For purposes of accomplishing therapeutic recreation goals, therapeutic recreation services include, but are not limited to:

(1) conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action and subsequent individualized treatment plan,

(2) planning and developing the individualized therapeutic recreation treatment plan that identifies an individual's goals, objectives, and potential treatment intervention strategies for recreational and leisure activities,

(3) implementing the individualized therapeutic recreation treatment plan that is consistent with the overall treatment program,

(4) systematically evaluating and comparing the individual's response to the individualized therapeutic recreation treatment plan and suggesting modifications as appropriate,

(5) developing a discharge plan in collaboration with the individual, the individual's family, treatment team, and other identified support networks where appropriate,

(6) identifying and training in the use of adaptive recreational equipment,

(7) identifying, providing, and educating individuals to use recreational and leisure resources that support a healthy, active and engaged life,

(8) minimizing the impact of environmental constraints as a barrier to participation in recreational and leisure activities,

(9) collaborating with and educating the individual, family, caregiver, and others to foster an environment that is responsive to the recreational and leisure needs of the individual, and

(10) consulting with groups, programs, organizations, or communities to improve physical, social, and programmatic accessibility in recreational and leisure activities;

3. "Board" means the State Board of Medical Licensure and Supervision; and

4. "Committee" means the Therapeutic Recreation Committee.

Added by Laws 2009, c. 384, § 3, eff. Nov. 1, 2010.

§59-540.3. License required.

A. No person shall practice or hold himself or herself out as being able to practice therapeutic recreation or provide therapeutic recreation services in this state unless the person is licensed in accordance with the provisions of the Therapeutic Recreation Practice Act.

B. Nothing in this act shall be construed to prevent or restrict the practice, services, or activities of:

1. Any person of other licensed professions or personnel supervised by licensed professions in this state from performing work incidental to the practice of his or her profession or occupation, if that person does not represent himself or herself as a therapeutic recreation specialist;

2. Any person enrolled in a course of study leading to a degree or certificate in therapeutic recreation from performing therapeutic recreation services incidental to the person's course work when supervised by a licensed professional, if the person is designated by a title which clearly indicates his or her status as a student;

3. Any person whose training and national certification attests to the individual’s preparation and ability to practice his or her profession, if that person does not represent himself or herself as a therapeutic recreation specialist;

4. Any therapeutic recreation assistant providing therapeutic recreation services under the direct supervision of a licensed therapeutic recreation specialist. Such an individual would not be permitted to conduct assessments and/or develop treatment plans;

5. Any individual providing recreational programs to a person with disabilities as a normal part of the leisure lifestyle of the person with disabilities;

6. Any person employed by an agency, bureau or division of the federal government while in the discharge of official duties; provided, however, if such individual engages in the practice of therapeutic recreation outside the line of official duty, the individual must be licensed as herein provided;

7. Any occupational therapist or occupational therapy assistants in the area of play and leisure; and

8. Any individual providing services in a state facility or to children in state custody.

Added by Laws 2009, c. 384, § 4, eff. Nov. 1, 2010. Amended by Laws 2010, c. 397, § 3, emerg. eff. June 8, 2010.

§59-540.4. Therapeutic Recreation Committee - Membership - Powers and duties.

A. There is hereby established the Therapeutic Recreation Committee to assist the State Board of Medical Licensure and Supervision in conducting examinations for applicants and to advise the Board on all matters pertaining to the licensure, education, and continuing education of therapeutic recreation specialists and the practice of therapeutic recreation or recreation therapy.

B. 1. The Therapeutic Recreation Committee shall consist of five (5) members who shall be appointed by the State Board of Medical Licensure and Supervision as follows:

a. three members shall, upon initial appointment, be qualified persons who have been actively practicing therapeutic recreation in this state for at least three (3) years, provided, their successors shall be licensed therapeutic recreation specialists, and

b. two members shall be lay persons.

2. The professional members of the Committee shall be appointed for staggered terms of one (1), two (2) and three (3) years, respectively. Terms of office of each appointed member shall expire July 1 of that year in which they expire regardless of the calendar date when such appointments were made. Subsequent appointments shall be made for a term of three (3) years or until successors are appointed and qualified.

a. The lay members shall be appointed for staggered terms of office which will expire July 1, 2010, and July 1, 2011. Thereafter, members appointed to these positions shall serve for terms of three (3) years or until successors are appointed and qualified.

b. Vacancies shall be filled by the Board in the same manner as the original appointment.

3. Members of the Committee shall be reimbursed for all actual and necessary expenses incurred in the performance of duties required by the Therapeutic Recreation Practice Act in accordance with the provisions of the State Travel Reimbursement Act.

4. The Committee shall meet at least quarterly. At the initial meeting of the Committee, members shall elect a chair. The chair shall represent the Committee at all meetings of the Board. Three members of the Committee shall constitute a quorum for the purpose of conducting official business of the Committee.

C. The Committee shall have the power and duty to:

1. Advise the Board on all matters pertaining to the licensure, education, and continuing education requirements for and practice of therapeutic recreation or recreation therapy in this state; and

2. Assist and advise the Board in all hearings involving therapeutic recreation specialists who are deemed to be in violation of the Therapeutic Recreation Practice Act.
Added by Laws 2009, c. 384, § 5, eff. Nov. 1, 2010.

§59-540.5. State Board of Medical Licensure and Supervision - Powers and duties.

The State Board of Medical Licensure and Supervision shall have the power and duty to:

1. Promulgate the rules and regulations necessary for the performance of its duties pursuant to the provisions of the Therapeutic Recreation Practice Act, including the requirements for licensure, standards for training, standards for institutions for training and standards of practice after licensure, including power of revocation of a license;

2. Determine, as recommended by the Therapeutic Recreation Committee, the qualifications of applicants for licensure and determine which applicants successfully passed such examinations;

3. Determine necessary fees to carry out the provisions of the Therapeutic Recreation Practice Act;

4. Make such investigations and inspections as are necessary to ensure compliance with the Therapeutic Recreation Practice Act and the rules and regulations of the Board promulgated pursuant to the act;

5. Conduct hearings as required by the provisions of the Administrative Procedures Act;

6. Report to the district attorney having jurisdiction or the Attorney General any act committed by any person which may constitute a misdemeanor pursuant to the provisions of the Therapeutic Recreation Practice Act;

7. Initiate prosecution and civil proceedings;

8. Suspend, revoke or deny the license of any therapeutic recreation specialist for violation of any provisions of the Therapeutic Recreation Practice Act or rules and regulations promulgated by the Board pursuant to this act;

9. Maintain a record listing the name of each therapeutic recreation specialist licensed in this state;

10. Compile a list of therapeutic recreation specialists licensed to practice in this state. The list shall be available to any person upon application to the Board and the payment of such fee as determined by the Board for the reasonable expense thereof pursuant to the provisions of the Therapeutic Recreation Practice Act; and

11. Make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of the Therapeutic Recreation Practice Act.
Added by Laws 2009, c. 384, § 6, eff. Nov. 1, 2010.

§59-540.6. Licensure requirements.

A. To be eligible for licensure as a therapeutic recreation specialist pursuant to the provisions of the Therapeutic Recreation Practice Act, an applicant shall:

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

2. Have successfully completed an academic program with a baccalaureate degree or higher from an accredited college or university with a major in therapeutic recreation or a major in recreation or leisure with an option and/or emphasis in therapeutic recreation;

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

4. Have successfully completed the proctored examination approved by the State Board of Medical Licensure and Supervision.

B. The State Board of Medical Licensure and Supervision may, upon notice and opportunity for a hearing, deny an application for reinstatement of a license or reinstate the license with conditions. Conditions imposed may include a requirement for continuing education, practice under the supervision of a licensed therapeutic recreation specialist, or any other conditions deemed appropriate by the Board.

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

Added by Laws 2009, c. 384, § 7, eff. Nov. 1, 2010. Amended by Laws 2019, c. 363, § 24, eff. Nov. 1, 2019.

§59-540.7. License renewal.

A. Initial licenses and renewals shall be valid for two (2) years.

B. Persons licensed as therapeutic recreation specialists are eligible for renewal of their licenses if they:

1. Have completed a minimum of one hundred (100) hours of therapeutic recreation service; and

2. Have met continuing competency requirements by completing a minimum of twenty (20) hours of continuing education programs related to the practice of therapeutic recreation and other requirements established by rule of the State Board of Medical Licensure and Supervision.

Added by Laws 2009, c. 384, § 8, eff. Nov. 1, 2010.

§59-540.8. Restrictions on the use of certain words and the letters TRS/L or CTRS/L in connection with a name or business.

A. A licensed therapeutic recreation specialist may use the letters TRS/L or CTRS/L in connection with his or her name or place of business. CTRS/L is contingent upon maintenance of the National Council for Therapeutic Recreation Certification (NCTRC) credential.

B. A person or business entity, its employees, agents, or representatives shall not use in conjunction with that person's name or the activity of the business the words therapeutic recreation specialist, therapeutic recreation, recreational therapy, recreational therapist, recreation therapist, the letters CTRS, TRS, or TR, or any other words, abbreviations or insignia indicating or implying directly or indirectly that therapeutic recreation is provided or supplied, including the billing of services labeled as therapeutic recreation, unless such services are provided under the direction of a therapeutic recreation specialist licensed pursuant to this act.

Added by Laws 2009, c. 384, § 9, eff. Nov. 1, 2010.

§59-540.9. Services requiring a referral - Exceptions.

A. Initiation of therapeutic recreation services to individuals with medically related conditions shall be based on a referral from a physician who is either a medical doctor or a doctor of osteopathy.

B. No freestanding clinic may be operated under this license.

C. Prevention, wellness, education, adaptive sports, recreation and related services shall not require a referral.

Added by Laws 2009, c. 384, § 10, eff. Nov. 1, 2010.

§59-540.10. Restriction on delegation compromising client safety.

A. No person shall coerce a licensed therapeutic recreation specialist into compromising client safety by requiring the licensed therapist to delegate activities or tasks if the licensed therapeutic recreation specialist determines that it is inappropriate to do so.

B. A licensed therapeutic recreation specialist shall not be subject to disciplinary action by the State Board of Medical Licensure and Supervision for refusing to delegate activities or tasks or refusing to provide the required training for delegation, if the licensed therapeutic recreation specialist determines that the delegation may compromise client safety.

Added by Laws 2009, c. 384, § 11, eff. Nov. 1, 2010.

§59-540.11. License without examination - Temporary licenses.

A. Upon payment to the State Board of Medical Licensure and Supervision of a fee as provided by the Therapeutic Recreation Practice Act and submission of a written application on forms

provided by the Board, the Board may issue a license without examination to any person who is licensed or otherwise certified as a therapeutic recreation specialist by another state or national certifying body which has substantially the same standards for licensure as are required by this state pursuant to the provisions of the Therapeutic Recreation Practice Act.

B. Upon proper application and payment of fees, the Board may issue a temporary license to a person who has applied for a license pursuant to the provisions of this act and who is eligible to take the examination pursuant to the provisions of this act. The temporary license shall be available to an applicant only with respect to his or her first application for licensure. The temporary license shall expire upon notice that the applicant has or has not passed the examination.

Added by Laws 2009, c. 384, § 12, eff. Nov. 1, 2010.

§59-540.12. Violation of act - Penalties.

A. No person shall advertise, in any manner, or otherwise represent himself or herself as a therapeutic recreational specialist or as a provider of therapeutic recreation or recreation therapy services unless the person is licensed pursuant to the provisions of the Therapeutic Recreation Practice Act.

B. It shall be a misdemeanor for a person to violate any provision of the Therapeutic Recreation Practice Act and, upon conviction, such person shall be subject to one or more of the following actions which may be taken by the State Board of Medical Licensure and Supervision in consultation with the Therapeutic Recreation Committee:

1. Revocation of license;

2. Suspension of license not to exceed six (6) months from the date of hearing; or

3. Invocation of restrictions in the form of probation as defined by the Board.

Added by Laws 2009, c. 384, § 13, eff. Nov. 1, 2010.

§59-541. Short title.

This act shall be known and may be cited as the "Radiologist Assistant Licensure Act".

Added by Laws 2008, c. 20, § 1, emerg. eff. April 11, 2008.

§59-541.1. Services of assistant – Scope of practice – Certification and registration – Acts prohibited.

A. A radiologist may use the services of a radiologist assistant, licensed by the State Board of Medical Licensure and Supervision, to practice radiology assistance under the direct supervision of a physician licensed by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic

Examiners and certified by the American Board of Radiology or the American Osteopathic Board of Radiology.

B. The State Board of Medical Licensure and Supervision shall promulgate rules defining the scope of practice of a radiologist assistant and the educational qualifications necessary to practice as a radiologist assistant. The Board may use guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists in promulgating rules. The Board shall be the final authority in all matters pertaining to licensure, continuing education requirements and scope of practice of radiologist assistants and shall not exceed the guidelines in this subsection.

C. A radiologist assistant shall be certified and registered with the American Registry of Radiologic Technologists and credentialed to provide radiology services and have completed a radiologist assistant program accredited by the American Registry of Radiologic Technologists and passed the American Registry of Radiologic Technologists certification examinations.

D. A radiologist assistant shall not interpret images, make diagnoses, or prescribe medications or therapies or obtain informed consent.

Added by Laws 2008, c. 20, § 2, emerg. eff. April 11, 2008.

§59-541.2. Radiologist Assistant Advisory Committee.

A. There is hereby created a Radiologist Assistant Advisory Committee within the State Board of Medical Licensure and Supervision to assist in administering the provisions of the Radiologist Assistant Licensure Act. The Committee shall consist of seven (7) members as follows:

1. One member shall be a physician appointed by the State Board of Medical Licensure and Supervision from its membership;

2. One member shall be a radiologist appointed by the State Board of Medical Licensure and Supervision from a list of qualified individuals submitted by the Oklahoma State Medical Association and who is not a member of the Board;

3. One member shall be a physician appointed by the State Board of Osteopathic Examiners from its membership;

4. One member shall be a physician appointed by the State Board of Osteopathic Examiners from a list of qualified individuals submitted by the Oklahoma Osteopathic Association and who is not a member of the State Board of Osteopathic Examiners;

5. One member shall be a radiologist appointed by the State Board of Medical Licensure and Supervision from a list of qualified individuals submitted by the Oklahoma State Radiological Society and who is not a member of the Board; and

6. Two members shall be radiologist assistants appointed by the State Board of Medical Licensure and Supervision from a list of

radiologist assistants submitted by the Oklahoma State Radiological Society.

The radiologist assistant practitioner members shall have engaged in rendering radiologist assistant services to the public, teaching, or research for at least two (2) years immediately preceding their appointments. These members shall at all times be holders of valid licenses as radiologist assistants in this state, except for the members first appointed to the Committee.

B. Initial members of the Committee shall be appointed by September 1, 2008. Members of the Committee shall be appointed for terms of four (4) years. Provided, the terms of office of the members first appointed shall begin within a reasonable time frame after the effective date of this act and shall continue for the following periods:

1. Two physicians and one radiologist assistant for a period of three (3) years; and

2. Three physicians and one radiologist assistant for a period of four (4) years.

Upon the expiration of a member's term of office, the appointing authority for that member shall appoint a successor. Vacancies on the Committee shall be filled in like manner for the balance of an unexpired term. No member shall serve more than three consecutive terms. Each member shall serve until a successor is appointed and qualified.

C. Upon expiration or vacancy of the term of a member, the respective nominating authority may, as appropriate, submit to the appointing Board a list of three persons qualified to serve on the Committee to fill the expired term of their respective member. Appointments may be made from these lists by the appointing Board, and additionally lists may be provided by the respective organizations if requested by the State Board of Medical Licensure and Supervision.

D. The State Board of Medical Licensure and Supervision may remove any member from the Committee for neglect of any duty required by law, for incompetency, or for unethical or dishonorable conduct.

E. The Committee shall meet at least twice each year and shall elect biennially during odd-numbered years a chair and vice-chair from among its members. The Committee may convene at the request of the chair, or as the Committee may determine for such other meetings as may be deemed necessary.

F. A majority of the members of the Committee, including the chair and vice-chair, shall constitute a quorum at any meeting, and a majority of the required quorum shall be sufficient for the Committee to take action by vote.

G. The Committee shall advise the Board in developing policy and rules pertaining to the Radiologist Assistant Licensure Act.

H. Members of the State Board of Medical Licensure and Supervision and members of the Radiologist Assistant Advisory Committee shall be reimbursed for all actual and necessary expenses incurred while engaged in the discharge of official duties pursuant to this act in accordance with the State Travel Reimbursement Act.
Added by Laws 2008, c. 20, § 3, emerg. eff. April 11, 2008.

§59-541.3. Board – Powers and duties.

A. The State Board of Medical Licensure and Supervision shall:

1. License and renew the licenses of duly qualified applicants;

2. Maintain an up-to-date list of every person licensed to practice as a radiologist assistant pursuant to the Radiologist Assistant Licensure Act. The list shall show the licensee's:

a. last-known place of employment,

b. last-known place of residence, and

c. the date and number of the license;

3. Cause the prosecution of all persons violating the Radiologist Assistant Licensure Act and incur necessary expenses therefor;

4. Keep a record of all proceedings of the Board and make the record available to the public for inspection during reasonable business hours;

5. Conduct hearings upon charges calling for discipline of a licensee, or denial, revocation, or suspension of a license; and

6. Share information on a case-by-case basis of any person whose license has been suspended, revoked, or denied. This information shall include the name, type and cause of action, date and penalty incurred, and the length of penalty. This information shall be available for public inspection during reasonable business hours and shall be supplied to similar boards in other states upon request.

B. The State Board of Medical Licensure and Supervision may:

1. Promulgate rules consistent with the laws of this state and in accordance with Article I of the Administrative Procedures Act as may be necessary to enforce the provisions of the Radiologist Assistant Licensure Act;

2. Employ such personnel as necessary to assist the Board in performing its function;

3. Establish license renewal requirements and procedures as deemed appropriate; and

4. Set fees for licensure and renewal not to exceed Three Hundred Dollars ($300.00) per license or renewal.
Added by Laws 2008, c. 20, § 4, emerg. eff. April 11, 2008.

§59-541.4. Examination – Licensure by endorsement.

A. The applicant, except where otherwise defined in the Radiologist Assistant Licensure Act, shall be required to pass an

examination, whereupon the State Board of Medical Licensure and Supervision may issue to the applicant a license to practice as a radiologist assistant.

B. The Board may issue a license to practice as a radiologist assistant by endorsement to:

1. An applicant who is currently licensed to practice as a radiologist assistant under the laws of another state, territory, or country if the qualifications of the applicant are deemed by the Board to be equivalent to those required in this state;

2. Applicants holding credentials who are certified and registered with the American Registry of Radiologic Technologists and have completed a radiologist assistant program accredited by the American Registry of Radiologic Technologists and passed the American Registry of Radiologic Technologists certification examinations, provided such credentials have not been suspended or revoked; and

3. Applicants applying under the conditions of this section who certify under oath that their credentials have not been suspended or revoked.

Added by Laws 2008, c. 20, § 5, emerg. eff. April 11, 2008.

§59-541.5. Title and abbreviation – Presentation of license.

A. A person holding a license to practice as a radiologist assistant in this state may use the title "radiologist assistant" and the abbreviation "RA".

B. A licensee shall present this license when requested.

Added by Laws 2008, c. 20, § 6, emerg. eff. April 11, 2008.

§59-541.6. License renewal, reinstatement or replacement – Written notice of intent not to practice or to resume practice – Continuing education.

A. Except as otherwise provided in the Radiologist Assistant Licensure Act, a license shall be renewed biennially. The State Board of Medical Licensure and Supervision shall mail notices at least thirty (30) days prior to expiration for renewal of licenses to every person to whom a license was issued or renewed during the preceding renewal period. The licensee shall complete the notice of renewal and return it to the Board with the renewal fee determined by the Board before the date of expiration.

B. Upon receipt of the notice of renewal and the fee, the Board shall verify its contents and shall issue the licensee a license for the current renewal period, which shall be valid for the period stated thereon.

C. A licensee who allows the license to lapse by failing to renew it may be reinstated by the Board upon payment of the renewal fee and reinstatement fee of One Hundred Dollars ($100.00);

provided, that such request for reinstatement must be received within thirty (30) days of the end of the renewal period.

D. 1. A licensed radiologist assistant who does not intend to engage in the practice shall send a written notice to that effect to the Board and is not required to submit a notice of renewal and pay the renewal fee as long as the practitioner remains inactive. Upon desiring to resume practicing as a radiologist assistant, the practitioner shall notify the Board in writing of this intent and shall satisfy the current requirements of the Board in addition to submitting a notice of renewal and remitting the renewal fee for the current renewal period and the reinstatement fee.

2. Rules of the Board shall provide for a specific period of time of continuous inactivity after which retesting is required.

E. The Board is authorized to establish by rule fees for replacement and duplicate licenses not to exceed One Hundred Dollars ($100.00) per license.

F. The Board shall by rule prescribe continuing education requirements as a condition for renewal of license. The program criteria with respect thereto shall be approved by the Board.
Added by Laws 2008, c. 20, § 7, emerg. eff. April 11, 2008.

§59-541.7. Fees.

Fees received by the State Board of Medical Licensure and Supervision and any other monies collected pursuant to the Radiologist Assistant Licensure Act shall be deposited with the State Treasurer who shall place the monies in the regular depository fund of the Board. The deposit, less the ten-percent gross fees paid into the General Revenue Fund pursuant to Section 211 of Title 62 of the Oklahoma Statutes, is hereby appropriated and shall be used to pay expenses incurred pursuant to the Radiologist Assistant Licensure Act.
Added by Laws 2008, c. 20, § 8, emerg. eff. April 11, 2008.

§59-541.8. Revocation or suspension of license – Refusal to renew – Probation.

The State Board of Medical Licensure and Supervision may revoke, suspend, or refuse to renew any license, or place on probation, or otherwise reprimand a licensee or deny a license to an applicant if it finds that the person:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice as a radiologist assistant;

2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency;

3. Is habitually intemperate in the use of alcoholic beverages;

4. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics;

5. Is guilty of dishonest or unethical conduct;

6. Has practiced as a radiologist assistant after the license has expired or has been suspended;

7. Has practiced as a radiologist assistant under cover of any license illegally or fraudulently obtained or issued;

8. Has violated or aided or abetted others in violation of any provision of the Radiologist Assistant Licensure Act;

9. Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board; or

10. Is guilty of the unauthorized practice of medicine.

Added by Laws 2008, c. 20, § 9, emerg. eff. April 11, 2008.

§59-541.9. Radiology technologists and technicians exempt.

The provisions of the Radiologist Assistant Licensure Act shall not require the licensure or certification of radiology technologists or technicians.

Added by Laws 2008, c. 20, § 10, emerg. eff. April 11, 2008.

§59-545.1. PA Licensure Compact — Purpose.

In order to strengthen access to medical services and in recognition of the advances in the delivery of medical services, the participating states of the PA Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline physician assistants, or PAs, and seeks to enhance the portability of a license to practice as a PA while safeguarding the safety of patients. The Compact allows medical services to be provided by PAs via the mutual recognition of the licensee's qualifying license by other Compact participating states. The Compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of medical services by the PA occurs where the patient is located at the time of the patient encounter and therefore requires the PA to be under the jurisdiction of the state licensing board where the patient is located. State licensing boards that participate in the Compact retain the jurisdiction to impose adverse action against a Compact privilege in that state issued to a PA through the procedures of the Compact. The PA Licensure Compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a Compact privilege based on having an unrestricted license in good standing from a participating state.

Added by Laws 2024, c. 22, § 1, eff. Nov. 1, 2024.

§59-545.2. Definitions.

As used in the Compact:

1. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a PA license or license application or Compact privilege such as license denial, censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice;

2. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in the remote state under the remote state's laws and regulations;

3. "Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender;

4. "Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R., Section 20.3(d), from the state's criminal history record repository as defined in 28 C.F.R., Section 20.3(f);

5. "Data system" means the repository of information about licensees, including, but not limited to, license status and adverse actions, which is created and administered under the terms of the Compact;

6. "Executive committee" means a group of directors and ex officio individuals elected or appointed pursuant to paragraph 2 of subsection F of Section 7 of this Compact;

7. "Impaired practitioner" means a PA whose practice is adversely affected by health-related conditions that impact his or her ability to practice;

8. "Investigative information" means information, records, or documents received or generated by a licensing board pursuant to an investigation;

9. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of a PA in a state;

10. "License" means current authorization by a state, other than authorization pursuant to a Compact privilege, for a PA to provide medical services, which would be unlawful without current authorization;

11. "Licensee" means an individual who holds a license from a state to provide medical services as a PA;

12. "Licensing board" means any state entity authorized to license and otherwise regulate PAs;

13. "Medical services" means health care services provided for the diagnosis, prevention, treatment, cure, or relief of a health

condition, injury, or disease, as defined by a state's laws and regulations;

14. "Model Compact" means the model for the PA Licensure Compact on file with The Council of State Governments or other entity as designated by the Commission;

15. "Participating state" means a state that has enacted the Compact;

16. "PA" means an individual who is licensed as a physician assistant in a state. For purposes of the Compact, any other title or status adopted by a state to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the licensee under the provisions of the Compact at the time of its enactment;

17. "PA Licensure Compact Commission", "Compact Commission", or "Commission" means the national administrative body created pursuant to subsection A of Section 7 of this Compact;

18. "Qualifying license" means an unrestricted license issued by a participating state to provide medical services as a PA;

19. "Remote state" means a participating state where a licensee who is not licensed as a PA is exercising or seeking to exercise the Compact privilege;

20. "Rule" means a regulation promulgated by an entity that has the force and effect of law;

21. "Significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the PA to respond if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction; and

22. "State" means any state, commonwealth, district, or territory of the United States.

Added by Laws 2024, c. 22, § 2, eff. Nov. 1, 2024.

§59-545.3. Participation requirements.

A. To participate in the Compact, a participating state shall:

1. License PAs;

2. Participate in the Compact Commission's data system;

3. Have a mechanism in place for receiving and investigating complaints against licensees and license applicants;

4. Notify the Commission, in compliance with the terms of the Compact and Commission rules, of any adverse action against a licensee or license applicant and the existence of significant investigative information regarding a licensee or license applicant;

5. Fully implement a criminal background check requirement within a time frame established by Commission rule, by its licensing board receiving the results of a criminal background check, and

reporting to the Commission whether the license applicant has been granted a license;

6. Comply with the rules of the Compact Commission;

7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a requirement for PA licensure; and

8. Grant the Compact privilege to a holder of a qualifying license in a participating state.

B. Nothing in the Compact prohibits a participating state from charging a fee for granting the Compact privilege.

Added by Laws 2024, c. 22, § 3, eff. Nov. 1, 2024.

§59-545.4. Licensee requirements.

A. To exercise the Compact privilege, a licensee shall:

1. Have graduated from a PA program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or other programs authorized by Commission rule;

2. Hold current NCCPA certification;

3. Have no felony or misdemeanor conviction;

4. Have never had a controlled substance license, permit, or registration suspended or revoked by a state or by the United States Drug Enforcement Administration;

5. Have a unique identifier as determined by Commission rule;

6. Hold a qualifying license;

7. Have had no revocation of a license or limitation or restriction on any license currently held due to an adverse action;

8. If a licensee has had a limitation or restriction on a license or Compact privilege due to an adverse action, two (2) years must have elapsed from the date on which the license or Compact privilege is no longer limited or restricted due to the adverse action;

9. If a Compact privilege has been revoked or is limited or restricted in a participating state for conduct that would not be a basis for disciplinary action in a participating state in which the licensee is practicing or applying to practice under a Compact privilege, that participating state shall have the discretion not to consider such action as an adverse action requiring the denial or removal of a Compact privilege in that state;

10. Notify the Compact Commission that the licensee is seeking the Compact privilege in a remote state;

11. Meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the Compact privilege and pay any fees applicable to satisfying the jurisprudence requirement; and

12. Report to the Commission any adverse action taken by a nonparticipating state within thirty (30) days after the action is taken.

B. The Compact privilege is valid until the expiration or revocation of the qualifying license unless terminated pursuant to an adverse action. The licensee must also comply with all of the requirements of subsection A of this section to maintain the Compact privilege in a remote state. If the participating state takes adverse action against a qualifying license, the licensee shall lose the Compact privilege in any remote state in which the licensee has a Compact privilege until all of the following occur:

1. The license is no longer limited or restricted; and

2. Two (2) years have elapsed from the date on which the license is no longer limited or restricted due to the adverse action.

C. Once a restricted or limited license satisfies the requirements of paragraphs 1 and 2 of subsection B of this section, the licensee must meet the requirements of subsection A of this section to obtain a Compact privilege in any remote state.

D. For each remote state in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all requirements imposed by such state in granting or renewing such authority.

Added by Laws 2024, c. 22, § 4, eff. Nov. 1, 2024.

§59-545.5. Licensee application requirements.

Upon a licensee's application for a Compact privilege, the licensee shall identify to the Commission the participating state from which the licensee is applying, in accordance with applicable rules adopted by the Commission, and subject to the following requirements:

1. When applying for a Compact privilege, the licensee shall provide the Commission with the address of the licensee's primary residence and thereafter shall immediately report to the Commission any change in the address of the licensee's primary residence; and

2. When applying for a Compact privilege, the licensee is required to consent to accept service of process by mail at the licensee's primary residence on file with the Commission with respect to any action brought against the licensee by the Commission or a participating state, including a subpoena, with respect to any action brought or investigation conducted by the Commission or a participating state.

Added by Laws 2024, c. 22, § 5, eff. Nov. 1, 2024.

§59-545.6. Adverse actions by licensing state.

A. A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

B. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following:

1. Take adverse action against a PA's Compact privilege within that state to remove a licensee's Compact privilege or take other action necessary under applicable law to protect the health and safety of its citizens;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located;

3. Notwithstanding paragraph 2 of this subsection, subpoenas may not be issued by a participating state to gather evidence of conduct in another state that is lawful in that other state for the purpose of taking adverse action against a licensee's Compact privilege or application for a Compact privilege in that participating state; and

4. Nothing in the Compact authorizes a participating state to impose discipline against a PA's Compact privilege or to deny an application for a Compact privilege in that participating state for the individual's otherwise lawful practice in another state.

C. For purposes of taking adverse action, the participating state which issued the qualifying license shall give the same priority and effect to reported conduct received from any other participating state as it would if the conduct had occurred within the participating state which issued the qualifying license. In so doing, that participating state shall apply its own state laws to determine appropriate action.

D. A participating state, if otherwise permitted by state law, may recover from the affected PA the costs of investigations and disposition of cases resulting from any adverse action taken against that PA.

E. A participating state may take adverse action based on the factual findings of a remote state, provided that the participating state follows its own procedures for taking the adverse action.

F. Joint investigations:

1. In addition to the authority granted to a participating state by its respective state PA laws and regulations or other applicable state law, any participating state may participate with other participating states in joint investigations of licensees; and

2. Participating states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If an adverse action is taken against a PA's qualifying license, the PA's Compact privilege in all remote states shall be deactivated until two (2) years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state which issued the qualifying license that impose adverse action against a PA's license shall include a statement that the PA's Compact privilege is deactivated in all participating states during the pendency of the order.

H. If any participating state takes adverse action, it promptly shall notify the administrator of the data system.

Added by Laws 2024, c. 22, § 6, eff. Nov. 1, 2024.

§59-545.7. PA Licensure Compact Commission.

A. The participating states hereby create and establish a joint government agency and national administrative body known as the PA Licensure Compact Commission. The Commission is an instrumentality of the Compact states acting jointly and not an instrumentality of any one state. The Commission shall come into existence on or after the effective date of the Compact as set forth in subsection A of Section 11.

B. Membership, voting, and meetings:

1. Each participating state shall have and be limited to one delegate selected by that participating state's licensing board or, if the state has more than one licensing board, selected collectively by the participating state's licensing boards;

2. The delegate shall be either:

a. a current PA, physician, or public member of a licensing board or PA council/committee, or

b. an administrator of a licensing board;

3. Any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed;

4. The participating state licensing board shall fill any vacancy occurring in the Commission within sixty (60) days;

5. Each delegate shall be entitled to one vote on all matters voted on by the Commission and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, video conference, or other means of communication;

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Compact and the bylaws; and

7. The Commission shall establish by rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

1. Establish a code of ethics for the Commission;

2. Establish the fiscal year of the Commission;

3. Establish fees;

4. Establish bylaws;

5. Maintain its financial records in accordance with the bylaws;

6. Meet and take such actions as are consistent with the provisions of the Compact and the bylaws;

7. Promulgate rules to facilitate and coordinate implementation and administration of the Compact. The rules shall have the force and effect of law and shall be binding in all participating states;

8. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

9. Purchase and maintain insurance and bonds;

10. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a participating state;

11. Hire employees and engage contractors, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal or mixed, provided that at all times the Commission shall avoid any appearance of impropriety;

14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

15. Establish a budget and make expenditures;

16. Borrow money;

17. Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives and such other interested persons as may be designated in the Compact and the bylaws;

18. Provide and receive information from, and cooperate with, law enforcement agencies;

19. Elect a chair, vice-chair, secretary and treasurer, and such other officers of the Commission as provided in the Commission's bylaws;

20. Reserve for itself, in addition to those reserved exclusively to the Commission under the Compact, powers that the executive committee may not exercise;

21. Approve or disapprove a state's participation in the Compact based upon its determination as to whether the state's Compact legislation departs in a material manner from the model Compact language;

22. Prepare and provide to the participating states an annual report; and

23. Perform such other functions as may be necessary or appropriate to achieve the purposes of the Compact consistent with the state regulation of PA licensure and practice.

D. Meetings of the Commission:

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting;

2. Notwithstanding paragraph 1 of this subsection, the Commission may convene a public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection L of Section 9 of this Compact;

3. The Commission may convene in a closed, nonpublic meeting or nonpublic part of a public meeting to receive legal advice or to discuss:

a. noncompliance of a participating state with its obligations under the Compact,

b. the employment, compensation, discipline, or other matters, practices, or procedures, related to specific employees or other matters related to the Commission's internal personnel practices and procedures,

c. current, threatened, or reasonably anticipated litigation,

d. negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate,

e. accusing any person of a crime or formally censuring any person,

f. disclosure of trade secrets or commercial or financial information that is privileged or confidential,

g. disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,

h. disclosure of investigative records compiled for law enforcement purposes,
i. disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact,
j. legal advice, or
k. matters specifically exempted from disclosure by federal or participating states' statutes;

4. If a meeting, or portion of a meeting, is closed pursuant to this subsection, the chair of the meeting or the chair's designee shall certify that the meeting or portion of the meeting may be closed and shall reference each relevant exempting provision; and

5. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

E. Financing of the Commission:

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities;

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services; and

3. The Commission may levy on and collect an annual assessment from each participating state and may impose Compact privilege fees on licensees of participating states to whom a Compact privilege is granted to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states shall be allocated based upon a formula to be determined by Commission rule.
a. a Compact privilege expires when the licensee's qualifying license in the participating state from which the licensee applied for the Compact privilege expires, and
b. if the licensee terminates the qualifying license through which the licensee applied for the Compact privilege before its scheduled expiration, and the licensee has a qualifying license in another participating state, the licensee shall inform the

Commission that it is changing to that participating state the participating state through which it applies for a Compact privilege and pay to the Commission any Compact privilege fee required by Commission rule;

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the participating states, except by and with the authority of the participating state;

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

F. The executive committee:

1. The executive committee shall have the power to act on behalf of the Commission according to the terms of the Compact and Commission rules;

2. The executive committee shall be composed of nine (9) members:

a. seven voting members who are elected by the Commission from the current membership of the Commission,

b. one ex officio, nonvoting member from a recognized national PA professional association, and

c. one ex officio, nonvoting member from a recognized national PA certification organization;

3. The ex officio members will be selected by their respective organizations;

4. The Commission may remove any member of the executive committee as provided in its bylaws;

5. The executive committee shall meet at least annually;

6. The executive committee shall have the following duties and responsibilities:

a. recommend to the Commission changes to the Commission's rules or bylaws, changes to the Compact legislation, fees to be paid by Compact participating states such as annual dues, and any Commission Compact fee charged to licensees for the Compact privilege,

b. ensure Compact administration services are appropriately provided, contractual or otherwise,

c. prepare and recommend the budget,

d. maintain financial records on behalf of the Commission,

e. monitor Compact compliance of participating states and provide compliance reports to the Commission,

f. establish additional committees as necessary,
g. exercise the powers and duties of the Commission during the interim between Commission meetings, except for issuing proposed rulemaking or adopting Commission rules or bylaws, or exercising any other powers and duties exclusively reserved to the Commission by the Commission's rules, and
h. perform other duties as provided in the Commission's rules or bylaws;

7. All meetings of the executive committee at which it votes or plans to vote on matters in exercising the powers and duties of the Commission shall be open to the public, and public notice of such meetings shall be given as public meetings of the Commission are given; and

8. The executive committee may convene in a closed, nonpublic meeting for the same reasons that the Commission may convene in a nonpublic meeting as set forth in paragraph 3 of subsection D of this section and shall announce the closed meeting as the Commission is required to under paragraph 4 of subsection D of this section and keep minutes of the closed meeting as the Commission is required to under paragraph 5 of subsection D of this section.

G. Qualified immunity, defense, and indemnification:

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing it occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder;

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense, and provided further, that the actual or alleged act, error, or omission did not

result from that person's intentional or willful or wanton misconduct;

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person;

4. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses in any proceedings as authorized by Commission rules;

5. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws;

6. Nothing herein shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil action pertaining to the practice of a PA. All such matters shall be determined exclusively by state law other than the Compact;

7. Nothing in the Compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation; and

8. Nothing in the Compact shall be construed to be a waiver of sovereign immunity by the participating states or by the Commission. Added by Laws 2024, c. 22, § 7, eff. Nov. 1, 2024.

§59-545.8. Commission duties.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated data and reporting system containing licensure, adverse action, and the reporting of the existence of significant investigative information on all licensed PAs and applicants denied a license in participating states.

B. Notwithstanding any other state law to the contrary, a participating state shall submit a uniform data set to the data system on all PAs to whom the Compact is applicable (utilizing a unique identifier) as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or Compact privilege; and
4. Any denial of application for licensure and the reason for such denial, excluding the reporting of any criminal history record information where prohibited by law;
5. The existence of significant investigative information; and
6. Other information that may facilitate the administration of the Compact, as determined by the rules of the Commission.

C. Significant investigative information pertaining to a licensee in any participating state shall only be available to other participating states.

D. The Commission shall promptly notify all participating states of any adverse action taken against a licensee or an individual applying for a license that has been reported to it. This adverse action information shall be available to any other participating state.

E. Participating states contributing information to the data system may, in accordance with state or federal law, designate information that may not be shared with the public without the express permission of the contributing state. Notwithstanding any such designation, such information shall be reported to the Commission through the data system.

F. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system upon reporting of such by the participating state to the Commission.

G. The records and information provided to a participating state pursuant to the Compact or through the data system, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a participating state.

Added by Laws 2024, c. 22, § 8, eff. Nov. 1, 2024.

§59-545.9. Commission rulemaking.

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Commission rules shall become binding as of the date specified by the Commission for each rule.

B. The Commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the Compact and achieve its purposes. A Commission rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the Commission exercised its

rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

C. The rules of the Commission shall have the force of law in each participating state; provided, however, that where the rules of the Commission conflict with the laws of the participating state that establish the medical services a PA may perform in the participating state, as held by a court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the conflict.

D. If a majority of the legislatures of the participating states rejects a Commission rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in the Compact.

E. Commission rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by rule specify.

G. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing on the proposed rule and the proposed time, date, and location of the meeting in which the proposed rule will be considered and voted upon;

2. The text of the proposed rule and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person and the date by which written comments must be received; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing or provide any written comments.

H. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

I. If the hearing is to be held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall, as directed in the notice of proposed rulemaking, not less than five (5) business days before the scheduled date of the hearing, notify the Commission of their desire to appear and testify at the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording and the written comments, data, facts, opinions, and arguments received in response to the proposed rulemaking shall be made available to a person upon request.

4. Nothing in this section shall be construed as requiring a separate hearing on each proposed rule. Proposed rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the public hearing, the Commission shall consider all written and oral comments timely received.

K. The Commission shall, by majority vote of all delegates, take final action on the proposed rule and shall determine the effective date of the rule, if adopted, based on the rulemaking record and the full text of the rule.

1. If adopted, the rule shall be posted on the Commission's website.

2. The Commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

3. The Commission shall provide on its website an explanation of the reasons for substantive changes made to the proposed rule, as well as reasons for substantive changes not made that were recommended by commenters.

4. The Commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection L of this section, the effective date of the rule shall be no sooner than thirty (30) days after the Commission issued the notice that it adopted the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule with twenty-four (24) hours prior notice, without the opportunity for comment or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately by the Commission in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or participating state funds;

3. Meet a deadline for the promulgation of a Commission rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Commission rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made as set forth in the notice of revisions and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No participating state's rulemaking requirements shall apply under the Compact.

Added by Laws 2024, c. 22, § 9, eff. Nov. 1, 2024.

§59-545.10. Oversight — Default and termination — Dispute resolution — Enforcement.

A. Oversight:

1. The executive and judicial branches of state government in each participating state shall enforce the Compact and take all actions necessary and appropriate to implement the Compact;

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter; and

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact or the Commission's rules and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission with service of process shall render a judgment or order in such proceeding void as to the Commission, the Compact, or Commission rules.

B. Default, technical assistance, and termination:

1. If the Commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under the Compact or the Commission rules, the Commission shall provide written notice to the defaulting state and other

participating states. The notice shall describe the default, the proposed means of curing the default, and any other action that the Commission may take and shall offer remedial training and specific technical assistance regarding the default;

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the participating states, and all rights, privileges, and benefits conferred by the Compact upon such state may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default;

3. Termination of participation in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and to the licensing boards of each of the participating states;

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination;

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state;

6. The defaulting state may appeal its termination from the Compact by the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees; and

7. Upon the termination of a state's participation in the Compact, the state shall immediately provide notice to all licensees within that state of such termination:

a. licensees who have been granted a Compact privilege in that state shall retain the Compact privilege for one hundred eighty (180) days following the effective date of such termination, and

b. licensees who are licensed in that state who have been granted a Compact privilege in a participating state shall retain the Compact privilege for one hundred eighty (180) days unless the licensee also has a qualifying license in a participating state or obtains a qualifying license in a participating state before the one-hundred-eighty-day period ends, in which case the Compact privilege shall continue.

C. Dispute resolution:

1. Upon request by a participating state, the Commission shall attempt to resolve disputes related to the Compact that arise among participating states and between participating and nonparticipating states; and

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement:

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of the Compact and rules of the Commission;

2. If compliance is not secured after all means to secure compliance have been exhausted, by majority vote, the Commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices against a participating state in default to enforce compliance with the provisions of the Compact and the Commission's promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees; and

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

E. Legal action against the Commission:

1. A participating state may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

2. No person other than a participating state shall enforce the Compact against the Commission.

Added by Laws 2024, c. 22, § 10, eff. Nov. 1, 2024.

§59-545.11. Effective date — Withdrawal — Amendment.

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh participating state.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the states that enacted the Compact prior to the Commission convening "Charter Participating States" to determine if the statute enacted

by each such Charter Participating State is materially different than the model Compact:

a. A Charter Participating State whose enactment is found to be materially different from the model Compact shall be entitled to the default process set forth in subsection B of Section 10 of this Compact, and

b. If any participating state later withdraws from the Compact or its participation is terminated, the Commission shall remain in existence and the Compact shall remain in effect even if the number of participating states should be less than seven. Participating states enacting the Compact subsequent to the Commission convening shall be subject to the process set forth in paragraph 21 of subsection C of Section 7 of this Compact to determine if their enactments are materially different from the model Compact and whether they qualify for participation in the Compact;

2. Participating states enacting the Compact subsequent to the seven initial Charter Participating States shall be subject to the process set forth in paragraph 21 of subsection C of Section 7 of this Compact to determine if their enactments are materially different from the model Compact and whether they qualify for participation in the Compact; and

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

B. Any state that joins the Compact shall be subject to the Commission's rules and bylaws as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any participating state may withdraw from the Compact by enacting a statute repealing the same.

1. A participating state's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute. During this one-hundred-eighty-day period, all Compact privileges that were in effect in the withdrawing state and were granted to licensees licensed in the withdrawing state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed in another participating state or obtains a license in another participating state within the one hundred eighty (180) days, the licensee's Compact privileges in other participating states shall not be affected by the passage of the one hundred eighty (180) days.

2. Withdrawal shall not affect the continuing requirement of the state licensing boards of the withdrawing state to comply with the investigative and adverse action reporting requirements of the Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing a state from the Compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Such withdrawing state shall continue to recognize all licenses granted pursuant to the Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

D. Nothing contained in the Compact shall be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between participating states and between a participating state and nonparticipating state that does not conflict with the provisions of the Compact.

E. The Compact may be amended by the participating states. No amendment to the Compact shall become effective and binding upon any participating state until it is enacted materially in the same manner into the laws of all participating states as determined by the Commission.

Added by Laws 2024, c. 22, § 11, eff. Nov. 1, 2024.

§59-545.12. Construction — Severability — Material departure.

A. The Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision of the Compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of the Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this section, the Commission may deny a state's participation in the Compact or, in accordance with the requirements of subsection B of Section 10 of this Compact, terminate a participating state's participation in the Compact, if it determines that a constitutional requirement of a participating state is, or would be with respect to a state seeking to participate in the Compact, a material departure from the Compact. Otherwise, if the Compact shall be held to be contrary to the constitution of

any participating state, the Compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.
Added by Laws 2024, c. 22, § 12, eff. Nov. 1, 2024.

§59-545.13. Construction with other laws.
A. Nothing herein prevents the enforcement of any other law of a participating state that is not inconsistent with the Compact.
B. Any laws in a participating state in conflict with the Compact are superseded to the extent of the conflict.
C. All agreements between the Commission and the participating states are binding in accordance with their terms.
Added by Laws 2024, c. 22, § 13, eff. Nov. 1, 2024.

§59-567.1. Title of act.
This act shall be known and may be cited as the Oklahoma Nursing Practice Act.
Laws 1953, p. 265, § 1.

§59-567.2. Declaration of public interest - Liberal construction of act.
A. 1. The education, certification and licensure of registered and licensed practical nurses or advanced unlicensed assistive persons, and the practice of registered or practical nursing or advanced unlicensed assistance in this state is hereby declared to affect the public health, safety and welfare and, in the public interest, is therefore subject to regulation and control by the Oklahoma Board of Nursing.
2. It is further declared to be a matter of public interest and concern that the education of nurses and advanced unlicensed assistive persons, as such terms are defined in the Oklahoma Nursing Practice Act, and the practice of nursing and advanced unlicensed assistance merit and receive the confidence of the public and that only qualified persons be authorized to practice in this state.
3. The Board shall promulgate rules to identify the essential elements of education and practice necessary to protect the public.
B. The provisions of the Oklahoma Nursing Practice Act shall be liberally construed to best carry out these requirements and purposes.
Added by Laws 1953, p. 265, § 2, emerg. eff. April 13, 1953. Amended by Laws 1967, c. 42, § 1, emerg. eff. March 28, 1967; Laws 1991, c. 104, § 1, eff. Sept. 1, 1991; Laws 1994, c. 97, § 1, eff. July 1, 1994; Laws 1996, c. 186, § 3, eff. Nov. 1, 1996; Laws 2001, c. 254, § 1, eff. Nov. 1, 2001.

§59-567.3. Repealed by Laws 1991, c. 104, § 14, eff. Sept. 1, 1991.

§59-567.3a. Definitions.

As used in the Oklahoma Nursing Practice Act:

1. "Board" means the Oklahoma Board of Nursing;

2. "The practice of nursing" means the performance of services provided for purposes of nursing diagnosis and treatment of human responses to actual or potential health problems consistent with educational preparation. Knowledge and skill are the basis for assessment, analysis, planning, intervention, and evaluation used in the promotion and maintenance of health and nursing management of illness, injury, infirmity, restoration or optimal function, or death with dignity. Practice is based on understanding the human condition across the human lifespan and understanding the relationship of the individual within the environment. This practice includes execution of the medical regime including the administration of medications and treatments prescribed by any person authorized by state law to so prescribe;

3. "Registered nursing" means the practice of the full scope of nursing which includes, but is not limited to:

a. assessing the health status of individuals, families and groups,
b. analyzing assessment data to determine nursing care needs,
c. establishing goals to meet identified health care needs,
d. planning a strategy of care,
e. establishing priorities of nursing intervention to implement the strategy of care,
f. implementing the strategy of care,
g. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the provisions of the Oklahoma Nursing Practice Act,
h. providing safe and effective nursing care rendered directly or indirectly,
i. evaluating responses to interventions,
j. teaching the principles and practice of nursing,
k. managing and supervising the practice of nursing,
l. collaborating with other health professionals in the management of health care,
m. performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation, and
n. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

4. "Licensed practical nursing" means the practice of nursing under the supervision or direction of a registered nurse, licensed physician or dentist. This directed scope of nursing practice includes, but is not limited to:

a. contributing to the assessment of the health status of individuals and groups,
b. participating in the development and modification of the plan of care,
c. implementing the appropriate aspects of the plan of care,
d. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the Oklahoma Nursing Practice Act,
e. providing safe and effective nursing care rendered directly or indirectly,
f. participating in the evaluation of responses to interventions,
g. teaching basic nursing skills and related principles,
h. performing additional nursing procedures in accordance with knowledge and skills acquired through education beyond nursing preparation, and
i. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

5. "Advanced Practice Registered Nurse" means a licensed Registered Nurse:

a. who has completed an advanced practice registered nursing education program in preparation for one of four recognized advanced practice registered nurse roles,
b. who has passed a national certification examination recognized by the Board that measures the advanced practice registered nurse role and specialty competencies and who maintains recertification in the role and specialty through a national certification program,
c. who has acquired advanced clinical knowledge and skills in preparation for providing both direct and indirect care to patients; however, the defining factor for all Advanced Practice Registered Nurses is that a significant component of the education and practice focuses on direct care of individuals,
d. whose practice builds on the competencies of Registered Nurses by demonstrating a greater depth and breadth of knowledge, a greater synthesis of data, and increased complexity of skills and interventions, and

e. who has obtained a license as an Advanced Practice Registered Nurse in one of the following roles: Certified Registered Nurse Anesthetist, Certified Nurse-Midwife, Clinical Nurse Specialist, or Certified Nurse Practitioner.

Only those persons who hold a license to practice advanced practice registered nursing in this state shall have the right to use the title "Advanced Practice Registered Nurse" and to use the abbreviation "APRN". Only those persons who have obtained a license in the following disciplines shall have the right to fulfill the roles and use the applicable titles: Certified Registered Nurse Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and the abbreviation "CNM", Clinical Nurse Specialist and the abbreviation "CNS", and Certified Nurse Practitioner and the abbreviation "CNP".

It shall be unlawful for any person to assume the role or use the title Advanced Practice Registered Nurse or use the abbreviation "APRN" or use the respective specialty role titles and abbreviations or to use any other titles or abbreviations that would reasonably lead a person to believe the user is an Advanced Practice Registered Nurse, unless permitted by the Oklahoma Nursing Practice Act. Any individual doing so shall be guilty of a misdemeanor, which shall be punishable, upon conviction, by imprisonment in the county jail for not more than one (1) year or by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by both such imprisonment and fine for each offense;

6. "Certified Nurse Practitioner" is an Advanced Practice Registered Nurse who performs in an expanded role in the delivery of health care:

a. consistent with advanced educational preparation as a Certified Nurse Practitioner in an area of specialty,

b. functions within the Certified Nurse Practitioner scope of practice for the selected area of specialization, and

c. is in accord with the standards for Certified Nurse Practitioners as identified by the certifying body and approved by the Board.

A Certified Nurse Practitioner shall be eligible, in accordance with the scope of practice of the Certified Nurse Practitioner, to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section and subject to the medical direction of a supervising physician. This authorization shall not include dispensing drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.

The Certified Nurse Practitioner accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice registered nursing standards and functions as defined by the scope of practice/role definition statements for the Certified Nurse Practitioner;

7. a. "Clinical Nurse Specialist" is an Advanced Practice Registered Nurse who holds:
   (1) a master's degree or higher in nursing with clinical specialization preparation to function in an expanded role,
   (2) specialty certification from a national certifying organization recognized by the Board,
   (3) an Advanced Practice Registered Nurse license from the Board, and
   (4) any nurse holding a specialty certification as a Clinical Nurse Specialist valid on January 1, 1994, granted by a national certifying organization recognized by the Board, shall be deemed to be a Clinical Nurse Specialist under the provisions of the Oklahoma Nursing Practice Act.

   b. In the expanded role, the Clinical Nurse Specialist performs at an advanced practice level which shall include, but not be limited to:
   (1) practicing as an expert clinician in the provision of direct nursing care to a selected population of patients or clients in any setting, including private practice,
   (2) managing the care of patients or clients with complex nursing problems,
   (3) enhancing patient or client care by integrating the competencies of clinical practice, education, consultation, and research, and
   (4) referring patients or clients to other services.

   c. A Clinical Nurse Specialist in accordance with the scope of practice of such Clinical Nurse Specialist shall be eligible to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section, and subject to the medical direction of a supervising physician. This authorization shall not include dispensing drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.

   d. The Clinical Nurse Specialist accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice

nursing standards and functions as defined by the scope of practice/role definition statements for the Clinical Nurse Specialist;

8. "Nurse-Midwife" is a nurse who has received an Advanced Practice Registered Nurse license from the Oklahoma Board of Nursing who possesses evidence of certification according to the requirements of the American College of Nurse-Midwives.

A Certified Nurse-Midwife in accordance with the scope of practice of such Certified Nurse-Midwife shall be eligible to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section and subject to the medical direction of a supervising physician. This authorization shall not include the dispensing of drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.

The Certified Nurse-Midwife accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice registered nursing standards and functions as defined by the scope of practice/role definition statements for the Certified Nurse-Midwife;

9. "Nurse-midwifery practice" means providing management of care of normal newborns and women, antepartally, intrapartally, postpartally and gynecologically, occurring within a health care system which provides for medical consultation, medical management or referral, and is in accord with the standards for nurse-midwifery practice as defined by the American College of Nurse-Midwives;

10. a. "Certified Registered Nurse Anesthetist" is an Advanced Practice Registered Nurse who:

(1) is certified by the National Board of Certification and Recertification for Nurse Anesthetists as a Certified Registered Nurse Anesthetist within one (1) year following completion of an approved certified registered nurse anesthetist education program, and continues to maintain such recertification by the National Board of Certification and Recertification for Nurse Anesthetists, and

(2) administers anesthesia in collaboration with a medical doctor, an osteopathic physician, a podiatric physician or a dentist licensed in this state and under conditions in which timely onsite consultation by such doctor, osteopath, podiatric physician or dentist is available.

b. A Certified Registered Nurse Anesthetist, in collaboration with a medical doctor, osteopathic physician, podiatric physician or dentist licensed in this state, and under conditions in which timely, on-

site consultation by such medical doctor, osteopathic physician, podiatric physician or dentist is available, shall be authorized, pursuant to rules adopted by the Oklahoma Board of Nursing, to order, select, obtain and administer legend drugs, Schedules II through V controlled substances, devices, and medical gases only when engaged in the preanesthetic preparation and evaluation; anesthesia induction, maintenance and emergence; and postanesthesia care. A Certified Registered Nurse Anesthetist may order, select, obtain and administer drugs only during the perioperative or periobstetrical period.

c. A Certified Registered Nurse Anesthetist who applies for authorization to order, select, obtain and administer drugs shall:
   (1) be currently recognized as a Certified Registered Nurse Anesthetist in this state,
   (2) provide evidence of completion, within the two-year period immediately preceding the date of application, of a minimum of fifteen (15) units of continuing education in advanced pharmacology related to the administration of anesthesia as recognized by the National Board of Certification and Recertification for Nurse Anesthetists, and
   (3) complete and submit a notarized application, on a form prescribed by the Board, accompanied by the application fee established pursuant to this section.

d. The authority to order, select, obtain and administer drugs shall be terminated if a Certified Registered Nurse Anesthetist has:
   (1) ordered, selected, obtained or administered drugs outside of the Certified Registered Nurse Anesthetist scope of practice or ordered, selected, obtained or administered drugs for other than therapeutic purposes, or
   (2) violated any provision of state laws or rules or federal laws or regulations pertaining to the practice of nursing or the authority to order, select, obtain and administer drugs.

e. The Oklahoma Board of Nursing shall notify the Board of Pharmacy after termination of or a change in the authority to order, select, obtain and administer drugs for a Certified Registered Nurse Anesthetist.

f. The Board shall provide by rule for biennial application renewal and reauthorization of authority to order, select, obtain and administer drugs for

Certified Registered Nurse Anesthetists. At the time of application renewal, a Certified Registered Nurse Anesthetist shall submit documentation of a minimum of eight (8) units of continuing education, completed during the previous two (2) years, in advanced pharmacology relating to the administration of anesthesia, as recognized by the Council on Recertification of Nurse Anesthetists or the Council on Certification of Nurse Anesthetists.

g. This paragraph shall not prohibit the administration of local or topical anesthetics as now permitted by law. Provided further, nothing in this paragraph shall limit the authority of the Board of Dentistry to establish the qualifications for dentists who direct the administration of anesthesia.

h. As used in this paragraph, "collaboration" means an agreement between a medical doctor, osteopathic physician, podiatric physician or dentist performing the procedure or directly involved with the procedure and the Certified Registered Nurse Anesthetist working jointly toward a common goal providing services for the same patient. This collaboration involves the joint formulation, discussion and agreement of the anesthesia plan by both parties, and the collaborating medical doctor, osteopathic physician, podiatric physician or dentist performing the procedure or directly involved with the procedure and that collaborating physician shall remain available for timely onsite consultation during the delivery of anesthesia for diagnosis, consultation, and treatment of medical conditions;

11. "Supervising physician" means an individual holding a current license to practice as a physician from the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners, who supervises a Certified Nurse Practitioner, a Clinical Nurse Specialist, or a Certified Nurse-Midwife, and who is not in training as an intern, resident, or fellow. To be eligible to supervise such Advanced Practice Registered Nurse, such physician shall remain in compliance with the rules promulgated by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners;

12. "Supervision of an Advanced Practice Registered Nurse with prescriptive authority" means overseeing and accepting responsibility for the ordering and transmission by a Certified Nurse Practitioner, a Clinical Nurse Specialist, or a Certified Nurse-Midwife of written, telephonic, electronic or oral

prescriptions for drugs and other medical supplies, subject to a defined formulary; and

13. "Advanced Unlicensed Assistant" means any person who has successfully completed a certified training program approved by the Board that trains the Advanced Unlicensed Assistant to perform specified technical skills identified by the Board in acute care settings under the direction and supervision of the Registered Nurse or Licensed Practical Nurse.

Added by Laws 1991, c. 104, § 2, eff. Sept. 1, 1991. Amended by Laws 1994, c. 97, § 2, eff. July 1, 1994; Laws 1996, c. 186, § 4, eff. Nov. 1, 1996; Laws 1996, c. 318, § 13, eff. July 1, 1996; Laws 1997, c. 250, § 6, eff. Nov. 1, 1997; Laws 1998, c. 71, § 1, eff. Nov. 1, 1998; Laws 2001, c. 33, § 46, eff. July 1, 2001; Laws 2001, c. 254, § 2, eff. Nov. 1, 2001; Laws 2011, c. 101, § 1, eff. Nov. 1, 2011; Laws 2017, c. 281, § 1, eff. Nov. 1, 2017; Laws 2020, c. 11, § 1, emerg. eff. May 7, 2020.

NOTE: Laws 1996, c. 136, § 1 repealed by Laws 1996, c. 288, § 9, eff. Nov. 1, 1996. Laws 1996, c. 288, § 2 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.

§59-567.4. Oklahoma Board of Nursing.

A. The Oklahoma Board of Nursing is hereby established in the State of Oklahoma. The Board shall consist of eleven (11) members who shall be citizens of the United States of America, and residents of Oklahoma, for at least the previous three (3) years. Six of the members shall be Registered Nurses, in good standing under the provisions of the Oklahoma Nursing Practice Act, currently engaged in the practice of nursing as a Registered Nurse and shall have had no less than five (5) years of experience as a Registered Nurse. At least two of the Registered Nurses shall be from the field of nursing education, actively associated with a recognized school of nursing in Oklahoma, and who hold an organizational role of administration/management and who are accountable for strategic, operational and/or performance outcomes. At least two of the Registered Nurses who hold an organizational role of administration/management and who are accountable for strategic, operational and/or performance outcomes shall represent nursing service. At least one of the Registered Nurses shall be currently engaged in the practice of nursing as an Advanced Practice Registered Nurse. Three of the members shall be Licensed Practical Nurses in good standing under the provisions of the Oklahoma Nursing Practice Act and currently engaged in the practice of practical nursing as a Licensed Practical Nurse and shall have had no less than five (5) years of experience as a Licensed Practical Nurse. One of the licensed nurses must be employed in the field of long-term care. One of the licensed nurses shall be employed in the area of acute care. Two members shall represent the public and shall be

eligible voters of this state, knowledgeable in consumer health concerns, and shall neither be nor ever have been associated with the provision of health care, nor be enrolled in any health-related educational program. The public members shall be appointed by the Governor to serve coterminously with the Governor. At least one Registered Nurse Board member, one Licensed Practical Nurse Board member and one public Board member shall be appointed from a county with a population of less than forty thousand (40,000).

B. For the purpose of nominating, appointing or reappointing members to the Board, this state shall be divided into eight geographical districts, consisting of counties within the districts as follows:

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|---|---|
| District No. 1 | Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Ellis, Woodward, Major, Garfield, Noble, Dewey, Blaine, Kingfisher and Logan; |
| District No. 2 | Roger Mills, Custer, Beckham, Washita, Caddo, Greer, Kiowa, Harmon, Jackson, Comanche, Tillman and Cotton; |
| District No. 3 | Canadian, Grady, McClain, Garvin, Stephens, Murray, Jefferson, Carter and Love; |
| District No. 4 | Oklahoma; |
| District No. 5 | Lincoln, Okfuskee, Cleveland, Pottawatomie, Seminole, Hughes, Pontotoc, Coal, Johnston, Marshall and Bryan; |
| District No. 6 | Creek and Tulsa; |
| District No. 7 | Osage, Washington, Nowata, Craig, Ottawa, Pawnee, Payne, Rogers, Mayes and Delaware; and |
| District No. 8 | Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell, Leflore, Pittsburg, Latimer, Atoka, Pushmataha, McCurtain and Choctaw. |

Not more than one Registered Nurse and one Licensed Practical Nurse and one public member shall be appointed from any one geographical district.

C. The Governor shall appoint the Registered Nurse Board members from a list of names submitted by the Oklahoma Nurses Association and Oklahoma chapters of nationally recognized Registered Nurse organizations. The Governor shall appoint the Licensed Practical Nurse Board members from a list of names submitted by the Oklahoma chapters of nationally recognized nursing organizations. Individuals who are members of the Oklahoma Board of Nursing prior to September 1, 1991, shall be allowed to fulfill their terms and be eligible for reappointment.

D. The Registered Nurse and Licensed Practical Nurse members shall be appointed for terms of five (5) years. Upon the death, resignation, or removal of any member, a list from the

aforementioned organizations shall be submitted to the Governor who shall appoint a member to fill the vacancy.

1. In addition to the grounds for removal by the Governor of members appointed to the Board provided in Section 2 of Title 74 of the Oklahoma Statutes, it is a ground for removal if a member:

a. does not have at the time of appointment the qualifications required by subsection A of this section,

b. is not employed in nursing for a period of twelve (12) consecutive months during the term for which the member was appointed,

c. is absent from more than half of the regularly scheduled Board meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the Board, or

d. cannot discharge the duties as a Board member for a substantial portion of the term for which the member is appointed because of illness or disability.

2. The validity of an action of the Board is not affected by the fact that it is taken when a ground for removal of a Board member exists.

3. If the president of the Board has knowledge that a potential ground for removal exists, the president shall then notify the Governor that a potential ground for removal exists.

E. A quorum shall be a majority of the Board which must include at least three Registered Nurses and one Licensed Practical Nurse.

F. The members of the Board shall annually elect from their number a president, vice-president and a secretary who shall also be the treasurer, and other such officers as necessary to conduct the business of the Board. It shall hold six regular business meetings during each calendar year. Special meetings may be called by the president or secretary with five (5) days' notice to each member of the Board. The Board shall have a seal; it shall make and adopt all necessary rules not inconsistent with the laws of this state, the United States, or with the Oklahoma Nursing Practice Act; and it shall perform the duties and transact the business required under the provisions of the act. The Board shall cause to be kept a record of all meetings of the Board and give notice of all meetings in accordance with the Administrative Procedures Act and the Open Meeting Act. A list of all persons duly licensed and qualified under this act shall be maintained by the Board. Each member of the Board shall receive, in addition to actual and necessary travel expenses as provided in the State Travel Reimbursement Act, compensation of One Hundred Dollars ($100.00) for each regular scheduled monthly meeting attended, not to exceed more than six meetings per year. All monies received by the Board shall be held by the treasurer of the Board for meeting the expenses of the Board

and for the promotion of nursing education, to employ an attorney to assist the Board and other state and county officials in carrying out the provisions of the Oklahoma Nursing Practice Act, and such other purposes which the Board may determine, and shall be disbursed as directed by the Board. The Board is authorized to adopt and revise rules, not inconsistent with the provisions of the Oklahoma Nursing Practice Act, as may be necessary to enable it to carry into effect the provisions of the act, including rules establishing fees, charges and reimbursement costs. The Board shall appoint and employ a qualified person, who shall be a Registered Nurse to serve as Executive Director, and shall fix the compensation, notwithstanding any other provision of law including Section 3601.2 of Title 74 of the Oklahoma Statutes, in an amount not in excess of the maximum salary proposed for the Oklahoma Board of Nursing and set forth in the most recent Compensation Report prepared by or for the Office of Management and Enterprise Services, require a satisfactory bond, and define the duties of the Executive Director to include:

1. The authority and responsibility for the operations and administration of the agency and such additional powers and duties as prescribed by the Board. As chief executive of the Board, the Executive Director shall manage all aspects of the agency, including personnel, financial and other resources, in support of the Oklahoma Nursing Practice Act, its rules and policies, and the Board's mission and strategic plan;

2. The authority to accept orders as set forth in paragraph 3 of this subsection on behalf of the Board and where ratification by the Board is not required. The Executive Director shall report summaries of dispositions to the Board at its regular meetings;

3. a. Orders issued under Section 2 of this act,

   b. Agreed disciplinary orders requiring an applicant or licensee to enter and comply with the Peer Assistance Program,

   c. Agreed disciplinary orders for the reinstatement or endorsement of a license/certificate/recognition when the applicant has practiced without an active Oklahoma license/certificate/recognition, and

   d. Agreed disciplinary orders for the voluntary surrender of a license/certification/recognition.

Added by Laws 1953, p. 265, § 4, emerg. eff. April 13, 1953. Amended by Laws 1967, c. 46, § 1, emerg. eff. April 10, 1967; Laws 1978, c. 235, § 1, eff. Jan. 1, 1979; Laws 1981, c. 314, § 2, eff. July 1, 1981; Laws 1985, c. 178, § 34, operative July 1, 1985; Laws 1991, c. 104, § 3, eff. Sept. 1, 1991; Laws 2001, c. 254, § 3, eff. Nov. 1, 2001; Laws 2003, c. 190, § 1, eff. Nov. 1, 2003; Laws 2013, c. 228, § 1, eff. Nov. 1, 2013; Laws 2015, c. 113, § 1, eff. Nov. 1, 2015.

§59-567.4a. Prescriptive authority recognition - Rules.

The rules regarding prescriptive authority recognition promulgated by the Oklahoma Board of Nursing pursuant to paragraphs 6 through 9, 11 and 12 of Section 567.3a of this title shall:

1. Define the procedure for documenting supervision by a physician licensed in Oklahoma to practice by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners. Such procedure shall include a written statement that defines appropriate referral, consultation, and collaboration between the Advanced Practice Registered Nurse, recognized to prescribe as defined in paragraphs 6 through 9, 11 and 12 of Section 567.3a of this title, and the supervising physician. The written statement shall include a method of assuring availability of the supervising physician through direct contact, telecommunications or other appropriate electronic means for consultation, assistance with medical emergencies, or patient referral. The written statement shall be part of the initial application and the renewal application submitted to the Board for recognition for prescriptive authority for the Advanced Practice Registered Nurse. Changes to the written statement shall be filed with the Board within thirty (30) days of the change and shall be effective on filing;

2. Define minimal requirements for initial application for prescriptive authority which shall include, but not be limited to, evidence of completion of a minimum of forty-five (45) contact hours or three (3) academic credit hours of education in pharmacotherapeutics, clinical application, and use of pharmacological agents in the prevention of illness, and in the restoration and maintenance of health in a program beyond basic registered nurse preparation, approved by the Board. Such contact hours or academic credits shall be obtained within a time period of three (3) years immediately preceding the date of application for prescriptive authority;

3. Define minimal requirements for application for renewal of prescriptive authority which shall include, but not be limited to, documentation of a minimum of:

   a. fifteen (15) contact hours or one (1) academic credit hour of education in pharmacotherapeutics, clinical application, and use of pharmacological agents in the prevention of illness, and in the restoration and maintenance of health in a program beyond basic registered nurse preparation, and
   b. two (2) hours of education in pain management or two (2) hours of education in opioid use or addiction, unless the Advanced Practice Registered Nurse has demonstrated to the satisfaction of the Board that the Advanced Practice Registered Nurse does not currently

hold a valid federal Drug Enforcement Administration registration number,

approved by the Board, within the two-year period immediately preceding the effective date of application for renewal of prescriptive authority;

4. Require that beginning July 1, 2002, an Advanced Practice Registered Nurse shall demonstrate successful completion of a master's degree or higher in a clinical nurse specialty in order to be eligible for initial application for prescriptive authority under the provisions of the Oklahoma Nursing Practice Act;

5. Define the method for communicating authority to prescribe or termination of same, and the formulary to the Board of Pharmacy, all pharmacies, and all registered pharmacists;

6. Define terminology used in such rules;

7. Define the parameters for the prescribing practices of the Advanced Practice Registered Nurse;

8. Define the methods for termination of prescriptive authority for the Advanced Practice Registered Nurse; and

9. a. Establish a Formulary Advisory Council that shall develop and submit to the Board recommendations for an exclusionary formulary that shall list drugs or categories of drugs that shall not be prescribed by Advanced Practice Registered Nurse recognized to prescribe by the Oklahoma Board of Nursing. The Formulary Advisory Council shall also develop and submit to the Board recommendations for practice-specific prescriptive standards for each category of Advanced Practice Registered Nurse recognized to prescribe by the Oklahoma Board of Nursing pursuant to the provisions of the Oklahoma Nursing Practice Act. The Board shall either accept or reject the recommendations made by the Council. No amendments to the recommended exclusionary formulary may be made by the Board without the approval of the Formulary Advisory Council.

b. The Formulary Advisory Council shall be composed of twelve (12) members as follows:

(1) four members, to include a pediatrician, an obstetrician-gynecological physician, a general internist, and a family practice physician; provided that three of such members shall be appointed by the Oklahoma State Medical Association, and one shall be appointed by the Oklahoma Osteopathic Association,

(2) four members who are registered pharmacists, appointed by the Oklahoma Pharmaceutical Association, and

(3) four members, one of whom shall be a Certified Nurse Practitioner, one of whom shall be a Clinical Nurse Specialist, one of whom shall be a Certified Nurse-Midwife, and one of whom shall be a current member of the Oklahoma Board of Nursing, all of whom shall be appointed by the Oklahoma Board of Nursing.

c. All professional members of the Formulary Advisory Council shall be in active clinical practice, at least fifty percent (50%) of the time, within their defined area of specialty. The members of the Formulary Advisory Council shall serve at the pleasure of the appointing authority for a term of three (3) years. The terms of the members shall be staggered. Members of the Council may serve beyond the expiration of their term of office until a successor is appointed by the original appointing authority. A vacancy on the Council shall be filled for the balance of the unexpired term by the original appointing authority.

d. Members of the Council shall elect a chair and a vice-chair from among the membership of the Council. For the transaction of business, at least seven members, with a minimum of two members present from each of the identified categories of physicians, pharmacists and advanced practice registered nurses, shall constitute a quorum. The Council shall recommend and the Board shall approve and implement an initial exclusionary formulary on or before January 1, 1997. The Council and the Board shall annually review the approved exclusionary formulary and shall make any necessary revisions utilizing the same procedures used to develop the initial exclusionary formulary.

Added by Laws 1996, c. 186, § 5, eff. July 1, 1996. Amended by Laws 1997, c. 250, § 7, eff. Nov. 1, 1997; Laws 2017, c. 281, § 2, eff. Nov. 1, 2017; Laws 2019, c. 203, § 1, eff. Nov. 1, 2019; Laws 2019, c. 428, § 8, emerg. eff. May 21, 2019.

§59-567.4b. Formulary Advisory Council.

A. 1. The rules regarding authorization for a certified registered nurse anesthetist to order, select, obtain and administer drugs, promulgated by the Oklahoma Board of Nursing pursuant to paragraph 10 of Section 567.3a of Title 59 of the Oklahoma Statutes, shall provide for establishment of a Formulary Advisory Council to develop and submit to the Board recommendations for an inclusionary formulary that lists drugs or categories of drugs that may be ordered, selected, obtained or administered by certified registered

nurse anesthetists authorized by the Board to order, select, obtain and administer drugs.

2. Such Formulary Advisory Council shall also develop and submit to the Board recommendations for practice-specific standards for ordering, selecting, obtaining and administering drugs for a certified registered nurse anesthetist authorized by the Board to order, select, obtain and administer drugs pursuant to the provisions of the Oklahoma Nursing Practice Act.

3. The Board shall either accept or reject the recommendations of the Council. No amendments to the recommended inclusionary formulary may be made by the Board without the approval of the Formulary Advisory Council.

B. 1. The Formulary Advisory Council shall be composed of five (5) members as follows:

a. two certified registered nurse anesthetists, appointed by the Oklahoma Association of Nurse Anesthetists located in this state,

b. two anesthesiologists, appointed by the Oklahoma Society of Anesthesiologists located in this state, and

c. a hospital-based pharmacist appointed by the Oklahoma Pharmaceutical Association located in this state.

2. All professional members of the Formulary Advisory Council shall be in active clinical practice at least fifty percent (50%) of the time within their defined area of specialty.

3. a. Members of the Formulary Advisory Council shall serve at the pleasure of their appointing authority for a term of three (3) years. The terms of the members shall be staggered. Members of the Council may serve beyond the expiration of their term of office until a successor is appointed by the original appointing authority. A vacancy on the Council shall be filled for the balance of the unexpired term by the original appointing authority.

b. Members of the Council shall elect a chair and a vice-chair from among the membership of the Council. Three members shall constitute a quorum for the transaction of business.

C. The Council shall recommend and the Board shall approve and implement an initial inclusionary formulary on or before January 1, 1998. The Council and the Board shall annually review and evaluate the approved inclusionary formulary and shall make any necessary revisions utilizing the same procedures used to develop the initial inclusionary formulary.

Added by Laws 1997, c. 250, § 8, eff. Nov. 1, 1997.

§59-567.5. Registered nurses, licensing - Applications - Qualifications - Examinations - Licensure without examination - Use of titles and abbreviations - Violations – Definitions.

A. All applicants for a license to practice as a Registered Nurse shall be subject to Section 567.8 of this title.

B. An applicant for a license to practice as a Registered Nurse shall submit to the Oklahoma Board of Nursing certified written evidence that the applicant:

1. Has completed the basic professional curricula of a school of nursing approved by a state board of nursing, and holds or is entitled to hold a diploma or degree therefrom;

2. Has never been convicted of a felony crime that substantially relates to the occupation of nursing and poses a reasonable threat to public safety;

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

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

5. Has met such other qualifications as the Board may prescribe in its rules.

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

D. The Board may issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a Registered Nurse under the laws of another state, territory, the District of Columbia or a foreign country, if such applicant meets the qualifications required for licensing as a Registered Nurse in this state.

E. Any person who holds a license to practice as a registered nurse in this state shall have the right to use both the title "Registered Nurse" and the abbreviation "R.N." No other person shall assume such title or use such abbreviation, or any other words, letters, signs or figures to indicate that the person using the same is a registered nurse. Any individual doing so shall be guilty of a misdemeanor, which shall be punishable, upon conviction, by imprisonment in the county jail for not more than one (1) year or by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by both such imprisonment and fine for each offense.

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.

Added by Laws 1953, p. 267, § 5, emerg. eff. April 13, 1953. Amended by Laws 1981, c. 314, § 3, eff. July 1, 1981; Laws 1991, c. 104, § 4, eff. Sept. 1, 1991; Laws 2001, c. 254, § 4, eff. Nov. 1, 2001; Laws 2003, c. 190, § 2, eff. Nov. 1, 2003; Laws 2011, c. 101, § 2, eff. Nov. 1, 2011; Laws 2019, c. 363, § 25, eff. Nov. 1, 2019.

§59-567.5a. Advanced Practice Registered Nurse - License - Application.

A. All applicants for a license to practice as an Advanced Practice Registered Nurse shall be subject to Section 567.8 of this title.

B. An applicant for an initial license to practice as an Advanced Practice Registered Nurse shall:

1. Submit a completed written application and appropriate fees as established by the Board;

2. Submit a criminal history records check that complies with Section 567.18 of this title;

3. Hold a current Registered Nurse license in this state;

4. Have completed an advanced practice registered nursing education program in one of the four advanced practice registered nurse roles and a specialty area recognized by the Board. Effective January 1, 2016, the applicant shall have completed an accredited graduate level advanced practice registered nursing education program in at least one of the following population foci: family/individual across the lifespan, adult-gerontology, neonatal, pediatrics, women's health/gender-related, or psychiatric/mental health;

5. Be currently certified in an advanced practice specialty certification consistent with educational preparation and by a national certifying body recognized by the Board; and

6. Provide any and all other evidence as required by the Board in its rules.

C. The Board may issue a license by endorsement to an Advanced Practice Registered Nurse licensed under the laws of another state if the applicant meets the qualifications for licensure in this state. An applicant by endorsement shall:

1. Submit a completed written application and appropriate fees as established by the Board;

2. Submit a criminal history records check that complies with Section 567.18 of this title;

3. Hold a current Registered Nurse license in this state;

4. Hold recognition as an Advanced Practice Registered Nurse in a state or territory;

5. Have completed an advanced practice registered nursing education program in one of the four roles and a specialty area recognized by the Board. Effective January 1, 2016, the applicant shall have completed an accredited graduate level advanced practice registered nursing education program in at least one of the following population foci: family/individual across the lifespan, adult-gerontology, neonatal, pediatrics, women's health/gender-related, or psychiatric/mental health;

6. Be currently certified in an advanced practice specialty certification consistent with educational preparation and by a national certifying body recognized by the Board;

7. Meet continued competency requirements as set forth in Board rules; and

8. Provide any and all other evidence as required by the Board in its rules.

D. The Board may issue prescriptive authority recognition by endorsement to an Advanced Practice Registered Nurse licensed as an APRN-CNP, APRN-CNS, or APRN-CNM under the laws of another state if the applicant meets the requirements set forth in this section. An applicant for prescriptive authority recognition by endorsement shall:

1. Submit a completed written application and appropriate fees as established by the Board;

2. Hold current Registered Nurse and Advanced Practice Registered Nurse licenses (APRN-CNP, APRN-CNS, or APRN-CNM) in the state;

3. Hold current licensure or recognition as an Advanced Practice Registered Nurse in the same role and specialty with prescribing privileges in another state or territory;

4. Submit documentation verifying successful completion of a graduate level advanced practice registered nursing education program that included an academic course in pharmacotherapeutic management, and didactic and clinical preparation for prescribing incorporated throughout the program;

5. Submit a written statement from an Oklahoma licensed physician supervising prescriptive authority as required by the Board in its rules;

6. Meet continued competency requirements as set forth in Board rules; and

7. Provide any and all other evidence as required by the Board in its rules.

E. An Advanced Practice Registered Nurse license issued under this section shall be renewed concurrently with the registered nurse license provided that qualifying criteria continue to be met.

F. The Board may reinstate a license as set forth in Board rules.

Added by Laws 2011, c. 101, § 3, eff. Nov. 1, 2011. Amended by Laws 2013, c. 228, § 2, eff. Nov. 1, 2013; Laws 2024, c. 94, § 1, eff. Nov. 1, 2024.

§59-567.6. Practical nurses, licensing - Applications - Qualifications - Examinations - Licensure without examination - Use of titles and abbreviations - Violations – Definitions.

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

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

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

2. Has never been convicted of a felony crime that substantially relates to the occupation of nursing and poses a reasonable threat to public safety;

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

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

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

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

D. The Board may issue a license to practice as a Licensed Practical Nurse without examination to any applicant who has been duly licensed or registered as a Licensed Practical Nurse, or is entitled to perform similar services under a different title, according to the laws of another state, territory, the District of Columbia or a foreign country if such applicant meets the requirements for Licensed Practical Nurses in the State of Oklahoma.

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

F. Any person who holds a license to practice as a Licensed Practical Nurse in this state shall have the right to use both the

title "Licensed Practical Nurse" and the abbreviation "L.P.N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a Licensed Practical Nurse.

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

G. 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.

Added by Laws 1953, p. 267, § 6, emerg. eff. April 13, 1953. Amended by Laws 1981, c. 314, § 4, eff. July 1, 1981; Laws 1991, c. 104, § 5, eff. Sept. 1, 1991; Laws 2001, c. 254, § 5, eff. Nov. 1, 2001; Laws 2003, c. 190, § 3, eff. Nov. 1, 2003; Laws 2011, c. 101, § 4, eff. Nov. 1, 2011; Laws 2014, c. 160, § 1, eff. Nov. 1, 2014; Laws 2019, c. 363, § 26, eff. Nov. 1, 2019.

§59-567.6a. Advanced Unlicensed Assistant - Certificate - Qualifications – Definitions.

A. All applicants for a certificate to practice as an Advanced Unlicensed Assistant shall be subject to Section 567.8 of this title.

B. An applicant for a certificate to practice as an Advanced Unlicensed Assistant shall submit to the Oklahoma Board of Nursing certified evidence that the applicant:

1. Has successfully completed the prescribed curricula in a state-approved education program for Advanced Unlicensed Assistants and holds or is entitled to hold a diploma or certificate therefrom, or equivalent courses in a formal program of instruction;

2. Has never been convicted of a felony crime that substantially relates to the occupation of nursing and poses a reasonable threat to public safety;

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

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

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

C. The applicant for a certificate to practice as an Advanced Unlicensed Assistant shall be required to pass an examination in

such subjects as the Board may require. Upon the applicant successfully passing such examination, the Board may issue to the applicant a certificate to practice as an Advanced Unlicensed Assistant. An applicant who fails such examination shall be subject to reexamination according to the rules of the Board. The passing criteria shall be established by Board rules.

D. Any person who holds a certificate to practice as an Advanced Unlicensed Assistant in this state shall have the right to use both the title "Advanced Unlicensed Assistant" and the abbreviation "A.U.A.". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is an Advanced Unlicensed Assistant. Any individual doing so shall be guilty of a misdemeanor, which shall be punishable, upon conviction, by imprisonment in the county jail for not more than one (1) year or by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by both such imprisonment and fine for each offense.

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.

Added by Laws 2011, c. 101, § 5, eff. Nov. 1, 2011. Amended by Laws 2019, c. 363, § 27, eff. Nov. 1, 2019.

§59-567.7. Renewal or reinstatement of license or certificate - Temporary retirement from practice - Fees.

A. Upon expiration of an initial license or certificate issued pursuant to the Oklahoma Nursing Practice Act, a license or certificate shall be renewed every two (2) years according to a schedule published by the Oklahoma Board of Nursing, provided that the application is complete and qualifying criteria continues to be met.

B. A licensee or certificate holder who applies for reinstatement of a license or certificate shall submit a criminal history records check that complies with Section 567.18 of this title and meet any other such requirements as the Board may prescribe in its rules.

C. Contingent upon available resources by the Board, the Board may require an applicant for renewal who has not previously submitted a criminal history records check to the Board to submit a criminal history records check that complies with Section 567.18 of

this title and meet any other requirements as the Board may prescribe in its rules.

D. Any licensee or certificate holder who desires to retire temporarily from the practice of nursing in this state shall submit a written request to that effect to the Board. It shall be the duty of the Board to place the name of such licensee or certificate holder upon the nonpracticing list in accordance with the rules of the Board. During the period of temporary retirement, the licensee or certificate holder shall not practice nursing, Advanced Practice Registered Nursing or practice as an Advanced Unlicensed Assistant nor be subject to the payment of any renewal fees. When the licensee or certificate holder desires to resume practice, such licensee or certificate holder shall meet such requirements as the Board may prescribe in its rules.

E. The Board is authorized to establish by rule fees to be charged for the purpose of implementing and enforcing the provisions of the Oklahoma Nursing Practice Act; provided, however, no single fee for an initial application for licensure or certification, or for renewal, reinstatement or return to active practice shall exceed One Hundred Twenty-five Dollars ($125.00). The application fee for a multistate license issued pursuant to Section 5 of this act shall be One Hundred Fifty Dollars ($150.00). The biennial multistate license renewal fee shall be One Hundred Twenty-five Dollars ($125.00); provided, however, that contingent upon implementation of the Nurse Licensure Compact and the Board's revolving fund balance being reconciled at less than the average of three (3) months of expenditures, the biennial renewal fee set forth in Oklahoma Administrative Code 485:10-1-3(a)(2) shall increase by Ten Dollars ($10.00) by operation of law. The Board may reduce the biennial renewal fees on a pro rata basis for the specific Registered Nurse and Licensed Practical Nurse biennial renewal period.

F. The Executive Director of the Board shall suspend the license or certificate of a person who submits a check, money draft, or similar instrument for payment of a fee which is not honored by the financial institution named. The suspension becomes effective ten (10) days following delivery by certified mail of written notice of the dishonor and the impending suspension to the person's address on file. Upon notification of suspension, the person may reinstate the authorization to practice upon payment of the fees and any and all costs associated with notice and collection. The suspension shall be exempt from the Administrative Procedures Act.

Added by Laws 1953, p. 268, § 7, emerg. eff. April 13, 1953. Amended by Laws 1963, c. 204, § 1, emerg. eff. June 10, 1963; Laws 1978, c. 235, § 2, eff. Jan. 1, 1979; Laws 1981, c. 314, § 5, eff. July 1, 1981; Laws 1991, c. 104, § 6, eff. Sept. 1, 1991; Laws 1994, c. 97, § 3, eff. July 1, 1994; Laws 1996, c. 186, § 6, eff. Nov. 1,

1996; Laws 1997, c. 250, § 9, eff. Nov. 1, 1997; Laws 2001, c. 254, § 6, eff. Nov. 1, 2001; Laws 2003, c. 190, § 4, eff. Nov. 1, 2003; Laws 2011, c. 101, § 6, eff. Nov. 1, 2011; Laws 2016, c. 190, § 1, eff. Nov. 1, 2016; Laws 2024, c. 94, § 2, eff. Nov. 1, 2024.

§59-567.8. Denial, revocation or suspension of license or certification - Administrative penalties.

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

1. To deny, revoke or suspend any:
    a. licensure to practice as a Licensed Practical Nurse, single-state or multistate,
    b. licensure to practice as a Registered Nurse, single-state or multistate,
    c. multistate privilege to practice in Oklahoma,
    d. licensure to practice as an Advanced Practice Registered Nurse,
    e. certification to practice as an Advanced Unlicensed Assistant,
    f. authorization for prescriptive authority, or
    g. authority to order, select, obtain and administer drugs;
2. To assess administrative penalties; and
3. To otherwise discipline applicants, licensees or Advanced Unlicensed Assistants.

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

1. Is guilty of deceit or material misrepresentation in procuring or attempting to procure:
    a. a license to practice registered nursing, licensed practical nursing, or a license to practice advanced practice registered nursing with or without either prescriptive authority recognition or authorization to order, select, obtain and administer drugs, or
    b. certification as an Advanced Unlicensed Assistant;
2. Is guilty of a felony, or any offense substantially related to the qualifications, functions or duties of any licensee or Advanced Unlicensed Assistant, or any offense an essential element of which is fraud, dishonesty, or an act of violence, whether or not sentence is imposed, or any conduct resulting in the revocation of a deferred or suspended sentence or probation imposed pursuant to such conviction. For the purposes of this paragraph, "substantially related" 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;

3. Fails to adequately care for patients or to conform to the minimum standards of acceptable nursing or Advanced Unlicensed Assistant practice that, in the opinion of the Board, unnecessarily exposes a patient or other person to risk of harm;

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

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

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

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

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

9. Violated a rule promulgated by the Board, an order of the Board, or a state or federal law relating to the practice of registered, practical or advanced practice registered nursing or advanced unlicensed assisting, or a state or federal narcotics or controlled dangerous substance law including, but not limited to prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes;

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

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

12. Fails to maintain professional boundaries with patients, as defined in the Board rules;

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

14. Has knowingly provided gender transition procedures as defined in Section 1 of this act to a child.

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

D. The Board may cause to be investigated all reported violations of the Oklahoma Nursing Practice Act. Information obtained during an investigation into possible violations of the Oklahoma Nursing Practice Act shall be kept confidential, but may be introduced by the state in administrative proceedings before the Board, whereupon the information admitted becomes a public record. Public records maintained by the agency are administrative records, not public civil or criminal records.

Confidential investigative records shall not be subject to discovery or subpoena in any civil or criminal proceeding, except that the Board may give such information to law enforcement and other state agencies as necessary and appropriate in the discharge of the duties of that agency and only under circumstances that ensure against unauthorized access to the information.

E. The Board may authorize the Executive Director to issue a confidential letter of concern to a licensee when evidence does not warrant formal proceedings, but the Executive Director has noted indications of possible errant conduct that could lead to serious consequences and formal action.

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

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

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

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

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

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of this section, after notice and an

opportunity for hearing is given to the accused. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to practice, and any show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Nursing Practice Act.

K. The Board shall retain jurisdiction over any person issued a license, certificate or temporary license pursuant to the Oklahoma Nursing Practice Act, regardless of whether the license, certificate or temporary license has expired, lapsed or been relinquished during or after the alleged occurrence or conduct prescribed by the Oklahoma Nursing Practice Act.

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

M. In the event disciplinary action is imposed in an administrative proceeding, the Board shall have the authority to recover the monies expended by the Board in pursuing any disciplinary action, including but not limited to costs of investigation, probation or monitoring fees, administrative costs, witness fees, attorney fees and court costs. This authority shall be in addition to the Board's authority to impose discipline as set out in subsection A of this section.

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

O. When a majority of the officers of the Board, which constitutes the President, Vice President and Secretary/Treasurer, find that preservation of the public health, safety or welfare requires immediate action, summary suspension of licensure or certification may be ordered before the filing of a sworn complaint or at any other time before the outcome of an individual proceeding. The summary suspension of licensure or certification may be ordered without compliance with the requirements of the Oklahoma Open Meeting Act. Within seven (7) days after the summary suspension, the licensee shall be notified by letter that summary suspension has occurred. The summary suspension letter shall include notice of the date of the proposed hearing to be held in accordance with Section 485:10-11-2 of the Oklahoma Administrative Code and the Administrative Procedures Act, within ninety (90) days of the date of the summary suspension letter, and shall be signed by one of the Board officers.

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

Added by Laws 1953, p. 268, § 8, emerg. eff. April 13, 1953. Amended by Laws 1981, c. 314, § 6, eff. July 1, 1981; Laws 1991, c. 104, § 7, eff. Sept. 1, 1991; Laws 1994, c. 97, § 4, eff. July 1, 1994; Laws 1996, c. 186, § 7, eff. Nov. 1, 1996; Laws 1996, c. 288, § 3, eff. Nov. 1, 1996; Laws 2000, c. 187, § 1, eff. Nov. 1, 2000; Laws 2001, c. 254, § 7, eff. Nov. 1, 2001; Laws 2003, c. 190, § 5, eff. Nov. 1, 2003; Laws 2011, c. 101, § 7, eff. Nov. 1, 2011; Laws 2013, c. 228, § 3, eff. Nov. 1, 2013; Laws 2016, c. 190, § 2, eff. Nov. 1, 2016; Laws 2017, c. 281, § 3, eff. Nov. 1, 2017; Laws 2018, c. 72, § 1, eff. Nov. 1, 2018; Laws 2019, c. 203, § 2, eff. Nov. 1, 2019; Laws 2019, c. 363, § 28, eff. Nov. 1, 2019; Laws 2020, c. 161, § 38, emerg. eff. May 21, 2020; Laws 2023, c. 150, § 4, emerg. eff. May 1, 2023.

NOTE: Laws 1996, c. 136, § 2 repealed by Laws 1996, c. 288, § 9, eff. Nov. 1, 1996. Laws 2019, c. 428, § 9 repealed by Laws 2020, c. 161, § 39, emerg. eff. May 21, 2020.

§59-567.8a. Corrective actions for violations.

A. The Oklahoma Board of Nursing may impose a corrective action as set forth in the Board rules on a person licensed or regulated under this act who violates the act or a rule. The corrective action may include remedial education, an administrative penalty, or any combination of remedial education and an administrative penalty. The corrective action shall not be considered as disciplinary action. However, the Board may consider a corrective action in an individual's subsequent violation of the Oklahoma Nursing Practice Act, Board rule or corrective action order.

B. The Board shall promulgate rules to implement the provisions of this section.

Added by Laws 2015, c. 113, § 2, eff. Nov. 1, 2015.

§59-567.9. Violation of act - Penalty.

Except for subsection C of Section 567.5 of this title and subsection D of Section 567.6 of this title, any person violating any of the provisions of this act shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred Dollars ($100.00).

The writ of injunction without bond, is also made available to the Board for the enforcement of this act.
Laws 1953, p. 269, § 9; Laws 1991, c. 104, § 8, eff. Sept. 1, 1991.

§59-567.10. Repealed by Laws 1991, c. 104, § 14, eff. Sept. 1, 1991.

§59-567.11. Exceptions to application of act.

The Oklahoma Nursing Practice Act shall not be construed to affect or apply to:

1. Gratuitous nursing of the sick by friends or members of the family;

2. Any nurse who has an active, unencumbered license in another state or territory who is physically present in this state on a nonroutine, nonregular basis for a period not to exceed seven (7) consecutive days in any given year;

3. The practice of nursing which is associated with a program of study by students enrolled in nursing education programs approved by the Board;

4. Persons trained and competency-certified to provide care pursuant to state or federal law, rules or regulations;

5. The practice of any legally qualified nurse of another state who is employed by the United States Government or any bureau, division or agency thereof, while in the discharge of his or her official duties;

6. The rendering of service by a physician's trained assistant under the direct supervision and control of a licensed physician, all as authorized by Section 492 of this title;

7. The practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well-recognized church or religious denomination provided that no person practicing such nursing holds himself out to be a graduate or registered nurse or licensed practical nurse; or

8. A nurse who has an active, unencumbered license from another state or territory, who has no health-related license in a disciplinary status, and who is relocating to this state pursuant to a spouse's official military orders; provided, that this exemption from this act shall continue for one hundred twenty (120) days after the nurse has submitted an application and fees for licensure to the Board prior to employment in this state and has furnished to the employer satisfactory evidence of current, unencumbered licensure in another state or territory.

Added by Laws 1953, p. 270, § 11, emerg. eff. April 13, 1953. Amended by Laws 1967, c. 42, § 4, emerg. eff. March 28, 1967; Laws 1981, c. 314, § 7, eff. July 1, 1981; Laws 1991, c. 104, § 9, eff.

Sept. 1, 1991; Laws 1994, c. 97, § 5, eff. July 1, 1994; Laws 2011, c. 101, § 8, eff. Nov. 1, 2011.

§59-567.12. Approved programs for registered and practical nurses.

A. To qualify in this state as an approved program for registered nurses, the program shall be conducted in the State of Oklahoma in an accredited college or university leading to an associate, baccalaureate, or higher degree in nursing. Such programs shall meet the standards fixed by the Oklahoma Board of Nursing and prescribed in its rules.

B. To qualify in this state as an approved program for practical nurses, the program shall be conducted in this state in a school or skill center approved by the Oklahoma Department of Career and Technology Education or licensed by the Oklahoma Board of Private Vocational Schools. Such programs shall meet the standards fixed by the Oklahoma Board of Nursing as prescribed in its rules, which shall conform to the provisions of this subsection.

Added by Laws 1953, p. 270, § 12, emerg. eff. April 13, 1953. Amended by Laws 1967, c. 46, § 2, emerg. eff. April 10, 1967; Laws 1991, c. 104, § 10, eff. Sept. 1, 1991; Laws 1992, c. 141, § 1, emerg. eff. May 1, 1992; Laws 2001, c. 33, § 47, eff. July 1, 2001; Laws 2001, c. 254, § 8, eff. Nov. 1, 2001; Laws 2016, c. 190, § 3, eff. Nov. 1, 2016.

§59-567.12a. Advanced Practice Registered Nurse education programs - Requirements.

A. Effective January 1, 2016, advanced practice registered nursing education programs that the applicant has successfully completed must meet the following requirements to be considered for approval by the Board:

1. The education program must be a graduate-level program offered by a university accredited by an accrediting body that is recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation;

2. The program holds accreditation or holds candidacy, pre-accreditation, or applicant status for accreditation from the National League for Nursing Accrediting Commission, the Commission on Collegiate Nursing Education, the American College of Nurse-Midwives Division on Accreditation, or the American Association of Nurse Anesthetists' Council on Accreditation of Nurse Anesthesia Educational Programs; and

3. The curriculum of the program must prepare the graduate to practice in one of the four identified advanced practice registered nurse roles and in at least one of the six population foci.

B. The Board shall, by administrative rules, set requirements for approval of advanced practice registered nursing education programs, approve such programs as meet the requirements, and

identify the process for determining program compliance with standards.
Added by Laws 2011, c. 101, § 9, eff. Nov. 1, 2011.

§59-567.13. Survey of nursing programs - Reports - Failure of approved program to maintain standards.

It shall be the duty of the Board, its Executive Director, or other registered nurse employees, to survey all programs of nursing in the state as prescribed in its rules. Written reports of each survey shall be submitted to the Board. If the Board determines that any designated state-approved program of nursing is not maintaining the standards required by this act, a warning notice thereof in writing specifying the criteria that the program has not met shall be immediately given to the program by the Board. The program that fails to correct these conditions to the satisfaction of the Board within a period of one (1) year shall be discontinued as a state-approved program.
Laws 1953, p. 270, § 13; Laws 1991, c. 104, § 11, eff. Sept. 1, 1991.

§59-567.14. Practice without compliance with act prohibited - Insignia or badge.

A. No person shall practice or offer to practice registered nursing, practical nursing, or advanced practice nursing in this state unless the person has complied with the provisions of the Oklahoma Nursing Practice Act.

B. Any person licensed or certified by the Oklahoma Board of Nursing who provides direct care to patients shall, while on duty, wear an insignia or badge identifying the license or certification issued to such person by the Board. The Board shall promulgate rules to enact the provisions of this section.
Added by Laws 1953, p. 271, § 14, emerg. eff. April 13, 1953. Amended by Laws 1967, c. 42, § 5, emerg. eff. March 28, 1967; Laws 1991, c. 104, § 12, eff. Sept. 1, 1991; Laws 1996, c. 186, § 8, eff. Nov. 1, 1996.

§59-567.15. Temporary licenses to nurses from other states - Temporary critical need license for nurses.

A. The Oklahoma Board of Nursing may issue temporary licenses to nurses from other states upon proper application stating the purpose of such licenses; provided, no temporary license may be issued for more than ninety (90) days. Temporary licenses may be renewed at the discretion of the Board but shall not extend over a period longer than one (1) year.

B. The Board may issue temporary critical need licenses for registered nurses, licensed practical nurses, and Advanced Practice Registered Nurses under Section 1 of this act.

Added by Laws 1953, p. 271, § 15, emerg. eff. April 13, 1953. Amended by Laws 2022, c. 262, § 4, eff. July 1, 2022.

§59-567.16. Repealed by Laws 1991, c. 104, § 14, eff. Sept. 1, 1991.

§59-567.16a. Establishing advisory committees.

The Oklahoma Board of Nursing may establish advisory committees as necessary to assist the Board in its efforts to protect the health and welfare of the citizens.

Added by Laws 1991, c. 104, § 13, eff. Sept. 1, 1991.

§59-567.17. Peer assistance program.

A. There is hereby established a peer assistance program to rehabilitate nurses whose competency may be compromised because of the abuse of drugs or alcohol, so that such nurses can be treated and can return to or continue the practice of nursing in a manner which will benefit the public. The program shall be under the supervision and control of the Oklahoma Board of Nursing.

B. The Board shall appoint one or more peer assistance evaluation advisory committees hereinafter called the "peer assistance committees". Each of these committees shall be composed of members, the majority of which shall be licensed nurses with expertise in chemical dependency. The peer assistance committees shall function under the authority of the Oklahoma Board of Nursing in accordance with the rules of the Board. The committee members shall serve without pay, but may be reimbursed for the expenses incurred in the discharge of their official duties in accordance with the State Travel Reimbursement Act.

C. The Board shall appoint and employ a qualified person, who shall be a registered nurse, to serve as program coordinator and shall fix such person's compensation. The Board shall define the duties of the program coordinator who shall report directly to the Executive Director of the Board and be subject to the Executive Director's direction and control.

D. The Board is authorized to adopt and revise rules, not inconsistent with the Oklahoma Nursing Practice Act, as may be necessary to enable it to carry into effect the provisions of this section.

E. A portion of licensing fees for each nurse not to exceed Ten Dollars ($10.00) may be used to implement and maintain the peer assistance program.

F. Records of the nurse enrolled in the peer assistance program shall be maintained in the program office in a place separate and apart from the Board's records. The records shall be made public only by subpoena and court order; provided, however, confidential

treatment shall be canceled upon default by the nurse in complying with the requirements of the program.

G. Any person making a report to the Board or to a peer assistance committee regarding a nurse suspected of practicing nursing while habitually intemperate or addicted to the use of habit-forming drugs, or a nurse's progress or lack of progress in rehabilitation, shall be immune from any civil or criminal action resulting from such reports, provided such reports are made in good faith.

H. A nurse's participation in the peer assistance program in no way precludes additional proceedings by the Board for acts or omissions of acts not specifically related to the circumstances resulting in the nurse's entry into the program. However, in the event the nurse defaults from the program, the Board may discipline the nurse for those acts which led to the nurse entering the program.

I. The Executive Director of the Board shall suspend the license of a licensee who applied and entered the peer assistance program by choice without any order by the Board immediately upon notification that the licensee has defaulted from the peer assistance program, and shall assign a hearing date for the matter to be presented to the Board. A licensee who was directed to apply and enter the peer assistance program by an order of the Board and who does not enter or who defaults from the peer assistance program for any reason shall be disciplined as set forth in the order of the Board that directed the nurse to apply and enter the peer assistance program.

J. Any person who enters the peer assistance program voluntarily or otherwise shall be responsible for any and all costs associated with participation in the peer assistance program.

K. A nurse may apply to participate in the peer assistance program by choice or may be directed to apply to the program by an order of the Board. In either case, conditions shall be placed on the nurse's license to practice nursing during the period of participation in the peer assistance program.

L. With regards to the peer assistance program, unless the context otherwise requires:

1. "Board" means the Oklahoma Board of Nursing;

2. "Peer assistance committee" means the peer assistance evaluation advisory committee created in this section, which is appointed by the Oklahoma Board of Nursing to carry out specified duties; and

3. "Default" means the licensee has failed to comply with the contract and/or amended contracts and/or treatment plans, as determined by the peer assistance committee, and/or has been terminated from the peer assistance program as defined in Board rules.

Added by Laws 1994, c. 97, § 6, eff. July 1, 1994. Amended by Laws 2003, c. 190, § 6, eff. Nov. 1, 2003; Laws 2011, c. 101, § 10, eff. Nov. 1, 2011; Laws 2016, c. 190, § 4, eff. Nov. 1, 2016; Laws 2017, c. 281, § 4, eff. Nov. 1, 2017.

§59-567.18. Criminal history records and background checks.

A. Any applicant for a license or certificate described below shall be required to undergo a national criminal history background check as described in this section.

1. Registered Nurse (RN) license,

2. Advanced Practice Registered Nurse (APRN) license,

3. Practical Nurse License (LPN),

4. Advanced Unlicensed Assistant Certificate,

5. Multistate nursing license, when Oklahoma is the Primary State of Residence.

B. Licensing and certification decisions shall be based on, in addition to other licensure requirements, a criminal history records search conducted by the Oklahoma State Bureau of Investigation that is not more than ninety (90) days old.

C. Contingent upon available resources by the Board, all criminal background checks effective January 1, 2013, are subject to the following:

1. Submission of a full set of fingerprints to the Board for the purpose of permitting a state and federal criminal history records search pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and Public Law 92-544 that is not more than ninety (90) days old. The Oklahoma State Bureau of Investigation may exchange these fingerprints with the Federal Bureau of Investigation;

2. The applicant shall furnish the Board fingerprints as established by Board rules and a money order or cashier's check made payable to the Oklahoma State Bureau of Investigation or the Board's designated vendor;

3. The Board shall forward the fingerprints along with the applicable fee for a national fingerprint criminal history records search to the Bureau;

4. The Bureau shall search the Oklahoma Automated Fingerprint Identification System and forward fingerprints to the FBI for a national criminal history records search;

5. Any and all state and federal criminal history record information obtained by the Board from the Bureau or the FBI which is not already a matter of public record shall be deemed nonpublic. The confidential information shall be restricted to the exclusive use of the Board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure; and

6. Fingerprint images may be rejected by the OSBI and the FBI for a variety of reasons, including, but not limited to, fingerprint

quality or an inability by the OSBI or FBI to classify the fingerprints. These rejections require the applicant to be fingerprinted again. Applicants with fingerprints rejected for improper registration will be required to re-register, re-pay and be re-fingerprinted. Applicant is responsible for insuring and verifying that all data is correct in the fingerprinting process.

D. The necessary steps to initiate the criminal background checks may be performed by the Board or its designated vendor.

E. An individual applying for any type of multistate license, when Oklahoma is the primary state of residence, shall submit to a criminal background check that complies with this section; provided, however, that if the individual has been continuously enrolled in the Federal Bureau of Investigation's Rap Back Service since issuance of the initial multistate license, the individual shall not be required to undergo another criminal history record search. No criminal history record information will be disseminated outside the Board, as described in paragraph 5 of this subsection.

Added by Laws 2011, c. 101, § 11, eff. Nov. 1, 2011. Amended by Laws 2013, c. 228, § 4, eff. Nov. 1, 2013; Laws 2018, c. 72, § 2, eff. Nov. 1, 2018; Laws 2024, c. 94, § 3, eff. Nov. 1, 2024.

§59-567.19. Rescission or withdrawal of license.

If a license is issued pursuant to this act to a person not entitled under this act to be licensed, the Executive Director may rescind or withdraw the license instanter, pending the final outcome of proceedings. In such cases, the Executive Director shall notify the licensee of such action by certified mail, return receipt requested, and shall include in such notice a provision that the licensee may request a hearing concerning the emergency action and opportunity to show that the license should be reinstated.

Added by Laws 2011, c. 101, § 12, eff. Nov. 1, 2011.

§59-567.20. Nursing education programs for veterans.

On or before December 31, 2015, the Oklahoma Board of Nursing shall develop program guidelines for Board-approved nursing education programs to utilize in transitioning veterans with prior military medical training and experience into nursing education programs. The process of transition shall include the provisions of Section 4100.3 of Title 59 of the Oklahoma Statutes.

Added by Laws 2014, c. 54, § 1, eff. Nov. 1, 2014.

§59-567.21. Nurse Licensure Compact.

Nurse Licensure Compact

ARTICLE I

Findings and Declaration of Purpose

a. The party states find that:

1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and

6. Uniformity of nurse licensure requirements among the states promotes public safety and public health benefits.

b. The general purposes of this Compact are to:

1. Facilitate the states' responsibility to protect the public's health and safety;

2. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

3. Facilitate the exchange of information among party states in the areas of nurse regulation, investigation and adverse actions;

4. Promote compliance with the laws governing the practice of nursing in each jurisdiction;

5. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party-state licenses;

6. Decrease redundancies in the consideration and issuance of nurse licenses; and

7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II

Definitions

As used in this Compact:

a. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

b. "Alternative program" means a nondisciplinary monitoring program approved by a licensing board.

c. "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

d. "Current significant investigative information" means:

1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

e. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

f. "Home state" means the party state which is the nurse's primary state of residence.

g. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

h. "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home-state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

i. "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.

j. "Nurse" means RN or LPN/VN, as those terms are defined by each party state's practice laws.

k. "Party state" means any state that has adopted this Compact.

l. "Remote state" means a party state, other than the home state.

m. "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

n. "State" means a state, territory or possession of the United States and the District of Columbia.

o. "State practice laws" means a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements

necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III

General Provisions and Jurisdiction

a. A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.

b. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

c. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

1. Meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

2. i. Has graduated or is eligible to graduate from a licensing-board-approved RN or LPN/VN prelicensure education program; or

ii. Has graduated from a foreign RN or LPN/VN prelicensure education program that (a) has been approved by the authorized accrediting body in the applicable country and (b) has been verified by an independent credentials review agency to be comparable to a licensing-board-approved prelicensure education program;

3. Has, if a graduate of a foreign prelicensure education program, not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;

4. Has successfully passed an NCLEX-RN© or NCLEX-PN© Examination or recognized predecessor, as applicable;

5. Is eligible for or holds an active, unencumbered license;

6. Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

7. Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

8. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

9. Is not currently enrolled in an alternative program;

10. Is subject to self-disclosure requirements regarding current participation in an alternative program; and

11. Has a valid United States Social Security number.

d. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

e. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.

f. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this Compact shall affect the requirements established by a party state for the issuance of a single-state license.

g. Any nurse holding a home-state multistate license on the effective date of this Compact may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

1. A nurse, who changes primary state of residence after this Compact's effective date, must meet all applicable Article III.c. requirements to obtain a multistate license from a new home state.

2. A nurse who fails to satisfy the multistate licensure requirements in Article III.c. due to a disqualifying event occurring after this Compact's effective date shall be ineligible to

retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators (Commission).

ARTICLE IV

Applications for Licensure in a Party State

a. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.

b. A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

c. If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the Commission.

1. The nurse may apply for licensure in advance of a change in primary state of residence.

2. A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

d. If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V

Additional Authorities Invested in Party-state Licensing Boards

a. In addition to the other powers conferred by state law, a licensing board shall have the authority to:

1. Take adverse action against a nurse's multistate licensure privilege to practice within that party state.

i. Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.

ii. For purposes of taking adverse action, the home-state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall

apply its own state laws to determine appropriate action;

2. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;

3. Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located;

5. Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions;

6. If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and

7. Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

b. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home-state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

c. Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home-state licensing board shall deactivate the multistate licensure privilege under the multistate

license of any nurse for the duration of the nurse's participation in an alternative program.

ARTICLE VI

Coordinated Licensure Information System and Exchange of Information

a. All party states shall participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

b. The Commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this Compact.

c. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials) and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

d. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party-state licensing boards.

e. Notwithstanding any other provision of law, all party-state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

f. Any personally identifiable information obtained from the coordinated licensure information system by a party-state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

g. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

h. The Compact administrator of each party state shall furnish a uniform data set to the Compact administrator of each other party state, which shall include, at a minimum:

1. Identifying information;

2. Licensure data;

3. Information related to alternative program participation; and

4. Other information that may facilitate the administration of this Compact, as determined by Commission rules.

i. The Compact administrator of a party state shall provide all investigative documents and information requested by another party state.

ARTICLE VII

Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

a. The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators.

1. The Commission is an instrumentality of the party states.

2. Venue is proper, and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

b. Membership, Voting and Meetings

1. Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this Compact for each party state. Any administrator may be removed or suspended from office as provided by the laws of the state from which the administrator is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the Commission.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article VIII of this Compact.

5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

i. Noncompliance of a party state with its obligations under this Compact;
ii. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
iii. Current, threatened or reasonably anticipated litigation;
iv. Negotiation of contracts for the purchase or sale of goods, services or real estate;
v. Accusing any person of a crime or formally censuring any person;
vi. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
vii. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
viii. Disclosure of investigatory records compiled for law enforcement purposes;
ix. Disclosure of information related to any reports prepared by or on behalf of the Commission for the purpose of investigation of compliance with this Compact; or
x. Matters specifically exempted from disclosure by federal or state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

c. The Commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this Compact, including but not limited to:

1. Establishing the fiscal year of the Commission;
2. Providing reasonable standards and procedures:
i. For the establishment and meetings of other committees; and

ii. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the Commission; and

6. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of this Compact after the payment or reserving of all of its debts and obligations.

d. The Commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the Commission.

e. The Commission shall maintain its financial records in accordance with the bylaws.

f. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

g. The Commission shall have the following powers:

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all party states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission; provided, that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;

5. To cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space or other resources;

6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

7. To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided, that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed; provided, that at all times the Commission shall avoid any appearance of impropriety;

9. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;

10. To establish a budget and make expenditures;

11. To borrow money;

12. To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;

13. To provide and receive information from, and to cooperate with, law enforcement agencies;

14. To adopt and use an official seal; and

15. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of nurse licensure and practice.

h. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

2. The Commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule that is binding upon all party states.

3. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the party states, except by and with the authority of such party state.

4. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established

under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

i. Qualified Immunity, Defense and Indemnification

1. The administrators, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.

2. The Commission shall defend any administrator, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct; and provided further, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel.

3. The Commission shall indemnify and hold harmless any administrator, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

ARTICLE VIII

Rulemaking

a. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this Compact.

b. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

c. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

1. On the website of the Commission; and

2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

d. The notice of proposed rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment, and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

e. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

f. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

g. The Commission shall publish the place, time and date of the scheduled public hearing.

1. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

2. Nothing in this Article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this Article.

h. If no one appears at the public hearing, the Commission may proceed with promulgation of the proposed rule.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

j. The Commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

k. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing; provided, that the usual rulemaking procedures provided in this Compact and in this Article

shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;

2. Prevent a loss of Commission or party state funds; or

3. Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

1. The Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE IX

Oversight, Dispute Resolution and Enforcement

a. Oversight

1. Each party state shall enforce this Compact and take all actions necessary and appropriate to effectuate this Compact's purposes and intent.

2. The Commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the Commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

b. Default, Technical Assistance and Termination

1. If the Commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

i. Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the Commission; and

ii. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state's membership in this Compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this Compact may be

terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.

4. A state whose membership in this Compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or whose membership in this Compact has been terminated unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

c. Dispute Resolution

1. Upon request by a party state, the Commission shall attempt to resolve disputes related to the Compact that arise among party states and between party and nonparty states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

3. In the event the Commission cannot resolve disputes among party states arising under this Compact:

i. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.

ii. The decision of a majority of the arbitrators shall be final and binding.

d. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws.

The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE X

Effective Date, Withdrawal and Amendment

a. This Compact shall become effective and binding on the earlier of the date of legislative enactment of this Compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this Compact that also were parties to the prior Nurse Licensure Compact superseded by this Compact (Prior Compact) shall be deemed to have withdrawn from said Prior Compact within six (6) months after the effective date of this Compact.

b. Each party state to this Compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the Prior Compact until such party state has withdrawn from the Prior Compact.

c. Any party state may withdraw from this Compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

d. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

e. Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this Compact.

f. This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

g. Representatives of nonparty states to this Compact shall be invited to participate in the activities of the Commission, on a nonvoting basis, prior to the adoption of this Compact by all states.

ARTICLE XI

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of this

Compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held to be contrary to the constitution of any party state, this Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.
Added by Laws 2016, c. 190, § 5, eff. Nov. 1, 2016.

§59-567.22. Licenses issued by other states that are a party to the Nurse Licensure Compact – Same rights and obligations.

A. The terms "registered nurse" and "licensed practical nurse" include persons licensed as registered nurses and/or practical/vocational nurses by a state that is a party to the Nurse Licensure Compact.

B. Unless the context indicates otherwise or doing so would be inconsistent with the Nurse Licensure Compact, nurses practicing in this state under a license issued by a state that is a party to the Nurse Licensure Compact have the same rights and obligations as imposed by the laws of this state on license holders of the Oklahoma Board of Nursing.
Added by Laws 2016, c. 190, § 6, eff. Nov. 1, 2016.

§59-567.23. Licenses issued by other states that are a party to the Nurse Licensure Compact – Oklahoma Board of Nursing responsible for taking action.

The Oklahoma Board of Nursing is the state agency responsible for taking action against registered and practical/vocational nurses practicing in this state under a license issued by a state that is a party to the Nurse Licensure Compact as authorized by the Nurse Licensure Compact. The action shall be taken in accordance with the same procedures for taking action against registered and practical nurses licensed by this state.
Added by Laws 2016, c. 190, § 7, eff. Nov. 1, 2016.

§59-567.24. Copy of nurse information available in the coordinated licensure information system.

A. On request and payment of a certified verification fee, the Oklahoma Board of Nursing shall provide a registered or practical nurse licensed by this state with a copy of information regarding the nurse maintained by the coordinated licensure information system under Article 6 of the Nurse Licensure Compact.

B. A board is not obligated to provide information that is not available to the board or information that is not available to the

nurse under the laws of the state contributing the information to the coordinated licensure information system.
Added by Laws 2016, c. 190, § 8, eff. Nov. 1, 2016.

§59-567.25. Personal identification information in the coordinated licensure information system – Sharing with nonparty states.

A. In reporting information to the coordinated licensure information system under Article 6 of the Nurse Licensure Compact, the Oklahoma Board of Nursing may disclose information that identifies a person, including Social Security number and date of birth.

B. The coordinated licensure information system may not share Social Security numbers and dates of birth with a state not a party to the Compact.
Added by Laws 2016, c. 190, § 9, eff. Nov. 1, 2016. Amended by Laws 2017, c. 281, § 5, eff. Nov. 1, 2017.

§59-567.26. Grant funding from the National Council of State Boards of Nursing, Inc.

The Oklahoma Board of Nursing may receive grant funding for implementation of the Nurse Licensure Compact directly from the National Council of State Boards of Nursing, Inc.
Added by Laws 2016, c. 190, § 10, eff. Nov. 1, 2016.

§59-567.31. Advanced Practice Registered Nurse Preceptor Tax Credit Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Nursing to be designated the "Advanced Practice Registered Nurses Preceptor Tax Credit Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of the monies received by the Board from a portion of licensure fees received from Advanced Practice Registered Nurses under subsection I of Section 1 of this act. All monies accruing to the credit of the fund are hereby appropriated and the fund shall be used to make a transfer payment to the Oklahoma Tax Commission in an amount equal to the amount of tax credits awarded pursuant to this act. The Oklahoma Tax Commission shall apportion monies transferred from the fund in the same manner as provided by Section 2352 of Title 68 of the Oklahoma Statutes. Monies in the fund which are not required for payment of administrative expenses to the Health Care Workforce Training Commission, which shall not exceed five percent (5%) of monies apportioned to the fund, or which are not required to be transferred to the Oklahoma Tax Commission as otherwise required by this act to offset the revenue impacted by the use of the income tax credits awarded pursuant to Section 1 of this act may be used to implement programs required or authorized by law.

Added by Laws 2024, c. 316, § 5, emerg. eff. May 16, 2024.

§59-567.51. Repealed by Laws 1991, c. 104, § 15, eff. Sept. 1, 1991.

§59-575. Repealed by Laws 2004, c. 92, § 3, eff. July 1, 2004.

§59-576. Repealed by Laws 2004, c. 92, § 4, eff. July 1, 2004.

§59-577.1. Repealed by Laws 1991, c. 104, § 16, eff. Sept. 1, 1991.

§59-577.2. Repealed by Laws 1991, c. 104, § 16, eff. Sept. 1, 1991.

§59-577.3. Repealed by Laws 1991, c. 104, § 16, eff. Sept. 1, 1991.

§59-577.4. Repealed by Laws 1991, c. 104, § 16, eff. Sept. 1, 1991.

§59-577.5. Repealed by Laws 1991, c. 104, § 16, eff. Sept. 1, 1991.

§59-577.6. Repealed by Laws 1991, c. 104, § 16, eff. Sept. 1, 1991.

§59-581. Practice of optometry - Definition.

A. The practice of optometry is defined to be the science and art of examining the human eye and measurement of the powers of vision by the employment of any means, including the use or furnishing of any self-testing device, the use of any computerized or automatic refracting device, including applications designed to be used on a computer or video conferencing via an Internet device either in person or in remote locations, the use of pharmaceutical agents, the diagnosis of conditions of the human eye, and the correcting and relief of ocular abnormalities by means including but not limited to prescribing and adaptation of lenses, contact lenses, spectacles, eyeglasses, prisms and the employment of vision therapy or orthoptics for the aid thereof, low vision rehabilitation, laser surgery procedures, excluding retina, laser in-situ keratomileusis (LASIK), and cosmetic lid surgery. The practice of optometry is further defined to be nonlaser surgery procedures as authorized by the Oklahoma Board of Examiners in Optometry, pursuant to rules promulgated under the Administrative Procedures Act.

B. The practice of optometry shall also include the prescribing of dangerous drugs and controlled dangerous substances for all schedules specified in the Uniform Controlled Dangerous Substances

Act except Schedules I and II but allowing for the prescribing of hydrocodone or hydrocodone-containing drugs regardless of schedule for a period not exceeding five (5) days of supply, and the issuance of refills for such prescriptions following sufficient physical examination of the patient for the purpose of diagnosis and treatment of ocular abnormalities. The practice of optometry shall include the dispensing of medications to treat ocular abnormalities and may include the dispensing of professional samples of medications to treat ocular abnormalities to patients.

C. The scope of the delivery of care as defined in subsections A and B of this section to an individual who is physically located in this state at the time care is delivered shall constitute the practice of optometry.

D. Optometrists shall be certified by the Board of Examiners in Optometry prior to administering drugs, prescribing drugs, or performing laser or nonlaser surgery procedures.

E. Nothing in this title shall be construed as allowing any agency, board, or other entity of this state other than the Board of Examiners in Optometry to determine what constitutes the practice of optometry.

Added by Laws 1927, c. 80, p. 119, § 1, emerg. eff. March 22, 1927. Amended by Laws 1937, p. 95, § 1, emerg. eff. April 2, 1937; Laws 1981, c. 10, § 1, eff. Oct. 1, 1981; Laws 1994, c. 52, § 1; Laws 1998, c. 8, § 1, eff. Nov. 1, 1998; Laws 2004, c. 171, § 2, emerg. eff. April 28, 2004; Laws 2014, c. 140, § 1, eff. Nov. 1, 2014; Laws 2016, c. 21, § 1, eff. Nov. 1, 2016; Laws 2020, c. 54, § 1, eff. Nov. 1, 2020; Laws 2021, c. 223, § 1, eff. Nov. 1, 2021.

§59-582. Board of Examiners in Optometry - Re-creation - Vacancies - Qualifications - Term of members.

There is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, the Board of Examiners in Optometry. This Board shall consist of five (5) persons, four of whom shall possess sufficient knowledge of theoretical and practical optics to practice optometry, be duly licensed as optometrists, and who shall have been residents of this state actually engaged in the practice of optometry for at least five (5) years. The term of each licensed optometrist member of the Board, one being appointed each year, shall be five (5) years, or until a qualified successor is appointed. The lay member of the Board shall serve a term coterminous with that of the Governor and shall serve at the pleasure of the Governor. The Governor is hereby authorized to appoint a member of the Board of Examiners in Optometry at the expiration of any term or whenever, for any reason, a vacancy may occur on the Board. Vacancies shall be filled for the unexpired term only.

Added by Laws 1927, c. 80, p. 119, § 2, emerg. eff. March 22, 1927. Amended by Laws 1982, c. 225, § 1, operative Oct. 1, 1982; Laws 1988, c. 225, § 10; Laws 1994, c. 113, § 1, eff. July 1, 1994; Laws 2000, c. 98, § 1; Laws 2006, c. 53, § 1; Laws 2012, c. 65, § 1; Laws 2016, c. 158, § 1; Laws 2020, c. 116, § 11, eff. July 1, 2020; Laws 2023, c. 252, § 1, eff. July 1, 2023.

§59-583. Rules and regulations - Administering oaths and taking testimony - Officers - Meetings - Quorum - Code of ethics - Branch offices.

Said Board of Examiners shall make such rules and regulations, not inconsistent with the laws, as may be necessary to the performance of its duties, and each member thereof may administer oaths, or take testimony concerning any matter within the jurisdiction of the Board. It shall organize by selecting one of its members as president, one as vice-president, and one as secretary and treasurer (the latter to give bond, approved by the Governor), and shall meet at least twice a year, and at such place or places as it may select. A majority of the Board present shall constitute a quorum, and its meetings shall at all times be open to the public. The Board may adopt a code of ethics for the practice of Optometry. A licensed optometrist may establish a practice in not more than two office locations in accordance with rules and regulations established by the Board of Examiners in Optometry. Practice in a governmental institution shall not be counted as one of these locations. Each office shall be registered by the Board and shall maintain such equipment and personnel as required by the Board. Amended by Laws 1985, c. 72, § 1, emerg. eff. May 16, 1985.

§59-584. Qualifications of applicants - Examination - Registration - Certificates to practice to persons from other states – National criminal history record check.

A. Every person desiring to commence the practice of optometry except as hereinafter provided, upon presentation of satisfactory evidence, verified by oath, that he is more than twenty-one (21) years of age and has met the undergraduate requirements and is a graduate of an accredited school of optometry, conferring the degree of Doctor of Optometry or its equivalent, shall, upon application, be examined by the Board of Examiners to determine his or her qualifications, and such examination shall be based upon the subjects taught in the standard schools and colleges of optometry, such as general and ocular pharmacology, anatomy of the eyes, use of the ophthalmoscope, retinoscope and the use of trial lenses, general anatomy, physiology, physics, chemistry, biology, bacteriology, ocular pathology, ocular neurology, ocular myology, psychology, physiological optics, optometrical mechanics, clinical optometry, visual field charting and orthoptics, the general laws of optics and

refraction, as is essential to the practice of optometry. Every candidate successfully passing such examination shall be registered by the Board as possessing the qualifications as required by Section 581 et seq. of this title and shall receive from the Board a certificate thereof. Every optometrist desiring to use dangerous drugs and controlled dangerous substances as specified in Section 581 of this title shall have satisfactorily completed courses in general and ocular pharmacology at an institution accredited by the Council on Post-Secondary Accreditation or the United States Department of Education. The Board of Examiners in Optometry shall approve such courses and shall certify those qualified by such training to use dangerous drugs and controlled dangerous substances as specified in Section 581 of this title. The use of any such pharmaceuticals by an optometrist or the obtaining of same by an optometrist shall be unlawful unless said optometrist is in possession of a current certificate as provided in this section. Such optometrist shall furnish evidence to any pharmacist or other supplier from whom such pharmaceuticals are sought as to his holding a current certificate. The Board may, in its discretion, issue said certificates to practice, to persons otherwise qualified under this act, who have established by legal proof their knowledge of optometry, as shown by previous examination in any state of the Union; provided, the examination in said state was, at the time taken, of an equal standard with that of this state; provided, further, that citizens of this state are by the statutes of said state, admitted to practice on like conditions.

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

Added by Laws 1927, c. 80, p. 119, § 4, emerg. eff. March 22, 1927. Amended by Laws 1937, p. 95, § 2, emerg. eff. April 2, 1937; Laws 1981, c. 10, § 2, eff. Oct. 1, 1981; Laws 1994, c. 52, § 2; Laws 2018, c. 81, § 1, eff. Nov. 1, 2018; Laws 2019, c. 363, § 29, eff. Nov. 1, 2019.

§59-585. Revocation or suspension of certificate - Grounds - Unprofessional and unethical conduct defined - Practice under own name - Notice and hearing of revocation or suspension - Reissuance of certificate - Out-of-state revocation or suspension.

A. The Board of Examiners in Optometry shall have the power to revoke or suspend any certificate granted by it pursuant to the provisions of this chapter, for fraud, conviction of crime, unprofessional and unethical conduct, alcohol or narcotic impairment, exorbitant charges, false representation of goods, gross incompetency, contagious disease, any violation of any rule or

regulation promulgated by the Board pursuant to the provisions of this chapter or any violation of this chapter. The following acts shall be deemed by the Board as unprofessional and unethical conduct:

1. Employment by an Oklahoma-licensed optometrist of any person to solicit from house to house the sale of lenses, frames, spectacles, or optometric services or examinations;

2. Selling, advertising, or soliciting the sale of spectacles, eyeglasses, lenses, frames, mountings, eye examinations, or optometric services by house-to-house canvassing either in person or through solicitors;

3. Acceptance of employment, either directly or indirectly, by an Oklahoma-licensed optometrist from an unlicensed optometrist or person engaged in any profession or business or owning or operating any profession or business to assist it, him or her, or them in practicing optometry in this state; provided that renting a separate area or room within or adjacent to a retail store pursuant to Section 944 of this title shall not be considered as direct or indirect employment, but any signage and advertisement of the optometric practice shall conform with Section 943.1 of this title;

4. Publishing or displaying, or knowingly causing or permitting to be published or displayed by newspaper, radio, television, window display, poster, sign, billboard, or any other advertising media any statement or advertisement of any price or fee offered or charged by an optometrist for any optometric services or materials including lenses, frames, eyeglasses, or spectacles or parts thereof, including statements or advertisements of discount, premium, or gifts, if the statements or advertisements are fraudulent, deceitful, misleading or in any manner whatsoever tend to create a misleading impression or are likely to mislead or deceive because in context the statements or advertisements make only a partial disclosure of relevant facts;

5. Practicing optometry under any name other than the proper name of the person, which shall be the same name as used in the license issued by the Board to the person; provided that renting a separate area or room and practicing optometry within or adjacent to a retail store pursuant to Section 944 of this title shall not be considered a violation of this section; and

6. Prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes.

B. Before any certificate is revoked or suspended, the holder thereof shall be provided with notice and hearing as provided for in the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes. The Board, after the expiration of the period of three (3) months after the date of the revocation, may entertain application for the reissuance of the revoked certificate

and may reissue the certificate upon payment of a reinstatement fee not to exceed three times the annual renewal fee. The Board shall have the right to promulgate such rules and regulations as may be necessary to put into effect the provisions of this chapter. The rules may prescribe which acts are detrimental to the general public health or welfare and may prescribe a minimum standard of sanitation, hygiene, and professional surroundings, and which acts constitute unprofessional or unethical conduct. The conduct shall be grounds for revocation or suspension of the license or certificate issued pursuant to the provisions of Section 584 of this title.

C. If an out-of-state license or certificate of an optometrist who also holds an Oklahoma license or certificate is suspended or revoked for any reason, the optometrist's Oklahoma license may come under review by the Board. Should the out-of-state suspension or revocation be on grounds the same or similar to grounds for suspension or revocation in Oklahoma, the Board, after notice and hearing pursuant to the provisions of this section, may suspend or revoke the certificate of the optometrist to practice in Oklahoma.

D. The following acts shall not be deemed by the Board as unprofessional and unethical conduct:

1. An optometrist practicing optometry within or adjacent to a retail store pursuant to Section 944 of this title, regardless of whether the retail store derives income from the sale of prescription optical goods and materials; and

2. An optometrist renting a separate area or room within a retail store pursuant to Section 944 of this title to practice optometry.

Added by Laws 1927, c. 80, p. 120, § 5, emerg. eff. March 22, 1927. Amended by Laws 1937, p. 96, § 3, emerg. eff. April 2, 1937; Laws 1978, c. 37, § 1; Laws 1983, c. 14, § 1, emerg. eff. March 25, 1983; Laws 2019, c. 427, § 1, eff. Nov. 1, 2019; Laws 2020, c. 161, § 40, emerg. eff. May 21, 2020.

NOTE: Laws 2019, c. 428, § 10 repealed by Laws 2020, c. 161, § 41, emerg. eff. May 21, 2020.

§59-586. Display of certificates - Exhibition upon demand.

Every person practicing optometry shall display his certificate of registration or exemption in a conspicuous place, and whenever required exhibit such certificate to said Board of Examiners or its authorized representatives.

Laws 1927, c. 80, p. 120, § 6. Amended by Laws 1990, c. 163, § 6, eff. Sept. 1, 1990.

§59-587. Examinations - Fees - Compensation and expenses - Optometry Board Revolving Fund.

The fee for such examinations shall be set by rules promulgated by the Board of Examiners in Optometry, not to be less than One Hundred Dollars ($100.00) and not to exceed Two Hundred Dollars ($200.00), and a yearly license fee set by rules promulgated by the Board of Examiners in Optometry, not to exceed Three Hundred Dollars ($300.00), shall be paid each fiscal year by all persons holding a license to practice optometry in this state, and shall be paid not later than the 30th day of June of each year. In the event of default of payment of such license fee by any person, his or her certificate shall be revoked by the Board of Examiners who shall take such action only after notifying the person in default by registered mail and allowing that person fifteen (15) days in which to comply with this requirement. The Board shall be paid travel expenses as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. The secretary-treasurer shall receive compensation fixed by the Board, not to exceed Two Hundred Dollars ($200.00) per month. All fees and charges collected by the secretary-treasurer of the Board shall be paid on the first day of each month into a revolving fund in the State Treasury to be designated as the "Optometry Board Revolving Fund". This fund shall consist of all monies received by the Board of Optometry other than appropriated funds. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Board of Optometry. Expenditures from this fund shall be made pursuant to the purposes of Sections 581 through 606 of this title and without legislative approval. Warrants for expenditures shall be drawn by the State Treasurer based on claims signed by an authorized employee or employees of the Board of Optometry and approved for payment by the Director of the Office of Management and Enterprise Services. Added by Laws 1927, c. 80, p. 120, § 7, emerg. eff. March 22, 1927. Amended by Laws 1965, c. 89, § 1, emerg. eff. May 5, 1965; Laws 1980, c. 8, § 1, emerg. eff. March 3, 1980; Laws 1982, c. 225, § 2, operative Oct. 1, 1982; Laws 1985, c. 178, § 35, operative July 1, 1985; Laws 1994, c. 113, § 2, eff. July 1, 1994; Laws 2009, c. 321, § 26, eff. Nov. 1, 2009; Laws 2010, c. 413, § 18, eff. July 1, 2010; Laws 2012, c. 304, § 265.

§59-588. Practice by unauthorized person - Impersonating optometrist - Evidence of violations - Criminal and civil penalties - Students and instructors.

A. No person shall practice optometry in this state or make any tests or measurements of the human eye for diagnostic purposes unless said person has been issued a certificate pursuant to the provisions of Section 584 of this title or is a physician or surgeon authorized to practice medicine in this state. No person shall impersonate a registered optometrist. No person shall buy, sell or

obtain in any manner a certificate of registration or exemption issued to another. Practicing or offering to practice optometry, or the public representation of being qualified to practice optometry, by any person not authorized to practice optometry shall be sufficient evidence of the violation of the provisions of Sections 581 through 604 of this title. No optometrist shall aid or abet any person not authorized to practice optometry in this state to practice optometry. Any person who violates any of the provisions of Sections 581 through 604 of this title shall be deemed guilty of a misdemeanor, and upon conviction for each offense, shall be punished by a fine of not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00), or imprisonment in the county jail not less than thirty (30) days, nor more than ninety (90) days, or by both fine and imprisonment.

B. In addition to the criminal penalties prescribed above, any natural person, partnership, or business entity, found by a preponderance of the evidence to have practiced optometry within the State of Oklahoma without a currently valid license or certificate issued by the Board, or to have dispensed, supplied, fitted, adjusted, adapted, or in any manner applied contact lenses to the eyes of a person whether or not those contact lenses are designed to aid or correct human vision or have no prescription power or are cosmetic contact lenses, without a full contact lens prescription issued by a person licensed pursuant to Chapter 11, Chapter 13 or Chapter 14 of this title, shall, after notice and an opportunity to be heard pursuant to the Board's rules and Article II of the Administrative Procedures Act, be liable for a civil administrative penalty of at least One Hundred Dollars ($100.00) but not more than Two Thousand Five Hundred Dollars ($2,500.00) for each instance of unlicensed practice of optometry. This provision shall not apply to any duly-licensed physician authorized to practice medicine and/or surgery under the laws of the State of Oklahoma and any business entity authorized to practice medicine or optometry in the State of Oklahoma. Any administrative order or settlement agreement imposing a civil administrative penalty pursuant to this section may be enforced in the same manner as civil judgments in this state. The Board may file an application to enforce an administrative order or settlement agreement in the district court of Oklahoma County. Any person aggrieved by a final agency order of the Board may obtain judicial review in accordance with the Oklahoma Administrative Procedures Act. All money received as civil administrative penalties shall be placed in the operational account of the Board.

C. Nothing in the provisions of Sections 581 through 604 of this title shall prohibit the performance of routine visual screening by a person not licensed to practice optometry in this state. Nothing in this section shall prohibit an optometry student officially enrolled in a college of optometry which is approved by

the State Regents for Higher Education from performing educational functions within the institution or prohibit an instructor in such optometry college from practicing optometry so long as such practitioner is licensed in any state and his or her practice is limited to instruction of optometry students in an accredited Oklahoma college of optometry or state or federal hospital which is utilized as a teaching institution for students of optometry, provided such instructor has been issued a temporary license by the Oklahoma Board of Examiners in Optometry.
Added by Laws 1927, c. 80, p. 121, § 8. Amended by Laws 1981, c. 10, § 3, eff. Oct. 1, 1981; Laws 1983, c. 14, § 2, emerg. eff. March 25, 1983; Laws 1985, c. 72, § 2, emerg. eff. May 16, 1985; Laws 2014, c. 139, § 1, eff. Nov. 1, 2014.

§59-589. Persons excepted from statute.
Nothing in this act shall be construed to apply to duly-licensed physicians authorized to practice medicine and/or surgery under the laws of the State of Oklahoma.
Laws 1927, c. 80, p. 121, § 9; Laws 1937, p. 96, § 4.

§59-591. Certificates previously issued valid.
The certificates of registration heretofore issued and not revoked by the Board of Examiners in Optometry prior to the passage and approval of this act, are hereby expressly declared valid and shall entitle the holder thereof to the legal right to practice optometry in the State of Oklahoma as defined herein.
Laws 1927, c. 80, p. 121, § 11.

§59-592. Partial invalidity.
Should any section or portion of a section of this act, be, for any cause, adjudged invalid, only such section or portion of section shall be thereby affected.
Laws 1927, c. 80, p. 122, § 12.

§59-593. Public policy.
It is the public policy of the State of Oklahoma that optometrists rendering visual care to its citizens shall practice in an ethical, professional manner; that their practices be free from any appearance of commercialism; that the visual welfare of the patient be the prime consideration at all times; and that optometrists shall not be associated with any nonprofessional person or persons in any manner which might degrade or reduce the quality of visual care received by the citizens of this state; provided that renting a separate area or room and practicing optometry within or adjacent to a retail store pursuant to Section 944 of this title shall not be considered a violation of this section.

Added by Laws 1971, c. 92, § 1, emerg. eff. April 17, 1971. Amended by Laws 2019, c. 427, § 2, eff. Nov. 1, 2019.

§59-594. Repealed by Laws 2019, c. 427, § 11, eff. Nov. 1, 2019.

§59-595. Certain agreements, contracts, understandings, etc. prohibited.

No optometrist, licensed under Chapter 13 of Title 59 of the Oklahoma Statutes, shall enter into any agreement, contract, arrangement, practice, or understanding, written or otherwise, with any optical supplier engaged in the sale of optical goods and materials to the public, whereby persons are referred by the optical supplier to said licensed person, and/or whereby persons are referred back to the optical supplier for the purchase of optical goods and materials.

Laws 1971, c. 92, § 3, emerg. eff. April 17, 1971.

§59-596. Repealed by Laws 2019, c. 427, § 11, eff. Nov. 1, 2019.

§59-597. Penalties.

Violation of the provisions of this act shall be a misdemeanor. If violation hereof is by a licensed optometrist the same shall constitute grounds for revocation of such license whether or not he may be also charged with a misdemeanor. The Board of Examiners in Optometry shall determine the existence of a violation of this act by an optometrist and shall proceed with revocation under powers granted to said Board and in accordance with procedure prescribed in Section 585 of Title 59 of the Oklahoma Statutes. Said Board may make rules necessary for the enforcement of this act so long as such rules are not inconsistent with the provisions of this or any other law of this state.

Laws 1971, c. 92, § 5, emerg. eff. April 17, 1971.

§59-598. Provisions cumulative.

The provisions of this act shall be cumulative to other laws.

Laws 1971, c. 92, § 7, emerg. eff. April 17, 1971.

§59-601. Appropriations from Optometry Board Fund.

There is hereby appropriated to the Board of Examiners in Optometry from the monies which will accrue to the Optometry Board Fund of the State of Oklahoma, for each fiscal year hereafter, a sum equal to ninety percent (90%) of such accruals.

Laws 1949, p. 659, § 1; Laws 1951, p. 271.

§59-602. Use of appropriations.

Said appropriations herein made shall be used by the Board of Examiners in Optometry for the necessary expenses of operation of

said Board during the fiscal years set out in Section 1 of this act, including expenses for personnel services, salary of secretary-treasurer of the Board, per diem of members of the Board of Examiners, and all the expenses of the maintenance and operation deemed reasonably necessary or desirable in the operation of the business of said Board.
Laws 1949, p. 659, § 2; Laws 1951, p. 271.

§59-603. Positions and salaries.

The Board of Examiners in Optometry shall create positions, make the appointment, and unless otherwise provided by act of the Legislature, shall fix the salary of officials, attorneys and other employees necessary to perform the duties imposed upon the Board of Examiners in Optometry by law, payable from the appropriations made by this act for such services provided in Section 2.
Laws 1949, p. 659, § 3; Laws 1951, p. 271.

§59-604. Attendance on educational or postgraduate program.

Every person holding a license to practice optometry in this state shall be required to present to the Board of Examiners in Optometry, not later than the thirtieth day of June of each year, satisfactory evidence that during the preceding twelve (12) months the person attended not less than two (2) days of a total of at least twelve (12) hours of educational or postgraduate programs approved by the Board, or that the person was prevented, because of sickness or any other reason acceptable to the Board, from attending the educational or postgraduate program. Such education shall include not less than one (1) hour of education in pain management or one (1) hour of education in opioid use or addiction, unless the person has demonstrated to the satisfaction of the Board that the person does not currently hold a valid federal Drug Enforcement Administration registration number.

The filing of proof of attendance at educational programs or clinics shall be a condition precedent to the issuance of a renewal license. The Board may reinstate the license of the licensee to practice optometry upon presentation of satisfactory proof of postgraduate study of a standard approved by the examiners and payment of all fees due including a late reinstatement fee not to exceed three times the annual renewal fee.
Added by Laws 1951, p. 271, § 4, emerg. eff. May 1, 1951. Amended by Laws 1965, c. 89, § 2, emerg. eff. May 5, 1965; Laws 1983, c. 14, § 3, emerg. eff. March 25, 1983; Laws 2019, c. 428, § 11, emerg. eff. May 21, 2019.

§59-605. Cumulative character of act.

The provisions of this act shall be cumulative to other laws.
Laws 1949, p. 660, § 5 (formerly § 4); Laws 1951, p. 271. 8

§59-606. Partial invalidity.

If any of the provisions hereof are adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity or constitutionality of any of the other provisions hereof.
Laws 1949, p. 660, § 6 (formerly § 5); Laws 1951, p. 271.

§59-620. Short title - Practice a privilege.

A. Sections 620 through 645 of this title shall be known and may be cited as the "Oklahoma Osteopathic Medicine Act".

B. The practice of osteopathic medicine is a privilege granted through the Oklahoma Osteopathic Medicine Act by the State Board of Osteopathic Examiners.
Laws 1921, c. 30. p. 47, § 21; Laws 1983, c. 152, § 19, emerg. eff. May 26, 1983. Renumbered from § 640 of this title by Laws 1983, c. 152, § 25, emerg. eff. May 26, 1983. Amended by Laws 1993, c. 230, § 1, eff. July 1, 1993.

§59-621. Osteopathic medicine defined.

As used in the Oklahoma Osteopathic Medicine Act:

"Osteopathic medicine" means a system of health care founded by Andrew Taylor Still and based on the theory that the body is capable of making its own remedies against disease and other toxic conditions when it is in normal structural relationship and has favorable environmental conditions and adequate nutrition. Osteopathic medicine utilizes generally accepted physical, pharmacological and surgical methods of diagnosis and therapy while placing strong emphasis on the importance of body mechanics and manipulative methods to detect and correct faulty structure and function.
Laws 1921, c. 30, p. 41, § 1; Laws 1983, c. 152, § 1, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 2, eff. July 1, 1993.

§59-622. License required - Submission to jurisdiction of courts - Employing hospitals not regarded as practitioners.

A. 1. Except as otherwise provided by this section, it shall be unlawful for any person to practice as an osteopathic physician and surgeon in this state, without a license to do so, issued by the State Board of Osteopathic Examiners; provided, that any license or certificate issued under the laws of this state, authorizing its holder to practice osteopathic medicine, shall remain in full force and effect. Persons who hold themselves out as osteopathic physicians in this state without a license issued by the State Board of Osteopathic Examiners submit themselves to the jurisdiction of the State Board of Osteopathic Examiners.

2. Osteopathic physicians engaged in postgraduate training beyond the internship year, also known as PGY-1, shall be licensed.

Osteopathic physicians engaged in the internship or PGY-1 year may be eligible for a resident training license.

3. Osteopathic physicians engaged in interventional pain management pursuant to the Oklahoma Interventional Pain Management and Treatment Act shall be licensed by the State Board of Osteopathic Examiners.

B. 1. A person within or outside of this state who performs through electronic communications diagnostic or treatment services within the scope of practice of an osteopathic physician and surgeon, including but not limited to, stroke prevention and treatment, for any patient whose condition is being diagnosed or treated within this state shall be licensed in this state, pursuant to the provisions of the Oklahoma Osteopathic Medicine Act. However, in such cases, a nonresident osteopathic physician who, while located outside this state, consults on an irregular basis with a physician who is located in this state is not required to be licensed in this state.

2. Any osteopathic physician licensed in this state who engages in the prescription of drugs, devices, or treatments via electronic means may do so only in the context of an appropriate physician/patient relationship wherein a proper patient record is maintained including, at the minimum, a current history and physical.

3. Any commissioned medical officer of the armed forces of the United States or medical officer of the United States Public Health Service or the Veterans Administration of the United States, in the discharge of official duties and/or within federally controlled facilities, who is fully licensed to practice osteopathic medicine and surgery in one or more jurisdictions of the United States shall not be required to be licensed in this state pursuant to the Oklahoma Osteopathic Medicine Act, unless the person already holds an osteopathic medical license in this state pursuant to the Oklahoma Osteopathic Medicine Act. In such case, the medical officer shall be subject to the Oklahoma Osteopathic Medicine Act.

4. A person who performs any of the functions covered by this subsection submits themselves to the jurisdiction of the courts of this state for the purposes of any cause of action resulting from the functions performed.

C. A hospital or related institution, as such terms are defined in Section 1-701 of Title 63 of the Oklahoma Statutes, which has the principal purpose or function of providing hospital or medical care, including but not limited to any corporation, association, trust, or other organization organized and operated for such purpose, may employ one or more persons who are duly licensed to practice osteopathic medicine in this state without being regarded as itself practicing osteopathic medicine within the meaning and provisions of this section. The employment by the hospital or related institution

of any person who is duly licensed shall not, in and of itself, be considered as an act of unprofessional conduct by the person so employed. Nothing provided herein shall eliminate, limit or restrict the liability for any act or failure to act of any hospital, any hospital's employees or persons duly licensed to practice osteopathic medicine.

D. Nothing in the Oklahoma Osteopathic Medicine Act shall be construed as to require an osteopathic physician to secure an Osteopathic Continuous Certification (OCC) as a condition of licensure, reimbursement, employment or admitting privileges at a hospital in this state. For the purposes of this subsection, "Osteopathic Continuous Certification (OCC)" shall mean a continuing education program measuring core competencies in the practice of medicine and surgery and approved by a nationally-recognized accrediting organization.

Added by Laws 1921, c. 30, p. 41, § 2. Amended by Laws 1983, c. 152, § 2, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 3, eff. July 1, 1993; Laws 1996, c. 147, § 2, eff. Nov. 1, 1996; Laws 2001, c. 16, § 1, eff. Nov. 1, 2001; Laws 2009, c. 148, § 5, eff. Nov. 1, 2009; Laws 2010, c. 67, § 3, emerg. eff. April 9, 2010; Laws 2014, c. 83, § 1, eff. Nov. 1, 2014; Laws 2016, c. 40, § 2, eff. Nov. 1, 2016.

§59-623. Medicine and surgery - Not affected by this act.

The practice of medicine and surgery by persons authorized under other licensing laws of this state shall in no way be affected by the provisions of the Oklahoma Osteopathic Medicine Act.

Laws 1921, c. 30, p. 41, § 3; Laws 1983, c. 152, § 3, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 4, eff. July 1, 1993.

§59-624. State Board of Osteopathic Examiners - Members - Seal - Rules – Per diem and travel expenses.

A. There is hereby re-created the State Board of Osteopathic Examiners.

B. The State Board of Osteopathic Examiners shall consist of eight (8) examiners appointed by the Governor, two of whom shall be lay persons. The remaining examiners shall be regularly licensed osteopathic physicians in good standing in this state who have been so engaged for a period of at least five (5) years immediately prior to their appointment. The osteopathic physician examiners shall be appointed by the Governor from a list of not less than six names submitted to the Governor by the Oklahoma Osteopathic Association annually, and any present member of the Board of Examiners shall be appointed to fill out the unexpired term. All appointments made to the Board shall be for terms of seven (7) years. In the event of a vacancy brought about for any reason, the post so vacated shall be

filled from a list of not less than six names submitted by the Oklahoma Osteopathic Association.

C. The Board shall have and use a common seal, and make and adopt all necessary rules relating to the enforcement of the provisions of the Oklahoma Osteopathic Medicine Act. Each Board member shall receive the daily per diem rate for state employees. Travel expenses allowed under the State Travel Reimbursement Act shall also be provided to Board members traveling more than fifty (50) miles to the location of all regular and special Board meetings.

Added by Laws 1921, c. 30, p. 41, § 4. Amended by Laws 1955, p. 328, § 1, emerg. eff. May 7, 1955; Laws 1983, c. 152, § 4, emerg. eff. May 26, 1983; Laws 1988, c. 225, § 11; Laws 1990, c. 66, § 1, emerg. eff. April 16, 1990; Laws 1993, c. 5, § 1; Laws 1993, c. 230, § 5, eff. July 1, 1993; Laws 1995, c. 152, § 2, eff. Nov. 1, 1995; Laws 1999, c. 12, § 1; Laws 2005, c. 22, § 1; Laws 2011, c. 44, § 1; Laws 2014, c. 83, § 2, eff. Nov. 1, 2014; Laws 2015, c. 234, § 1; Laws 2019, c. 468, § 1; Laws 2024, c. 190, § 1.

§59-625. Oath of members - Qualifications.

Each member of said Board shall, before entering upon the duties of the office, take the oath of office prescribed by the Constitution before someone qualified to administer oaths, and shall, except for the lay person, make oath that the member is a legally qualified practitioner of osteopathic medicine in this state; and that the member has been engaged in the active practice of osteopathic medicine in this state at least five (5) years preceding the appointment of such member.

Laws 1921, c. 30, p. 42, § 5; Laws 1983, c. 152, § 5, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 6, eff. July 1, 1993.

§59-626. Organization - Officers - Duties - Bond - Expenditures - Employees - Inspection of records and facilities of licensee or applicant for license.

A. 1. The State Board of Osteopathic Examiners shall, immediately after the members have qualified, elect a president, vice-president and secretary-treasurer.

2. The president of said Board shall preside at all meetings of the Board and perform such other duties as the Board by its rule may prescribe.

3. The vice-president shall perform all the duties of the president, during the president's absence or disability.

4. The secretary-treasurer shall keep a record of all proceedings of the Board and perform such other duties as are prescribed in the Oklahoma Osteopathic Medicine Act, or which may be prescribed by said Board. It shall be the duty of the secretary-

treasurer to receive and care for all monies coming into the hands of said Board, and to pay out the same upon orders of the Board.

B. The State Board and such employees as determined by the Board shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

C. The State Board may expend such funds as are necessary in implementing the duties of the Board. The Board may hire:

1. An executive director and all necessary administrative, clerical and stenographic assistance as the Board shall deem necessary at a salary to be fixed by the Board;

2. An attorney, on a case-by-case basis, to represent the Board in legal matters and to assist authorized state and county officers in prosecuting or restraining violations of the provisions of the Oklahoma Osteopathic Medicine Act. The Board shall fix the compensation of said attorney; and

3. One or more investigators at least one of whom shall be certified by the Council on Law Enforcement Education and Training as a peace officer, as may be necessary to implement the provisions of the Oklahoma Osteopathic Medicine Act at an annual salary to be fixed by the Board, and may authorize necessary expenses. In addition, the investigators may investigate and inspect the nonfinancial business records of all persons licensed pursuant to the Oklahoma Osteopathic Medicine Act in order to determine whether or not licensees are in compliance with the Oklahoma Osteopathic Medicine Act and the Uniform Controlled Dangerous Substances Act or any other law, rule of the State of Oklahoma or any federal law or rule affecting the practice of osteopathic medicine.

D. Any licensee or applicant for license subject to the provisions of the Oklahoma Osteopathic Medicine Act shall be deemed to have given consent to any duly authorized employee or agent of the Board to access, enter, or inspect the records, either on-site or at the Board office, or facilities of such licensee or applicant subject to the Oklahoma Osteopathic Medicine Act. Refusal to allow such access, entry, or inspection may constitute grounds for the denial, nonrenewal, suspension, or revocation of a license. Upon refusal of such access, entry, or inspection, pursuant to this section, the Board or a duly authorized representative may make application for and obtain a search warrant from the district court where the facility or records are located to allow such access, entry, or inspection.

Added by Laws 1921, c. 30, p. 42, § 6. Amended by Laws 1983, c. 152, § 6, emerg. eff. May 26, 1983; Laws 1989, c. 233, § 1, operative July 1, 1989; Laws 1993, c. 230, § 7, eff. July 1, 1993; Laws 2001, c. 16, § 2, eff. Nov. 1, 2001; Laws 2014, c. 83, § 3, eff. Nov. 1, 2014.

§59-627. Record of proceedings - Contents - Copy submitted to Secretary of State - Certified copy as evidence.

A. The State Board of Osteopathic Examiners shall preserve a record of its proceedings which shall be open to public inspection at all reasonable times, showing:

1. The name, age, and place of residence of each applicant;

2. The time spent in the study of osteopathic medicine;

3. The year and school from which degrees were granted;

4. Its proceeding relative to the issuance, refusal, renewal, suspension, or revocation of licenses applied for, and issued pursuant to the Oklahoma Osteopathic Medicine Act; and

5. The name, known place of business and residence, and the date and number of license of each registered osteopathic physician and surgeon.

The register shall be prima facie evidence of all matters contained therein.

B. The secretary of said Board shall on the first of March of each year submit an official copy of said register to the Secretary of State for permanent record. A certified copy of said register, or any part thereof, with the hand and seal of the secretary of said State Board of Osteopathic Examiners, or the Secretary of State, shall be admitted in evidence in all courts of the state.

C. It shall be the responsibility of each osteopathic physician licensed under this act to provide the Board with a notice of change of address within fourteen (14) business days after any relocation of practice activity.

Laws 1921, c. 30, p. 42, § 7; Laws 1983, c. 152, § 7, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 8, eff. July 1, 1993; Laws 2001, c. 16, § 3, eff. Nov. 1, 2001.

§59-628. Repealed by Laws 2001, c. 16, § 10, eff. Nov. 1 2001.

§59-629. Standards of preliminary education required.

The standards of preliminary education deemed requisite for admission to an accredited osteopathic school, college or institution in good standing are that an applicant shall have completed the admission requirements of an osteopathic college accredited by the Bureau of Professional Education of the American Osteopathic Association.

Laws 1921, c. 30, p. 43, § 9; Laws 1975, c. 167, § 1, emerg. eff. May 20, 1975; Laws 1983, c. 152, § 9, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 10, eff. July 1, 1993.

§59-630. Education and training required.

To practice as an osteopathic physician, the applicant shall be a graduate of a school or college of osteopathic medicine which is accredited by the Bureau of Professional Education of the American

Osteopathic Association and shall have completed at least one (1) year of rotating internship or the equivalent thereof, in an accredited internship or residency program acceptable to the Board.
Laws 1921, c. 30, p. 43, § 10; Laws 1975, c. 167, § 2, emerg. eff. May 20, 1975; Laws 1983, c. 152, § 10, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 11, eff. July 1, 1993.

§59-631. School or college of osteopathic medicine defined.

The term school or college of osteopathic medicine shall mean a legally chartered and accredited school or college of osteopathic medicine requiring:

1. For admission to its courses of study, a preliminary education equal to the requirements established by the Bureau of Professional Education of the American Osteopathic Association; and

2. For granting the D.O. degree, Doctor of Osteopathy or Doctor of Osteopathic Medicine, actual attendance at such osteopathic school or college and demonstration of successful completion of the curriculum and recommendation for graduation.

Added by Laws 1921, c. 30, p. 44, § 11. Amended by Laws 1975, c. 167, § 3, emerg. eff. May 20, 1975; Laws 1983, c. 152, § 11, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 12, eff. July 1, 1993; Laws 1995, c. 152, § 3, eff. Nov. 1, 1995.

§59-632. Examination - National Board of Osteopathic Medical Examiners.

A. The examination of those who desire to practice as osteopathic physicians shall embrace those general subjects and topics, a knowledge of which is commonly and generally required of candidates for a D.O. degree, Doctor of Osteopathy or Doctor of Osteopathic Medicine, by accredited osteopathic colleges in the United States. An examination furnished by the National Board of Osteopathic Medical Examiners shall be deemed to fulfill this requirement.

B. The applicant may be accepted who has successfully completed the examination sequence of the National Board of Osteopathic Medical Examiners and meets all other requirements.

C. The State Board of Osteopathic Examiners shall have exclusive power and authority to determine the qualifications and fitness of all applicants for admission to practice osteopathic medicine in this state. The Board shall require that each applicant submit to a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. The Board shall not disseminate criminal history record information resulting from the background check outside of this state.

Added by Laws 1921, c. 30, p. 45, § 12. Amended by Laws 1978, c. 136, § 1; Laws 1983, c. 152, § 12, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 13, eff. July 1, 1993; Laws 1995, c. 152, § 4, eff.

Nov. 1, 1995; Laws 2001, c. 16, § 4, eff. Nov. 1, 2001; Laws 2020, c. 145, § 2, emerg. eff. May 21, 2020.

§59-633. Licensure.

Each applicant who has met all requirements for licensure shall be issued a license to practice as an osteopathic physician and surgeon. Upon application, the State Board of Osteopathic Examiners may also issue special licenses including a:

1. Temporary License;
2. Resident Training License;
3. Telemedicine License;
4. Military Spouse License; or
5. Temporary critical need license under Section 1 of this act.

Added by Laws 1921, c. 30, p. 45, § 13. Amended by Laws 1983, c. 152, § 13, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 14, eff. July 1, 1993; Laws 2001, c. 16, § 5, eff. Nov. 1, 2001; Laws 2013, c. 226, § 1, eff. Nov. 1, 2013; Laws 2022, c. 262, § 5, eff. July 1, 2022.

§59-634. Reciprocal license.

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

1. That the requirements of registration in the country, state, territory or province in which the applicant is licensed are deemed by the State Board to have been equivalent to the requirements of registration in force in this state at the date of such license;
2. That the applicant has no disciplinary matters pending against him in any country, state, territory or province; and
3. That the license being reciprocated must have been obtained by an examination in that country, state, territory or province deemed by the Board to be equivalent to that used by the Board, or obtained by examination of the National Board of Osteopathic Medical Examiners.

Added by Laws 1921, c. 30, p. 45, § 14; Laws 1983, c. 152, § 14, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 15, eff. July 1, 1993; Laws 2019, c. 363, § 30, eff. Nov. 1, 2019.

§59-635. Repealed by Laws 1990, c. 163, § 7, eff. Sept. 1, 1990.

§59-635.1. Special volunteer medical license.

A. There is established a special volunteer medical license for physicians who are retired from active practice and wish to donate their expertise for the medical care and treatment of indigent and needy persons of the state. The special volunteer medical license shall be:

1. Issued by the State Board of Osteopathic Examiners to eligible physicians;

2. Issued without a payment of an application fee, license fee or renewal fee;

3. Issued or renewed without any continuing education requirements;

4. Issued for a fiscal year or part thereof; and

5. Renewable annually upon approval of the Board.

B. A physician must meet the following requirements to be eligible for a special volunteer medical license:

1. Completion of a special volunteer medical license application, including documentation of the physician's osteopathic school graduation and practice history;

2. Documentation that the physician has been previously issued a full and unrestricted license to practice medicine in Oklahoma or in another state of the United States and that he or she has never been the subject of any medical disciplinary action in any jurisdiction;

3. Acknowledgement and documentation that the physician's practice under the special volunteer medical license will be exclusively and totally devoted to providing medical care to needy and indigent persons in Oklahoma or to providing care under the Oklahoma Medical Reserve Corps; and

4. Acknowledgement and documentation that the physician will not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any medical services rendered under the special volunteer medical license.

Added by Laws 2003, c. 138, § 2, eff. Nov. 1, 2003. Amended by Laws 2004, c. 523, § 25, emerg. eff. June 9, 2004.

§59-635.2. Temporary license for out-of-state residents for training rotations - Requirements.

A. There is established a temporary resident license for out-of-state residents to perform one- or two-month training rotations in this state. The temporary resident license shall be:

1. Issued by the State Board of Osteopathic Examiners to eligible physicians;

2. Issued without any continuing education requirements;

3. Issued for no more than six (6) months; and

4. Renewable only once upon payment of the fee.

B. The temporary resident license shall not permit:

1. The physician to apply for prescribing privileges from any state or federal authority;

2. The physician to practice medicine outside the scope allowed by the Oklahoma training program;

3. The licensee to practice independent of the residency program; or

4. Guaranteed subsequent full licensure in Oklahoma as an osteopathic physician.

C. Any application for full licensure shall be adjudged by the Board on its own merits including training, education, and personal background.

D. A physician shall meet the following requirements to be eligible for a temporary resident license:

1. Completion of a temporary resident license application;

2. Payment of the application fee; and

3. Documentation from the applicant's primary training program recommending the physician and stating the applicant meets all the requirements for such licensure.

Added by Laws 2014, c. 83, § 4, eff. Nov. 1, 2014.

§59-635.3. Resident training license – Prescribing privileges - Requirements.

A. There is established in this state a resident training license for medical school graduates during their internship or first postgraduate year (PGY-1). The resident training license shall be:

1. Issued by the State Board of Osteopathic Examiners to eligible physicians;

2. Issued without any continuing education requirements;

3. Issued for no more than one (1) year; and

4. Nonrenewable unless renewal is specifically approved by the State Board of Osteopathic Examiners.

B. If the physician's resident training program specifically approves the resident to have prescribing authority, the resident training license shall permit the physician to apply for prescribing privileges from state or federal authorities.

C. The resident training license shall not permit:

1. The physician to practice medicine beyond the scope allowed by the physician's training program;

2. The licensee to practice independent of the residency program;

D. The resident training license is not a prerequisite to participation in any internship or PGY-1 training program.

E. Any person holding a resident training license is not guaranteed subsequent full licensure in Oklahoma as an osteopathic physician.

F. Any application for full licensure shall be adjudged by the Board on its own merits including training, education and personal background.

G. A physician shall meet the following requirements to be eligible for a resident training license:

1. Completion of a resident training license application;

2. Payment of the application fee; and

3. Documentation from the applicant's Oklahoma training program recommending the physician and stating the applicant meets all the requirements for such licensure.
Added by Laws 2014, c. 83, § 5, eff. Nov. 1, 2014.

§59-636. Osteopathic physicians - Reports.
Osteopathic physicians shall observe and be subject to all state and municipal regulations relative to reporting all births and deaths, and all matters pertaining to the public health, with equal rights and obligations as physicians of other schools of medicine, and such reports shall be accepted by the officers of the department to which such reports are made.
Laws 1921, c. 30, p. 46, § 16; Laws 1993, c. 230, § 16, eff. July 1, 1993.

§59-637. Refusal to issue or reinstate, suspension or revocation of license - Hearing, witnesses and evidence - Judicial review.
A. The State Board of Osteopathic Examiners may refuse to admit a person to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such a license:
1. Has obtained a license, license renewal or authorization to sit for an examination, as the case may be, through fraud, deception, misrepresentation or bribery; or has been granted a license, license renewal or authorization to sit for an examination based upon a material mistake of fact;
2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the performance of the functions or duties of an osteopathic physician, including but not limited to the following:
a. obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician’s office which did not occur or for services which were not rendered,
b. using intimidation, coercion or deception to obtain or retain a patient or discourage the use of a second opinion or consultation,
c. willfully performing inappropriate or unnecessary treatment, diagnostic tests or osteopathic medical or surgical services,
d. delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform them, noting that delegation may only occur within an appropriate

doctor-patient relationship, wherein a proper patient record is maintained including, but not limited to, at the minimum, a current history and physical,

e. misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine or device,

f. acting in a manner which results in final disciplinary action by any professional society or association or hospital or medical staff of such hospital in this or any other state, whether agreed to voluntarily or not, if the action was in any way related to professional conduct, professional competence, malpractice or any other violation of the Oklahoma Osteopathic Medicine Act,

g. signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination or the establishment of a physician-patient relationship, or for other than medically accepted therapeutic or experimental or investigational purpose duly authorized by a state or federal agency, or not in good faith to relieve pain and suffering, or not to treat an ailment, physical infirmity or disease, or violating any state or federal law on controlled dangerous substances including, but not limited to, prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes,

h. engaging in any sexual activity within a physician-patient relationship,

i. terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient,

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

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

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

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

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

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

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

6. Has had the authority to engage in the activities regulated by the Board revoked, suspended, restricted, modified or limited, or has been reprimanded, warned or censured, probated or otherwise disciplined by any other state or federal agency whether or not voluntarily agreed to by the physician including, but not limited to, the denial of licensure, surrender of the license, permit or authority, allowing the license, permit or authority to expire or lapse, or discontinuing or limiting the practice of osteopathic medicine pending disposition of a complaint or completion of an investigation;

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

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

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

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

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

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

13. Has been guilty of personal offensive behavior, which would include, but not be limited to, obscenity, lewdness, and molestation;

14. Has performed an abortion as defined by Section 1-730 of Title 63 of the Oklahoma Statutes, except for an abortion necessary to prevent the death of the mother or to prevent substantial or irreversible physical impairment of the mother that substantially increases the risk of death. The performance of an abortion on the basis of the mental or emotional health of the mother shall be a violation of this paragraph, notwithstanding a claim or diagnosis that the woman may engage in conduct which she intends to result in her death. The Board shall impose a penalty as provided in this section and in Section 637.1 of this title on a licensee who violates this paragraph. The penalty shall include, but not be

limited to, suspension of the license for a period not less than one (1) year;

15. Has been adjudicated to be insane, or incompetent, or admitted to an institution for the treatment of psychiatric disorders; or

16. Has knowingly provided gender transition procedures as defined in Section 1 of this act to a child.

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

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

D. Any osteopathic physician in this state whose license to practice osteopathic medicine is revoked or suspended under this section shall have the right to seek judicial review of a ruling of the Board pursuant to the Administrative Procedures Act.

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

Added by Laws 1921, c. 30, p. 46, § 17. Amended by Laws 1955, p. 329, § 2, emerg. eff. May 7, 1955; Laws 1978, c. 136, § 2; Laws 1980, c. 208, § 2, emerg. eff. May 30, 1980; Laws 1983, c. 152, § 16, emerg. eff. May 26, 1983; Laws 1986, c. 50, § 2, operative July 1, 1986; Laws 1989, c. 233, § 2, operative July 1, 1989; Laws 1993, c. 230, § 17, eff. July 1, 1993; Laws 2001, c. 16, § 6, eff. Nov. 1, 2001; Laws 2019, c. 428, § 12, emerg. eff. May 21, 2019; Laws 2020, c. 161, § 42, emerg. eff. May 21, 2020; Laws 2021, c. 205, § 2, eff. Nov. 1, 2021; Laws 2023, c. 150, § 5, emerg. eff. May 1, 2023.

NOTE: Laws 2019, c. 363, § 31 repealed by Laws 2020, c. 161, § 43, emerg. eff. May 21, 2020.

§59-637.1. Alternatives to revoking, conditioning, suspending, reinstating or refusing to renew license.

A. In addition or as an alternative, as the case may be, to revoking, conditioning, suspending, reinstating or refusing to renew

any license, the State Board of Osteopathic Examiners may, after affording opportunity to be heard:

1. Temporarily order suspension or limitation of license;

2. Issue an order of warning, reprimand or censure with regard to any act, conduct or practice which, in the judgment of the Board upon consideration of all relevant facts and circumstances, does not warrant the initiation of formal action;

3. Order that any person violating any provision of an act or regulation administered by the Board to cease and desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the Board;

4. Order any person as a condition for continued, reinstated or renewed licensure or as a condition for probation or suspension to secure medical or such other professional treatment as may be necessary to properly discharge licensee functions; or

5. Order any person as a condition of any suspension or probation or any disciplinary action, to attend and produce evidence of successful completion of a specific term of education, residency or training in enumerated fields and/or institutions as ordered by the Board based on the facts of the case. Said education, residency or training shall be at the expense of the person so ordered.

B. If after considering all the testimony presented, the State Board of Osteopathic Examiners finds that the respondent has violated any provision of the Oklahoma Osteopathic Medicine Act or any rule promulgated thereto, the Board may impose on the respondent as a condition of any suspension, revocation, or probation, or any other disciplinary action, the payment of costs expended by the Board in investigating and prosecuting said cause, such costs to include but not be limited to staff time, salary and travel expense, witness fees and attorney fees. In addition, the Board may impose an administrative fine in an amount not to exceed One Thousand Dollars ($1,000.00) for each count or separate violation.

C. The Secretary of the Board may issue a letter of concern to a licensee, without a hearing, when evidence does not warrant formal proceedings, but indications exist of possible errant conduct that could lead to serious consequences and formal action. The letter of concern may contain, at the Secretary's discretion, clarifying information from the licensee. Such letters of concern are considered remedial.

Added by Laws 1983, c. 152, § 17, emerg. eff. May 26, 1983. Amended by Laws 1989, c. 233, § 3, operative July 1, 1989; Laws 1993, c. 230, § 18, eff. July 1, 1993; Laws 1997, c. 222, § 7, eff. Nov. 1, 1997.

§59-638. Acts punishable by fine or imprisonment – Separate criminal offense - False oath or affirmation as perjury.

A. Each of the following acts shall constitute a felony, punishable, upon conviction, by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the county jail for a term of not more than one (1) year or imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, or by both such fine and imprisonment:

1. The practice of osteopathic medicine or attempt to practice osteopathic medicine without a license issued by the State Board of Osteopathic Examiners;

2. Obtaining, or attempting to obtain, a license under the Oklahoma Osteopathic Medicine Act by fraud or false statements;

3. Obtaining, or attempting to obtain, money or any other thing of value, by fraudulent representation or false pretense;

4. Advertising as an osteopathic physician and surgeon, or practicing or attempting to practice osteopathic medicine under a false, assumed, or fictitious name, or a name other than the real name; or

5. Allowing any person in the licensee's employment or control to practice as an osteopathic physician and surgeon when not actually licensed to do so.

B. Each day a person is in violation of any provision of subsection A of this section shall constitute a separate criminal offense and, in addition, the district attorney may file a separate charge of medical battery for each person who is injured as a result of treatment or surgery performed in violation of subsection A of this section.

C. Any person making any willfully false oath or affirmation whenever oath or affirmation is required by the Oklahoma Osteopathic Medicine Act shall be deemed guilty of the felony of perjury, and upon conviction, shall be punished as prescribed by the general laws of this state.

Added by Laws 1921, c. 30, p. 47, § 18. Amended by Laws 1983, c. 152, § 18, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 19, eff. July 1, 1993; Laws 1997, c. 133, § 509, eff. July 1, 1999; Laws 2004, c. 523, § 12, emerg. eff. June 9, 2004; Laws 2008, c. 358, § 3, eff. Nov. 1, 2008.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 509 from July 1, 1998, to July 1, 1999.

§59-638.1. Guidance to osteopathic physicians for recommending medical marijuana – Disciplinary action.

A. The State Board of Osteopathic Examiners is hereby authorized to issue guidance to all osteopathic physicians in this state on the recommending of medical marijuana to patients.

B. The Board may take disciplinary action as provided for in the Oklahoma Osteopathic Medicine Act against any osteopathic

physician who willfully violates or aids another in the willful violation of the provisions of Section 420 et seq. of Title 63 of the Oklahoma Statutes or the provisions of Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma Legislature.
Added by Laws 2019, c. 390, § 5, emerg. eff. May 15, 2019.

§59-641. Osteopaths - Annual renewal of certificate - Fee - Attendance at educational program - Notice to licensee.

A. All persons legally licensed to practice osteopathic medicine in this state, on or before the first day of July of each year, shall apply to the secretary-treasurer of the Board, on forms furnished thereby, for a renewal certificate of registration entitling such licensee to practice osteopathic medicine and surgery in Oklahoma during the next ensuing fiscal year.

B. Each application shall be accompanied by a renewal fee in an amount sufficient to cover the cost and expense incurred by the State Board of Osteopathic Examiners, for a renewal of the person's certificate to practice osteopathic medicine.

C. 1. In addition to the payment of the annual renewal fee each licensee applying for a renewal of the certificate shall furnish to the State Board of Osteopathic Examiners proof that the person has attended at least two (2) days of the annual educational program conducted by the Oklahoma Osteopathic Association, or its equivalent, as determined by the Board, in the fiscal year preceding the application for a renewal; provided, the Board may excuse the failure of the licensee to attend the educational program in the case of illness or other unavoidable casualty rendering it impossible for the licensee to have attended the educational program or its equivalent.

2. The Board shall require that the licensee receive not less than one (1) hour of education in pain management or one (1) hour of education in opioid use or addiction each year preceding an application for renewal of a license, unless the licensee has demonstrated to the satisfaction of the Board that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number. Such education may be held at the annual educational program referenced in paragraph 1 of this subsection.

D. The secretary of the State Board of Osteopathic Examiners shall send a written notice to every person holding a legal certificate to practice osteopathic medicine in this state, at least thirty (30) days prior to the first day of July each year, directed to the last-known address of the licensee, notifying the licensee that it will be necessary for the licensee to pay the renewal license fee as herein provided, and proper forms shall accompany the notice upon which the licensee shall make application for renewal of the certificate.

Added by Laws 1939, p. 75, § 1, emerg. eff. May 12, 1939. Amended by Laws 1963, c. 56, § 1, emerg. eff. May 13, 1963; Laws 1974, c. 165, § 1, emerg. eff. May 9, 1974; Laws 1980, c. 246, § 1, emerg. eff. May 16, 1980; Laws 1983, c. 152, § 20, emerg. eff. May 26, 1983; Laws 1986, c. 50, § 3, operative July 1, 1986; Laws 1993, c. 230, § 20, eff. July 1, 1993; Laws 2001, c. 16, § 7, eff. Nov. 1, 2001; Laws 2019, c. 428, § 13, emerg. eff. May 21, 2019.

§59-642. Failure to comply with license renewal requirements - Cancellation of license - Reinstatement - Inactive status prohibited - Voluntary cancellation of license.

A. If any licensee shall fail to comply with the requirements of Section 641 of this title or this section and such license is allowed to lapse, the licensee shall, upon order of the State Board of Osteopathic Examiners, forfeit the right to practice osteopathic medicine in this state and the license and certificate shall be canceled, provided, however, that the Board may reinstate such person upon the payment of all fees due, plus a penalty fee in the amount fixed by the State Board of Osteopathic Examiners not to exceed twice the amount of the license renewal fees as determined by the Board and upon the presentation of satisfactory evidence of the attendance at an educational program as provided for in Sections 637 and 641 of this title. The State Board of Osteopathic Examiners shall not place the license of any person authorized to practice osteopathic medicine in this state on inactive status.

B. Licensees who retire from such practice or desire to request cancellation of their license shall file with the State Board of Osteopathic Examiners an affidavit, on a form to be furnished by the Board, which states the date of retirement and such other facts to verify the retirement or other reasons for cancellation as the Board may deem necessary and the license shall be canceled. If a licensee desires to re-engage the practice, the licensee shall reinstate the license as provided for in Sections 637 and 641 of this title and subsection A of this section.

Laws 1939, p. 76, § 2, emerg. eff. May 12, 1939; Laws 1974, c. 165, § 2, emerg. eff. May 9, 1974; Laws 1980, c. 246, § 2, emerg. eff. May 16, 1980; Laws 1983, c. 152, § 21, emerg. eff. May 26, 1983; Laws 1986, c. 50, § 4, operative July 1, 1986; Laws 1989, c. 233, § 4, operative July 1, 1989; Laws 1993, c. 230, § 21, eff. July 1, 1993.

§59-643. Use of fund.

The funds received pursuant to the Oklahoma Osteopathic Medicine Act or the Oklahoma Abortion-Inducing Drug Certification Program Act shall be deposited to the credit of the State Board of Osteopathic Examiners Revolving Fund and may be expended by the State Board of Osteopathic Examiners and under its direction in assisting in the

enforcement of the laws of this state prohibiting the unlawful practice of osteopathic medicine, assisting in the support of a peer assistance program, and for the dissemination of information to prevent the violation of such laws, and for the purchasing of supplies and such other expense as is necessary to properly carry out the provisions of the Oklahoma Osteopathic Medicine Act or the Oklahoma Abortion-Inducing Drug Certification Program Act.
Added by Laws 1939, p. 76, § 3, emerg. eff. May 12, 1939. Amended by Laws 1955, p. 329, § 3, emerg. eff. May 7, 1955; Laws 1980, c. 246, § 3, emerg, eff. May 16, 1980; Laws 1983, c. 152, § 22, emerg. eff. May 26, 1983; Laws 1993, c. 230, § 22, eff. July 1, 1993; Laws 2001, c. 16, § 8, eff. Nov. 1, 2001; Laws 2021, c. 578, § 18, eff. Nov. 1, 2021.

§59-644. State Board of Osteopathic Examiner's Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Osteopathic Examiners, to be designated the "State Board of Osteopathic Examiner's Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the Oklahoma Osteopathic Medicine Act or the Oklahoma Abortion-Inducing Drug Certification Program Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of enforcing the laws of this state which prohibit the unlawful practice of osteopathic medicine, for the dissemination of information to prevent the violation of such laws and for the purchase of supplies and such other expense as is necessary to properly implement the provisions of the Oklahoma Osteopathic Medicine Act or the Oklahoma Abortion-Inducing Drug Certification Program Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims signed by an authorized employee or employees of the State Board of Osteopathic Examiners and filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1983, c. 152, § 23, emerg. eff. May 26, 1983. Amended by Laws 1993, c. 230, § 23, eff. July 1, 1993; Laws 2001, c. 16, § 9, eff. Nov. 1, 2001; Laws 2012, c. 304, § 266; Laws 2021, c. 578, § 19, eff. Nov. 1, 2021.

§59-645. Rules - Fees.

The State Board of Osteopathic Examiners shall adopt such rules as may be necessary to implement the provisions of the Oklahoma Osteopathic Medicine Act and may establish fees authorized but not specified in the Oklahoma Osteopathic Medicine Act.

Laws 1989, c. 233, § 5, operative July 1, 1989; Laws 1993, c. 230, § 24, eff. July 1, 1993.

§59-645.1. Osteopathic Physician Preceptor Tax Credit Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Osteopathic Examiners to be designated the "Osteopathic Physician Preceptor Tax Credit Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of the monies received by the Board from a portion of licensure fees received from osteopathic physicians under subsection I of Section 1 of this act. All monies accruing to the credit of the fund are hereby appropriated and the fund shall be used to make a transfer payment to the Oklahoma Tax Commission in an amount equal to the amount of tax credits awarded pursuant to this act. The Oklahoma Tax Commission shall apportion monies transferred from the fund in the same manner as provided by Section 2352 of Title 68 of the Oklahoma Statutes. Monies in the fund which are not required for payment of administrative expenses to the Health Care Workforce Training Commission, which shall not exceed five percent (5%) of monies apportioned to the fund, or which are not required to be transferred to the Oklahoma Tax Commission as otherwise required by this act to offset the revenue impacted by the use of the income tax credits awarded pursuant to Section 1 of this act may be used to implement programs required or authorized by law. Added by Laws 2024, c. 316, § 4, emerg. eff. May 16, 2024.

§59-646.1. Definitions.

As used in this act:

1. "Assessment mechanism":
    a. means automated or virtual equipment, application or technology designed to be used on a telephone, a computer or an Internet-based device that may be used either in person or remotely to conduct an eye assessment, and
    b. includes artificial intelligence devices and any equipment, electronic or nonelectronic, that is used to perform an eye assessment;

2. "Contact lens" means any lens placed directly on the surface of the eye, regardless of whether or not it is intended to correct a visual defect, including any cosmetic, therapeutic or corrective lens;

3. "Eye assessment" means an assessment of the ocular health and/or visual refractive status of a patient that may include but is not limited to objective refractive data or information generated by an automated testing device, including an autorefractor or Internet-

based assessment method, in order to establish a medical diagnosis or refractive diagnosis for the correction of vision disorders;

4. "Person" means an individual, corporation, trust, partnership, incorporated or unincorporated association and any other legal entity;

5. "Prescription" means a handwritten or electronic order issued by an Oklahoma-licensed optometrist, or an oral order issued directly by an Oklahoma-licensed optometrist;

6. "Seller" means an individual or entity that sells contact lenses or visual aid glasses and dispenses them to Oklahoma residents in any manner; and

7. "Visual aid glasses":

a. means eyeglasses, spectacles or lenses designed or used to correct visual defects, including spectacles that may be adjusted by the wearer to achieve different types or levels of visual correction or enhancement, and

b. does not include optical instruments or devices that are:

(1) not intended to correct or enhance vision,

(2) sold without consideration of the visual status of the individual who will use the optical instrument or device, including sunglasses that are designed and used solely to filter out light, or

(3) completely assembled eyeglasses or spectacles designed and used solely to magnify.

Added by Laws 2019, c. 427, § 4, eff. Nov. 1, 2019.

§59-646.2. Requirements for assessment mechanisms.

A. An assessment mechanism to conduct an eye assessment or to generate a prescription for contact lenses or visual aid glasses to a patient in Oklahoma shall:

1. Provide synchronous or asynchronous interaction between the patient and the Oklahoma-licensed optometrist;

2. Collect the patient's medical history, previous prescription for corrective eyewear and length of time since the patient's most recent in-person comprehensive eye health examination;

3. Provide any applicable accommodation required by the federal Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq., as amended;

4. Gather and transmit protected health information in compliance with the federal Health Insurance Portability and Accountability Act of 1996, as amended;

5. Be used to perform a procedure with a recognized Current Procedural Terminology code maintained by the American Medical Association, if applicable; and

6. Maintain liability insurance, through its owner or lessee, in an amount adequate to cover claims made by individuals examined, diagnosed, or treated based on information and data, including any photographs, and scans, and other digital data generated by the assessment mechanism.

B. An Oklahoma-licensed optometrist shall:

1. Read and interpret the diagnostic information and data, including any photographs and scans, gathered by the assessment mechanism;

2. Verify the identity of the patient requesting treatment via the assessment mechanism;

3. Create and maintain a medical record for each patient, which is for use during the ongoing treatment of a patient and complies with all state and federal laws regarding maintenance and accessibility and is HIPAA-compliant; and

4. Provide a handwritten or electronic signature, along with their Oklahoma state license number, certifying their diagnosis, evaluation, treatment of the patient, and prescription or consultation recommendations for the patient.

C. Prior to using an assessment mechanism, each Oklahoma patient shall be provided with and shall accept as a term of use a disclosure that includes the following information:

1. This assessment is not a replacement for an in-person comprehensive eye health examination;

2. This assessment cannot be used to generate an initial prescription for contact lenses or a follow-up or first renewal of the initial prescription;

3. This assessment may only be used if the patient has had an in-person comprehensive eye health examination within the previous twenty-four (24) months if the patient is conducting an eye assessment or receiving a prescription for visual aid glasses; and

4. The United States Centers for Disease Control and Prevention (CDC) advises contact lens wearers to be examined by an eye doctor one time a year or more often if needed.

D. Evaluation, treatment and consultation recommendations by an Oklahoma-licensed optometrist utilizing an assessment mechanism as required in this section, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice guidelines and standard of care as those in traditional in-person clinical settings.

E. This section shall not:

1. Limit the discretion of an Oklahoma-licensed optometrist to direct a patient to utilize any telehealth service deemed appropriate for any treatment and care of the patient;

2. Limit the sharing of patient information, in whatever form, by an optometrist; or

3. Apply beyond ocular health and eye care.

Added by Laws 2019, c. 427, § 5, eff. Nov. 1, 2019.

§59-646.3. Contact lens prescription requirements.

A. A contact lens prescription shall include the following:

1. The ophthalmic information necessary to accurately fabricate or dispense the lenses, including the lens manufacturer, lens series/brand name and the lens material, if applicable;

2. Power and base curve;

3. Name, license number, telephone number and, for written orders, the signature of the prescribing optometrist;

4. Patient's name and address, expiration date of the prescription and number of refills or lenses permitted; and

5. The date of issuance.

B. A contact lens prescription may also include the diameter, axis, add power, cylinder, peripheral curve, optical zone and center thickness.

C. A prescription for visual aid glasses shall include the following:

1. The name, license number, telephone number and, for written orders, the signature of the prescribing optometrist;

2. The patient's name;

3. The date of issuance; and

4. The value of all parameters the Oklahoma-licensed optometrist has deemed necessary to dispense corrective lenses appropriate for a patient.

D. An Oklahoma-licensed optometrist shall not refuse to release a prescription for contact lenses or visual aid glasses to a patient.

Added by Laws 2019, c. 427, § 6, eff. Nov. 1, 2019.

§59-646.4. Twelve-month minimum for contact lens prescriptions.

Unless a health-related reason for the limitation is noted in the patient's medical records, contact lens prescriptions shall not have an expiration date of less than twelve (12) months from the date the prescription is authorized or the last date of the contact lens evaluation by an Oklahoma-licensed optometrist, whichever date is later. In no event shall a contact lens prescription be valid twelve (12) months after the date of authorization by an Oklahoma-licensed optometrist.

Added by Laws 2019, c. 427, § 7, eff. Nov. 1, 2019.

§59-646.5. Verification of contact lens prescription by authorized sellers.

A. All contact lens sellers authorized to dispense contact lenses in this state shall verify the contact lens prescription by the following:

1. Receipt of a written or faxed valid contact lens prescription signed by the prescribing optometrist; or

2. An electronic or oral affirmative communication of the complete contact lens prescription from the prescribing optometrist.

B. If a contact lens seller authorized to dispense contact lenses in this state finds it necessary to contact the prescribing optometrist via telephone in order to verify a contact lens prescription, the following protocols shall be followed:

1. Calls shall be made during regular business hours, which for purposes of this act shall be defined as Monday through Friday during the hours of 9:00 a.m. and 5:00 p.m. Central Standard Time excluding federal holidays;

2. Any verification requests shall include the name, address and telephone number of the patient;

3. The toll-free telephone number shall be included in voice mail or messages left on answering machines;

4. Contact lens prescriptions shall not be mailed, sent, delivered or dispensed before verification by the optometrist;

5. Touch-tone telephone options offered by a contact lens seller or any person authorized to dispense contact lenses in this state shall not constitute verification;

6. Response-time options stated by a contact lens seller or any person authorized to dispense contact lenses in this state shall not constitute verification; and

7. Calls shall comply with federal statutes.

C. In the absence of a prescription as defined and described in Section 10 of this act, it shall be a violation of this act to dispense contact lenses through the mail or otherwise to an Oklahoma resident.

Added by Laws 2019, c. 427, § 8, eff. Nov. 1, 2019.

§59-646.6. Liability for dispensing contact lenses or visual aid glasses.

A. Any seller or any person authorized to dispense contact lenses or visual aid glasses in this state who fills a prescription bears the full responsibility for the accurate dispensing of the contact lenses or visual aid glasses provided under the prescription. At no time shall any changes or substitutions be made, including brand, type of lenses or ophthalmic parameters, without the direction of the optometrist who issued the contact lens or visual aid glasses prescription.

B. The optometrist shall not be liable for any damages for injury resulting from the packaging or manufacturing of the contact lenses or visual aid glasses.

Added by Laws 2019, c. 427, § 9, eff. Nov. 1, 2019.

§59-646.7. Completion of contact lens fitting.

A contact lens fitting shall be complete and a contact lens prescription may be written when:

1. The optometrist has completed all measurements, tests and examinations necessary to satisfy his or her professional judgment that the patient is a viable candidate to wear contact lenses, recognizing that more than one visit between the patient and the optometrist may be required; and

2. Contact lenses suitable for the patient's eyes have been evaluated and fitted by the optometrist to the patient's eyes and the optometrist is satisfied with the fitting based on ocular health and the visual needs of the patient.

The patient shall be entitled to receive a copy of the contact lens prescription with the appropriate number of lenses to fulfill the prescription until its expiration date.

Added by Laws 2019, c. 427, § 10, eff. Nov. 1, 2019.

§59-650. Interventional pain management license.

A. This act shall be known and may be cited as the "Oklahoma Interventional Pain Management and Treatment Act".

B. As used in this section:

1. "Chronic pain" means a pain state which is subacute, persistent and intractable;

2. "Fluoroscope" means a radiologic instrument equipped with a fluorescent screen on which opaque internal structures can be viewed as moving shadow images formed by the differential transmission of X-rays throughout the body; and

3. "Interventional pain management" means the practice of medicine devoted to the diagnosis and treatment of chronic pain, through the use of such techniques as:

   a. ablation of targeted nerves,
   b. percutaneous precision needle placement within the spinal column with placement of drugs such as local anesthetics, steroids, analgesics in targeted areas of the spinal column, or
   c. surgical techniques, such as laser or endoscopic diskectomy, intrathecal infusion pumps and spinal cord stimulators.

C. It shall be unlawful to practice or offer to practice interventional pain management in this state unless such person has been duly licensed under the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act.

D. Nothing in this section shall be construed to forbid the administration of lumbar intra-laminar epidural steroid injections or peripheral nerve blocks by a certified registered nurse anesthetist when requested to do so by a physician and under the supervision of an allopathic or osteopathic physician licensed in

this state and under conditions in which timely on-site consultation by such allopathic or osteopathic physician is available.

E. A certified registered nurse anesthetist shall not operate a freestanding pain management facility without direct supervision of a physician who is board-certified in interventional pain management or its equivalent.

Added by Laws 2010, c. 67, § 1, emerg. eff. April 9, 2010.

§59-698.1. Short title.

Chapter 15 of this title shall be known and may be cited as the "Oklahoma Veterinary Practice Act".

Added by Laws 1971, c. 126, § 1, emerg. eff. May 4, 1971. Amended by Laws 1999, c. 94, § 1, eff. Nov. 1, 1999.

§59-698.2. Definitions.

As used in the Oklahoma Veterinary Practice Act:

1. "Board" means the State Board of Veterinary Medical Examiners;

2. "Animal" means any animal other than humans and includes, but is not limited to, fowl, fish, birds and reptiles, wild or domestic, living or dead;

3. "Veterinarian" means a person who has received a degree in veterinary medicine or its equivalent from a school of veterinary medicine;

4. "Licensed veterinarian" means any veterinarian who holds an active license to practice veterinary medicine in this state;

5. "School of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent, which conforms to the standards required for accreditation by the American Veterinary Medical Association (AVMA) and which is recognized and approved by the Board;

6. "Veterinary technician" means a person who has graduated from a program accredited by the American Veterinary Medical Association, or its equivalent which is recognized and approved by the Board, and who has passed the examination requirements set forth by the Board, and is certified to practice under the direct supervision of a licensed veterinarian. For the purpose of the Oklahoma Veterinary Practice Act, "registered veterinary technician (RVT)" will be used interchangeably with veterinary technician who is certified pursuant to Sections 698.21 through 698.26 of this title;

7. "Veterinary technologist" means a person who has successfully graduated from an AVMA-accredited bachelor degree program of veterinary technology, or its AVMA equivalent;

8. "Veterinary assistant" means an individual who may perform the duties of a veterinary technician or veterinary technologist;

however, has not graduated from an AVMA-accredited technology program or its equivalent, and has not been certified by the Board;

9. "Veterinary technology" means the science and art of providing all aspects of professional medical care, services and treatment for animals with the exception of diagnosis, prognosis, surgery and prescription of any treatments, drugs, medications or appliances, where a valid veterinarian-client-patient relationship exists;

10. "Direct supervision" means:

a. directions have been given to a veterinary technician, nurse, laboratory technician, intern, veterinary assistant or other employee for medical care following the examination of an animal by the licensed veterinarian responsible for the professional care of the animal, or

b. that, under certain circumstances following the examination of an animal by a licensed veterinarian responsible for the professional care of the animal, the presence of the licensed veterinarian on the premises in an animal hospital setting or in the same general area in a range setting is required after directions have been given to a veterinarian who has a certificate issued pursuant to Section 698.8 of this title;

11. "License" means authorization to practice veterinary medicine granted by the Board to an individual found by the Board to meet certain requirements pursuant to the Oklahoma Veterinary Practice Act or any other applicable statutes;

12. "Supervised Doctor of Veterinary Medicine Certificate" means authorization to practice veterinary medicine with certain limitations or restrictions on that practice, set by the Board or authorization to perform certain enumerated functions peripheral to the practice of veterinary medicine as set by the Board and has a certificate issued pursuant to Section 698.8 of this title;

13. "Veterinarian-client-patient relationship" means when:

a. the licensed veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal or animals and the need for medical treatment, and the client, owner or other caretaker has agreed to follow the instructions of the licensed veterinarian, and

b. there is sufficient knowledge of the animal or animals by the licensed veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal or animals in that:

(1) the licensed veterinarian has recently seen or is personally acquainted with the keeping and care of the animal or animals, or
(2) the licensed veterinarian has made medically necessary and timely visits to the premises where the animal or animals are kept or both, and

c. the licensed veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy, or has arranged for emergency medical coverage, and

d. the licensed veterinarian's actions would conform to applicable federal law and regulations;

14. "Veterinary premises" means any facility where the practice of veterinary medicine occurs including, but not limited to, a mobile unit, mobile clinic, outpatient clinic, satellite clinic, public service outreach of a veterinary facility or veterinary hospital or clinic. The term "veterinary premises" shall not include the premises of a client of a licensed veterinarian or research facility;

15. "Veterinary prescription drugs" means such prescription items as are in the possession of a person regularly and lawfully engaged in the manufacture, transportation, storage or wholesale or retail distribution of veterinary drugs and the federal Food and Drug Administration-approved human drugs for animals which because of their toxicity or other potential for harmful effects, or method of use, or the collateral measures necessary for use, are labeled by the manufacturer or distributor in compliance with federal law and regulations to be sold only to or on the prescription order or under the supervision of a licensed veterinarian for use in the course of professional practice. Veterinary prescription drugs shall not include over-the-counter products for which adequate directions for lay use can be written;

16. "ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Education Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine;

17. "Executive Director" means the Executive Director of the State Board of Veterinary Medical Examiners or the authorized representative of such official;

18. "Telemedicine" or "telehealth" means the practice of veterinary medicine including diagnosis, consultation, evaluation, treatment, transfer of medical data or exchange of information by means of a two-way, real-time interactive communication between a client or patient and a veterinarian with access to and reviewing the patient's relevant information prior to the telemedicine visit.

Telemedicine or telehealth shall not include consultations provided by telephone audio-only communication. A veterinarian using telehealth technologies shall take appropriate steps to establish the veterinarian-client-patient relationship and conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the particular patient presentation. A veterinarian shall be licensed, or under the jurisdiction of, the veterinary board of the jurisdiction where the patient is located. The practice of medicine occurs where the patient is located at the time telehealth technologies are used;

19. "Person" means any individual, firm, partnership, association, joint venture, cooperative, corporation or any other group or combination acting in concert, and whether or not acting as a principal, trustee, fiduciary, receiver or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, fictitious name certificate or any other representative of such person;

20. "Food animal" means any mammalian, poultry, fowl, fish or other animal that is raised primarily for human food consumption;

21. "Surgery" means the branch of veterinary science conducted under elective or emergency circumstances, which treats diseases, injuries and deformities by manual or operative methods including, but not limited to, cosmetic, reconstructive, ophthalmic, orthopedic, vascular, thoracic and obstetric procedures. The provisions in Section 698.12 of this title shall not be construed as surgery;

22. "Abandonment" means to forsake entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or the owner's agent. Abandonment shall constitute the relinquishment of all rights and claims by the owner to an animal;

23. "Animal chiropractic diagnosis and treatment" means treatment that includes vertebral subluxation complex (VSC) and spinal manipulation of nonhuman vertebrates. The term "animal chiropractic diagnosis and treatment" shall not be construed to allow the:

a. use of x-rays,
b. performing of surgery,
c. dispensing or administering of medications, or
d. performance of traditional veterinary care;

24. "Animal euthanasia technician" means an employee of a law enforcement agency, an animal control agency or animal shelter that is recognized and approved by the Board, who is certified by the Board and trained to administer sodium pentobarbital to euthanize injured, sick, homeless or unwanted domestic pets and other animals;

25. "Teeth floating", as provided by a nonveterinary equine dental care provider, means the removal of enamel points and the smoothing, contouring and leveling of dental arcades and incisors of equine and other farm animals. It shall not include dental procedures on canines and felines;

26. "Nonveterinary reproductive services" means nonveterinary services provided by an individual certified by the Board as a nonveterinary reproductive services technician, and involves and shall be limited to nonsurgical embryo transfer in ruminating animals including cattle, sheep, goats, farmed deer and other ruminating exotic animals such as those found in zoos, and may include basic ultrasonography of their ovaries to evaluate the response to embryo-transfer-associated procedures and of the uterus to determine pregnancy by the detection of a heartbeat within the transferred embryo at or greater than twenty-eight (28) days of gestation of such ruminating animals;

27. "Embryo transfer" means the biosecure process of inducing increased ovulations within a donor female for the in vivo production of embryos, the flushing of those embryos, collecting, grading and transferring of those embryos to recipient females or the cryopreservation of those embryos for storage and later transfer to recipient females;

28. "Animal Technology Advisory Committee" means the advisory committee established by the Board pursuant to Section 698.30b of this title to advise and make recommendations to the Board regarding any new and evolving technology, procedure, method or practice that may be considered or otherwise designated as an act of animal husbandry that should be included as an act not prohibited in paragraph 1 of Section 698.12 of the Oklahoma Veterinary Practice Act. Reference to the advisory committee in this act shall mean the Animal Technology Advisory Committee;

29. "Examination Committee" means the committee established and described in subsection D of Section 698.30a of this title related to nonveterinary reproductive services; and

30. "Probable Cause Committee" means the committee consisting of the Board's secretary or treasurer, investigator and attorney to negotiate and settle disputes in accordance with the Oklahoma Veterinary Practice Act.

Added by Laws 1971, c. 126, § 2, emerg. eff. May 4, 1971. Amended by Laws 1982, c. 192, § 1, emerg. eff. April 22, 1982; Laws 1990, c. 314, § 1, eff. Sept. 1, 1990; Laws 1998, c. 80, § 1, eff. Nov. 1, 1998; Laws 1999, c. 94, § 2, eff. Nov. 1, 1999; Laws 2000, c. 199, § 7, eff. Nov. 1, 2000; Laws 2000, c. 334, § 5, eff. Nov. 1, 2000; Laws 2002, c. 172, § 1, eff. Nov. 1, 2002; Laws 2010, c. 112, § 1; Laws 2011, c. 83, § 1, eff. Nov. 1, 2011; Laws 2021, c. 564, § 1, eff. Nov. 1, 2021.

NOTE: Laws 2000, c. 131, § 4 repealed by Laws 2000, c. 334, § 9, eff. Nov. 1, 2000.

§59-698.3. State Board of Veterinary Medical Examiners - Purpose - Conflicts of interest - Liability.

A. The State Board of Veterinary Medical Examiners is hereby re-created, to continue until July 1, 2025, in accordance with the provisions of the Oklahoma Sunset Law, to regulate and enforce the practice of veterinary medicine in this state in accordance with the Oklahoma Veterinary Practice Act.

B. 1. The duty of determining a person's initial and continuing qualification and fitness for the practice of veterinary medicine, of proceeding against the unlawful and unlicensed practice of veterinary medicine and of enforcing the Oklahoma Veterinary Practice Act is hereby delegated to the Board. That duty shall be discharged in accordance with the Oklahoma Veterinary Practice Act and other applicable statutes.

2. a. It is necessary that the powers conferred on the Board by the Oklahoma Veterinary Practice Act be construed to protect the health, safety and welfare of the people of this state.

b. No member of the Board, acting in that capacity or as a member of any Board committee, shall participate in the making of any decision or the taking of any action affecting such member's own personal, professional or pecuniary interest, or that of a person related to the member within the third degree by consanguinity, marriage or adoption or of a business or professional associate.

c. With advice of legal counsel, the Board shall adopt and annually review a conflict of interest policy to enforce the provisions of the Oklahoma Veterinary Practice Act.

C. The practice of veterinary medicine is a privilege granted by the people of this state acting through their elected representatives. It is not a natural right of individuals. In the interest of the public, and to protect the public, it is necessary to provide laws and rules to govern the granting and subsequent use of the privilege to practice veterinary medicine. The primary responsibility and obligation of the Board is to protect the public from the unprofessional, improper, incompetent and unlawful practice of veterinary medicine.

D. The liability of any member or employee of the Board acting within the scope of Board duties or employment shall be governed by The Governmental Tort Claims Act.

Added by Laws 1971, c. 126, § 3, emerg. eff. May 4, 1971. Amended by Laws 1982, c. 32, § 1, emerg. eff. March 26, 1982; Laws 1988, c.

225, § 12; Laws 1990, c. 314, § 2, eff. Sept. 1, 1990; Laws 1994, c. 112, § 1, eff. July 1, 1994; Laws 1999, c. 94, § 3, eff. Nov. 1, 1999; Laws 2000, c. 89, § 1; Laws 2006, c. 48, § 1; Laws 2012, c. 60, § 1; Laws 2014, c. 353, § 1; Laws 2020, c. 116, § 3, eff. July 1, 2020; Laws 2021, c. 564, § 2, eff. Nov. 1, 2021.

§59-698.4. Appointment - Qualifications - Terms - Removal for cause.

A. 1. The State Board of Veterinary Medical Examiners shall consist of six (6) members, appointed by the Governor with the advice and consent of the Senate. The Board shall consist of five licensed veterinarian members, and one lay person representing the general public.

2. Each veterinary member shall be a graduate of an approved school of veterinary medicine, shall be a currently licensed veterinarian and shall have held an active license for the three (3) years preceding appointment to the Board. One member shall be appointed from each congressional district and any remaining members shall be appointed from the state 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. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district.

3. Of the five licensed veterinarian members, one must be an equine practitioner and one must be a large animal practitioner.

4. The lay member shall have no financial interest in the profession other than as a consumer or potential consumer of its services.

5. Members must be residents of this state and be persons of integrity and good reputation. No member shall be a registered lobbyist. No member shall be an officer, board member or employee of a statewide or national organization established for the purpose of advocating the interests of or conducting peer review of veterinarians licensed pursuant to the Oklahoma Veterinary Practice Act.

B. Members of the Board shall be appointed for a term of five (5) years. No member shall serve consecutively for more than two (2) terms. Not more than two (2) terms shall expire in each year, and vacancies for the remainder of an unexpired term shall be filled

by appointment by the Governor. Members shall serve beyond the expiration of their term until a successor is appointed by the Governor. The Governor shall appoint to a vacancy within ninety (90) days of the beginning of the vacancy. Nominees considered by the Governor for appointment to the Board must be free of pending disciplinary action or active investigation by the Board.

C. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to, if a member:

1. Ceases to be qualified;

2. Is found guilty by a court of competent jurisdiction of a felony or unlawful act which involves moral turpitude;

3. Is found guilty of malfeasance, misfeasance or nonfeasance in relation to Board duties;

4. Is found mentally incompetent by a court of competent jurisdiction;

5. Is found in violation of the Oklahoma Veterinary Practice Act; or

6. Fails to attend three successive Board meetings without just cause as determined by the Board.

Added by Laws 1971, c. 126, § 4, emerg. eff. May 4, 1971. Amended by Laws 1990, c. 314, § 3, eff. Sept. 1, 1990; Laws 1999, c. 94, § 4, eff. Nov. 1, 1999; Laws 2002, c. 375, § 8, eff. Nov. 5, 2002; Laws 2010, c. 112, § 2; Laws 2021, c. 564, § 3, eff. Nov. 1, 2021.

§59-698.5. Oath of office - Officers, powers and duties - Reports - Standing or ad hoc committees.

A. 1. Each member of the State Board of Veterinary Medical Examiners shall take the constitutional oath of office.

2. The Board shall organize annually, at the last meeting of the Board before the beginning of the next fiscal year, by electing from the Board membership a president, vice-president and secretary-treasurer. Officers of the Board shall serve for terms of one (1) year or until their successors are elected. Officers shall not succeed themselves for more than one term. The lay member appointed to the Board shall not hold elective office.

B. 1. The president shall:

a. preside at Board meetings,
b. arrange the Board agenda,
c. sign Board orders and other required documents,
d. appoint Board committees and their chairpersons,
e. coordinate Board activities,
f. represent the Board before legislative committees, and
g. perform those other duties assigned by the Board and this section.

2. The vice-president shall perform the duties of president during the president’s absence or disability and shall assist the president in duties as requested.

3. The secretary-treasurer shall be responsible for the administrative functions of the Board.

4. The employment of administrative, investigative, legal and clerical personnel shall be subject to the approval of the Board.

5. At the end of each fiscal year the president and secretary-treasurer shall prepare or cause to be prepared and submit to the Governor a report on the transactions of the Board.

C. To facilitate its work effectively, fulfill its duties and exercise its powers, the Board may establish standing or ad hoc committees. The president shall appoint members and chairpersons of the committees and determine the length of terms of service. The president may appoint individuals to serve on a standing or ad hoc committee for a term not to exceed one (1) year.

Added by Laws 1971, c. 126, § 5, emerg. eff. May 4, 1971. Amended by Laws 1980, c. 159, § 13, emerg. eff. April 2, 1980; Laws 1990, c. 314, § 4, eff. Sept. 1, 1990; Laws 1999, c. 94, § 5, eff. Nov. 1, 1999.

§59-698.5a. Authority and duties.

A. 1. Investigators for the State Board of Veterinary Medical Examiners shall perform such services as are necessary in the investigation of criminal activity or preparation of administrative actions.

2. In addition, investigators shall have the authority and duty to investigate and inspect the records of all licensees in order to determine whether the licensee is in compliance with applicable narcotics and dangerous drug laws and regulations.

B. Any investigator certified as a peace officer by the Council on Law Enforcement Education and Training shall have statewide jurisdiction to perform the duties authorized by this section. In addition, the investigator shall be considered a peace officer and shall have the powers now or hereafter vested by law in peace officers.

Added by Laws 1998, c. 80, § 2, eff. Nov. 1, 1998. Amended by Laws 1999, c. 94, § 6, eff. Nov. 1, 1999.

§59-698.6. Meetings - Notice - Emergency meetings - Travel expenses - Revenues and funds - Increases in fees, charges, etc.

A. The State Board of Veterinary Medical Examiners shall meet at least once each year in the first half of the calendar year and once each year in the second half of the calendar year. In addition, the Board may meet at other times of the year as is deemed necessary to conduct the business of the Board. The Board shall meet at the time and place fixed by order of the Board president or by order of three members of the Board acting jointly upon refusal of the president to call for or fix a time and place for said meeting.

B. 1. Notice of meetings shall be filed in conformance with the Oklahoma Open Meeting Act. Members shall be notified of each meeting at least twenty (20) days before said meeting, except in the case of a meeting called for emergency purposes.

2. Emergency meetings may be called at any time by the president or at the request of three Board members as required to enforce the Oklahoma Veterinary Practice Act. The Board may establish procedures by which the Board may call an emergency meeting in accordance with the Oklahoma Open Meeting Act. The Board may establish procedures by which committee advice may be obtained in cases of emergency.

3. The Board shall establish a system for giving all Board and committee members and the public reasonable notice of scheduled meetings.

4. Minutes of all Board and committee meetings shall be kept in accordance with promulgated rules of the Board and other applicable statutes.

C. All meetings of the Board and its committees shall be open to the public except as set out in Article II of the Administrative Procedures Act and the Oklahoma Open Meeting Act.

D. Each Board member shall receive reimbursement for expenses in accordance with the Oklahoma Travel Reimbursement Act and rules promulgated by the Board.

E. 1. The Board shall be fully supported by the revenues generated from its activities, including fees, charges and reimbursed costs.

2. All such revenues, with the exception of the ten percent (10%) of its revenue required to be deposited in the General Revenue Fund, shall be deposited to the Veterinary Medical Examiners Fund and shall be credited to the account of the State Board of Veterinary Medical Examiners. Any revenue remaining in the revolving fund at the end of any fiscal year shall be carried over to the next fiscal year in the account of the State Board of Veterinary Medical Examiners.

3. The Board shall operate on the fiscal year beginning July 1 and ending June 30 of each year.

4. The Board shall develop and adopt its own budget reflecting revenues, including reimbursed costs associated with the administrative, investigative, and legal expenditures for taking disciplinary action, and the establishment and maintenance of a reasonable reserve fund.

F. All fees, charges, reimbursement minimums and other revenue generating amounts shall be promulgated by the Board by rule and shall reflect normal increases due to inflation or cost of doing business.

Added by Laws 1971, c. 126, § 6, emerg. eff. May 4, 1971. Amended by Laws 1982, c. 192, § 2, emerg. eff. April 22, 1982; Laws 1985, c.

178, § 36, operative July 1, 1985; Laws 1990, c. 314, § 5, eff. Sept. 1, 1990; Laws 1999, c. 94, § 7, eff. Nov. 1, 1999.
NOTE: Laws 1982, c. 32, § 2 repealed by Laws 1985, c. 178, § 81, operative July 1, 1985.

§59-698.7. Powers and duties of Board.

The State Board of Veterinary Medical Examiners shall have the powers and it shall also be its duty to regulate the practice of veterinary medicine. In addition to any other powers placed on it by the Oklahoma Veterinary Practice Act or as otherwise provided by law, the Board shall have the power and duty to:

1. a. set standards for licensure or certification by examination and develop such examinations as will provide assurance of competency to practice, and
   b. employ or enter into agreements with organizations or agencies to provide examinations acceptable to the Board or employ or enter into agreements with organizations or agencies to provide administration, preparation or scoring of examinations;
2. Set fees;
3. Prescribe the time, place, method, manner, scope and subjects of examination for licensure;
4. Prepare or select, conduct or direct the conduct of, set minimum requirements for and assure security of licensing and other required examinations;
5. a. issue or deny licenses and certificates and renewals thereof,
   b. acquire information about and evaluate the professional education and training of applicants for licensure or certification; and accept or deny applications for licensure, certification or renewal of either licensure or certification based on the evaluation of information relating to applicant fitness, performance or competency to practice,
   c. determine which professional schools, colleges, universities, training institutions and educational programs are acceptable in connection with licensure pursuant to the Oklahoma Veterinary Practice Act, and accept the approval of such facilities and programs by American-Veterinary-Medical-Association-accredited institutions in the United States and Canada,
   d. require supporting documentation or other acceptable verifying evidence for any information provided the Board by an applicant for licensure or certification, and
   e. require information on an applicant's fitness, qualification and previous professional record and

performance from recognized data sources including, but not limited to, other licensing and disciplinary authorities of other jurisdictions, professional education and training institutions, liability insurers, animal health care institutions and law enforcement agencies;

6. Develop and use applications and other necessary forms and related procedures for purposes of the Oklahoma Veterinary Practice Act;

7. a. review and investigate complaints and adverse information about licensees and certificate holders,

b. conduct hearings in accordance with the Oklahoma Veterinary Practice Act and the Administrative Procedures Act, and

c. adjudicate matters that come before the Board for judgment pursuant to the Oklahoma Veterinary Practice Act upon clear and convincing evidence and issue final decisions on such matters to discipline licensees and certificate holders;

8. a. impose sanctions, deny licenses and certificates and renewals thereof, levy reimbursement costs, seek appropriate administrative, civil or criminal penalties or any combination of these against those who violate examination security, who attempt to or who do obtain licensure or certification by fraud, who knowingly assist in illegal activities or who aid and abet the illegal practice of veterinary medicine,

b. review and investigate complaints and adverse information about licensees and certificate holders,

c. discipline licensees and certificate holders,

d. institute proceedings in courts of competent jurisdiction to enforce Board orders and provisions of the Oklahoma Veterinary Practice Act,

e. (1) establish mechanisms for dealing with licensees and certificate holders who abuse or are dependent on or addicted to alcohol or other chemical substances, and enter into agreements, at its discretion, with professional organizations whose relevant procedures and techniques it has evaluated and approved for their cooperation or participation in the rehabilitation of the licensee or certificate holder,

(2) establish by rules cooperation with other professional organizations for the identification and monitoring of licensees and certificate

holders in treatment who are chemically dependent or addicted, and

f. issue conditional, restricted or otherwise circumscribed modifications to licensure or certification as determined to be appropriate by due process procedures and summarily suspend a license if the Board has cause to believe by clear and convincing evidence such action is required to protect public or animal health and safety or to prevent continuation of incompetent practices;

9. Promulgate rules of professional conduct and require all licensees and certificate holders to practice in accordance therewith;

10. Act to halt the unlicensed or illegal practice of veterinary medicine and seek administrative, criminal and civil penalties against those engaged in such practice;

11. Establish appropriate fees and charges to ensure active and effective pursuit of Board responsibilities;

12. Employ, direct, reimburse, evaluate and dismiss staff in accordance with state procedures;

13. Establish policies for Board operations;

14. Respond to legislative inquiry regarding those changes in, or amendments to, the Oklahoma Veterinary Practice Act;

15. Act on its own motion in disciplinary matters, administer oaths, issue notices, issue subpoenas in the name of the State of Oklahoma including subpoenas for client and animal records, hold hearings, institute court proceedings for contempt or to compel testimony or obedience to its orders and subpoenas, take evidentiary depositions and perform such other acts as are reasonable and necessary under law to carry out its duties;

16. Use clear and convincing evidence as the standard of proof and issue final decisions when acting as trier of fact in the performance of its adjudicatory duties;

17. Determine and direct Board operating, administrative, personnel and budget policies and procedures in accordance with applicable statutes;

18. Promulgate uniform rules such as may be necessary for carrying out and enforcing the provisions of the Oklahoma Veterinary Practice Act and such as in its discretion may be necessary to protect the health, safety and welfare of the public;

19. Determine continuing education requirements. Such continuing education shall include not less than one (1) hour of education in pain management or one (1) hour of education in opioid use or addiction annually, unless the licensee has demonstrated to the satisfaction of the Board that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number;

20. Establish minimum standards for veterinary premises;

21. Establish standards for veterinary labeling and dispensing of veterinary prescription drugs and federal Food and Drug Administration-approved human drugs for animals which would conform to current applicable state and federal law and regulations;

22. Promulgate rules such as may be necessary for carrying out and enforcing provisions relating to certification of animal euthanasia technicians and approval of drugs to be used for euthanasia of animals in an animal shelter pursuant to the requirements of Section 502 of Title 4 of the Oklahoma Statutes;

23. Shall conduct a national criminal history records search for certified animal euthanasia technicians:

a. the applicant shall furnish the Board two completed fingerprint cards and a money order or cashier's check made payable to the Oklahoma State Bureau of Investigation,

b. the Board shall forward the fingerprint cards, along with the applicable fee for a national fingerprint criminal history records search, to the Bureau, and

c. the Bureau shall retain one set of fingerprints in the Automated Fingerprint Identification System (AFIS) and submit the other set to the Federal Bureau of Investigation (FBI) for a national criminal history records search;

24. Establish standards for animal chiropractic diagnosis and treatment. The standards shall include but not be limited to a requirement that a veterinarian who holds himself or herself out to the public as certified to engage in animal chiropractic diagnosis and treatment shall:

a. carry at least One Million Dollars ($1,000,000.00) of additional malpractice coverage to perform animal chiropractic diagnosis and treatment, and

b. have appropriate training in animal chiropractic diagnosis and treatment. The Veterinary Examining Board shall have the authority to establish educational criteria for certification standards in animal chiropractic diagnosis and treatment. The Veterinary Examining Board shall work in conjunction with the Board of Chiropractic Examiners to establish comparable standards for the practice of animal chiropractic diagnosis and treatment for both medical professions within thirty (30) days after the effective date of this act. The Board shall certify any licensed veterinarian wishing to engage in animal chiropractic diagnosis and treatment who meets the standards established by the Board pursuant to this paragraph. Upon request, the Board shall make

available to the public a list of licensed veterinarians so certified;

25. Give scholarships, as determined by the Board, to an individual advancing toward obtaining a degree in veterinary medicine from an Oklahoma higher education institution and take such other action as may be reasonably necessary or appropriate to effectuate the Oklahoma Veterinary Practice Act. The Board may, at its discretion, contract with other state agencies and nonprofit corporations for the endowment, management and administration of scholarships. The requirements of such scholarships shall be determined by the Board. However, nothing contained herein shall be construed as requiring the Board to endow or award any scholarship; and

26. Perform such other duties and exercise such other powers as the provisions and enforcement of the Oklahoma Veterinary Practice Act may require.

Added by Laws 1971, c. 126, § 7, emerg. eff. May 4, 1971. Amended by Laws 1982, c. 192, § 3, emerg. eff. April 22, 1982; Laws 1990, c. 314, § 6, eff. Sept. 1, 1990; Laws 1997, c. 143, § 1, eff. Nov. 1, 1997; Laws 1999, c. 94, § 8, eff. Nov. 1, 1999; Laws 2000, c. 199, § 5, eff. Nov. 1, 2000; Laws 2000, c. 334, § 6, eff. Nov. 1, 2000; Laws 2002, c. 172, § 2, eff. Nov. 1, 2002; Laws 2019, c. 428, § 14, emerg. eff. May 21, 2019; Laws 2021, c. 564, § 4, eff. Nov. 1, 2021. NOTE: Laws 2000, c. 131, § 5 repealed by Laws 2000, c. 334, § 9, eff. Nov. 1, 2000.

§59-698.8. Licenses - Evidence of suitability to practice - Practice without license - Certificate in lieu of license.

A. It shall be unlawful to practice veterinary medicine in this state without a license or certificate issued by the State Board of Veterinary Medical Examiners.

B. Requirements for licensure or certification shall be set by the Board and may be changed as the education and training for the practice of veterinary medicine changes. Prior to issuance of a license or certificate to practice veterinary medicine in this state, the applicant shall have been found by the Board to be of good moral character and the Board shall consider but not be limited to the following evidence of suitability to practice:

1. a. Graduation from an approved school of veterinary medicine whose requirements at the time of graduation are acceptable to the Board.

b. Graduates of schools of veterinary medicine located outside the United States and Canada shall be held to the same standards for evidence of suitability to practice as are graduates of schools of veterinary medicine located within the United States in that applicants shall conform in all respects to the

requirements set forth in this section. Where necessary, further examination shall be administered by the Board or its designee to determine competency to practice. In addition, applicants shall demonstrate a command of the English language satisfactory to the Board. Documents and material submitted in support of application for licensure or certification, if in a foreign language, shall be translated and certified as accurate by an organization acceptable to the Board;

2. Satisfactory completion of a minimum number of months of education in veterinary medicine as a requirement for graduation from a school of veterinary medicine as set by the Board;

3. Evidence that the applicant for licensure or certification is of good moral character;

4. a. Except as otherwise provided by this paragraph, evidence that the applicant has passed examinations satisfactory to the Board and that the examination score is acceptable to the Board. The Board may set minimum passing scores for examinations and limit the number of times an applicant may take an examination in this state.

b. In lieu of national examination requirements, an applicant shall have actively engaged in the clinical practice of veterinary medicine for a period of at least five thousand (5,000) hours during the five (5) consecutive years immediately prior to making application in Oklahoma and hold a license to practice veterinary medicine in another state, territory, district or province of the United States and Canada and successfully passed the Oklahoma State Jurisprudence Examination;

5. Evidence that the applicant has demonstrated familiarity with the statutes and rules set by the Board;

6. Evidence that the applicant is mentally and professionally capable of practicing veterinary medicine in a competent manner as determined by the Board and willing to submit, if deemed appropriate by the Board, to an evaluation of skills and abilities;

7. Evidence that the applicant has not been found guilty by a court of law of any conduct that would constitute grounds for disciplinary action under the Oklahoma Veterinary Practice Act or rules of the Board, and there has been no disciplinary action taken against the applicant by any public agency concerned with the practice of veterinary medicine;

8. If the Board deems it necessary, a personal appearance by the applicant before the Board in support of the applicant's application for licensure or certification. If the Board is not

satisfied with the credentials of the applicant, or demonstration of knowledge or skills presented, the Board may require further examination or supervised practice before reconsideration of the application; and

9. Evidence that all required fees have been paid.

C. Practice without the legal possession of an active license or certificate shall be prohibited, and evidence of the practice shall be reported by the Board to the district attorney of the county in which the practice is found to occur.

D. Certificates may be issued to any veterinarian who has failed to obtain or failed to maintain a regular license to practice veterinary medicine. Such certificates may be issued by the Board at such times as the Board determines that all requirements for possession of such certificate have been met as set by rules and policies of the Board. Certificates may be issued for, but not limited to, the practice of veterinary medicine under the direct supervision of a licensed veterinarian while the application for full licensure is pending.

E. Any active military or their spouse who is licensed in veterinary medicine or is registered or certified as a veterinary technician in another state may submit a completed application for licensure or registration in Oklahoma and if found to be in good standing and has equivalent education, training and experience shall be licensed within thirty (30) days. The application fee and the first period of issuance shall be waived for such active military or their spouse.

Added by Laws 1971, c. 126, § 8, emerg. eff. May 4, 1971. Amended by Laws 1976, c. 48, § 1, emerg. eff. April 9, 1976; Laws 1982, c. 192, § 4, emerg. eff. April 22, 1982; Laws 1990, c. 314, § 7, eff. Sept. 1, 1990; Laws 1999, c. 94, § 9, eff. Nov. 1, 1999; Laws 2021, c. 564, § 5, eff. Nov. 1, 2021.

§59-698.8a. Veterinary faculty license.

The State Board of Veterinary Medical Examiners may issue a veterinary faculty license to any qualified applicant associated with one of the state's institutions of higher learning and involved in the instructional program of either undergraduate or graduate veterinary medical students, subject to the following conditions:

1. The holder of the veterinary faculty license shall be remunerated for the practice aspects of the services of the holder solely from state, federal or institutional funds and not from the patient-owner beneficiary of his practice efforts;

2. The applicant will furnish the Board with such proof as the Board may deem necessary to demonstrate that:

a. the applicant is a graduate of a reputable school or college of veterinary medicine,

b. the applicant has or will have a faculty position at one of the state's institutions of higher learning and will be involved in the instructional program of either undergraduate or graduate veterinary medical students, as certified by an authorized administrative official at such institution, and

c. the applicant understands and agrees that the faculty license is valid only for the practice of veterinary medicine as a faculty member of the institution;

3. The license issued pursuant to this section may be revoked, suspended or not renewed or the licensee may be placed on probation or otherwise disciplined in accordance with the provisions of the Oklahoma Veterinary Practice Act; and

4. The license issued pursuant to this section may be canceled by the Board upon receipt of information that the holder of the veterinary faculty license has left or has otherwise been discontinued from faculty employment at an institution of higher learning of this state.

Added by Laws 1991, c. 265, § 21, eff. Oct. 1, 1991. Amended by Laws 1999, c. 94, § 10, eff. Nov. 1, 1999.

§59-698.9. Repealed by Laws 1990, c. 314, § 16, eff. Sept. 1, 1990.

§59-698.9a. Reinstatement of suspended, revoked or nonrenewed licenses or certificates.

A. 1. Licenses or certificates suspended, revoked or not renewed for any purpose may be reinstated upon the motion of the State Board of Veterinary Medical Examiners upon proper application of the licensee or certificate holder.

2. A license or certificate suspended for failure to renew may be reinstated by the president or secretary-treasurer of the Board. Provided, such action shall be approved or ratified, or may be rescinded by the Board at the Board meeting following such action.

B. Requirements for reinstatement of a license or certificate which has been suspended, revoked or not renewed shall be by rule and shall include, but not be limited to, evidence that:

1. All requirements for full licensure or certification have been met; and

2. The applicant has not been convicted or the applicant’s license or certificate suspended, revoked or not renewed or placed on probation in another state for violations of an act that would constitute the same or similar penalty in this state.

Added by Laws 1990, c. 314, § 8, eff. Sept. 1, 1990. Amended by Laws 1999, c. 94, § 11, eff. Nov. 1, 1999.

§59-698.10. Repealed by Laws 1990, c. 314, § 16, eff. Sept. 1, 1990.

§59-698.10a. Renewal certificate of registration - Application - Failure to renew - Fee - Automatic suspension.

A. Every licensed veterinarian who is the holder of a license or certificate authorizing the practice of veterinary medicine in any manner whatsoever shall on or before the first day of July of each and every year apply to the State Board of Veterinary Medical Examiners on forms furnished by the Board, for a renewal certificate of registration entitling such veterinarian to practice veterinary medicine in this state during the next fiscal year. Each such application shall be accompanied by a renewal fee in an amount fixed by the Board.

B. The Board may modify the terms and dates of renewal requirements in order to expedite the efficiency of the procedure and to prevent inequitable financial burden on its applicants and licensees.

C. 1. Failure to renew a license or certificate properly shall be evidence of noncompliance with the laws of this state and rules of the Board.

2. The license or certificate shall automatically be placed in an inactive status for failure to renew and shall be considered inactive and not in good standing for purposes of practice of veterinary medicine.

D. 1. If, within sixty (60) calendar days after July 1 the licensee or certificate holder pays the renewal fee plus any reactivation fee set by rule by the Board, the president or secretary-treasurer of the Board may reactivate the license or certificate.

2. If sixty (60) calendar days elapses and the license or certificate is not reactivated, the license or certificate shall be automatically suspended for failure to renew.

3. A license or certificate suspended for failure to renew may be reinstated pursuant to the provisions of Section 698.9a of this title.

E. Practice of veterinary medicine is prohibited unless the license or certificate is active and in good standing with the Board.

Added by Laws 1990, c. 314, § 9, eff. Sept. 1, 1990. Amended by Laws 1999, c. 94, § 12, eff. Nov. 1, 1999.

§59-698.11. Practice defined.

A. The practice of veterinary medicine shall include, but not be limited to:

1. Diagnosing, surgery, treating, correcting, changing, relieving, or preventing animal disease, deformity, defect, injury or other physical or mental conditions including the prescribing or administering of any drug, medicine, biologic, apparatus,

application, anesthetic, telemedicine, animal chiropractic diagnosis and treatment, or other therapeutic diagnostic substance or technique; dentistry; complementary and alternative therapies to be defined by rule pursuant to Section 698.7 of Title 59 of the Oklahoma Statutes; testing for pregnancy or correcting sterility or enhancing fertility; or rendering advice or recommendation with regard to any of the above;

2. Representing, directly or indirectly, publicly or privately, an ability and willingness to do any act prescribed in paragraph 1 of this subsection; and

3. Using any title words, abbreviation or letters by any person other than a licensed veterinarian in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph 1 of this subsection. Such use shall be prima facie evidence of the intention to represent oneself as a licensed veterinarian engaged in the practice of veterinary medicine.

B. Any person licensed to practice veterinary medicine pursuant to the Oklahoma Veterinary Practice Act, may use the word "Doctor", or an abbreviation thereof, and shall have the right to use, whether or not in conjunction with the word "Doctor" or any abbreviation thereof, the designation "D.V.M." or "V.M.D.".

Added by Laws 1971, c. 126, § 11, emerg. eff. May 4, 1971. Amended by Laws 1990, c. 314, § 10, eff. Sept. 1, 1990; Laws 1999, c. 94, § 13, eff. Nov. 1, 1999; Laws 2000, c. 131, § 6, eff. Nov. 1, 2000; Laws 2003, c. 84, § 1, eff. Nov. 1, 2003.

§59-698.12. Acts not prohibited.

The Oklahoma Veterinary Practice Act shall not be construed to prohibit:

1. Acts of animal husbandry consisting of dehorning, branding, tagging or notching ears, teeth floating, farriery, pregnancy checking by transrectal palpation, collecting semen, preparing semen, freezing semen, castrating, worming, vaccinating, injecting or nonsurgical artificial insemination of farm animals; or the acts or conduct of a person advising with respect to nutrition, feeds or feeding; and such other acts designated by administrative rule of the Board which may be recommended by the Animal Technology Advisory Committee;

2. The owner of an animal or the owner's employees or helpers from caring for or treating animals belonging to the owner; provided that, the acts of the owner's employees or helpers otherwise prohibited by the Oklahoma Veterinary Practice Act are only an incidental part of the employment duties and for which no special compensation is made;

3. Acts of a person in lawful possession of an animal for some other purpose than practicing veterinary medicine; provided that, no

charge may be made or included in any other charge or fee or adjustment otherwise made of any charge or fee for acts performed pursuant to this subsection unless the acts are performed by a licensed veterinarian as provided by the Oklahoma Veterinary Practice Act;

4. Acts of auction markets and other shippers of food animals in preparing such animals for shipment;

5. Acts of a person who is a student in good standing in a veterinary school, in performing duties or functions assigned by the student's instructors, or working under the direct supervision of a licensed veterinarian for each individual case and acts performed by an instructor or student in a school of veterinary medicine recognized by the Board and performed as a part of the educational and training curriculum of the school under the direct supervision of faculty. The unsupervised or unauthorized practice of veterinary medicine even though on the premises of a school of veterinary medicine is prohibited;

6. Acts of any employee in the course of employment by the federal government or acts of a veterinarian practicing on property and persons outside the jurisdiction of the State of Oklahoma;

7. A veterinarian currently licensed in another state from consulting with a licensed veterinarian of this state;

8. Acts of agriculture education instructors or students while engaged in regular agriculture education instruction in programs approved by the Oklahoma Department of Career and Technology Education; provided that said acts are under the supervision of instructors and are carried out in the usual course of instruction and not as independent practice by an unlicensed veterinarian without supervision;

9. Any person employed by a licensed veterinarian who is assisting with the professional duties of the licensed veterinarian and who is under the direct supervision of the licensed veterinarian from administering medication or rendering auxiliary or supporting assistance under the direct supervision of such licensed veterinarian, provided that the practice is conducted in compliance with all laws of this state and rules of this Board;

10. Any chiropractic physician licensed in this state who is certified by the Board of Chiropractic Examiners to engage in animal chiropractic diagnosis and treatment from practicing animal chiropractic diagnosis and treatment;

11. Any chiropractic physician licensed in this state who is not certified to practice animal chiropractic diagnosis and treatment by the Board of Chiropractic Examiners from providing chiropractic treatment to an animal referred to such chiropractic physician by a licensed veterinarian;

12. Any individual that is certified in animal massage therapy and acquires liability insurance from engaging in animal massage therapy after referral from a licensed veterinarian;

13. Any individual that is certified by the State Board of Veterinary Medical Examiners and pays a certification fee of Two Hundred Dollars ($200.00) under subsection A of Section 698.30 of this title from engaging in nonveterinary equine dental care; or

14. Any individual that is certified by the Board pursuant to Section 3 of this act and pays a certification fee of Two Hundred Dollars ($200.00) from providing nonveterinary reproductive services as defined by Section 698.2 of this title.

Added by Laws 1971, c. 126, § 12, emerg. eff. May 4, 1971. Amended by Laws 1982, c. 192, § 6, emerg. eff. April 22, 1982; Laws 1990, c. 314, § 11, eff. Sept. 1, 1990; Laws 1999, c. 94, § 14, eff. Nov. 1, 1999; Laws 2000, c. 131, § 7, eff. Nov. 1, 2000; Laws 2002, c. 172, § 3, eff. Nov. 1, 2002; Laws 2005, c. 172, § 1, eff. Nov. 1, 2005; Laws 2010, c. 112, § 3; Laws 2011, c. 83, § 2, eff. Nov. 1, 2011.

§59-698.13. Repealed by Laws 1999, c. 94, § 30, eff. Nov. 1, 1999.

§59-698.14. Repealed by Laws 1990, c. 314, § 16, eff. Sept. 1, 1990.

§59-698.14a. Sanctions – Enforcement actions – Injunctions – Suspension or revocation of license or certificate – Complaints – Hearings – Penalties.

A. A range of sanctions is hereby made available to the State Board of Veterinary Medical Examiners which includes, but is not limited to:

1. Revocation of licensure or certification;

2. Suspension of licensure or certification;

3. Probation of licensure or certification;

4. Refusal to renew a license or certification;

5. Injunctions and other civil court actions;

6. Reprimand, censure, agreement to voluntary stipulation of facts and imposition of terms of disciplinary action;

7. Administrative citation and administrative penalties; and

8. Prosecution through the office of the district attorney.

B. 1. The Board may take such action as the nature of the violation requires.

2. Upon a determination that a violation has been committed, the Board shall, by clear and convincing evidence, have the authority to impose upon the alleged violator, the payment of costs expended by the Board in investigating and prosecuting the cause, to include, but not be limited to, staff time, salary and travel expenses, witness fees and attorney fees and same shall be considered part of the order of the Board.

3. The Board shall make report of action to any association, organization or entity deemed appropriate for transmittal of the public record but shall in no cause be held liable for the content of the reported action or be made a party to action taken as a result of the sanction imposed by the State Board of Veterinary Medical Examiners.

C. The president or secretary-treasurer of the Board may issue a confidential letter of concern to a licensee or certificate holder when, though evidence does not warrant formal proceedings, there has been noted indications of possible misconduct by the licensee or certificate holder that could lead to serious consequences and formal action.

D. The Board may require an applicant for licensure or certification or a licensee or certificate holder to be examined on the applicant's or holder's medical knowledge and skills should the Board find, after due process, that there is probable cause to believe the licensee or certificate holder or applicant may be deficient in such knowledge and skills.

E. The Board may take disciplinary action or other sanctions upon clear and convincing evidence of unprofessional or dishonorable conduct, which shall include, but not be limited to:

1. Fraud or misrepresentation in applying for or procuring a license or certificate to practice veterinary medicine in any federal, state or local jurisdiction;

2. Cheating on or attempting to cheat on or subvert in any manner whatsoever the licensing or certificate examination or any portion thereof;

3. The conviction of or entry of a guilty plea or plea of nolo contendere involving a felony in this or any other jurisdiction, whether or not related to the practice of veterinary medicine;

4. Conduct likely to deceive, defraud, or harm the public;

5. The making of a false or misleading statement regarding one's skill or the efficacy or value of the medicine, treatment or remedy prescribed by the licensed veterinarian or at the licensed veterinarian's direction in the treatment of any disease or other condition of the animal;

6. Representing to a client that a manifestly incurable condition, sickness, disease or injury can be cured or healed;

7. Negligence in the practice of veterinary medicine;

8. Practice or other behavior that demonstrates a manifest incapacity or incompetence to practice veterinary medicine;

9. The use of any false, fraudulent or deceptive statement in any document connected with the practice of veterinary medicine;

10. Failure to notify the Board of current address of practice;

11. Aiding or abetting the practice of veterinary medicine by an unlicensed, incompetent or impaired person;

12. Habitual use or abuse of alcohol or of a habit-forming drug or chemical which impairs the ability of the licensee or certificate holder to practice veterinary medicine;

13. Violation of any laws relating to the administration, prescribing or dispensing of controlled dangerous substances or violation of any laws of the federal government or any state of the United States relative to controlled dangerous substances including, but not limited to, prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes;

14. Obtaining a fee by fraud or misrepresentation;

15. Directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, not to preclude the legal function of a lawful professional partnership, corporation or association;

16. Failure to report to the Board any adverse action taken by another jurisdictional body, by any peer review body, health-related licensing or disciplinary jurisdiction, law enforcement agency or court for acts or conduct related to the practice of veterinary medicine;

17. Failure to report to the Board surrender of a license or other certificate of authorization to perform functions based on the holding of a license or certificate to practice veterinary medicine or surrender of membership in any organization or association related to veterinary medicine while under investigation by that association or organization for conduct similar to or the same as acts which would constitute grounds for action as defined in the Oklahoma Veterinary Practice Act;

18. Failure to furnish the Board, its staff or agents information legally requested or failure to cooperate with a lawful investigation conducted by or on behalf of the Board;

19. Failure to pay appropriately assessed fees or failure to make any personal appearance required by the Board or any of its officers;

20. The practice of veterinary medicine in the absence of a bona fide veterinarian-client-patient relationship. The preclusion of a veterinarian-client-patient relationship by a veterinarian who in good faith renders or attempts to render emergency care to a victim pursuant to a Good Samaritan application shall not constitute grounds for discipline pursuant to the Oklahoma Veterinary Practice Act;

21. Providing vaccinations or elective surgical procedures on skunks, namely Mephitis mephitis (striped), Conepatus mesoleusus (hog-nosed), and Spilogale putorius (spotted), unless the animal is under the custody and care of a recognized zoological institution, research facility, or person possessing an appropriate and current

wildlife permit issued by the Oklahoma Department of Wildlife Conservation or Oklahoma Department of Agriculture; or

22. Violation of any provisions of the Oklahoma Veterinary Practice Act or the rules and policies of the Board or of an action, stipulation or agreement of the Board.

F. 1. The Board may commence any legal action to enforce the provision of the Oklahoma Veterinary Practice Act and may exercise full discretion and authority with respect to enforcement actions. Administrative sanctions taken by the Board shall be made in accordance with Article II of the Administrative Procedures Act, the Oklahoma Veterinary Practice Act, and other applicable laws of this state. The Board shall take appropriate enforcement action when required, assuring fairness and due process to the defendant.

2. The Board or its designee may hold informal conferences to negotiate a settlement of a dispute; provided that the conference is agreed to in writing by all parties and said conference does not preclude a hearing on the same matters. The Board shall not consider the agreement binding should a hearing be held subsequent to the agreement.

G. The Board may summarily suspend a license or certificate prior to a formal hearing when it has found upon clear and convincing evidence that such action is required to protect the public or animal health or welfare or when a person under the jurisdiction of the Board is convicted of a felony, whether or not related to the practice of veterinary medicine; provided such action is taken simultaneously with proceedings for setting a formal hearing to be held within thirty (30) days after the summary suspension.

H. 1. The Board may issue an order to any licensee or certificate holder, obtain an injunction or take other administrative, civil or criminal court action against any person or any corporation or association, its officers, or directors, to restrain said persons from violating the provisions of the Oklahoma Veterinary Practice Act.

2. Violations of an injunction shall be punishable as contempt of court. No proof of actual damage to any animal shall be required for issuance of an order or an injunction, nor shall an injunction relieve those enjoined from administrative, civil or criminal prosecution for violation of the Oklahoma Veterinary Practice Act.

I. 1. The State Board of Veterinary Medical Examiners may suspend, revoke or refuse to renew the license or certificate of any person holding license or certificate to practice veterinary medicine in this state or place such person on probation for unprofessional conduct, but no such suspension or revocation or refusal to renew, or probation shall be made, unless otherwise provided for herein, until such be cited to appear for hearing. No such citation shall be issued except upon a sworn complaint filed

with the president or secretary-treasurer of said Board charging the licensee or certificate holder with having been guilty of unprofessional conduct and setting forth the particular act or acts alleged to constitute such unprofessional conduct.

2. In the event it comes to the attention of the Board that a violation of the rules of professional conduct may have occurred, even though a formal complaint or charge may not have been filed, the Board may conduct an investigation of such possible violation, and may, upon its own motion, institute a formal complaint. In the course of such investigation, persons appearing before the Board may be required to testify under oath.

J. 1. Upon the filing of a complaint, either by an individual or the Board, the citation shall be issued by the president or secretary-treasurer of the Board over such officer's signature and seal of the Board, setting forth the particulars of the complaint, and giving due notice of the time and place of the hearing by the Board. The citation shall be made returnable at the next meeting of the Board at which hearing is set and shall be no less than thirty (30) days after issuance of the citation;

2. The accused shall file a written answer under oath with notice of intent to appear or be represented within twenty (20) days after the service of the citation. Failure to respond to the citation within the prescribed time shall constitute default;

3. The license or certificate of the accused shall be suspended, revoked or not renewed if the charges are found, by clear and convincing evidence, sufficient by the Board; provided, the president or secretary-treasurer of the Board may extend the time of answer upon satisfactory showing that the defendant is for reasonable cause, unable to answer within the prescribed twenty (20) days, but in no case shall the time be extended beyond the date of the next scheduled meeting for hearing the complaint, unless continuance thereof be granted by the Board; and

4. All citations and subpoenas under the contemplation of the Oklahoma Veterinary Practice Act shall be served in general accordance with the statutes of this state applying to the service of such documents. All provisions of the statutes of this state relating to citations and subpoenas are hereby made applicable to the citations and subpoenas herein provided. All the provisions of the statutes of this state governing the taking of testimony by depositions are made applicable to the taking of depositions pursuant to the Oklahoma Veterinary Practice Act.

K. The Executive Director, secretary-treasurer, designee, or prosecuting attorney for the Board, during the course of any lawful investigation, may order or subpoena the attendance of witnesses, the inspection of records, and premises and the production of relevant records, books, memoranda, documents, radiographs, or other

papers or things for the investigation of matters that may come before the Board.

L. 1. The attendance of witnesses may be compelled in such hearings by subpoenas issued by the president or secretary-treasurer of the Board over the seal thereof, and the president or secretary-treasurer shall in no case refuse to issue subpoenas upon praecipe filed therefor accompanied by the fee set by the Board by rule for the issuance of such subpoenas.

2. If any person refuses to obey a subpoena properly served upon such person or in the manner, the fact of such refusal shall be certified by the secretary-treasurer of the Board over the seal thereof to the district attorney of the county in which such service was had, and the court shall proceed to hear said matter in accordance with the statutes of this state then in force governing contempt as for disobedience of its own process.

M. 1. The State of Oklahoma is a proper and necessary party in the prosecution of all such actions and hearings before the Board in all matters pertaining to unprofessional conduct and disciplinary action. The Attorney General of the state, in person or by deputy, is authorized to appear in behalf thereof. The defendant in any such actions shall have the right to be represented by counsel.

2. The Board is empowered to enter into agreement with or employ one or more attorneys to conduct the business of the Board in the absence of representation by the Attorney General or designee or in conjunction with representation by the Attorney General or designee.

3. The Board shall sit as a trial body and the rulings of the Board shall be by majority vote. Appeal to the rulings thereof shall be by petition to the district court of the district in which the hearing was held. The secretary-treasurer of the Board shall cause a record of all proceedings to be made and a transcript of the proceedings or any part thereof may be obtained by payment of actual cost of taking and preparation of transcript of such proceedings or part thereof.

N. All final disciplinary actions, license denials, related findings of fact and conclusions of law are matters of public record. Voluntary surrender of and voluntary limitations on the veterinarian's practice or license shall be public record.

O. Certificate holders or faculty of veterinary medical schools shall report to the Board in writing any information that gives reason to believe a veterinarian is incompetent, guilty of unprofessional conduct or is unable to engage safely in the practice of veterinary medicine. Cause for reporting shall be for, but not limited to, the following instances:

1. Voluntary resignation from a professional partnership, corporation or practice for reason of inability to practice;

2. Malpractice claims, judgments, settlements or awards;

3. Civil or criminal convictions; or

4. Other actions that indicate inability to practice with reasonable skill and safety.

P. The Board shall consider violation of any of the Rules of Professional Conduct a violation of the Oklahoma Veterinary Practice Act section on unprofessional conduct and shall proceed with disciplinary action as set out in the Oklahoma Veterinary Practice Act.

Q. 1. In addition to other penalties prescribed by the Oklahoma Veterinary Practice Act, any person who the Board has determined by clear and convincing evidence to have violated any provisions of the Oklahoma Veterinary Practice Act, or any rule or order issued pursuant thereto shall be liable for an administrative penalty of not more than Five Thousand Dollars ($5,000.00) for each day that the violation continues.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of paragraph 1 of this subsection, after notice and hearing. In determining the amount of the penalty, the Board shall, by clear and convincing evidence, include, but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Veterinary Practice Act.

3. All penalties collected pursuant to the provisions of this subsection shall be deposited in the Veterinary Medical Examiners Fund.

Added by Laws 1990, c. 314, § 13, eff. Sept. 1, 1990. Amended by Laws 1997, c. 143, § 2, eff. Nov. 1, 1997; Laws 1999, c. 94, § 15, eff. Nov. 1, 1999; Laws 2019, c. 428, § 15, emerg. eff. May 21, 2019.

§59-698.14b. Inability to practice due to mental illness or drug abuse - Required submission to alcohol or drug testing - Actions of Board - Reporting of impaired performance.

A. Impairment is defined as the inability of a person to practice veterinary medicine with reasonable skill and safety by reason of:

1. Mental illness; or

2. Habitual use or excessive use or abuse of drugs or chemicals defined in law as controlled substances or habit-forming substances, to include, but not be limited to, alcohol or other substances that impair the ability of the licensee or certificate holder to practice veterinary medicine.

B. Upon probable cause, the State Board of Veterinary Medical Examiners may require a licensee or certificate holder or applicant

for license or certificate to submit to any test to determine the use of alcohol or drugs which affects the ability of the licensee or certificate holder to practice veterinary medicine. The Board, by rule, shall establish the nature and criteria for any such test. The results of the test shall be admissible in any hearing before the Board. Failure to submit to the required test by any licensee, certificate holder or applicant when properly directed to do so by the Board shall be grounds for disciplinary action against a licensee or certificate holder and, for any applicant, shall be grounds for denial of license or certificate.

C. Upon findings by the Board, after evaluation and hearing, that the licensee, certificate holder or applicant is impaired, the Board may take one of the following actions or any other action deemed appropriate to the circumstances by the Board:

1. Direct the person to submit to care, counseling or treatment acceptable to the Board;

2. Suspend, limit or restrict the license or certificate to practice for the duration of the impairment; or

3. Revoke or refuse to renew the license or certificate or deny the application.

D. Any person who is prohibited from practicing pursuant to the provisions of this section shall be afforded at reasonable intervals the opportunity to present evidence or material not before seen by the Board to demonstrate to the satisfaction of the Board that such person can resume or begin the practice of veterinary medicine with reasonable skill and safety; provided, that all fees have been paid and all requirements for licensure, certification, reinstatement or other form of authorization to practice have been satisfactorily completed.

E. 1. All licensees, certificate holders or faculty of veterinary medical schools shall report to the Board information about any and all colleagues that shows the colleagues are impaired.

2. The Board may establish rules for the approval of medically directed, nonprofit, voluntary treatment programs for impaired practitioners and to set standards for the treatment of practitioners.

3. The Board may exempt from reporting those who are conducting a Board-approved treatment program; provided that the impaired veterinarian who is participating in the program is doing so satisfactorily. Should the impaired veterinarian leave the program without first achieving a release by the program, the administrator of the program is required to report same to the Board. Participation in an approved treatment program does not protect an impaired veterinarian from Board action resulting from a report from another source of violation of the Oklahoma Veterinary Practice Act, whether related to the impairment or not.

4. Programs for the treatment of impaired professionals approved by this Board shall be reviewed annually or more frequently at the Board's discretion.
Added by Laws 1990, c. 314, § 14, eff. Sept. 1, 1990. Amended by Laws 1999, c. 94, § 17, eff. Nov. 1, 1999.

§59-698.15. Report of contagious or infectious diseases.
It shall be the duty of every person engaged in the practice of veterinary medicine to report to the State Veterinarian of the State of Oklahoma the name of the owner or person in possession of all domestic animals afflicted with any contagious or infectious disease required to be reported to the State Board of Agriculture together with the location of the animals and the disease with which the animals are afflicted immediately upon such knowledge or information coming to such practitioners.
Added by Laws 1971, c. 126, § 15, emerg. eff. May 4, 1971. Amended by Laws 1999, c. 94, § 18, eff. Nov. 1, 1999.

§59-698.16. Abandoned animals.
A. 1. Any animal except domestic animals as such term is defined in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for services which is abandoned by its owner, the owner’s agent, or any other person for a period of more than three (3) days after written notice is given by registered or certified mail, return receipt, is receipted, refused, unclaimed or by actual hand-delivery to the owner or the owner’s agent at the last-known address of the owner or the owner’s agent, shall be deemed abandoned and may be sold, disposed of in a humane manner by the veterinarian or turned over to the custody of the nearest humane society, or animal shelter.
2. Any animal except domestic animals as such term is defined in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for, but not limited to, boarding, treatment, or any other care, which is abandoned by an anonymous individual for a period of more than five (5) days, shall be deemed to be abandoned and may be sold, disposed of in a humane manner by the veterinarian or turned over to the custody of the nearest humane society or animal shelter.
B. Any domestic animal as such term is defined by Section 85.1 of Title 4 of the Oklahoma Statutes placed in the custody of a licensed veterinarian for boarding, treatment or any other reason which is abandoned by the owner, the owner’s agent or by an anonymous individual may be disposed of as required for estrays pursuant to Chapter 4 of Title 4 of the Oklahoma Statutes.
C. 1. Compliance with the notice provisions of this section by the licensed veterinarian or the disposal of an animal pursuant to subsection B of this section, as provided in subsection A of this

section, shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal.

2. Such procedure by a licensed veterinarian shall not constitute grounds for disciplining pursuant to the Oklahoma Veterinary Practice Act.

3. Compliance with this section shall relieve the veterinarian from liability for such disposal or sale.

Added by Laws 1971, c. 126, § 16, emerg. eff. May 4, 1971. Amended by Laws 1982, c. 192, § 9, emerg. eff. April 22, 1982; Laws 1990, c. 314, § 15, eff. Sept. 1, 1990; Laws 1999, c. 94, § 19, eff. Nov. 1, 1999; Laws 2005, c. 172, § 2, eff. Nov. 1, 2005; Laws 2006, c. 72, § 1, eff. Nov. 1, 2006.

§59-698.16a. Animal health records – Disclosure – Liability.

A. Animal health records shall be the property of the owner or manager of a veterinary practice that has prepared such records, and shall include, but not be limited to, written records and notes, radiographs, sonographic images, video tapes, photographs, laboratory reports, or other diagnostic or case management information received as the result of consulting with other licensed veterinarians or medical specialists.

B. Each licensed veterinarian shall keep and maintain a legible patient record for a period of thirty-six (36) months from the date of the last visit of the patient. Each licensed or certificate holder veterinarian shall maintain records in a manner that will permit any authorized licensed veterinarian to proceed with the care and treatment of the animal, if required, by reading the medical record of that particular patient, and the record shall clearly explain the initial examination. The State Board of Veterinary Medical Examiners shall promulgate such rules as may be necessary to ensure that patient records include certain necessary elements.

C. The owner or manager of any veterinary practice maintaining animal health records shall provide the client or client’s agent copies or a detailed written summary within ten (10) working days of a request made in writing by the owner, unless the records are required in an immediate life-threatening situation, at which time the original records, copies of the written records or a detailed written summary shall be forwarded to the attending or primary care-licensed veterinarian within the same working day. The owner or manager of any veterinary practice maintaining records shall furnish the copies pertaining to the case upon tender of the expense of such copy or copies. Cost of each copy shall not exceed the amount specified in the Open Records Act per page, and no more than a reasonable cost of duplicating diagnostic images, tapes, or radiographs. There shall be no search fees assessed for the production or retrieval of any medical records.

D. 1. No veterinarian licensed pursuant to the Oklahoma Veterinary Practice Act shall be required to disclose any information concerning the licensed veterinarian's care of an animal except on written authorization or by other waiver by the licensed veterinarian's client or on appropriate court order, by subpoena or as otherwise provided by this section.

2. Copies of or information from veterinary records shall be provided without the owner's consent to public or animal health, wildlife or agriculture authorities, employed by federal, state or local governmental agencies who have a legitimate interest in the contents of said records for the protection of animal and public health.

E. 1. Any licensed veterinarian releasing information under written authorization or other waiver by the client or under court order, by subpoena or as otherwise provided by this section shall not be liable to the client or any other person.

2. The privilege provided by this section shall be waived to the extent that the licensed veterinarian's client or the owner of the animal places the licensed veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding.

Added by Laws 1999, c. 94, § 20, eff. Nov. 1, 1999.

§59-698.16b. Persons reporting information or investigating – Liability.

No person or entity which, in good faith, reports or provides information or investigates any person as authorized by the Oklahoma Veterinary Practice Act, shall be liable in a civil action for damages or relief arising from the reporting, providing of information or investigation except upon clear and convincing evidence that the report of information was completely false, or that the investigation was based on false information, and that the falsity was actually known to the person or entity making the report, providing the information or conducting the investigation at the time thereof.

Added by Laws 1999, c. 94, § 21, eff. Nov. 1, 1999.

§59-698.17. Good faith rendering of emergency care or treatment to animal or human victim – Liability.

Any veterinarian or registered veterinary technician who is licensed or certified in this state or licensed veterinarian or licensed veterinary technician who is a resident of another state or the District of Columbia, and who in good faith renders or attempts to render emergency care or treatment to an animal at the scene of an accident or disaster or emergency care or treatment to a human victim thereof, shall not be liable for any civil damages as a

result of any acts or omissions by such person rendering or attempting to render the emergency care or treatment.
Added by Laws 1971, c. 126, § 17, emerg. eff. May 4, 1971. Amended by Laws 1999, c. 94, § 22, eff. Nov. 1, 1999; Laws 2002, c. 172, § 4, eff. Nov. 1, 2002.

§59-698.18. Penalties.

A. It shall be unlawful for any person to practice or attempt to practice veterinary medicine without a current license or certificate issued pursuant to the Oklahoma Veterinary Practice Act, or to knowingly aid or abet another person in the unlicensed practice or attempted practice of veterinary medicine in this state.

B. Any person who violates any of the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine in an amount not less than Five Hundred Dollars ($500.00), nor more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment.
Added by Laws 1971, c. 126, § 18, emerg. eff. May 4, 1971. Amended by Laws 1999, c. 94, § 23, eff. Nov. 1, 1999; Laws 2008, c. 358, § 4, eff. Nov. 1, 2008; Laws 2009, c. 237, § 1.

§59-698.19A. Field citation – Probable cause committee – Contest hearing – Fine.

A. 1. If, upon completion of an investigation, the Executive Director of the State Board of Veterinary Medical Examiners has probable cause to believe that a licensed veterinarian or any other person has violated provisions of the Oklahoma Veterinary Practice Act or rules promulgated thereto, the Executive Director may issue a field citation to the licensed veterinarian or other person, as provided in this section. Each field citation shall be in writing and shall describe with particularity the nature of the violation, including but not limited to a reference to the provision of the Oklahoma Veterinary Practice Act alleged to have been violated.

2. In addition, each field citation may contain an order of abatement fixing a reasonable time for abatement of the violation, and may contain an assessment of an administrative penalty not to exceed Five Hundred Dollars ($500.00) for a first offense and not to exceed Five Thousand Dollars ($5,000.00) for a second or each subsequent offense. Each day such violation continues shall constitute a separate offense.

3. The field citation shall be served upon the licensed veterinarian or other person personally or by any certified mail, return receipt requested.

B. Before any field citation shall be issued to any licensed veterinarian, the Executive Director shall have submitted the alleged violation for the review and examination to a probable cause

committee, comprised of the Board's attorney, an investigator, and a veterinarian licensed in the state of Oklahoma. The probable cause committee, during its review, may contact the licensed veterinarian to discuss and resolve the alleged violation. Upon conclusion of the probable cause committee's review, the committee shall prepare findings of fact and a recommendation. If the committee concludes that probable cause exists that the veterinarian has violated any provisions of the Oklahoma Veterinary Practice Act or rules promulgated thereto, an administrative penalty shall be assessed upon the licensed veterinarian.

C. 1. If a licensed veterinarian or other person who has been determined by the Board or agent thereof to have violated any provision of the Oklahoma Veterinary Practice Act or rules promulgated or issued pursuant thereto desires to contest a field citation or the proposed assessment of an administrative penalty therefore, the licensed veterinarian or other person shall, within ten (10) business days after service of the field citation, notify the Executive Director in writing, requesting an informal conference with the probable cause committee.

2. The probable cause committee shall hold, within sixty (60) days from the receipt of the written request, an informal conference. After the conclusion of the informal conference, and based on recommendations thereof, the Executive Director may affirm, modify or dismiss the field citation or proposed assessment of an administrative penalty and the Executive Director shall state with particularity in writing the reasons for the action, and shall immediately transmit a copy thereof to the licensed veterinarian or other person and the person who submitted the complaint.

D. 1. If the veterinarian or person desires to contest administratively, a decision made after the informal conference, the licensed veterinarian or other person shall inform the Executive Director in writing within thirty (30) calendar days after such person receives the decision resulting from the informal conference.

2. If the licensed veterinarian or other person fails to request an informal conference within the time specified in this section, the field citation, the proposed assessment of the administrative penalty or the decision made after an informal conference shall be deemed a final order of the Board and shall not be subject to further administrative reviews.

E. If a fine is paid to satisfy an assessment based on the findings of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

F. A veterinarian or other person, in lieu of contesting a field citation pursuant to this section, may transmit to the Board the amount assessed in the citation as an administrative penalty, within thirty (30) days after service of the field citation. If a

hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged.

G. 1. If a veterinarian or other person has notified the Executive Director within ten (10) working days of the issuance of the assessment or field citation that such veterinarian or other person intends to contest the decision made after the informal conference, the Board shall hold a hearing to be held in accordance with the Administrative Procedures Act and adjudicating such matters for judgment only upon clear and convincing evidence as required by the Oklahoma Veterinary Practice Act with the Board having all of the powers granted therein.

2. After the hearing, the Board shall issue a decision based on findings of the fact, affirming, modifying or vacating the citation, or directing other appropriate relief which shall include, but need not be limited to, a notice that the failure of the veterinarian or other person to comply with any provision of the Board's decision may subject such veterinarian or person to the imposition of the sanctions authorized by the Oklahoma Veterinary Practice Act.

H. After the exhaustion of the review procedures provided for in this section, the Board may bring an action for judicial review and administrative penalty and obtain an order compelling the cited person to comply with any order issued pursuant to this section.

I. Failure of a licensee to pay a fine within thirty (30) days of the date of assessment, unless the field citation is being appealed may result in action being taken by the Board. When a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for the renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

J. The Board shall promulgate rules covering the issuance of field citations, the assessment of administrative penalties and other duties specified by this section pursuant to this section which give due consideration to the appropriateness of the penalty with respect to the following factors:

a. the gravity of the violation,
b. the good faith of the person being charged, and
c. the history of previous violations.

Added by Laws 1999, c. 94, § 16, eff. Nov. 1, 1999.

§59-698.20. Repealed by Laws 1999, c. 94, § 30, eff. Nov. 1, 1999.

§59-698.21. Certified veterinary technician – Use of terms and titles - Person not considered to be veterinary technician.

A. Individuals certified as veterinary technicians pursuant to the Oklahoma Veterinary Practice Act may use the terms registered veterinary technician, veterinary technician, or abbreviations such as CVT, RVT, and VT.

B. It shall be unlawful for any person to use any recognized title, abbreviation, or sign to indicate that such person is a registered veterinary technician, unless that person has been certified as having met the qualifications provided for in the Oklahoma Veterinary Practice Act. Such use shall be prima facie evidence of the intention to represent oneself as a registered veterinary technician.

C. A person shall not act as a veterinary technician in this state unless that person is certified by the Board and is under direct supervision of a veterinarian licensed pursuant to the provisions of the Oklahoma Veterinary Practice Act.

D. A person shall not be considered to be a registered veterinary technician in this state who:

1. Administers to animals for which such person holds title, unless such person has received title for the purpose of circumventing the Oklahoma Veterinary Practice Act; or

2. Is a regular student in a legally chartered and recognized curriculum for veterinary technician training, while in the performance of studies and acts assigned by that person's instructors.

Added by Laws 1980, c. 138, § 2, eff. Oct. 1, 1980. Amended by Laws 1992, c. 56, § 2, eff. Sept. 1, 1992; Laws 1999, c. 94, § 24, eff. Nov. 1, 1999; Laws 2002, c. 172, § 5, eff. Nov. 1, 2002.

§59-698.22. Candidates for examination - Employment by veterinarian of registered veterinary technician not required.

A. The State Board of Veterinary Medical Examiners shall examine a candidate for certification as a veterinary technician. A candidate for examination shall pay to the secretary of the Board a reasonable fee established by rule of the Board and shall furnish satisfactory proof of graduation from a program of veterinary technology accredited by the American Veterinary Medical Association and approved by the Board.

B. The provisions of the Oklahoma Veterinary Practice Act shall not require a licensed veterinarian to hire a registered veterinary technician nor prohibit a licensed veterinarian from employing a veterinary assistant. Licensed veterinarians may delegate animal care responsibilities to employees commensurate with their training, experience, and skills.

C. On or before July 1 of each year, every registered veterinary technician shall apply to the State Board of Veterinary Medical Examiners for a renewal certificate of registration. Completion of the renewal certificate will permit the veterinary technician to be registered in Oklahoma during the next fiscal year. Forms for the renewal registration shall be furnished by the Board. Each renewal application shall be accompanied by a renewal fee in an amount to be established by the Board by rule.

Added by Laws 1980, c. 138, § 3, eff. Oct. 1, 1980. Amended by Laws 1992, c. 56, § 3, eff. Sept. 1, 1992; Laws 1999, c. 94, § 25, eff. Nov. 1, 1999; Laws 2002, c. 172, § 6, eff. Nov. 1, 2002; Laws 2005, c. 172, § 3, eff. Nov. 1, 2005.

§59-698.23. Issuance of certificate.

Upon receiving from the State Board of Veterinary Medical Examiners a report that an applicant has successfully passed the examination and is recommended for certification, the Board shall issue a certificate in a form approved by the Board.

Added by Laws 1980, c. 138, § 4, eff. Oct. 1, 1980. Amended by Laws 1999, c. 94, § 26, eff. Nov. 1, 1999.

§59-698.24. Repealed by Laws 1999, c. 94, § 30, eff. Nov. 1, 1999.

§59-698.25. Revocation, suspension or refusal to renew - Probation.

The State Board of Veterinary Medical Examiners may revoke, suspend or refuse to renew the certificate of a veterinary technician or place the veterinary technician on probation, after notice and opportunity for a hearing, upon a determination based on clear and convincing evidence of a violation of the Oklahoma Veterinary Practice Act or rules promulgated or orders issued pursuant thereto or any other law or rule relating to the practice of veterinary medicine.

Added by Laws 1980, c. 138, § 6, eff. Oct. 1, 1980. Amended by Laws 1992, c. 56, § 5, eff. Sept. 1, 1992; Laws 1997, c. 143, § 3, eff. Nov. 1, 1997; Laws 1999, c. 94, § 27, eff. Nov. 1, 1999.

§59-698.26. Unauthorized practice of veterinary medicine – Emergency treatment – Improper use of title - Penalties.

A. It is unlawful for a registered veterinary technician, veterinary technologist, nurse, veterinary assistant or other employee to diagnose animal diseases, prescribe medical or surgical treatment, or perform as a surgeon and such acts shall constitute the unlawful practice of veterinary medicine as prohibited in Section 698.18 of this title.

B. It is unlawful for any person to assume the title of registered veterinary technician, or the abbreviation RVT, or any other words, letters, signs, or figures that might induce a person to believe that the person using the name is a registered veterinary technician, when in fact such person is not certified.

C. A registered veterinary technician may perform emergency treatments in a life saving situation in accordance with rules promulgated by the Board.

D. Except as provided in Section 698.18 of this title, any person certified as a veterinary technician, veterinary technologist, veterinary nurse, or veterinary assistant who

practices veterinary medicine contrary to the provisions of the Oklahoma Veterinary Practice Act, or any person who aids or abets another in the practice or attempted practice as a veterinary technician, veterinary technologist, veterinary nurse, or veterinary assistant without license or certification, or any person violating any provision of subsection B of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the county jail for a term of not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment. In addition to criminal penalties, the violator shall be subject to denial, revocation, suspension, probation or nonrenewal of certification by the Board.

E. The penalties provided in subsection D of this section shall not apply to a student enrolled in an accredited school of veterinary technology while the student is under the supervision of an instructor and is performing activities required as a part of the student's training.

F. Any veterinarian licensed in this state who permits or directs a veterinary technician, veterinary technologist, veterinary nurse, aide or animal attendant to perform a task or procedure in violation of the provisions of the Oklahoma Veterinary Practice Act, upon conviction, shall be guilty of aiding or abetting the unlicensed practice of veterinary medicine as prohibited by Section 698.18 of this title, and shall be, in addition to any criminal penalties, subject to revocation, probation, nonrenewal or suspension of license by the Board.

Added by Laws 1980, c. 138, § 7, eff. Oct. 1, 1980. Amended by Laws 1992, c. 56, § 6, eff. Sept. 1, 1992; Laws 1999, c. 94, § 28, eff. Nov. 1, 1999; Laws 2002, c. 172, § 7, eff. Nov. 1, 2002; Laws 2008, c. 358, § 5, eff. Nov. 1, 2008.

§59-698.27. Repealed by Laws 1999, c. 94, § 30, eff. Nov. 1, 1999.

§59-698.28. Veterinary Medical Examiners Fund.

There is hereby created in the State Treasury a revolving fund to be designated the "Veterinary Medical Examiners Fund" which shall consist of all monies received by the State Board of Veterinary Medical Examiners as provided by statute. The fund shall be a continuing fund not subject to fiscal year limitations. Monies accruing to the credit of the fund are hereby appropriated and may be expended by the Board for carrying out the provisions of the Oklahoma Veterinary Practice Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims submitted by the Board to the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1982, c. 192, § 10, emerg. eff. April 22, 1982. Amended by Laws 1999, c. 94, § 29, eff. Nov. 1, 1999; Laws 2012, c. 304, § 267.

§59-698.29. Confidentiality of information.

A. Except as provided in subsection D of this section, the State Board of Veterinary Medical Examiners and its employees, independent contractors, appointed committee members, or other agents shall keep confidential, all information obtained:

1. During an investigation of citizen complaints into allegations of violations of the Oklahoma Veterinary Practice Act, including:

a. any review or investigation made to determine whether to allow an applicant to take an examination, or

b. whether the Board shall grant a certificate, license, or permit; and

2. In the course of conducting an investigation, including:

a. investigative reports provided to the Board by a registrant, and

b. examinations and test scores.

B. To ensure the confidentiality of the information for the protection of the affected individual or entity, the information obtained shall not be deemed to be a record as that term is defined in the Oklahoma Open Records Act.

C. Except as provided in subsection D of this section, information obtained by the Board or any of its agents shall be considered competent evidence in a court of competent jurisdiction only in matters directly related to actions of the Board and the affected individual or entity as a result of the Board obtaining the information and the information shall not be admissible as evidence in any other type of civil or criminal action.

D. At the discretion of the Board or any committee designated by the Board and in the interest of protecting the health, safety and welfare of the public, any information contained in the investigation files of the Board may upon request be provided to the following:

1. Any board or commission of the District of Columbia or any state or territory of the United States which exercises disciplinary authority; and

2. Any law enforcement agency which makes a proper showing that such information is necessary to conduct or complete a pending investigation of a crime not covered by the Oklahoma Veterinary Practice Act.

Added by Laws 2004, c. 78, § 1, eff. Nov. 1, 2004. Amended by Laws 2006, c. 72, § 2, eff. Nov. 1, 2006.

§59-698.30. Nonveterinary equine dental care provider certification.

A. The State Board of Veterinary Medical Examiners shall annually certify any practitioner of teeth floating, known as a nonveterinary equine dental care provider and as defined by paragraph 25 of Section 698.2 of Title 59 of the Oklahoma Statutes. Certification shall be issued within ninety (90) days of application, and to be eligible for this certification, nonveterinary equine dental care providers shall provide proof of qualification to be a nonveterinary equine dental care provider using one of the following methods:

1. Completion of at least eighty (80) hours of training in equine dentistry at the Texas Institute of Equine Dentistry, the Academy of Equine Dentistry or a similar program approved by the State Board of Veterinary Medical Examiners; or

2. Certification as a nonveterinary equine dental care provider by the International Association of Equine Dentistry or its equivalent by a similar certifying organization approved by the State Board of Veterinary Medical Examiners.

B. Proof of four (4) hours of continuing education shall be required for annual certification renewal for a nonveterinary equine dental care provider. This continuing education shall be a course approved by the Texas Institute of Equine Dentistry, the Academy of Equine Dentistry, the State Board of Veterinary Medical Examiners, the International Association of Equine Dentistry or a similar organization approved by the State Board of Veterinary Medical Examiners and shall be obtained in the twelve-month period immediately preceding the year for which the certification is to be issued.

C. If prescription drugs, not to include any controlled dangerous substances as defined in the Uniform Controlled Dangerous Substances Act, are to be used in nonveterinary equine dental care procedures, the equine owner shall contact a veterinarian licensed by the state. If the veterinarian deems that prescription drugs, not to include any controlled dangerous substances as defined in the Uniform Controlled Dangerous Substances Act, are necessary, the veterinarian may assemble those drugs and may allow the owner or the owner's agent, who can be a nonveterinary equine dental care provider, to pick up those drugs and deliver them to the equine owner. No prescription drugs shall be prescribed, dispensed or administered without the establishment of a valid client-patient relationship between the equine owner and the veterinarian. Prescription drugs must be used in accordance with United States Food and Drug Administration regulations.

D. Complaints related to any nonveterinary equine dental care provider shall be filed with the State Veterinarian through the Oklahoma Department of Agriculture, Food, and Forestry. The State

Veterinarian may investigate complaints, and may forward findings as it deems appropriate to the appropriate law enforcement entity. Added by Laws 2010, c. 112, § 4. Amended by Laws 2021, c. 564, § 6, eff. Nov. 1, 2021.

§59-698.30a. Nonveterinary reproductive services technician - Certification requirements.

A. The State Board of Veterinary Medical Examiners shall certify an individual as a nonveterinary reproductive services technician who qualifies and passes a written certification examination approved by the Board and who holds a Ph.D. from an accredited college or university with emphasis in animal reproductive physiology, or a Master of Science degree from an accredited college or university with emphasis in animal reproductive physiology and Board Certification in animal physiology by the American Registry of Professional Animal Scientists, which certification authorizes them to provide nonveterinary reproductive services as defined in the Oklahoma Veterinary Practice Act.

B. In connection with performing nonveterinary reproductive services, federal legend drugs shall be prescribed and dispensed only on the order of a licensed veterinarian who has an existing veterinarian-client-patient relationship as defined by the Oklahoma Veterinary Practice Act and the rules of the Board and shall only be administered in accordance with the act. Every nonveterinary reproductive services technician shall keep and maintain medical records that include the source of any prescription drugs used in connection with providing nonveterinary reproductive services including the name and address of the veterinarian prescribing or dispensing the drugs, the date the drugs are received, the species and description of the animal involved, the animal owner or client name and address and the medications administered including date and dosage. All medical records pertaining to prescription drugs shall be made available for inspection by the Board or the Board's agent upon request and must be kept and maintained for a period of two (2) years from the date the drug was administered.

C. Proof of at least eight (8) hours of continuing education from courses and study approved by the Board shall be required for annual certification renewal as a nonveterinarian reproductive services technician.

D. The certification examination and continuing education described in this section shall be approved by the Examination Committee that is overseen by the Board and consists of:

1. A veterinarian designated by the Dean of the Oklahoma State University Center of Veterinary Health Sciences;

2. An animal scientist with a Ph.D. with an emphasis in animal reproductive physiology designated by the head of the Oklahoma State University Department of Animal Science; and

3. An animal embryologist as designated by the American Embryo Transfer Association.
Added by Laws 2011, c. 83, § 3, eff. Nov. 1, 2011. Amended by Laws 2021, c. 564, § 7, eff. Nov. 1, 2021.

§59-698.30b. Animal Technology Advisory Committee - Oversight - Members.

A. The Animal Technology Advisory Committee shall be overseen by the Board and the Oklahoma Department of Agriculture, Food, and Forestry and shall investigate, examine, discuss and determine whether any new or evolving technology, procedure, method or practice should be considered or designated an act of animal husbandry, the practice of veterinary medicine, or added to the list of acts not prohibited in paragraph 1 of Section 698.12 of the Oklahoma Veterinary Practice Act.

B. The Animal Technology Advisory Committee shall be chaired by the State Veterinarian employed by the Department who shall have the following duties:

1. Call and give notice of all meetings of the committee;

2. Establish the agenda for the meetings of the committee;

3. Keep and maintain minutes of all meetings of the committee; and

4. Publish and distribute all determinations of the committee to the State Board of Veterinary Medical Examiners and Oklahoma Department of Agriculture, Food, and Forestry.

C. In addition to the chairperson, who shall be a nonvoting member, the Animal Technology Advisory Committee shall be comprised of the following voting members:

1. Two veterinarians appointed by the Board;

2. One veterinarian appointed by the head of the Oklahoma State University Center of Veterinary Health Sciences;

3. Two individuals actively involved in the livestock industry appointed by the Secretary of Agriculture; and

4. One faculty member of the Oklahoma State University Department of Animal Science appointed by the head of the Department.

D. Recommendations of the Advisory Committee shall be made by a majority vote of the voting members of the committee and shall be presented to the Board, in writing, for consideration and review at least thirty (30) days before a regularly scheduled meeting of the Board. The Board shall consider the committee recommendations and if approved take necessary action through the rulemaking process to adopt the rules accordingly.
Added by Laws 2011, c. 83, § 4, eff. Nov. 1, 2011.

§59-698.31. Short title.

This act shall be known and may be cited as the "Large Animal Veterinarian Incentive Act".
Added by Laws 2008, c. 338, § 1, eff. Nov. 1, 2008.

§59-698.32. Definitions.

As used in the Large Animal Veterinarian Incentive Act:

1. "Veterinary Center" means the Center for Veterinary Health Sciences at Oklahoma State University;

2. "Program" means the veterinary training program for rural Oklahoma established pursuant to Section 3 of this act; and

3. "Program agreement" means an agreement to meet all the obligations provided in Section 3 of this act by a person who is a first-year veterinary student at the Veterinary Center or currently practicing large animal veterinarian in exchange for the benefits provided in Section 3 of this act.

Added by Laws 2008, c. 338, § 2, eff. Nov. 1, 2008.

§59-698.33. Short title — Dr. Lee Denney Act of 2024 — Veterinary training program for rural Oklahoma.

A. This act shall be known and may be cited as the "Dr. Lee Denney Act of 2024".

B. There is hereby established the veterinary training program for rural Oklahoma to be administered by the Oklahoma State University Center for Veterinary Medicine Authority. The program shall be developed and implemented in order to provide encouragement, opportunities and incentives for persons pursuing a veterinary medicine degree at Oklahoma State University to locate their veterinary practice in rural Oklahoma communities, and receive specialized training targeted to meet the needs of livestock producers in rural Oklahoma communities.

C. Each year the Authority may enter into program agreements with veterinary students or currently practicing large animal veterinarians with qualifying school loans, as determined by the Authority. Preference shall be given to those students and veterinarians who are focused on large animal veterinary medicine, who are Oklahoma residents and who agree to serve in a community as described in paragraph 3 of subsection E of this section, which is determined by the Authority to be an underserved area for the practice of veterinary medicine. Allocation shall be prioritized to eligible students currently enrolled at the Oklahoma State University College of Veterinary Medicine.

D. Each student or large animal veterinarian entering into a program agreement under this section shall receive assistance in an amount not to exceed Twenty-five Thousand Dollars ($25,000.00) per year for not more than four (4) years for tuition, books, supplies and other school expenses, and travel and training expenses incurred by the student in pursuing a veterinary medicine degree. Upon

satisfaction of all commitments under the provisions of the agreement and the provisions of this section, the financial obligations pursuant to this section shall be deemed satisfied and forgiven.

E. Each program agreement shall require that the person receiving the assistance:

1. Complete the veterinary medicine degree program at the Oklahoma State University College of Veterinary Medicine;

2. Complete all requirements in public health, livestock biosecurity, foreign animal disease diagnosis, regulatory veterinary medicine and zoonotic disease, and an externship and mentoring requirement with a licensed, accredited veterinarian in rural Oklahoma as required by the Veterinary College;

3. Engage in a full-time practice focused on large animal medicine in any community in Oklahoma which has a population not exceeding twenty-five thousand (25,000) as determined by the most recent Federal Decennial Census at the time the person entered into the program agreement for a period of at least twelve (12) continuous months for each separate year a student receives assistance under the program, unless the obligation is otherwise satisfied as provided in this section. If, after the date a program agreement was entered into by the parties, a community no longer meets the maximum population requirements provided in this paragraph, a person engaging in the full-time practice of veterinary medicine pursuant to the program agreement shall continue to practice in that designated community; and

4. Commence a full-time practice focused on large animal medicine in that community within ninety (90) days after completion of the person's degree program, or if the person enters a postdegree training program, such as a graduate school or internship or residency program, within ninety (90) days after completion of the postdegree training program.

F. Upon the failure of a person to satisfy the obligation to engage in the full-time practice of veterinary medicine in accordance with the provisions of this section, that person shall repay to the Authority, within ninety (90) days of the failure, the amount equal to the assistance provided to the person less a prorated amount based on any periods of practice of veterinary medicine meeting the requirements of this section, plus interest at the prime rate of interest plus two percent (2%) from the date the assistance accrued. The interest shall be compounded annually.

G. An obligation to engage in the practice of veterinary medicine in accordance with the provisions of this section shall be postponed during:

1. Any period of temporary medical disability during which the person obligated is unable to practice veterinary medicine due to the disability; and

2. Any other period of postponement agreed to or determined in accordance with criteria agreed to in the practice agreement.

H. An obligation to engage in the practice of veterinary medicine in accordance with the provisions of the agreement and this section shall be satisfied:

1. If the obligation to engage in the practice of veterinary medicine in accordance with the agreement has been completed;

2. If, because of permanent disability, the person obligated is unable to practice veterinary medicine; or

3. The person who is obligated dies.

I. The Authority may adopt additional provisions, requirements or conditions to participate in this program as are practicable and appropriate to accomplish the provisions of the program or may be required for the implementation or administration of the program, and are not inconsistent with the provisions of this section.
Added by Laws 2008, c. 338, § 3, eff. Nov. 1, 2008. Amended by Laws 2021, c. 564, § 8, eff. Nov. 1, 2021; Laws 2024, c. 199, § 1, emerg. eff. April 29, 2024.

§59-725.1. Branch of healing art indicated by appending words or letters to name.

A. Every person who writes or prints, or causes to be written or printed, his or her name (whether or not the word "Doctor", or an abbreviation thereof, is used in connection therewith) in connection with, as engaging in, or holding himself or herself out as engaging in, any of the branches of the healing art shall append to his or her name the letters or words set forth in Section 725.2 of this title if the person is one of the ten classes of persons listed in subsection A of Section 725.2 of this title.

B. If the person is not one of the ten classes of persons listed in subsection A of Section 725.2 of this title and is engaged in a branch of the healing art, the person shall write or print, in the same size letters as his or her name, appropriate and generally and easily understood words or letters, which clearly show and indicate the branch of the healing art in which he or she is licensed to practice and is engaged.
Added by Laws 1947, p. 357, § 1, emerg. eff. March 13, 1947. Amended by Laws 2009, c. 148, § 1, eff. Nov. 1, 2009; Laws 2022, c. 149, § 1, eff. Nov. 1, 2022.

§59-725.2. Designations to be used and by whom.

A. The following ten classes of persons may use the word "Doctor", or an abbreviation thereof, and shall have the right to use, whether or not in conjunction with the word "Doctor", or any abbreviation thereof, the following designations:

1. The letters "D.P.M." or the words podiatrist, doctor of podiatry, podiatric surgeon, or doctor of podiatric medicine by a

person licensed to practice podiatry under the Podiatric Medicine Practice Act;

2. The letters "D.C." or the words chiropractor or doctor of chiropractic by a person licensed to practice chiropractic under the Oklahoma Chiropractic Practice Act;

3. The letters "D.D.S." or "D.M.D.", as appropriate, or the words dentist, doctor of dental surgery, or doctor of dental medicine, as appropriate, by a person licensed to practice dentistry under the State Dental Act;

4. The letters "M.D." or the words surgeon, medical doctor, or doctor of medicine by a person licensed to practice medicine and surgery under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act;

5. The letters "O.D." or the words optometrist or doctor of optometry by a person licensed to practice optometry under Sections 581 through 606 of this title;

6. The letters "D.O." or the words surgeon, osteopathic surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic medicine by a person licensed to practice osteopathy under the Oklahoma Osteopathic Medicine Act;

7. The letters "Ph.D.", "Ed.D.", or "Psy.D." or the words psychologist, therapist, or counselor by a person licensed as a health service psychologist pursuant to the Psychologists Licensing Act;

8. The letters "Ph.D.", "Ed.D.", or other letters representing a doctoral degree or the words language pathologist, speech pathologist, or speech and language pathologist by a person licensed as a speech and language pathologist pursuant to the Speech-Language Pathology and Audiology Licensing Act and who has earned a doctoral degree from a regionally accredited institution of higher learning in the field of speech and language pathology;

9. The letters "Ph.D.", "Ed.D.", or other letters representing a doctoral degree or the word audiologist by a person licensed as an audiologist pursuant to the Speech-Language Pathology and Audiology Licensing Act and who has earned a doctoral degree from a regionally accredited institution of higher learning in the field of audiology; and

10. The letters "D.P.T." or the title Doctor of Physical Therapy by a person licensed to practice physical therapy under the Physical Therapy Practice Act who has earned a Doctor of Physical Therapy degree from a program approved by a national accrediting body recognized by the State Board of Medical Licensure and Supervision.

B. Unless otherwise specifically provided in a particular section or chapter of the Oklahoma Statutes, the word "doctor" or "doctors" shall mean and include each of the ten classes of persons listed in subsection A and the word "physician" or "physicians", as

provided in subsection C of this section. Any other person using the term doctor, or any abbreviation thereof, shall designate the authority under which the title is used or the college or honorary degree that gives rise to use of the title.

C. Unless otherwise specifically provided in a particular section or chapter of the Oklahoma Statutes, the word "physician" or "physicians" shall mean and include each of the classes of persons listed in paragraphs 1 through 6 of subsection A of this section and the word "doctor" or "doctors" as provided in subsection B of this section. The term "physician" shall not include any person specified in paragraphs 7 through 10 of subsection A of this section unless such person is otherwise authorized to use such designation pursuant to this section.

D. For purposes of this section, "provider" means and includes:

1. Each of the ten classes of persons listed in subsection A of this section and referred to in subsections B and C of this section; and

2. Any other person using the term doctor or any abbreviation thereof.

E. Persons in each of the ten classes listed in subsection A of this section, and referred to in subsections B and C of this section shall identify through written notice, which may include the wearing of a name tag, the type of license under which the doctor is practicing, utilizing the designations provided in subsections A, B and C of this section. Each applicable licensing board is authorized by rule to determine how its license holders may comply with this disclosure requirement.

F. 1. Any advertisement for health care services naming a provider shall:

a. identify the type of license of the doctor utilizing the letters or words set forth in this section if the person is one of the classes of persons listed in subsection A of this section, and referred to in subsections B and C of this section, or

b. utilize appropriate, accepted, and easily understood words or letters, which clearly show and indicate the branch of the healing art in which the person is licensed to practice and is engaged in, if the person is not one of the ten classes of persons listed in subsection A of this section, or referred to in subsections B and C of this section.

2. The term "advertisement" includes any printed document including letterhead, video clip, or audio clip created by, for, or at the direction of the provider or providers and advertised for the purpose of promoting the services of the doctor or provider.

G. 1. It shall be unlawful for any medical doctor, doctor of osteopathic medicine, doctor of dental surgery, doctor of dental

medicine, doctor of optometry, doctor of podiatry, or doctor of chiropractic to make any deceptive or misleading statement, or engage in any deceptive or misleading act, that deceives or misleads the public or a prospective or current patient, regarding the training and the license under which the person is authorized to practice.

2. The term "deceptive or misleading statement or act" includes, but is not limited to:

a. such statement or act in any advertising medium,

b. making a false statement regarding the education, skills, training, or licensure of a person, or

c. in any other way describing the profession, skills, training, expertise, education, or licensure of a person in a fashion that causes the public, a potential patient, or current patient to believe that the person is a medical doctor, doctor of osteopathic medicine, doctor of dental surgery, doctor of dental medicine, doctor of optometry, doctor of podiatry, or doctor of chiropractic when that person does not hold such credentials.

H. Notwithstanding any other provision of this section, a person licensed in this state to perform speech pathology or audiology services is designated to be a practitioner of the healing art for purposes of making a referral for speech pathology or audiology services pursuant to the provisions of the Individuals with Disabilities Education Act, Amendment of 1997, Public Law 105-17, and Section 504 of the Rehabilitation Act of 1973.

Added by Laws 1947, p. 357, § 2, emerg. eff. March 13, 1947. Amended by Laws 1991, c. 265, § 20, eff. Oct. 1, 1991; Laws 1993, c. 168, § 1, eff. Sept. 1, 1993; Laws 2000, c. 52, § 1, emerg. eff. April 14, 2000; Laws 2004, c. 543, § 5, eff. July 1, 2004; Laws 2009, c. 148, § 2, eff. Nov. 1, 2009; Laws 2022, c. 149, § 2, eff. Nov. 1, 2022.

§59-725.3. Violations – Administrative penalties – Investigation and prosecution by Attorney General.

A. 1. Any licensed health care provider found by the appropriate licensing board or state agency to be in violation of the provisions of subsection E of Section 725.2 of this title shall be punished by an administrative penalty of not less than Twenty-five Dollars ($25.00) nor more than One Thousand Dollars ($1,000.00) to be administered and collected by the appropriate licensing board or state agency.

2. Any person who is not a licensed health care provider and found by the appropriate licensing board or state agency to be in violation of the provisions of subsection E of Section 725.2 of this title, shall be punished by an administrative penalty of not less

than Twenty-five Dollars ($25.00) nor more than One Thousand Dollars ($1,000.00) to be administered and collected by the appropriate licensing board or state agency. Each day this act is violated shall constitute a separate offense and shall be punishable as such.

B. 1. Any licensed health care provider found by the appropriate licensing board or state agency to be in violation of the provisions of this act, other than subsection E of Section 725.2 of this title, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) to be administered and collected by the appropriate licensing board or state agency.

2. Any person who is not a licensed health care provider and found by the appropriate licensing board or state agency to be in violation of the provisions of this act, other than subsection E of Section 725.2 of this title, shall be punished by an administrative penalty of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) to be administered and collected by the appropriate licensing board or state agency.

3. Each day this act is violated shall constitute a separate offense and shall be punishable as such.

C. A case shall be referred to the Attorney General for investigation and prosecution if a licensing board or state agency makes a finding of gross or repeated violations of this act by a licensed health care provider or an unlicensed health care provider. Added by Laws 1947, p. 357, § 3, emerg. eff. March 13, 1947. Amended by Laws 2009, c. 148, § 3, eff. Nov. 1, 2009.

§59-725.4. Referral of patients or clients to testing center or laboratory - Disclosure of financial interest or remuneration - Disciplinary actions - Injunctions.

A. Any health or mental health care professional or health care provider who refers patients or clients to a testing center or laboratory shall provide written disclosure to such patient or client or the guardian of such patient or client of any financial interest of the professional or provider in the center or laboratory or any remuneration received by the professional or provider for referrals to the center or laboratory. Provided, however, that disclosure shall not be required where:

1. The testing center or laboratory is an extension of or ancillary to the health or mental health care professional's or health care provider's practice;

2. The testing center or laboratory is not a separate business entity and is not billed as a separate entity; and

3. The health or mental health care professional or health care provider provides for and supervises the services at the facility.

B. Any person who has been determined to be in violation of subsection A of this section by the State Board of Health, after

notice and a hearing by the Board shall be subject to a fine of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00).

C. In addition to any other penalties or remedies provided by law:

1. A violation of this section by a health or mental health care professional or health care provider shall be grounds for disciplinary action by the state agency licensing, certifying or registering such professional or provider; and

2. A state agency licensing, certifying or registering such professional or provider may institute an action to enjoin violation or potential violation of this section. The action for an injunction shall be in addition to any other action, proceeding or remedy authorized by law.

Added by Laws 1992, c. 356, § 3, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 165, § 2, eff. Sept. 1, 1993.

§59-725.5. Limitation of liability for doctors rendering medical care on volunteer basis.

A health care provider authorized to use the designation "Doctor", or an abbreviation thereof pursuant to the provisions of Section 725.2 of Title 59 of the Oklahoma Statutes, who renders medical care on a voluntary basis at a free medical clinic or an educational sporting event is not liable for any civil damages, other than for injuries resulting in death, caused by acts or omissions of the health care provider while rendering such medical care unless it is plainly alleged in the complaint and later proven that the acts or omissions of the health care provider constituted gross negligence or willful or wanton wrongs during the rendering of such medical care.

Added by Laws 2004, c. 523, § 26, emerg. eff. June 9, 2004.

§59-731.1. Definitions.

As used in Sections 731.1 through 731.7 of this title:

1. "Person" means any individual, or association of individuals or group of individuals;

2. "Human ill" or "human illness" means any human disease, ailment, deformity, injury or unhealthy or abnormal physical and/or mental condition of any nature;

3. "Diagnosis" means the use professionally of any means for the discovery or determination of any human ill as herein defined, or the cause of any such human ill; and

4. "Treatment" means the use of drugs, surgery, including appliances, manual or mechanical means, or any other means of any nature whatsoever, for the cure, relief, palliation, adjustment or correction of any human ill as defined herein.

Laws 1947, p. 357, § 1, emerg. eff. May 22, 1947; Laws 1993, c. 168, § 2, eff. Sept. 1, 1993.

§59-731.2. Use of word "Doctor" or abbreviation "Dr.", etc. as evidence.

A. Proof that any class of persons identified in Section 725.2 of this title appends to their name the word "Doctor", the abbreviation "Dr.", or any other word, abbreviation or designation, which word, abbreviation or designation, indicate that such person is qualified for diagnosis or treatment, as herein defined, shall constitute prima facie evidence that such person is holding himself or herself out, within the meaning of Sections 731.1 through 731.6 of this title, as qualified to engage in diagnosis or treatment.

B. Nothing in this section shall be construed to prevent a person specified in paragraphs 7 through 10 of subsection A of Section 725.2 of this title from appending to such person's name the word "Doctor", so long as such person follows such name and designation with the letters signifying the recognized doctoral degrees specified in paragraphs 7 through 10 of subsection A of Section 725.2 of this title.

Added by Laws 1947, p. 358, § 2, emerg. eff. May 22, 1947. Amended by Laws 1993, c. 168, § 3, eff. Sept. 1, 1993; Laws 2000, c. 52, § 2, emerg. eff. April 14, 2000; Laws 2022, c. 149, § 3, eff. Nov. 1, 2022.

§59-731.3. Unlicensed person not to hold himself out as qualified.

Except as authorized by the provisions of Sections 492 and 731.5 of this title and Section 5 of this act, no person shall in any manner engage in, offer to engage in, or hold himself out as qualified to engage in the diagnosis and/or treatment of any human ill unless such person is the holder of a legal and unrevoked license or certificate issued under the laws of Oklahoma authorizing such person to practice the healing art covered by such license and is practicing thereunder in the manner and subject to the limitations provided by the laws of the State of Oklahoma for the issuance of such license or certificate for the practice thereunder.

Amended by Laws 1984, c. 192, 4, emerg. eff. May 14, 1984.

§59-731.4. Punishment for violations.

Any person who shall violate the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than five (5) days, nor more than thirty (30) days, or by both such fine and imprisonment. Each day upon which this act shall be violated shall constitute a separate offense and be punishable as such.

Laws 1947, p. 358, § 4.

§59-731.5. Application of law.

Nothing in Sections 731.1 through 731.6 of this title shall apply to:

1. Any commissioned officer in any of the healing arts licensed as such in the United States Army, Navy, Marines, Public Health Service, or Marine Hospital Service, in the discharge of the professional duties of such officer;

2. Any legally qualified person when engaged exclusively in the practice of the particular profession of such person, as defined by law;

3. Any licensed person practicing any of the healing arts from another state or territory, when in actual consultation with a licensed practitioner in this state;

4. Any physician's trained assistant who is assisting a licensed physician to render services within the licensed scope of practice of the physician, if the assistant is under the supervision and control of the physician;

5. Any student in any recognized school of the healing arts in carrying out prescribed courses of study provided such school is a recognized institution by the statutes of Oklahoma, and its practitioners are duly licensed as prescribed by law;

6. The practice of those who endeavor to prevent, or cure, disease or suffering, by spiritual means or prayer; or

7. Any legally qualified person specified in paragraphs 7 through 10 of subsection A of Section 725.2 of this title in the discharge of the professional duties of the person, so long as such person is employed by any state or governmental agency, or any recognized college or university.

Added by Laws 1947, p. 358, § 5, emerg. eff. May 22, 1947. Amended by Laws 1980, c. 258, § 1, eff. Oct. 1, 1980; Laws 1997, c. 222, § 6, eff. Nov. 1, 1997; Laws 2000, c. 52, § 3, emerg. eff. April 14, 2000; Laws 2022, c. 149, § 4, eff. Nov. 1, 2022.

§59-731.6. Partial invalidity.

If any section, paragraph or clause of this act is for any reason held invalid, such fact shall not affect the validity of any other portion hereof.

Laws 1947, p. 359, § 6.

§59-731.7. Spinal manipulation.

A. No person shall perform spinal manipulation in this state until first being adequately trained in this procedure through formal education at an accredited college or school.

B. As used in this section, "spinal manipulation" means a manual procedure that involves a directed thrust to move a spinal

joint past the physiological range of motion, without exceeding the anatomical limit.
Added by Laws 1986, c. 317, § 3, emerg. eff. June 24, 1986. Amended by Laws 1997, c. 90, § 3, eff. Nov. 1, 1997.

§59-736.2. Injunction.

Provided that any violation hereof shall be enjoined by any court having jurisdiction of the parties on the application or petition of the county attorney of the county in which the violation occurred, and upon his refusal, by the Attorney General.
Laws 1947, p.359, § 2.

§59-738.1. Injunctions granted without bond to specified boards.

Injunctions, without bond, may be granted by district courts to the Board of Podiatric Medical Examiners, the Board of Chiropractic Examiners, the State Board of Medical Licensure and Supervision, the Board of Examiners in Optometry, the Board of Pharmacy, the Board of Dentistry, the Board of Veterinary Medical Examiners or the State Board of Osteopathic Examiners, for the purpose of enforcing the respective acts and laws creating and establishing these boards.
Laws 1951, p. 166, § 1; Laws 1987, c. 118, § 43, operative July 1, 1987; Laws 1995, c. 207, § 4, eff. Nov. 1, 1995; Laws 2011, c. 262, § 6, eff. July 1, 2011.

§59-738.2. Consent of Board issuing license - Laws governing - Duty of Attorney General.

None of the Boards referred to in Section 1 of this act shall be permitted to institute an action to enjoin any person who holds a valid license regularly issued by any other of the above-named Boards without first obtaining the written consent of said other Board to file such injunction proceedings. The terms and provisions of the respective acts and laws creating and establishing the Boards above referred to are set forth in Title 59, Oklahoma Statutes 1951, as Chapters 4, 5, 7, 8, 11, 13 and 14. Provided, that in the event any of the above-named Boards as to an injunction action, or the proper district attorney as to a criminal action, fails or refuses to file such an action to enforce the respective acts and laws applicable to any such Board within ninety (90) days after complaint of violation thereof is made thereto, it shall be the duty of the Attorney General of the State of Oklahoma, if such a sworn complaint is made thereto, to file and prosecute an appropriate injunction or criminal action to enforce said act or law, that is, if he finds there is sufficient competent evidence to support such action.
Laws 1951, p. 166, § 2.

§59-738.3. Attorneys, employment of.

Each of the Boards referred to in Section 1 of this act shall have the authority to employ attorneys to advise and assist such Boards in the performance of its official duties and functions and in carrying out the provisions of this act; provided, that the compensation of such attorney shall be paid from the fund, or monies, from which other expenses of the Board are paid and shall not be a charge against the State of Oklahoma.
Laws 1951, p. 166, § 3.

§59-738.4. District attorney's right not abrogated.
Nothing in this act shall abrogate the right of any district attorney in this state to institute an action to enjoin or prosecute for violations of any of the laws of this state relating to the practice of any of the healing arts.
Laws 1951, p. 166, § 4.

§59-738.6. Actions for declaratory rulings.
Notwithstanding any other provision of law, no board referred to in Section 738.1 of Title 59 of the Oklahoma Statutes may bring or maintain any action for declaratory ruling against any person or entity, including any agency of this state, other than licensees of that board or persons holding themselves out as licensees of that board, to determine if any act performed by such person or entity constitutes the unauthorized practice of a healing art regulated by that board.
The provisions of this section shall not be construed to impair or in any manner affect any civil action for a declaratory ruling brought or for any actions arising pursuant to Section 491.1 of Title 59 of the Oklahoma Statutes prior to September 1, 1996.
Added by Laws 1996, c. 6, § 1, eff. Sept. 1, 1996.

§59-858-101. Title and construction.
This Code shall be known and cited as "The Oklahoma Real Estate License Code".
Laws 1974, c. 121, § 101, operative July 1, 1974.

§59-858-102. Definitions.
When used in this Code, unless the context clearly indicates otherwise, the following words and terms shall be construed as having the meanings ascribed to them in this section:
1. The term “real estate” shall include any interest or estate in real property, within or without the State of Oklahoma, whether vested, contingent or future, corporeal or incorporeal, freehold or nonfreehold, and including leaseholds, options and unit ownership estates to include condominiums, time-shared ownerships and cooperatives; provided, however, that the term real estate shall not include oil, gas or other mineral interests, or oil, gas or other

mineral leases; and provided further, that the provisions of this Code shall not apply to any oil, gas, or mineral interest or lease or the sale, purchase or exchange thereof;

2. The term "broker" shall include any person, partnership, limited liability company, association, corporation, or business entity, foreign or domestic, who for a fee, commission, or other valuable consideration, or who with the intention or expectation of receiving or collecting a fee, commission, or other valuable consideration, performs any of the following acts:

a. sells, exchanges, purchases, rents, or leases real estate,
b. offers to sell, exchange, purchase, rent, or lease real estate,
c. negotiates or attempts to negotiate the listing, sale, exchange, purchase, rent, or lease of real estate,
d. lists or offers, attempts, or agrees to list real estate for sale, exchange, rent or lease,
e. auctions or offers, attempts, or agrees to auction real estate,
f. controls the acceptance or deposit of rent from a resident of a single-family residential real property unit,
g. solicits listings of places for rent or lease,
h. solicits for prospective tenants, purchasers, or sellers, or
i. advertises or holds himself or herself out as engaged in such activities;

3. The term "broker associate" shall include any person who has qualified for a license as a broker associate, and who is employed or engaged by, associated as an independent contractor with, or on behalf of and with the permission of a broker to perform any act set out in the definition of a broker;

4. The term "real estate sales associate" shall include any person having a renewable license and employed or engaged by, or associated as an independent contractor with, or on behalf of, a broker to do or deal in any act, acts or transactions set out in the definition of a broker;

5. "Provisional sales associate" shall include any person who has been licensed after June 30, 1993, employed or engaged by, or associated as an independent contractor with, or on behalf of, a broker to do or deal in any act, acts or transactions set out in the definition of a broker and subject to an additional forty-five-clock-hour postlicensing educational requirement to be completed within the first twelve-month license term. However, the Oklahoma Real Estate Commission shall promulgate rules for those persons called into active military service for purposes of satisfying the postlicensing educational requirement. The license of a provisional

sales associate shall be nonrenewable unless the postlicensing requirement is satisfied prior to the expiration date of the license. Further, the terms sales associate and provisional sales associate shall be synonymous in meaning except where specific exceptions are addressed in the Oklahoma Real Estate License Code;

6. The term "successful completion" shall include prelicense, postlicense, and distance education courses in which an approved public or private school entity has examined the individual, to the satisfaction of the entity and standards as established by the Commission, in relation to the course material presented during the offering;

7. The term "renewable license" shall refer to a broker, broker associate or sales associate who is a holder of such license or to a provisional sales associate who has completed the educational requirements within the required time period as stated in the Code;

8. The term "nonrenewable license" shall refer to a provisional sales associate who is the holder of such license and who has not completed the postlicense educational requirement within the required time period as stated in the Code;

9. The term "surrendered license" shall refer to a real estate license which is surrendered, upon the request of the licensee, due to a pending investigation or disciplinary proceedings;

10. The term "canceled license" shall refer to a real estate license which is canceled, upon the request of the licensee and approval of the Commission, due to a personal reason or conflict;

11. The term "publicly market" shall include all advertisements and marketing conducted in a public or open manner or place;

12. "Licensee" shall include any person who performs any act, acts or transactions set out in the definition of a broker and licensed under the Oklahoma Real Estate License Code;

13. The word "Commission" shall mean the Oklahoma Real Estate Commission;

14. The word "person" shall include and mean every individual, partnership, association or corporation, foreign or domestic;

15. Masculine words shall include the feminine and neuter, and the singular includes the plural; and

16. The word "associate" shall mean a broker associate, sales associate or provisional sales associate.

Added by Laws 1974, c. 121, § 102, operative July 1, 1974. Amended by Laws 1991, c. 43, § 2, eff. July 1, 1993; Laws 1992, c. 94, § 1, eff. July 1, 1993; Laws 1994, c. 149, § 1, eff. July 1, 1994; Laws 1998, c. 60, § 1, eff. Jan. 1, 1999; Laws 1999, c. 26, § 1, eff. Nov. 1, 1999; Laws 2001, c. 235, § 1, eff. Aug. 1, 2001; Laws 2004, c. 142, § 1, eff. Nov. 1, 2004; Laws 2017, c. 248, § 1, eff. Nov. 1, 2017; Laws 2024, c. 159, § 1, eff. Nov. 1, 2024.

§59-858-201. Oklahoma Real Estate Commission.

A. There is hereby re-created the Oklahoma Real Estate Commission, which shall consist of seven (7) members. The Commission shall be the sole governmental entity, state, county or municipal, which shall have the authority to regulate and issue real estate licenses in the State of Oklahoma.

B. All members of the Commission shall be citizens of the United States and shall have been residents of the State of Oklahoma for at least three (3) years prior to their appointment.

C. Five members shall be licensed real estate brokers and shall have had at least five (5) years' active experience as real estate brokers prior to their appointment and be engaged full time in the real estate brokerage business. One member shall be a lay person not in the real estate business, and one member shall be an active representative of a school of real estate located within the State of Oklahoma and approved by the Oklahoma Real Estate Commission. For purposes of this paragraph, "brokers" shall be limited to the license types of managing broker, proprietor broker, or branch broker.

D. No more than two members shall be appointed from the same congressional district according to the latest congressional redistricting act. 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. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district.

Added by Laws 1974, c. 121, § 201, operative July 1, 1974. Amended by Laws 1979, c. 122, § 1, emerg. eff. May 1, 1979; Laws 1982, c. 194, § 1, emerg. eff. April 26, 1982; Laws 1985, c. 231, § 1, operative July 1, 1985; Laws 1991, c. 39, § 1, emerg. eff. April 3, 1991; Laws 1991, c. 335, § 17, emerg. eff. June 15, 1991; Laws 1994, c. 76, § 1, eff. July 1, 1994; Laws 1997, c. 38, § 1; Laws 1998, c. 60, § 2, eff. Jan. 1, 1999; Laws 2002, c. 375, § 9, eff. Nov. 5, 2002; Laws 2003, c. 229, § 2, emerg. eff. May 20, 2003; Laws 2009, c. 19, § 1; Laws 2013, c. 296 § 1, emerg. eff. May 16, 2013; Laws 2017, c. 297, § 1; Laws 2021, c. 558, § 6, eff. July 1, 2021; Laws 2024, c. 14, § 1; Laws 2024, c. 159, § 2, eff. Nov. 1, 2024.

NOTE: Laws 1991, c. 43, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991. Laws 2003, c. 13, § 1 repealed by Laws 2003, c. 229, § 10, emerg. eff. May 20, 2003.

## §59-858-202. Appointment - Tenure - Vacancies - Removal.

## A. Members of the Oklahoma Real Estate Commission shall be appointed by the Governor with the advice and consent of the Senate.

B. Members of the Commission shall serve until their terms expire. The terms of the Commission members shall be for four (4) years and until their successors are appointed and qualified.

C. Each successor member and any vacancy which may occur in the membership of the Commission shall be filled by appointment of the Governor with the advice and consent of the Senate.

D. The Governor may select appointees from a list of not less than two qualified persons submitted by a statewide organization representing realtors.

E. Each person who shall have been appointed to fill a vacancy shall serve for the remainder of the term for which the member whom he or she will succeed was appointed and until his or her successor, in turn, shall have been appointed and shall have qualified.

F. Members of the Commission may be removed from office by the Governor for inefficiency, neglect of duty or malfeasance in office in the manner provided by law for the removal of officers not subject to impeachment.

Added by Laws 1974, c. 121, § 202, operative July 1, 1974. Amended by Laws 1982, c. 194, § 2, emerg. eff. April 26, 1982; Laws 1985, c. 231, § 2, operative July 1, 1985; Laws 1998, c. 60, § 3, eff. Jan. 1, 1999; Laws 2007, c. 42, § 1, eff. Jan. 1, 2008; Laws 2015, c. 25, § 1, eff. Nov. 1, 2015.

§59-858-204. Officers - Employees - Duties and compensation - Meetings.

A. The members of the Commission, within thirty (30) days after their appointment, shall organize and elect a chairman and vice-chairman. Annually thereafter the offices of chairman and vice-chairman shall be attained through election by Commission members.

B. The Commission, as soon after the election of the chairman and vice-chairman as practicable, shall employ a secretary-treasurer and such clerks and assistants as shall be deemed necessary to discharge the duties imposed by the provisions of this Code, and shall determine their duties and fix their compensation subject to the general laws of this state.

C. The chairman of the Commission, and in his absence the vice-chairman, shall preside at all meetings of the Commission and shall execute such duties as the Commission, by its rules, shall prescribe.

D. The secretary-treasurer shall keep a complete and permanent record of all proceedings of the Commission and perform such other duties as the Commission shall prescribe.

Added by Laws 1974, c. 121, § 204, operative July 1, 1974. Amended by Laws 1982, c. 194, § 3, emerg. eff. April 26, 1982; Laws 1998, c. 60, § 4, eff. Jan. 1, 1999.

§59-858-205. Oklahoma Real Estate Commission Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Real Estate Commission, to be designated the "Oklahoma Real Estate Commission Revolving Fund". The fund shall consist of all monies received by the Oklahoma Real Estate Commission other than the Oklahoma Real Estate Education and Recovery Fund fees or appropriated funds. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Oklahoma Real Estate Commission.

B. The Oklahoma Real Estate Commission may invest all or part of the monies of the fund in securities offered through the "Oklahoma State Treasurer's Cash Management Program". Any interest or dividends accruing from the securities and any monies generated at the time of redemption of the securities shall be deposited in the General Operating Fund of the Oklahoma Real Estate Commission. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Real Estate Commission.

C. Expenditures from this fund shall be made pursuant to the purposes of this Code and without legislative appropriation. Warrants for expenditures shall be drawn by the State Treasurer based on claims signed by an authorized employee or employees of the Oklahoma Real Estate Commission and approved for payment by the Director of the Office of Management and Enterprise Services.

Added by Laws 1974, c. 121, § 205, operative July 1, 1974. Amended by Laws 1977, c. 182, § 1, eff. July 1, 1977; Laws 1979, c. 47, § 39, emerg. eff. April 9, 1979; Laws 1992, c. 94, § 2, eff. July 1, 1992; Laws 1998, c. 60, § 5, eff. Jan. 1, 1999; Laws 2010, c. 413, § 19, eff. July 1, 2010; Laws 2012, c. 304, § 268.

§59-858-206. Suits - Service - Seal - Certified copies - Location of office.

A. The Commission may sue and be sued in its official name, and service of summons upon the secretary-treasurer of the Commission shall constitute lawful service upon the Commission.

B. The Commission shall have a seal which shall be affixed to all licenses, certified copies of records and papers on file, and to such other instruments as the Commission may direct, and all courts shall take judicial notice of such seal.

C. Copies of records and proceedings of the Commission and all papers on file in the office, certified under the seal, shall be received as evidence in all courts of record.

D. The office of the Commission shall be at Oklahoma City, Oklahoma.
Added by Laws 1974, c. 121, § 206, operative July 1, 1974. Amended by Laws 1998, c. 60, § 6, eff. Jan. 1, 1999.

§59-858-207. Annual report of fees.
The Commission shall at the close of each fiscal year file with the Governor and State Auditor and Inspector a true and correct report of all fees charged, collected and received during the previous fiscal year, and shall pay into the General Revenue Fund of the State Treasury ten percent (10%) of the license fees collected and received during the fiscal year.
Amended by Laws 1982, c. 194, § 4, emerg. eff. April 26, 1982; Laws 1983, c. 289, § 1, emerg. eff. June 24, 1983; Laws 1985, c. 231, § 4, operative July 1, 1985; Laws 1990, c. 264, § 125, operative July 1, 1990.

§59-858-208. Powers and duties of Commission.
The Oklahoma Real Estate Commission shall have the following powers and duties:
1. To promulgate rules, prescribe administrative fees by rule, and make orders as it may deem necessary or expedient in the performance of its duties;
2. To administer or cause to be administered examinations to persons who apply for the issuance of licenses;
3. To sell to other entities or governmental bodies, not limited to the State of Oklahoma, computer testing and license applications to recover expended research and development costs;
4. To issue licenses in the form the Commission may prescribe to persons who have passed examinations or who otherwise are entitled to such licenses;
5. To issue licenses to and regulate the activities of real estate brokers, provisional sales associates, sales associates, branch offices, nonresidents, associations, corporations, and partnerships;
6. Upon showing good cause as provided for in The Oklahoma Real Estate License Code, to discipline licensees, instructors and real estate school entities by:
   a. reprimand,
   b. probation for a specified period of time,
   c. requiring education in addition to the educational requirements provided by Section 858-307.2 of this title,
   d. suspending real estate licenses and approvals for specified periods of time,
   e. revoking real estate licenses and approvals,

f. imposing administrative fines pursuant to Section 858-402 of this title, or

g. any combination of discipline as provided by subparagraphs a through f of this paragraph;

7. Upon showing good cause, to modify any sanction imposed pursuant to the provisions of this section and to reinstate licenses;

8. To conduct, for cause, disciplinary proceedings;

9. To prescribe penalties as it may deem proper to be assessed against licensees for the failure to pay the license renewal fees as provided for in this Code;

10. To initiate the prosecution of any person who violates any of the provisions of this Code;

11. To approve instructors and organizations offering courses of study in real estate and to further require them to meet standards to remain qualified as is necessary for the administration of this Code;

12. To contract with attorneys and other professionals to carry out the functions and purposes of this Code;

13. To apply for injunctions and restraining orders to enforce the provisions of applicable laws, rules, and regulations for violations of the Code or the rules of the Commission;

14. To create an Oklahoma Real Estate Contract Form Committee by rule that will be required to draft and revise real estate purchase and/or lease contracts and any related addenda for voluntary use by real estate licensees;

15. To enter into contracts and agreements for the payment of food and other reasonable expenses as authorized in the State Travel Reimbursement Act necessary to host, conduct, or participate in meetings or training sessions as is reasonable for the administration of this Code;

16. To conduct an annual performance review of the Executive Director and submit the report to the Legislature;

17. To enter into reciprocal agreements with other real estate licensing regulatory jurisdictions with equivalent licensing, education and examination requirements;

18. To issue cease and desist orders to any person or business entity that is in violation of any provision of the Oklahoma Real Estate License Code or administrative rule; and

19. To contract with debt collection attorneys or debt collection entities to recover unpaid administrative fines.

Added by Laws 1974, c. 121, § 208, operative July 1, 1974. Amended by Laws 1980, c. 165, § 1, eff. Oct. 1, 1980; Laws 1984, c. 74, § 1, eff. Nov. 1, 1984; Laws 1989, c. 235, § 2, emerg. eff. May 12, 1989; Laws 1990, c. 264, § 126, operative July 1, 1990; Laws 1991, c. 43, § 3, eff. July 1, 1993; Laws 1993, c. 54, § 1, eff. Sept. 1, 1993; Laws 1994, c. 149, § 2, eff. July 1, 1995; Laws 1996, c. 159, § 1,

eff. Nov. 1, 1996; Laws 2001, c. 235, § 2, eff. Aug. 1, 2001; Laws 2005, c. 85, § 1, eff. Nov. 1, 2005; Laws 2007, c. 42, § 2, eff. Jan. 1, 2008; Laws 2008, c. 274, § 1, eff. Nov. 1, 2008; Laws 2024, c. 159, § 3, eff. Nov. 1, 2024.

§59-858-209. Compliance with the Administrative Procedures Act.

A. In the exercise of all powers and the performance of all duties provided in this Code, the Commission shall comply with the procedures provided in the Administrative Procedures Act. Appeals shall be taken as provided in said act.

B. The Commission may designate and employ a hearing examiner or examiners who shall have the power and authority to conduct such hearings in the name of the Commission at any time and place subject to the provisions of this section and any applicable rules or orders of the Commission. No person shall serve as a hearing examiner in any proceeding in which any party to the proceeding is, or at any time has been, a client of the hearing examiner or of any firm, partnership or corporation with which the hearing examiner is, or at any time has been, associated. No person who acts as a hearing examiner shall act as attorney for the Commission in any court proceeding arising out of any hearing in which he acted as hearing examiner.

C. In any hearing before the Commission, the burden of proof shall be upon the moving party.

Added by Laws 1974, c. 121, § 209, operative July 1, 1974. Amended by Laws 1998, c. 60, § 7, eff. Jan. 1, 1999.

§59-858-301. License required – Exceptions.

It shall be unlawful for any person to act as a real estate licensee, or to hold himself or herself out as such, unless the person shall have been licensed to do so under the Oklahoma Real Estate License Code. For the purposes of this section, it shall be considered acting as a real estate licensee for any person, partnership, trust, association, limited liability company, or corporation, or the partners, officers or employees of any partnership, trust, association, limited liability company, or corporation, to publicly market for sale an equitable interest in a contract for the purchase of real property between a property owner and a prospective purchaser. However, nothing in this section shall:

1. Prevent any person, partnership, trust, association, limited liability company, or corporation, or the partners, officers or employees of any partnership, trustees or beneficiaries of any trust, association, limited liability company, or corporation, from:

a. acquiring real estate for its own use,

b. selling, renting, leasing, exchanging, or offering to sell, rent, lease, or exchange any real estate so owned or leased as the owner, lessor, or lessee, or

c. performing any acts with respect to such real estate when such acts are performed in the regular course of, or as an incident to, the management, ownership, or sales of such real estate and the investment therein; however, it shall be prohibited for any person, partnership, trust, association, limited liability company, or corporation, or the officers or employees of any partnership, trustees, or beneficiaries of any trust, association, limited liability company, or corporation to publicly market for sale an equitable interest in a contract for the purchase of real property between a property owner and a prospective purchaser without holding an active real estate license;

2. Apply to persons acting as the attorney-in-fact for the owner of any real estate authorizing the final consummation by performance of any contract for the sale, lease or exchange of such real estate;

3. In any way prohibit any attorney-at-law from performing the duties of the attorney as such, nor shall this Code prohibit a receiver, trustee in bankruptcy, administrator, executor, or his or her attorney, from performing his or her duties, or any person from performing any acts under the order of any court, or acting as a trustee under the terms of any trust, will, agreement or deed of trust;

4. Apply to any person acting as the resident manager for the owner or an employee acting as the resident manager for a licensed real estate broker managing an apartment building, duplex, apartment complex or court, when such resident manager resides on the premises and is engaged in the leasing of property in connection with the employment of the resident manager;

5. Apply to any person who engages in such activity on behalf of a corporation or governmental body, to acquire easements, rights-of-way, leases, permits and licenses, including any and all amendments thereto, and other similar interests in real estate, for the purpose of, or facilities related to, transportation, communication services, cable lines, utilities, pipelines, or oil, gas, and petroleum products;

6. Apply to any person who engages in such activity in connection with the acquisition of real estate on behalf of an entity, public or private, which has the right to acquire the real estate by eminent domain;

7. Apply to any person who is a resident of an apartment building, duplex, or apartment complex or court, when the person

receives a resident referral fee. As used in this paragraph, a "resident referral fee" means a nominal fee not to exceed One Hundred Dollars ($100.00), offered to a resident for the act of recommending the property for lease to a family member, friend, or coworker;

8. Apply to any person or entity managing a transient lodging facility. For purposes of this paragraph, "transient lodging facility" means a furnished room or furnished suite of rooms which is rented to a person on a daily basis, not as a principal residence, for a period less than thirty (30) days; or

9. Apply to employees of a licensed real estate broker who lease residential housing units only to eligible persons who qualify through a state or federal housing subsidized program to lease the property in an affordable housing development project. "Affordable housing development project" means a housing development of four or more units constructed for lease to specifically eligible persons as required by the particular federal or state housing program, including, but not limited to, the U.S. Department of Housing and Urban Development, the U.S. Department Agriculture Rural Development, the U.S. Department of Treasury Internal Revenue Service, or the Oklahoma Housing Finance Agency.

Added by Laws 1974, c. 121, § 301, operative July 1, 1974. Amended by Laws 1977, c. 68, § 1; Laws 1997, c. 401, § 13, eff. Nov. 1, 1997; Laws 1998, c. 60, § 8, eff. Jan. 1, 1999; Laws 2006, c. 313, § 1, eff. Nov. 1, 2006; Laws 2007, c. 174, § 1, eff. Nov. 1, 2007; Laws 2010, c. 114, § 1, eff. July 1, 2010; Laws 2011, c. 236, § 1; Laws 2021, c. 378, § 1, eff. Nov. 1, 2021; Laws 2024, c. 159, § 4, eff. Nov. 1, 2024.

§59-858-301.1. Eligibility for license - Applicants convicted of criminal offenses - Time periods for disqualification - Procedure – Definitions.

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

B. Any applicant convicted of a felony crime that substantially relates to the occupation of a real estate agent and poses a reasonable threat to public safety shall not be eligible to obtain a real estate license within ten (10) years of the completion of any criminal sentence, including parole and probation.

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

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

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.

Added by Laws 2009, c. 133, § 1, eff. Nov. 1, 2009. Amended by Laws 2019, c. 363, § 32, eff. Nov. 1, 2019.

§59-858-301.2. Notification of Commission of conviction or plea of guilty or nolo contendere to felony offense.

Every licensed person pursuant to the provisions of the Oklahoma Real Estate License Code shall notify the Commission in writing of the conviction or plea of guilty or nolo contendere to any felony offense within thirty (30) days after the plea is taken and also within thirty (30) days of the entering of an order of judgment and sentencing.

Added by Laws 2009, c. 133, § 2, eff. Nov. 1, 2009.

§59-858-302. Eligibility for license as provisional sales associate - Qualifications - Examination - Posteducation requirement.

A. Any person eighteen (18) years of age or older who shall submit to the Commission evidence of successful completion of ninety (90) clock hours or its equivalent as determined by the Commission of basic real estate instruction in a course of study approved by the Commission, may apply to the Commission to take an examination for the purpose of securing a license as a provisional sales associate. The education required in this subsection shall only be valid for a period of three (3) years from the date the school certified successful completion of the course; thereafter, the applicant shall be required to successfully complete an additional ninety (90) clock hours or its equivalent in basic real estate instruction.

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

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

D. If it shall be determined that the applicant shall have passed the examination, received final approval of the application, and paid the appropriate license fee provided for in this Code along with the Oklahoma Real Estate Education and Recovery Fund fee, the Commission shall issue to the applicant a provisional sales associate license.

E. Following the issuance of a provisional sales associate license, the licensee shall then submit to the Commission, prior to the expiration of the provisional license, evidence of successful completion of forty-five (45) clock hours or its equivalent as determined by the Commission of postlicense education real estate instruction in a course(s) of study approved by the Commission. A provisional sales associate who fails to submit evidence of compliance with the postlicense education requirement pursuant to this section, prior to the first expiration date of the provisional sales associate license, shall not be entitled to renew such license for another license term. However, the Commission shall promulgate rules for those persons called into active military service for purposes of satisfying the postlicense education requirement. Added by Laws 1974, c. 121, § 302, operative July 1, 1974. Amended by Laws 1977, c. 182, § 3, eff. July 1, 1977; Laws 1980, c. 165, § 2, eff. July 1, 1981; Laws 1991, c. 43, § 4, eff. July 1, 1993; Laws 1998, c. 60, § 9, eff. Jan. 1, 1999; Laws 2004, c. 142, § 2, eff. Nov. 1, 2004; Laws 2005, c. 59, § 1, eff. Nov. 1, 2006; Laws 2013, c. 173, § 1, eff. Nov. 1, 2013; Laws 2019, c. 363, § 33, eff. Nov. 1, 2019; Laws 2024, c. 159, § 5, eff. Nov. 1, 2024.

§59-858-303. Eligibility for license as real estate broker - Examination.

A. Applicants for a broker license who hold a sales associate license or are not currently licensed shall meet the following requirements:

1. Have two (2) years' of active licensure within the previous five (5) years or its equivalent;

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

3. Provide documentation verifying ten real estate transactions within the past five (5) years or the equivalent as determined by the Commission. For the purposes of this subsection only, transaction shall be defined as the completed sale, exchange, purchase, or lease of real estate and shall be demonstrated on forms developed by the Commission; and

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

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

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

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

1. Have two (2) years' active licensure within the previous five (5) years, or its equivalent;

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

3. Provide documentation verifying ten real estate transactions within the past five (5) years or the equivalent as determined by the Commission. For the purposes of this subsection only, transaction shall be defined as the completed sale, exchange, purchase, or lease of real estate and shall be demonstrated on forms developed by the Commission.

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

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

Added by Laws 1974, c. 121, § 303, operative July 1, 1974. Amended by Laws 1977, c. 182, § 4, eff. July 1, 1977; Laws 1980, c. 165, § 3, eff. July 1, 1981; Laws 1982, c. 194, § 5, emerg. eff. April 26, 1982; Laws 1991, c. 43, § 5, eff. July 1, 1993; Laws 1992, c. 94, § 3, eff. July 1, 1993; Laws 1998, c. 60, § 10, eff. Jan. 1, 1999; Laws 2005, c. 59, § 2, eff. Nov. 1, 2006; Laws 2013, c. 173, § 2, eff. Nov. 1, 2013; Laws 2014, c. 108, § 1, eff. Nov. 1, 2014; Laws 2017, c. 248, § 2, eff. Nov. 1, 2017; Laws 2019, c. 363, § 34, eff. Nov. 1, 2019; Laws 2024, c. 159, § 6, eff. Nov. 1, 2024.

§59-858-303A. Eligibility for license as a broker associate.

A. Applicants for a broker associate license shall meet the following requirements:

1. Hold a renewable broker associate or sales associate license and have two (2) years' active licensure within the previous five (5) years as a sales associate or provisional sales associate, or its equivalent;

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

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

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

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

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

Added by Laws 2017, c. 248, § 3, eff. Nov. 1, 2017. Amended by Laws 2019, c. 363, § 35, eff. Nov. 1, 2019; Laws 2024, c. 159, § 7, eff. Nov. 1, 2024.

§59-858-303B. Accounting of expenditure for services.

Any real estate broker who charges and collects any fees in advance of the services provided by the broker shall provide a detailed accounting of expenditures to the person such services are performed for within ten (10) days after the time specified to perform such services or upon written request from person for whom services are performed for, but no longer than one (1) year from date of contract for such services.

Added by Laws 1985, c. 231, § 6, operative July 1, 1985.

§59-858-304. Evidence of successful completion of basic or advanced real estate instruction - Syllabus of instruction.

A. A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another state, certifying to the successful completion of a six-academic-hour basic

course of real estate instruction, or its equivalent, for which college credit was given, shall be prima facie evidence of successful completion of the clock hours of basic real estate instruction for a provisional sales associate applicant as required in Section 858-302 of this Code. The education required in this subsection shall only be valid for a period of three (3) years from the date the school certified successful completion of the course; thereafter, the applicant shall be required to successfully complete an additional six-academic-hour basic course of real estate instruction, or its equivalent.

B. A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another state, certifying to the successful completion of a three-academic-hour course of real estate instruction, or its equivalent, consisting of the provisional sales associate postlicense education requirements for which college credit was given, shall be prima facie evidence of successful completion of the clock hours of real estate instruction for the postlicense education requirement as required in Section 858-302 of this title.

C. A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding agency of another state, certifying to the successful completion of a six-academic-hour advanced course of real estate instruction, or its equivalent, for which college credit was given, shall be prima facie evidence of successful completion of the clock hours of advanced real estate instruction, or its equivalent, as required in Section 858-303 of this Code for a broker applicant.

D. Each school, whether public or private other than institutions of higher education, must present to the Commission its syllabus of instruction, prior to approval of such school.
Added by Laws 1974, c. 121, § 304, operative July 1, 1974. Amended by Laws 1980, c. 165, § 4, eff. Oct. 1, 1980; Laws 1991, c. 43, § 6, eff. July 1, 1993; Laws 1992, c. 94, § 4, eff. July 1, 1993; Laws 1998, c. 60, § 11, eff. Jan. 1, 1999; Laws 2008, c. 274, § 2, eff. Nov. 1, 2008; Laws 2013, c. 173, § 3, eff. Nov. 1, 2013.

§59-858-305. Licensing of associations, corporations and partnerships - Registration of brokerage teams.

A. The Oklahoma Real Estate Commission may license as a broker any association or corporation in which the managing member or managing officer holds a license as a real estate broker, as defined in this Code, and in which every member, officer or employee who acts as a real estate broker or real estate sales associate holds a license for that purpose, as defined in this Code. The Commission may license as a real estate broker any partnership in which each

partner holds a license as a real estate broker, as defined in this Code.

B. The Oklahoma Real Estate Commission shall require the registration of all teams affiliated under a brokerage for the purpose of allowing the Commission to better align and track the teams within each brokerage. For the purposes of this section, a team shall mean any two or more licensees who work under the supervision of the same broker, work together on real estate transactions to provide brokerage services, represent themselves to the public as being part of a team, and are designated by a team name. Such registration shall occur before a team performs any licensed activities, and the broker shall notify the Commission when any team name is no longer being used. The Commission may charge a registration fee for each team not to exceed the administrative costs of the registration process.

C. Application for licenses and registrations described in this section shall be made on forms prescribed by the Commission and shall be issued pursuant to rules promulgated by the Commission. Added by Laws 1974, c. 121, § 305, operative July 1, 1974. Amended by Laws 1996, c. 159, § 2, eff. Nov. 1, 1996; Laws 2017, c. 248, § 4, eff. Nov. 1, 2017.

§59-858-306. Licensing of nonresidents.

A. Any person who desires to perform licensed activities in Oklahoma but maintains a place of business outside of Oklahoma may obtain an Oklahoma nonresident license by complying with all applicable provisions of this Code including the successful completion of the applicable Oklahoma state portion of the real estate examination.

B. The nonresident shall give written consent that actions and suits at law may be commenced against the nonresident licensee in any county in this state wherein any cause of action may arise or be claimed to have arisen out of any transaction occurring in the county because of any transactions commenced or conducted by the nonresident or the nonresident's associates or employees in such county. The nonresident shall further, in writing, appoint the secretary-treasurer of said Commission as service agent to receive service of summons for the nonresident in all of such actions and service upon the secretary-treasurer of such Commission shall be held to be sufficient to give the court jurisdiction over the nonresident in all such actions.

C. A broker who is duly licensed in another state and who has not obtained an Oklahoma nonresident license may enter a cooperative brokerage agreement with a licensed real estate broker in this state. If, however, the broker desires to perform licensed activities in this state, the broker must obtain an Oklahoma nonresident license.

Added by Laws 1974, c. 121, § 306, operative July 1, 1974. Amended by Laws 1991, c. 43, § 7, eff. July 1, 1993; Laws 1998, c. 60, § 12, eff. Jan. 1, 1999; Laws 2008, c. 274, § 3, eff. Nov. 1, 2008.

§59-858-307.1. Issuance of license - Term - Fees.

The Oklahoma Real Estate Commission shall issue every real estate license for a term of thirty-six (36) months with the exception of a provisional sales associate license whose license term shall be for twelve (12) months. License terms shall not be altered except for the purpose of general reassignment of the terms which might be necessitated for maintaining an equitable staggered license term system. The expiration date of the license shall be the end of the twelfth or thirty-sixth month, whichever is applicable, including the month of issuance. Fees shall be promulgated by rule, payable in advance, and nonrefundable.
Added by Laws 1980, c. 165, § 5, eff. July 1, 1981. Amended by Laws 1985, c. 231, § 5, operative July 1, 1985; Laws 1989, c. 235, § 3, emerg. eff. May 12, 1989; Laws 1991, c. 43, § 8, eff. July 1, 1993; Laws 1998, c. 60, § 13, eff. Jan. 1, 1999; Laws 2001, c. 235, § 3, eff. Aug. 1, 2001; Laws 2024, c. 159, § 9, eff. Nov. 1, 2024.

§59-858-307.2. Renewal of license - Continuing education requirement.

A. Beginning November 1, 2004, as a condition of renewal or reactivation of the license, each licensee with the exception of those exempt as set out in this section shall submit to the Oklahoma Real Estate Commission evidence of completion of a specified number of hours of continuing education courses approved by the Commission, within the thirty-six (36) months immediately preceding the term for which the license is to be issued. The number of hours, or its equivalent, required for each licensed term shall be determined by the Commission and promulgated by rule. Each licensee shall be required to complete and include as part of said continuing education a certain number of required subjects as prescribed by rule.

B. The continuing education courses required by this section shall be satisfied by courses approved by the Commission and offered by:

1. The Commission;
2. A technology center school;
3. A college or university;
4. A private school;
5. The Oklahoma Association of Realtors, the National Association of Realtors, or any affiliate thereof;
6. The Oklahoma Bar Association, American Bar Association, or any affiliate thereof; or
7. An education provider.

C. The Commission shall maintain a list of courses which are approved by the Commission.

D. The Commission shall not issue an active renewal license or reactivate a license unless the continuing education requirement set forth in this section is satisfied within the prescribed time period.

E. The provisions of this section do not apply:

1. During the period a license is on inactive status;

2. To a licensee who holds a provisional sales associate license;

3. To a nonresident licensee licensed in this state if the licensee maintains a current license in another state or states and has satisfied the continuing education requirement for license renewal in that state or states. If the nonresident licensee is exempt from the continuing education requirements in all states where the nonresident holds a license, the nonresident licensee shall successfully complete this state's continuing education requirement for license renewal or reactivation; or

4. To a corporation, association, partnership or branch office.

Added by Laws 1980, c. 165, § 6, eff. July 1, 1984. Amended by Laws 1983, c. 289, § 2, emerg. eff. June 24, 1983; Laws 1984, c. 16, § 1, emerg. eff. March 20, 1984; Laws 1991, c. 43, § 9, eff. July 1, 1993; Laws 1992, c. 94, § 5, eff. July 1, 1993; Laws 1994, c. 149, § 3, eff. July 1, 1994; Laws 1998, c. 60, § 14, eff. Jan. 1, 1999; Laws 2001, c. 33, § 48, eff. July 1, 2001; Laws 2001, c. 235, § 4, eff. Nov. 1, 2001; Laws 2008, c. 274, § 4, eff. Nov. 1, 2008; Laws 2011, c. 29, § 1, eff. Nov. 1, 2011.

§59-858-307.3. Application for reissuance of license after revocation.

A person shall not be permitted to file an application for reissuance of a license after revocation of the license within five (5) years of the effective date of revocation.

Added by Laws 1994, c. 149, § 5, eff. July 1, 1995. Amended by Laws 2024, c. 159, § 10, eff. Nov. 1, 2024.

§59-858-307.4. Criminal history record - Investigation - Costs.

A. Prior to the issuance of a license pursuant to this Code, each applicant shall submit to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

B. Upon receipt by the Commission of criminal history, the Commission shall conduct an investigation in accordance with rules promulgated by the Commission.

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

Added by Laws 2007, c. 42, § 4, eff. Jan. 1, 2008.

§59-858-308. Current list of licensees.

In the interest of the public, the Commission shall keep a current list of the names and addresses of all licensees, and of all persons whose licenses have been suspended or revoked, together with such other information relative to the enforcement of the provisions of this Code as it may deem advisable and desirable. Such listings and information shall be a matter of public record.
Laws 1974, c. 121, § 308, operative July 1, 1974.

§59-858-309. Inactive status for licensees.

A. The Commission may place a license on inactive status when the request therefor is accompanied by sufficient reason; however, said status shall not relieve the licensee from paying the required fees. The request for inactive status shall be in writing on forms furnished by the Commission.

B. During active military service, any licensee shall not be required to pay the fees but shall request the inactive status prior to each term for which the license is to be issued.
Added by Laws 1974, c. 121, § 309, operative July 1, 1974. Amended by Laws 1980, c. 165, § 7, eff. July 1, 1981; Laws 1984, c. 16, § 2, emerg. eff. March 20, 1984; Laws 1998, c. 60, § 15, eff. Jan. 1, 1999.

§59-858-310. Location of office - Licenses for branch offices.

A. A real estate broker shall maintain a specific place of business. Such place of business shall comply with all local laws and shall be available to the public during reasonable business hours.

B. If a real estate broker maintains more than one place of business and the additional location is an extension of the main office, a branch office license must be obtained for each additional location. Each branch office shall be under the direction and supervision of a separate broker and shall be considered a managing broker of the branch office. Application shall be made upon forms as prescribed by the Commission.
Added by Laws 1974, c. 121, § 310, operative July 1, 1974. Amended by Laws 1998, c. 60, § 16, eff. Jan. 1, 1999.

§59-858-311. Action not maintainable without allegation and proof of license.

No person, partnership, association or corporation acting as a real estate licensee shall bring or maintain an action in any court in this state for the recovery of a money judgment as compensation for services rendered in listing, buying, selling, renting, leasing or exchanging of any real estate without alleging and proving that

such person, partnership, association or corporation was licensed when the alleged cause of action arose.
Added by Laws 1974, c. 121, § 311, operative July 1, 1974. Amended by Laws 1998, c. 60, § 17, eff. Jan. 1, 1999.

§59-858-312. Investigations - Cause for suspension or revocation of license.

The Oklahoma Real Estate Commission may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any real estate licensee, and may, upon showing good cause, impose sanctions as provided for in Section 858-208 of this title. Cause shall be established upon the showing that any licensee has performed, is performing, has attempted to perform, or is attempting to perform any of the following acts:

1. Making a materially false or fraudulent statement in an application for a license;

2. Making substantial misrepresentations or false promises in the conduct of business, or through real estate licensees, or advertising, which are intended to influence, persuade, or induce others;

3. Failing to comply with the requirements of Sections 858-351 through 858-363 of this title;

4. Accepting a commission or other valuable consideration as a real estate associate for the performance of any acts as an associate, except from the real estate broker with whom the associate is associated;

5. Representing or attempting to represent a real estate broker other than the broker with whom the associate is associated without the express knowledge and consent of the broker with whom the associate is associated;

6. Failing, within a reasonable time, to account for or to remit any monies, documents, or other property coming into possession of the licensee which belong to others;

7. Paying a commission or valuable consideration to any person for acts or services performed in violation of the Oklahoma Real Estate License Code;

8. Any other conduct which constitutes untrustworthy, improper, fraudulent, or dishonest dealings;

9. Disregarding or violating any provision of the Oklahoma Real Estate License Code or rules promulgated by the Commission;

10. Guaranteeing or having authorized or permitted any real estate licensee to guarantee future profits which may result from the resale of real estate;

11. Advertising or offering for sale, rent or lease any real estate, or placing a sign on any real estate offering it for sale, rent or lease without the consent of the owner or the owner’s authorized representative;

12. Using prizes, money, gifts or other valuable consideration as an inducement to secure customers or clients to purchase specific property; however, licensees may use prizes, money, gifts or other valuable consideration for marketing purposes provided they are not contingent or limited to individuals making an offer or purchasing a specific property;

13. Accepting employment or compensation for appraising real estate contingent upon the reporting of a predetermined value or issuing any appraisal report on real estate in which the licensee has an interest unless the licensee's interest is disclosed in the report. All appraisals shall be in compliance with the Oklahoma real estate appraisal law, and the person performing the appraisal or report shall disclose in writing to the employer whether the person performing the appraisal or report is licensed or certified by the Oklahoma Real Estate Appraiser Board;

14. Paying a commission or any other valuable consideration to any person for performing the services of a real estate licensee as defined in the Oklahoma Real Estate License Code who has not first secured a real estate license pursuant to the Oklahoma Real Estate License Code;

15. Unworthiness to act as a real estate licensee, whether of the same or of a different character as specified in this section, or because the real estate licensee has been convicted of, or pleaded guilty or nolo contendere to, a crime involving moral turpitude;

16. Commingling with the licensee's own money or property the money or property of others which is received and held by the licensee, unless the money or property of others is received by the licensee and held in an escrow account that contains only money or property of others;

17. Conviction in a court of competent jurisdiction of having violated any provision of the federal fair housing laws, 42 U.S.C. Section 3601 et seq.;

18. Failure by a real estate broker, after the receipt of a commission, to render an accounting to and pay to a real estate licensee the licensee's earned share of the commission received;

19. Conviction in a court of competent jurisdiction in this or any other state of the crime of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, fraud, or any similar offense or offenses, or pleading guilty or nolo contendere to any such offense or offenses;

20. Advertising to buy, sell, rent, or exchange any real estate without disclosing in writing that the licensee is a real estate licensee;

21. Paying any part of a fee, commission, or other valuable consideration received by a real estate licensee to any person not licensed;

22. Offering, loaning, paying, or making to appear to have been paid, a down payment or earnest money deposit for a purchaser or seller in connection with a real estate transaction;

23. Violation of the Residential Property Condition Disclosure Act;

24. Placing or causing to be placed upon the public records of any county any contract, assignment, affidavit, or other writing, which purports to affect title of or encumber any real property for the purpose of collection of a commission, or to coerce the payment of money to the individual or entity. Nothing in this paragraph shall be construed to prohibit a licensee from recording a judgment;

25. Being unworthy or incompetent to act as a real estate broker in a manner as to endanger the interest of the public;

26. Failure to provide an adequate written response to the Commission within fifteen (15) days after receiving written notice of a complaint or investigation;

27. Failure to notify the Commission in writing of the conviction or plea of guilty or nolo contendere to any felony offense within thirty (30) days after the plea is taken and also within thirty (30) days of the entering of the judgment and sentencing as required by Section 858-301.2 of Title 59 in the Oklahoma Statutes; and

28. Soliciting, selling, or offering for sale real property by means of a deceptive practice.

Added by Laws 1974, c. 121, § 312, operative July 1, 1974. Amended by Laws 1980, c. 165, § 8, eff. Oct. 1, 1980; Laws 1982, c. 194, § 6, emerg. eff. April 26, 1982; Laws 1984, c. 74, § 2, eff. Nov. 1, 1984; Laws 1991, c. 43, § 10, eff. July 1, 1993; Laws 1992, c. 94, § 6, eff. July 1, 1993; Laws 1994, c. 149, § 4, eff. July 1, 1995; Laws 1996, c. 159, § 3, eff. Nov. 1, 1996; Laws 1998, c. 60, § 18, eff. Jan. 1, 1999; Laws 1999, c. 26, § 2, eff. Nov. 1, 1999; Laws 1999, c. 194, § 14, eff. Nov. 1, 2000; Laws 2001, c. 235, § 5, eff. Aug. 1, 2001; Laws 2008, c. 274, § 5, eff. Nov. 1, 2008; Laws 2019, c. 66, § 1, eff. Nov. 1, 2019; Laws 2024, c. 159, § 8, eff. Nov. 1, 2024.

§59-858-312.1. Certain persons prohibited from participation in real estate business.

A. No person whose license is revoked or suspended shall operate directly or indirectly or have a participating interest, or act as a member, partner or officer, in any real estate business, corporation, association or partnership that is required to be licensed pursuant to this Code.

B. No person whose license is cancelled, surrendered or lapsed pending investigation or disciplinary proceedings shall operate directly or indirectly or have a participating interest, or act as a member, partner or officer, in any real estate business,

corporation, association or partnership that is required to be licensed pursuant to this Code until such time as the Commission makes a determination on the pending investigation or disciplinary proceedings and approves an application for license.
Added by Laws 1994, c. 149, § 6, eff. July 1, 1995.

§59-858-313. Confidential materials of the Commission.

The following materials of the Commission are confidential and not public records:

1. Examinations conducted by the Commission and materials related to the examinations;

2. Educational materials submitted to the Commission by a person or entity seeking approval and/or acceptance of a course of study; and

3. Brokerage and school records resulting from an audit performed by the Commission.

Added by Laws 2007, c. 42, § 3, eff. Jan. 1, 2008. Amended by Laws 2024, c. 159, § 11, eff. Nov. 1, 2024.

§59-858-351. Definitions.

Unless the context clearly indicates otherwise, as used in Sections 858-351 through 858-363 of The Oklahoma Real Estate License Code:

1. "Broker" means a real estate broker, an associated broker associate, sales associate, or provisional sales associate authorized by a real estate broker to provide brokerage services;

2. "Brokerage services" means those services provided by a broker to a party in a transaction;

3. "Party" means a person who is a seller, buyer, landlord, or tenant or a person who is involved in an option or exchange;

4. "Transaction" means an activity or process to buy, sell, lease, rent, option or exchange real estate. Such activities or processes may include, without limitation, soliciting, advertising, showing or viewing real property, presenting offers or counteroffers, entering into agreements and closing such agreements; and

5. "Firm" means a sole proprietor, corporation, association or partnership.

Added by Laws 1999, c. 194, § 1, eff. Nov. 1, 2000. Amended by Laws 2005, c. 423, § 1, emerg. eff. June 6, 2005; Laws 2012, c. 251, § 1, eff. Nov. 1, 2013; Laws 2013, c. 240, § 2, eff. Nov. 1, 2013.

§59-858-352. Repealed by Laws 2012, c. 251, § 9, eff. Nov. 1, 2013.

§59-858-353. Broker duties and responsibilities.

A. A broker shall have the following duties and responsibilities to all parties in a transaction, which are mandatory and may not be abrogated or waived by a broker:

1. Treat all parties with honesty and exercise reasonable skill and care;

2. Unless specifically waived in writing by a party to the transaction:

a. receive all written offers and counteroffers,

b. reduce offers or counteroffers to a written form upon request of any party to a transaction, and

c. present timely all written offers and counteroffers;

3. Timely account for all money and property received by the broker;

4. Keep confidential information received from a party or prospective party confidential. The confidential information shall not be disclosed by a firm without the consent of the party disclosing the information unless consent to the disclosure is granted in writing by the party or prospective party disclosing the information, the disclosure is required by law, or the information is made public or becomes public as the result of actions from a source other than the firm. The following information shall be considered confidential and shall be the only information considered confidential in a transaction:

a. that a party or prospective party is willing to pay more or accept less than what is being offered,

b. that a party or prospective party is willing to agree to financing terms that are different from those offered,

c. the motivating factors of the party or prospective party purchasing, selling, leasing, optioning or exchanging the property, and

d. information specifically designated as confidential by a party unless such information is public;

5. Disclose information pertaining to the property as required by the Residential Property Condition Disclosure Act;

6. Comply with all requirements of The Oklahoma Real Estate License Code and all applicable statutes and rules; and

7. Disclose:

a. information pertaining to compensation and fees assessed on each transaction to the represented party, which shall be communicated in writing before the effective date of the contract for sale or lease, and

b. the time frame for which the compensation agreement is valid, not to exceed one (1) year. If no time frame is specified, the compensation agreement shall default to sixty (60) days.

B. A broker shall have the following duties and responsibilities only to a party for whom the broker is providing brokerage services in a transaction which are mandatory and may not be abrogated or waived by a broker:

1. Inform the party in writing when an offer is made that the party will be expected to pay certain costs, brokerage service costs and the approximate amount of the costs; and

2. Keep the party informed regarding the transaction.

C. When working with both parties to a transaction, the duties and responsibilities set forth in this section shall remain in place for both parties.

Added by Laws 1999, c. 194, § 3, eff. Nov. 1, 2000. Amended by Laws 2005, c. 423, § 3, emerg. eff. June 6, 2005; Laws 2012, c. 251, § 2, eff. Nov. 1, 2013; Laws 2013, c. 240, § 3, eff. Nov. 1, 2013; Laws 2024, c. 326, § 1, eff. Nov. 1, 2024.

§59-858-354. Repealed by Laws 2012, c. 251, § 9, eff. Nov. 1, 2013.

§59-858-355. Repealed by Laws 2012, c. 251, § 9, eff. Nov. 1, 2013.

§59-858-355.1. Brokerage services to both parties in transaction - Disclosure.

A. All brokerage agreements shall incorporate as material terms the duties and responsibilities set forth in Section 858-353 of The Oklahoma Real Estate License Code.

B. A broker may provide brokerage services to one or both parties in a transaction.

C. A broker who is providing brokerage services to one or both parties shall describe and disclose in writing the broker's duties and responsibilities set forth in Section 858-353 of The Oklahoma Real Estate License Code prior to the party or parties signing a contract to sell, purchase, lease, option, or exchange real estate.

D. A firm that provides brokerage services to both parties in a transaction shall provide written notice to both parties that the firm is providing brokerage services to both parties to a transaction prior to the parties signing a contract to purchase, lease, option or exchange real estate.

E. If a broker intends to provide fewer brokerage services than those required to complete a transaction, the broker shall provide written disclosure to the party for whom the broker is providing brokerage services. Such disclosure shall include a description of those steps in the transaction for which the broker will not provide brokerage services, and also state that the broker assisting the other party in the transaction is not required to provide assistance with these steps in any manner.

Added by Laws 2012, c. 251, § 3, eff. Nov. 1, 2013. Amended by Laws 2013, c. 240, § 4, eff. Nov. 1, 2013.

§59-858-356. Disclosures – Confirmation in writing.

The written disclosures as required by subsection C of Section 858-355.1 of this title shall be confirmed by each party in writing in a separate provision, incorporated in or attached to the contract to purchase, lease, option, or exchange real estate. In those cases where a broker is involved in a transaction but does not prepare the contract to purchase, lease, option, or exchange real estate, compliance with the disclosure requirements shall be documented by the broker.

Added by Laws 1999, c. 194, § 6, eff. Nov. 1, 2000. Amended by Laws 2012, c. 251, § 4, eff. Nov. 1, 2013; Laws 2013, c. 240, § 5, eff. Nov. 1, 2013.

§59-858-357. Repealed by Laws 2012, c. 251, § 9, eff. Nov. 1, 2013.

§59-858-358. Duties of broker following termination, expiration or completion of performance.

Except as may be provided in a written brokerage agreement between the broker and a party to a transaction, the broker owes no further duties or responsibilities to the party after termination, expiration, or completion of performance of the transaction, except:

1. To account for all monies and property relating to the transaction; and

2. To keep confidential all confidential information received by the broker during the broker's relationship with a party.

Added by Laws 1999, c. 194, § 8, eff. Nov. 1, 2000.

§59-858-359. Payment to broker not determinative of relationship.

A. The payment or promise of payment or compensation by a party to a broker does not determine what relationship, if any, has been established between the broker and a party to a transaction.

B. In the event a broker receives a fee or compensation from any party to the transaction based on a selling price or lease cost of a transaction, such receipt does not constitute a breach of duty or obligation to any party to the transaction.

C. Nothing in this section requires a broker to charge, or prohibits a broker from charging, a separate fee or other compensation for each duty or other brokerage services provided during a transaction.

Added by Laws 1999, c. 194, § 9, eff. Nov. 1, 2000. Amended by Laws 2012, c. 251, § 5, eff. Nov. 1, 2013.

§59-858-360. Abrogation of common law principles of agency – Remedies cumulative.

A. The duties and responsibilities of a broker specified in Sections 858-351 through 858-363 of The Oklahoma Real Estate License

Code shall replace and abrogate the fiduciary or other duties of a broker to a party based on common law principles of agency. The remedies at law and equity supplement the provisions of Sections 858-351 through 858-363 of The Oklahoma Real Estate License Code.

B. A broker may cooperate with other brokers in a transaction. Pursuant to Sections 858-351 through 858-363 of The Oklahoma Real Estate License Code, a broker shall not be an agent, subagent, or dual agent and an offer of subagency shall not be made to other brokers.

C. Nothing in this act shall prohibit a broker from entering into an agreement for brokerage services not enumerated herein so long as the agreement is in compliance with this act, the Oklahoma Real Estate Code and the Oklahoma Real Estate Commission Administration Rules.

Added by Laws 1999, c. 194, § 10, eff. Nov. 1, 2000. Amended by Laws 2012, c. 251, § 6, eff. Nov. 1, 2013.

§59-858-361. Use of word "agent" in trade name and as general reference.

A real estate broker and the associates of a real estate broker are permitted under the provisions of Sections 858-351 through 858-363 of this title to use the word "agent" in a trade name and as a general reference for designating themselves as real estate licensees.

Added by Laws 1999, c. 194, § 11, eff. Nov. 1, 2000. Amended by Laws 2006, c. 313, § 2, eff. Nov. 1, 2006.

§59-858-362. Vicarious liability for acts or omissions of real estate licensee.

A party to a real estate transaction shall not be vicariously liable for the acts or omissions of a real estate licensee who is providing brokerage services under Sections 858-351 through 858-363 of The Oklahoma Real Estate License Code.

Added by Laws 1999, c. 194, § 12, eff. Nov. 1, 2000. Amended by Laws 2012, c. 251, § 7, eff. Nov. 1, 2013.

§59-858-363. Associates of real estate broker - Authority.

Each broker associate, sales associate, and provisional sales associate shall be associated with a real estate broker. Associates shall not enter into a brokerage agreement with a party in the associate's name and shall only be allowed to enter into the agreement in the name of the broker. A real estate broker may authorize associates to provide brokerage services in the name of the real estate broker as permitted under The Oklahoma Real Estate License Code, which may include the execution of written agreements.

Added by Laws 1999, c. 194, § 13, eff. Nov. 1, 2000. Amended by Laws 2003, c. 31, § 2, eff. Nov. 1, 2003; Laws 2012, c. 251, § 8, eff. Nov. 1, 2013.

§59-858-401. Penalties - Fines - Injunctions and restraining orders - Appeals.

A. In addition to any other penalties provided by law, any person unlicensed pursuant to The Oklahoma Real Estate License Code who shall willingly, knowingly, or negligently violate any provision of this Code, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

B. In addition to any civil or criminal actions authorized by law, whenever, in the judgment of the Oklahoma Real Estate Commission, any unlicensed person has engaged in any acts or practices which constitute a violation of the Oklahoma Real Estate License Code, the Commission may:

1. After notice and hearing, and upon finding a violation of the Code, impose a fine of not more than Five Thousand Dollars ($5,000.00) or the amount of the commission or commissions earned, whichever is greater for each violation of the Code for unlicensed activity;

2. Make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the Commission that such person has engaged in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court, without bond; or

3. Impose administrative fines pursuant to this subsection which shall be enforceable in the district courts of this state. The order of the Commission shall become final and binding on all parties unless appealed to the district court as provided in the Administrative Procedures Act. If an appeal is not made, such order may be entered on the judgment docket of the district court in a county in which the debtor has property and thereafter enforced in the same manner as an order of the district court for collection actions.

C. Notices and hearings required by this section and any appeals from orders entered pursuant to this section shall be in accordance with the Administrative Procedures Act.

D. Such funds as collected pursuant to this section shall be deposited in the Oklahoma Real Estate Education and Recovery Fund. Added by Laws 1974, c. 121, § 401, operative July 1, 1974. Amended by Laws 1993, c. 54, § 2, eff. Sept. 1, 1993; Laws 2004, c. 142, § 3, eff. Nov. 1, 2004; Laws 2011, c. 29, § 2, eff. Nov. 1, 2011; Laws 2024, c. 159, § 12, eff. Nov. 1, 2024.

§59-858-402. Administrative fines.

A. The Oklahoma Real Estate Commission may impose administrative fines on any licensee licensed pursuant to The Oklahoma Real Estate License Code as follows:

1. Any administrative fine imposed as a result of a violation of this Code or the rules of the Commission shall not:

a. be less than One Hundred Dollars ($100.00) and shall not exceed Two Thousand Dollars ($2,000.00) for each violation of this Code or the rules of the Commission, 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 licensee by the Commission of the order of the Commission imposing the administrative fine;

3. The license may be suspended until any fine imposed upon the licensee by the Commission is paid;

4. If fines are not paid in full by the licensee within thirty (30) days of the notification by the Commission of the order, the fines shall double and the licensee shall have an additional thirty-day period. If the doubled fine is not paid within the additional thirty-day period, the license shall automatically be revoked; and

5. All monies received by the Commission as a result of the imposition of the administrative fine provided for in this section shall be deposited in the Oklahoma Real Estate Education and Recovery Fund, created pursuant to Section 858-601 of this title.

B. The administrative fines authorized by this section may be in addition to any other criminal penalties or civil actions provided for by law.

Added by Laws 1993, c. 54, § 3, eff. Sept. 1, 1993. Amended by Laws 1999, c. 26, § 3, eff. Nov. 1, 1999.

§59-858-503. Headings.

Article and section headings contained in this Code shall not affect the interpretation of the meaning or intent of any provision of this Code.

Laws 1974, c. 121, § 503, operative July 1, 1974.

§59-858-513. Psychologically impacted real estate - Factors included - Nondisclosure of facts - Certain actions prohibited - Disclosure in certain circumstances.

A. The fact or suspicion that real estate might be or is psychologically impacted, such impact being the result of facts or suspicions, including but not limited to:

1. That an occupant of the real estate is, or was at any time suspected to be infected, or has been infected, with Human

Immunodeficiency Virus or diagnosed with Acquired Immune Deficiency Syndrome, or other disease which has been determined by medical evidence to be highly unlikely to be transmitted through the occupancy of a dwelling place; or

2. That the real estate was, or was at any time suspected to have been the site of a suicide, homicide or other felony,

is not a material fact that must be disclosed in a real estate transaction.

B. No cause of action shall arise against an owner of real estate or any licensee assisting the owner for the failure to disclose to the purchaser or lessee of such real estate or any licensee assisting the purchaser or lessee that such real estate was psychologically impacted as provided for in subsection A of this section.

C. Notwithstanding the fact that this information is not a material defect or fact, in the event that a purchaser or lessee, who is in the process of making a bona fide offer, advises the licensee assisting the owner, in writing, that knowledge of such factor is important to the person's decision to purchase or lease the property, the licensee shall make inquiry of the owner and report any findings to the purchaser or lessee with the consent of the owner and subject to and consistent with applicable laws of privacy; provided further, if the owner refuses to disclose, the licensee assisting the owner shall so advise the purchaser or lessee.

Added by Laws 1989, c. 235, § 1, emerg. eff. May 12, 1989. Amended by Laws 1998, c. 60, § 19, eff. Jan. 1, 1999.

§59-858-514. Registered sex offenders or violent crime offenders - No duty to provide notice regarding.

The provisions of the Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act shall not be construed as imposing a duty upon a person licensed under the Oklahoma Real Estate License Code to disclose any information regarding an offender required to register under such provision.

Added by Laws 1997, c. 260, § 11, eff. Nov. 1, 1997. Amended by Laws 2004, c. 358, § 11, eff. Nov. 1, 2004.

§59-858-515.1. Size of property for sale.

A. In connection with any real estate transaction, the size or area, in square footage or otherwise, of the subject property shall not be required to be provided by any real estate licensee, and if provided, shall not be considered any warranty or guarantee of the size or area information, in square footage or otherwise, of the subject property.

B. 1. If a real estate licensee provides any party to a real estate transaction with third-party information concerning the size

or area, in square footage or otherwise, of the subject property involved in the transaction, the licensee shall identify the source of the information.

2. For the purposes of this subsection, "third-party information" means:

a. an appraisal or any measurement information prepared by a licensed appraiser,

b. a survey or developer's plan prepared by a licensed surveyor,

c. a tax assessor's public record,

d. a builder's plan used to construct or market the property, or

e. a plan, drawing or stated square footage provided by the owner or agent of the owner, as it relates to commercial buildings or structures for sale or for lease only. Commercial land shall be verified by one of the methods provided for in subparagraphs a through d of this paragraph.

C. A real estate licensee has no duty to the seller or purchaser of real property to conduct an independent investigation of the size or area, in square footage or otherwise, of a subject property, or to independently verify the accuracy of any third-party information as such term is defined in paragraph 2 of subsection B of this section.

D. A real estate licensee who has complied with the requirements of this section, as applicable, shall have no further duties to the seller or purchaser of real property regarding disclosed or undisclosed property size or area information, and shall not be subject to liability to any party for any damages sustained with regard to any conflicting measurements or opinions of size or area, including exemplary or punitive damages.
Added by Laws 2011, c. 212, § 1. Amended by Laws 2012, c. 107, § 1, eff. Nov. 1, 2012.

§59-858-515.2. Violation of duty to disclose source of information - Damages.

A. If a real estate licensee has provided any third-party information, as defined in paragraph 2 of subsection B of Section 1 of this act, to any party to a real estate transaction concerning size or area of the subject real property, a party to the real estate transaction may recover damages from the licensee in a civil action only when a licensee knowingly violates the duty to disclose the source of the information, as required in paragraph 1 of subsection B of Section 1 of this act.

B. The sole and exclusive civil remedy at common law or otherwise for a violation of paragraph 1 of subsection B of Section 1 of this act by a real estate licensee shall be an action for

actual damages suffered by the party as a result of such violation and shall not include exemplary or punitive damages.

C. For any real estate transaction commenced after the effective date of this act, any civil action brought pursuant to this section shall be commenced within two (2) years after the date of transfer of the subject real property.

D. In any civil action brought pursuant to this section, the prevailing party shall be allowed court costs and reasonable attorney fees to be set by the court and collected as costs of the action.

E. A transfer of a possessory interest in real property subject to the provisions of this act may not be invalidated solely because of the failure of any person to comply with the provisions of this act.

F. The provisions of this act shall apply to, regulate and determine the rights, duties, obligations and remedies, at common law or otherwise, of the seller marketing his or her real property for sale through a real estate licensee, and of the purchaser of real property offered for sale through a real estate licensee, with respect to disclosure of third-party information concerning the subject real property's size or area, in square footage or otherwise, and this act hereby supplants and abrogates all common law liability, rights, duties, obligations and remedies of all parties therefor.

Added by Laws 2011, c. 212, § 2.

§59-858-601. Creation - Status - Appropriation - Expenditures - Use of funds - Eligibility to recover.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Real Estate Commission to be designated "Oklahoma Real Estate Education and Recovery Fund". The fund shall consist of monies received by the Oklahoma Real Estate Commission as fees assessed for the Oklahoma Real Estate Education and Recovery Fund under the provisions of this act. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Oklahoma Real Estate Commission. The Oklahoma Real Estate Commission may invest all or part of the monies of the fund in securities offered through the "Oklahoma State Treasurer's Cash Management Program". Any interest or dividends accruing from the securities and any monies generated at the time of redemption of the securities shall be deposited in the Oklahoma Real Estate Education and Recovery Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Real Estate Commission for the purposes specified in Section 858-605 of this title. Expenditures from said fund shall be made pursuant to the laws of this state and the statutes relating to the said Commission, and

without legislative appropriation. Warrants for expenditures from said fund shall be drawn by the State Treasurer, based on claims signed by an authorized employee or employees of the said Commission and approved for payment by the Director of the Office of Management and Enterprise Services.

B. Monies in the fund shall be used to reimburse any claimant who has been awarded a judgment, subject to subsection C of this section, by a court of competent jurisdiction to have suffered monetary damages by an Oklahoma real estate licensee in any transaction for which a license is required under The Oklahoma Real Estate License Code because of an act constituting a violation of The Oklahoma Real Estate License Code.

C. In determining a claimant's eligibility to recover from the fund, the Commission may conduct an independent review of the merits, findings and damages involved in the underlying action and may conduct an evidentiary hearing to determine if a claim is eligible for recovery from the fund and the amount of damages awarded are due an act constituting a violation of The Oklahoma Real Estate License Code.

Added by Laws 1977, c. 182, § 6, eff. July 1, 1977. Amended by Laws 1992, c. 94, § 7, eff. July 1, 1992; Laws 1997, c. 105, § 1, eff. July 1, 1997; Laws 1998, c. 60, § 20, eff. Jan. 1, 1999; Laws 2005, c. 85, § 2, eff. Nov. 1, 2005; Laws 2012, c. 304, § 269.

§59-858-602. Additional fee - Disposition.

A. An additional, nonrefundable fee as promulgated by rule by the Commission shall be added to and payable with the license fee for both new licenses and renewals of licenses for each licensee as provided in Section 858-307.1 of this title. Such additional fee shall be deposited in the Oklahoma Real Estate Education and Recovery Fund.

B. At the close of each fiscal year, the Commission may transfer into the Oklahoma Real Estate Commission Revolving Fund any money in excess of that amount required to be retained in the Oklahoma Real Estate Education and Recovery Fund and that amount authorized to be expended as provided within this Code that is remaining in the Oklahoma Education and Recovery Fund and unexpended.

Added by Laws 1977, c. 182, § 7, eff. July 1, 1977. Amended by Laws 1980, c. 165, § 9, eff. July 1, 1981; Laws 1988, c. 324, § 2, operative July 1, 1988; Laws 1998, c. 60, § 21, eff. Jan. 1, 1999; Laws 2001, c. 235, § 6, eff. Aug. 1, 2001; Laws 2024, c. 159, § 13, eff. Nov. 1, 2024.

§59-858-603. Eligibility to recover from fund - Ineligibility.

A. Any claimant shall be eligible to seek recovery from the Oklahoma Real Estate Education and Recovery Fund if the following conditions have been met:

1. An action has been filed in district court based upon a violation specified in the Oklahoma Real Estate License Code;

2. The cause of action accrued not more than two (2) years prior to the filing of the action;

3. At the commencement of an action, the party filing the action shall immediately notify the Commission to this effect in writing and provide the Commission with a file-stamped copy of the petition or affidavit. Said Commission shall have the right to enter an appearance, intervene in, defend, or take any action it may deem appropriate to protect the integrity of the Fund. The Commission may waive the notification requirement if it determines that the public interest is best served by the waiver, that is to best meet the ends of justice and that the claimant making application made a good faith effort to comply with the notification requirements;

4. Final judgment is received by the claimant upon such action;

5. The final judgment is enforced as provided by statute for enforcement of judgments in other civil actions and that the amount realized was insufficient to satisfy the judgment; and

6. Any compensation recovered by the claimant from the judgment debtor, or from any other source for any monetary loss arising out of the cause of action, has been applied to the judgment awarded by the court.

B. A claimant shall not be qualified to make a claim for recovery from the Oklahoma Real Estate Education and Recovery Fund, if:

1. The claimant is the spouse of the judgment debtor or a personal representative of such spouse;

2. The claimant is a licensee who acted in their own behalf in the transaction which is the subject of the claim; or

3. The claimant’s claim is based upon a real estate transaction in which the claimant is, through their own action, jointly responsible for any resulting monetary loss with respect to the property owned or controlled by the claimant.

Added by Laws 1977, c. 182, § 8, eff. July 1, 1977. Amended by Laws 1988, c. 324, § 4, operative July 1, 1988; Laws 1991, c. 43, § 11, eff. July 1, 1993; Laws 1998, c. 60, § 22, eff. Jan. 1, 1999; Laws 2005, c. 85, § 3, eff. Nov. 1, 2005.

§59-858-604. Application for payment - Amount - Assignment of rights, etc. - Insufficient funds - Revocation of licenses.

A. Any claimant who meets all of the conditions prescribed by this act may apply to the Commission for payment from the Oklahoma Real Estate Education and Recovery Fund, in an amount equal to the

unsatisfied portion of the claimant’s judgment, which is actual or compensatory damages, or Twenty-five Thousand Dollars ($25,000.00), whichever is less. The claimant is entitled to reimbursement for attorney fees reasonably incurred in the litigation not to exceed twenty-five percent (25%) of the claimant’s amount approved by the Commission. Attorney fees charged and received shall be documented, verified, and submitted with the claim. Court costs and other expenses shall not be recoverable from the fund.

B. Upon receipt by the claimant of the payment from the Oklahoma Real Estate Education and Recovery Fund, the claimant assigns the claimant's right, title and interest in that portion of the judgment to the Commission which shall be subrogated up to the amount actually paid by the fund to the claimant or to the claimant and the claimant’s attorney. Upon suit to collect upon a judgment, the claimant shall have priority over the fund. Any amount subsequently recovered on the judgment by the Commission, to the extent of the Commission's right, title and interest therein, shall be used to reimburse the Oklahoma Real Estate Education and Recovery Fund.

C. Payments for claims arising out of the same transaction which constitutes a claimant’s cause of action based upon a violation of the Oklahoma Real Estate License Code shall be limited in the aggregate of Fifty Thousand Dollars ($50,000.00) irrespective of the number of claimants or parcels of real estate involved in the transaction.

D. Payments for claims based upon judgments against any one licensee shall not exceed in the aggregate Fifty Thousand Dollars ($50,000.00).

E. If at any time the monies in the Oklahoma Real Estate Education and Recovery Fund are insufficient to satisfy any valid claim, or portion thereof, the Commission shall satisfy such unpaid claim or portion thereof as soon as a sufficient amount of money has been deposited in the fund by collecting a special levy from members of the fund of an amount not to exceed Five Dollars ($5.00) each fiscal year. If the additional levy is not sufficient to pay all outstanding claims against the fund, the claims shall be paid as the money becomes available. Where there is more than one claim outstanding, the claims shall be paid in the order that they were approved.

F. Any claim against a corporation, association or partnership would be imputed to the managing broker(s) at the time the cause of action arose.

G. The license of said licensee shall be automatically revoked upon the payment of any amount from the Oklahoma Real Estate Education and Recovery Fund on a judgment against a licensee. The license shall not be considered for reinstatement until the licensee has repaid in full, plus interest at the rate of seven percent (7%)

a year, the amount paid from the Oklahoma Real Estate Education and Recovery Fund on the judgment against the licensee.
Added by Laws 1977, c. 182, § 9, eff. July 1, 1977. Amended by Laws 1988, c. 324, § 5, operative July 1, 1988; Laws 1991, c. 43, § 12, eff. July 1, 1993; Laws 1997, c. 105, § 2, eff. July 1, 1997; Laws 1998, c. 60, § 23, eff. Jan. 1, 1999; Laws 2005, c. 85, § 4, eff. Nov. 1, 2005.

§59-858-605. Expenditure of funds.

At any time when the total amount of monies deposited in the Oklahoma Real Estate Education and Recovery Fund exceeds Two Hundred Fifty Thousand Dollars ($250,000.00), the Commission in its discretion may expend such excess funds each fiscal year for the following purposes:

1. To promote the advancement of education in the field of real estate for the benefit of the general public;

2. To promote the advancement of education in the field of real estate for the benefit of those licensed under the Oklahoma Real Estate License Code; provided, such promotion shall not be construed to allow advertising of this profession;

3. To underwrite educational seminars and other forms of educational projects for the benefit of real estate licensees;

4. To establish real estate courses at institutions of higher learning located in the state and accredited by the State Regents for Higher Education for the purpose of making such courses available to licensees and the general public;

5. To contract for a particular educational project in the field of real estate to further the purposes of the Oklahoma Real Estate License Code;

6. To implement and maintain a public registry for the benefit of real estate licensees and the general public;

7. To produce and distribute an agency newsletter available to the general public and real estate licensees; and

8. To provide education grants to institutions of higher learning located in this state and accredited by the Oklahoma State Regents for Higher Education for courses on financial management and homeownership.
Added by Laws 1977, c. 182, § 10, eff. July 1, 1977. Amended by Laws 1983, c. 289, § 3, emerg. eff. June 24, 1983; Laws 1988, c. 324, § 6, operative July 1, 1988; Laws 2024, c. 159, § 14, eff. Nov. 1, 2024.

§59-858-621. Short title.

This act shall be known and may be cited as the "Home Inspection Licensing Act".
Added by Laws 2001, c. 423, § 1, eff. Nov. 1, 2001.

§59-858-622. Definitions.

As used in the Home Inspection Licensing Act:

1. "Board" means the Construction Industries Board;

2. "Committee" means the Committee of Home Inspector Examiners;

3. "Home inspection" means a visual examination of any or all of the readily accessible physical real property and improvements to real property consisting of four or fewer dwelling units, including structural, lot drainage, roof, electrical, plumbing, heating and air conditioning and such other areas of concern as are specified in writing to determine if performance is as intended;

4. "Home inspection report" means a written opinion of the functional and physical condition of property written by the licensed home inspector pursuant to home inspection; and

5. "Home inspector" means an individual licensed pursuant to the Home Inspection Licensing Act who, for compensation, conducts home inspections.

Added by Laws 2001, c. 423, § 2, eff. Nov. 1, 2001. Amended by Laws 2008, c. 405, § 1, emerg. eff. June 3, 2008.

§59-858-623. Exemptions.

A. On and after July 1, 2003, it shall be unlawful for an individual to conduct, for compensation, a home inspection or to advertise or otherwise hold themselves out to be in the business of home inspection in this state unless licensed pursuant to the Home Inspection Licensing Act.

B. The Home Inspection Licensing Act shall not apply to:

1. Individuals inspecting new residential construction;

2. Licensed architects engaged in the practice of architecture as defined and regulated by Section 46.1 et seq. of this title;

3. Individuals holding other occupational licenses who only do home inspections within the occupational confines of that license;

4. Government employees who perform inspections when acting within the scope of their employment; or

5. Persons regulated by the State Board of Agriculture who issue wood infestation reports as defined in Section 3-81 of Title 2 of the Oklahoma Statutes.

C. Any single-item inspection requested by a client, whether or not the item to be inspected is specifically included or excluded in the definition of home inspection pursuant to Section 858-622 of this title, may be performed by a professional craftsman whose expertise is in the specific area or by persons qualified by education or training to conduct that specific inspection. If a single-item that has been requested for inspection is an area of expertise that is licensed by the state, then that person conducting the inspection shall be licensed in respect to that particular area.

Added by Laws 2001, c. 423, § 3, eff. Nov. 1, 2001. Amended by Laws 2002, c. 449, § 1, emerg. eff. June 5, 2002; Laws 2004, c. 241, § 1, eff. Nov. 1, 2004; Laws 2009, c. 140, § 1, eff. Nov. 1, 2009.

§59-858-624. Committee of Home Inspector Examiners.

A. There is hereby created the Committee of Home Inspector Examiners under the authority of the Construction Industries Board, which shall consist of seven (7) members who have been residents of this state for at least three (3) years prior to their appointment. Each member shall be appointed by the Governor with the advice and consent of the Senate. Appointments shall be made so that not more than two members shall, at the time an appointment is made, be residents of the same congressional district; provided, no member shall be removed from office due solely to a reduction in the number of congressional districts.

B. Of the seven members:

1. Four of the initial appointees shall hold memberships in a state or national housing inspection association or foundation. After expiration of the terms of the initial appointees, four members shall be licensed home inspectors who are active full time in the practice of making home inspections, two or more of whom shall hold membership in an association that certifies home inspectors in this state;

2. One shall be a licensed real estate broker who is active full time in the real estate brokerage business;

3. One shall be a licensed real estate appraiser who is active full time in the real estate appraisal business; and

4. One shall be a lay person who is not involved in the property business, including, but not limited to, the leasing of commercial or residential property, and is not in the real estate business or home inspection business.

C. Initially, three members shall be appointed for a term to expire June 30, 2003; two members shall be appointed for a term to expire June 30, 2004; and two members shall be appointed for a term to expire June 30, 2005. Thereafter, all terms shall be three-year terms ending June 30.

D. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled for the balance of an unexpired term by appointment of the Governor. Members may be removed by the Governor for good cause.

E. Members shall elect officers annually. The chair, or in the absence of the chair, the vice-chair, shall preside at all meetings of the Committee and shall perform such duties as the Committee shall prescribe. The Committee shall meet at least semiannually, and special meetings may be called by the chair or the designee of the chair. Four members shall constitute a quorum.

F. Members shall serve without compensation but shall be reimbursed in accordance with the State Travel Reimbursement Act.

G. Personnel and administrative support necessary for the Committee to exercise its powers and accomplish its duties shall be provided by the Construction Industries Board.

Added by Laws 2001, c. 423, § 4, eff. Nov. 1, 2001. Amended by Laws 2007, c. 188, § 21, eff. Nov. 1, 2007; Laws 2008, c. 405, § 2, emerg. eff. June 3, 2008; Laws 2013, c. 43, § 1, eff. Nov. 1, 2013.

§59-858-625. Fees.

Fees for the Home Inspection Licensing Act shall not exceed the following:

| | |
|---|---|
| Approval fees for schools, instructors and home inspection organizations | $100.00 |
| Approval fees for educational course content | $50.00 |
| Application for license | $30.00 |
| Licensure for reciprocity | $50.00 |
| Examination fee | $200.00 |
| License fee | $250.00 |
| License renewal | $150.00 |
| License reactivation | $50.00 |

Added by Laws 2001, c. 423, § 5, eff. Nov. 1, 2001. Amended by Laws 2002, c. 449, § 2, emerg. eff. June 5, 2002.

§59-858-626. Home Inspection Licensing Act Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Construction Industries Board, to be designated the "Home Inspection Licensing 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 Board pursuant to the Home Inspection Licensing Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the Home Inspection Licensing 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.

Added by Laws 2001, c. 423, § 6, eff. Nov. 1, 2001. Amended by Laws 2008, c. 405, § 3, emerg. eff. June 3, 2008; Laws 2012, c. 304, § 270.

§59-858-627. Rule promulgation - Disciplinary measures - Injunctive relief and restraining orders.

A. The Committee of Home Inspector Examiners shall advise the Construction Industries Board in promulgating rules consistent with the purposes of the Home Inspection Licensing Act.

B. The Construction Industries Board shall promulgate rules including, but not limited to:

1. Qualifications and examinations for licensure of home inspectors;

2. License renewal requirements;

3. Reinstatement of license after suspension or revocation of license or failure to meet license renewal requirements;

4. Continuing education;

5. Standards of practice and prohibited acts;

6. Approval of schools, educational course content, instructors, and organizations offering courses of study for home inspection;

7. Standards required for schools, instructors, and organizations to remain approved;

8. Approval fees;

9. Reciprocity agreements whereby home inspectors licensed in other states with equal or greater licensure requirements may be licensed in this state, and fee for licensing by reciprocity; and

10. Investigative procedures.

C. Upon showing of good cause as provided for in the Home Inspection Licensing Act, the Board shall discipline licensees, approved instructors, approved schools, and educational organizations by:

1. Issuing reprimands;

2. Requiring probation for a specified period of time;

3. Requiring education in addition to the educational requirements provided for licensure or continuing education;

4. Suspending licenses or approvals;

5. Rescinding or revoking licenses or approvals;

6. Imposing administrative fines as provided for by the Home Inspection Licensing Act;

7. Any combination of disciplinary measures as provided by paragraphs 1 through 6 of this subsection; and

8. Upon showing of good cause, may modify any disciplinary action imposed pursuant to the provisions of the Home Inspection Licensing Act.

D. The Committee may advise the Board to seek injunctive relief and restraining orders for violations of the Home Inspection Licensing Act or the rules promulgated pursuant thereto to cause the prosecution of any person who violates any of the provisions of the Home Inspection Licensing Act or the rules promulgated pursuant thereto.

E. In the exercise of all powers and the performance of all duties provided in the Home Inspection Licensing Act, the Committee and the Board shall comply with the Administrative Procedures Act, the Oklahoma Open Meeting Act, and the Oklahoma Open Records Act.

Added by Laws 2001, c. 423, § 7, eff. Nov. 1, 2001. Amended by Laws 2008, c. 405, § 4, emerg. eff. June 3, 2008.

§59-858-628. Home inspection instruction.

A. The Committee of Home Inspector Examiners shall not approve any school of home inspection instruction until it has received and examined the curriculum, syllabi or program of instruction of the school or organization conducting or offering the instruction.

B. Nothing in the Home Inspection Licensing Act shall be construed as relieving a school of home inspection from responsibility for compliance pursuant to law with the requirements of any other agency.

Added by Laws 2001, c. 423, § 8, eff. Nov. 1, 2001.

§59-858-629. Home inspector examination - Application and qualifications - Issuance of license.

A. Any individual eighteen (18) years of age or older who has successfully completed ninety (90) clock hours of home inspection training or its equivalent as determined by the Committee of Home Inspector Examiners may apply to take a home inspector examination. Application shall be made on forms prescribed by the Construction Industries Board, shall contain information as required by the Construction Industries Board upon advisement of the Committee, and shall be accompanied by evidence of successful completion of the required training. Examinations may be held in vocational and technical schools or in other locations as determined by rule.

B. If, from the application filed, answers to inquiries, complaints, or information received, or investigation, it appears to the Board that the applicant is not qualified, the Committee shall deny approval of the application and shall give notice of that fact to the applicant.

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

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

Added by Laws 2001, c. 423, § 9, eff. Nov. 1, 2001. Amended by Laws 2002, c. 449, § 3, emerg. eff. June 5, 2002; Laws 2008, c. 405, § 5, emerg. eff. June 3, 2008; Laws 2009, c. 140, § 2, eff. Nov. 1, 2009; Laws 2019, c. 363, § 36, eff. Nov. 1, 2019.

§59-858-630. Documentation and fees - Issuance, renewal and reactivation of license - Insurance.

To be licensed as a home inspector, or to renew or reactivate a license, an applicant shall submit to the Construction Industries Board such documents and fees as are required by the Home Inspection Licensing Act or the rules promulgated pursuant thereto and shall provide evidence of having secured a certificate of general liability insurance in the amount required by rule. The amount of the certificate of general liability insurance required shall not be less than Fifty Thousand Dollars ($50,000.00).

Added by Laws 2001, c. 423, § 10, eff. Nov. 1, 2001. Amended by Laws 2008, c. 405, § 6, emerg. eff. June 3, 2008.

§59-858-631. License term - Continuing education requirement - Inactive status.

A. The license term for a home inspector shall be one (1) year. The license shall expire twelve (12) months from the date of issuance. The license fee and each renewal or reactivation thereafter shall be payable in advance, which shall not be refundable.

B. As a condition of license renewal or reactivation, each home inspector shall submit to the Construction Industries Board evidence of having attended eight (8) clock hours of continuing education within the twelve (12) months immediately preceding the term for which the license is to be issued. Except as otherwise provided for in this section, the Board shall not issue a renewal license or reactivate a license unless the continuing education requirement set forth in this section is satisfied within the prescribed time period.

C. Any licensee who fails to renew before the license expiration date shall be required to submit to such additional requirements or penalties, or both, as the Board may require pursuant to rule.

D. The Construction Industries Board may place the license of a home inspector on inactive status when the licensee gives sufficient reason; however, such status shall not relieve the licensee from paying the required fees. Continuing education shall not be required during the period a license is on inactive status. Prior to the license being placed on an active status, the licensee shall be required to complete the eight-hour continuing education requirement. If the holder of the inactive license has been in the military service during the entire time of inactive license status, only eight (8) clock hours of continuing education and the license fee shall be required for the reactivation of the license.

Added by Laws 2001, c. 423, § 11, eff. Nov. 1, 2001. Amended by Laws 2008, c. 405, § 7, emerg. eff. June 3, 2008; Laws 2009, c. 140, § 3, eff. Nov. 1, 2009.

§59-858-632. Criminal actions - Injunctions or restraining orders.

A. In addition to any other penalties provided by law, any individual unlicensed pursuant to the Home Inspection Licensing Act who shall willfully and knowingly violate any provision of the Home Inspection Licensing Act shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

B. In addition to any civil or criminal actions authorized by law, the Attorney General, or a district attorney may apply to the district court in the county in which a violation of the Home Inspection Licensing Act has allegedly occurred for an order enjoining or restraining the unlicensed individual from continuing the acts specified in the complaint. The court may grant any temporary or permanent injunction or restraining order, without bond, as it deems just and proper.

Added by Laws 2001, c. 423, § 12, eff. Nov. 1, 2001.

§59-858-633. Investigations and hearings - Good cause.

A. The Committee of Home Inspector Examiners may, upon its own motion, and shall, upon written complaint filed by any person, direct the Construction Industries Board to investigate the business activities of any home inspector. The Committee may contract for an administrative judge for any hearing which may, upon a showing of good cause, impose disciplinary actions as provided in the Home Inspection Licensing Act.

B. Good cause shall be established upon showing that any licensee has performed, is performing, has attempted to perform, or is attempting to perform any of the following acts:

1. Making a materially false or fraudulent statement in an application for license or for approval of continuing education;

2. Having been convicted in a court of competent jurisdiction of forgery, fraud, conspiracy to defraud, or any similar offense, or pleading guilty or nolo contendere to any such offense;

3. Falsifying or failing to disclose in a home inspection report a material defect;

4. Failing to perform a home inspection report in accordance with the Home Inspection Licensing Act or the rules promulgated pursuant thereto;

5. Compensating any person for performing the services of a home inspector or lending a license to any person who has not first secured a license as a home inspector pursuant to the Home Inspection Licensing Act;

6. Accepting inspection assignments when the employment itself is contingent upon reporting a predetermined estimate, analysis or opinion;

7. Accepting inspection assignments when the fee to be paid is contingent upon the opinion, the conclusion, analysis, or report reached, or upon the consequences resulting from such assignments;

8. Performing repair or maintenance work, or receiving compensation either directly or indirectly from a company regularly engaged in home repair work, on a property having four or fewer dwelling units that the home inspector inspected within one (1) year from the date of the inspection;

9. Accepting compensation from more than one client for a single home inspection, unless the home inspector has informed all clients who are paying a fee for that home inspection that such compensation is sought or anticipated;

10. Except as provided in paragraph 14 of this subsection, disclosing the results of a home inspection to any person other than the client without the written consent of the client;

11. Failing to disclose to the client any conflict of interest of which the inspector knows or should have known that may adversely affect the client;

12. Failing to submit a written home inspection report within a reasonable time as determined by the Board to the client after compensation has been paid to the home inspector;

13. Paying any fees or other amounts due pursuant to the Home Inspection Licensing Act or the rules promulgated pursuant thereto with a check that is dishonored upon presentation to the financial institution on which it is drawn;

14. Failing, upon demand in writing by the Construction Industries Board, a law enforcement agency, or a court of law, to disclose any information within the knowledge of the licensee or to produce any document in possession of a licensee or under control of a licensee that relates to a home inspection; or

15. Disregarding or violating any provision of the Home Inspection Licensing Act or rule promulgated pursuant to the Home Inspection Licensing Act.

Added by Laws 2001, c. 423, § 13, eff. Nov. 1, 2001. Amended by Laws 2008, c. 405, § 8, emerg. eff. June 3, 2008.

§59-858-634. Administrative fines.

A. The Committee may impose administrative fines on any licensee licensed pursuant to the Home Inspection Licensing Act. Fines may be imposed as follows:

1. Any administrative fine imposed as a result of a violation of the Home Inspection Licensing Act or rules promulgated pursuant thereto shall not:

   a. be less than Two Hundred Dollars ($200.00) and shall not exceed Two Thousand Dollars ($2,000.00) for each violation, or

b. exceed Five Thousand Dollars ($5,000.00) for all violations resulting from a single inspection;

2. All administrative fines shall be paid within thirty (30) days of written notification to the licensee of the order imposing the administrative fine or, if the licensee appeals the fine, within thirty (30) days of the decision of the Construction Industries Board in favor of the action of the Board unless the district court stays the order of the Board pending an appeal pursuant to the Administrative Procedures Act;

3. The Board may suspend the license until any fine imposed upon the licensee is paid; and

4. If fines are not paid in full by the licensee as required by this subsection, the Board shall revoke the license.

B. The administrative fines authorized by this section may be imposed in addition to any other criminal penalties or civil actions provided for by law.

Added by Laws 2001, c. 423, § 14, eff. Nov. 1, 2001. Amended by Laws 2008, c. 405, § 9, emerg. eff. June 3, 2008.

§59-858-700. Short title.

This act shall be known and may be cited as the "Oklahoma Certified Real Estate Appraisers Act".

Added by Laws 1990, c. 327, § 1, emerg. eff. May 31, 1990.

§59-858-701. Legislative intent - Purpose of act.

It is the intent of the Legislature to develop a real estate appraiser certification process which meets the federal guidelines set forth in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. The purpose of the Oklahoma Certified Real Estate Appraisers Act is to provide appraisers within the state a process for certification which will allow them to participate in a federally related transaction and real estate-related financial transactions of the agencies, instrumentalities and federally recognized entities as defined and recognized in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. It is not the intent of this legislation to prevent any person who is currently conducting business as an appraiser from continuing such action unless such action involves a federally related transaction or a real estate-related financial transaction as defined in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

Added by Laws 1990, c. 327, § 2, emerg. eff. May 31, 1990. Amended by Laws 1996, c. 318, § 6, eff. July 1, 1996.

§59-858-702. Application of act.

A. This act shall only apply to:

1. Any appraisal or appraiser involving the following:

a. a federally related transaction,
b. real estate-related financial transactions of the agencies, instrumentalities, and federally recognized entities covered by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and
c. any real estate-related transactions where an appraisal report was made under a written agreement that the appraisal report would follow the Uniform Standards of Professional Appraisal Practice guidelines or where a written appraisal states that it is in compliance with the Uniform Standards of Professional Appraisal Practice; and

2. Appraisers certified or licensed pursuant to the Oklahoma Certified Real Estate Appraisers Act or representing themselves as such, whether such license or certification is active, inactive, expired, suspended, or revoked as set forth in this act and the rules and regulations promulgated pursuant thereto, to the extent that the appraisers and any real property valuation and any real property valuation activity performed by them shall conform to the code of ethics as set forth in this act.

B. Certified public accountants, licensed in the states or other U.S. jurisdictions, who perform appraisals of real estate incidental to the performance of professional services they provide to clients are excluded from the licensing and certification provisions of the Oklahoma Certified Real Estate Appraisers Act unless the appraisal is a federally related transaction or a real estate-related financial transaction of the agencies, instrumentalities and federally recognized entities covered by the Financial Institutions, Reform, Recovery and Enforcement Act of 1989.

Added by Laws 1990, c. 327, § 3, emerg. eff. May 31, 1990. Amended by Laws 1996, c. 318, § 7, eff. July 1, 1996; Laws 2006, c. 165, § 1, eff. Nov. 1, 2006.

§59-858-703. Definitions.

As used in the Oklahoma Certified Real Estate Appraisers Act:

1. "Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate other than oil, gas, coal, water and all other energy and nonfuel mineral and elements or the value of underground space to be used for storage of commodities or for the disposal of waste unless they are appraised as part of a federally related transaction covered by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An

"analysis" is a study of real estate or real property other than estimating value;

2. "Appraisal report" means any written or oral communication of an appraisal;

3. "Appraisal Subcommittee" means the subcommittee created by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

4. "Appraiser Qualifications Board" (AQB) means the independent board appointed by the Board of Trustees of the Appraisal Foundation. The AQB establishes educational, experience, and examination criteria for appraisers. Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 requires that state certified appraisers must meet the minimum qualifications set by the AQB;

5. "Board" means the Real Estate Appraiser Board established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

6. "Certification" shall refer to either a trainee appraiser, a state licensed appraiser, a state certified residential appraiser or a state certified general appraiser;

7. "Certified appraisal or certified appraisal report" means an appraisal or appraisal report given or signed and certified as such by a trainee appraiser, a state licensed, state certified residential or state certified general real estate appraiser. When identifying an appraisal or appraisal report as "certified", the trainee, state licensed, state certified residential or state certified general real estate appraiser must indicate which type of certification is held. A certified appraisal or appraisal report represents to the public that it meets the appraisal standards defined in the Oklahoma Certified Real Estate Appraisers Act;

8. "Chairperson" means the chairperson of the Real Estate Appraiser Board;

9. "Department" means the Insurance Department;

10. "Director" means the individual employed by the Board who is responsible for supervising the regulation of appraiser and appraisal management companies' credentialing and enforcement programs; serves as liaison between the Board and other state and federal entities and professional organizations; directs and coordinates the day-to-day operations of the Board including training staff, budgeting and ensuring adherence to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act;

11. "Real estate" means an identified parcel or tract of land including improvements, if any;

12. "Real property" means one or more defined interests, benefits, and rights inherent in the ownership of real estate;

13. "Trainee, state licensed, state certified residential or state certified general real estate appraiser" means a person who

develops and communicates real estate appraisals and who holds a current, valid certificate issued to such person for either general or residential real estate pursuant to provisions of the Oklahoma Certified Real Estate Appraisers Act;

14. "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate; and

15. "Specialized services" means those appraisal services which do not fall within the definition of appraisal assignment. The term "specialized services" may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not "specialized services".

Added by Laws 1990, c. 327, § 4, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 1, eff. Sept. 1, 1991; Laws 1992, c. 132, § 1, eff. Sept. 1, 1992; Laws 1994, c. 144, § 1, eff. Sept. 1, 1994; Laws 2001, c. 280, § 1, eff. July 1, 2001; Laws 2006, c. 165, § 2, eff. Nov. 1, 2006; Laws 2021, c. 298, § 1, eff. July 1, 2021.

§59-858-704. Use of term "state certified" – Injunctive proceedings.

A. No person, other than a trainee, state licensed, state certified residential or state certified general real estate appraiser, shall assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act shall not describe or refer to any appraisal or other evaluation of real estate located in this state by using the term "state certified".

B. Violation of subsection A of this section, including using or attempting to use the seal, certificate, or license of another as their own, or falsely impersonating any duly licensed appraiser, or using or attempting to use an inactive, expired, suspended, or revoked license, is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Real Estate Appraiser Board, through the Attorney General, or the local district attorney may maintain an action for injunctive relief in the district court in the county in which a violation of this section is alleged to have occurred to enjoin any person from engaging in such practice.

C. Upon the filing of a verified petition in a district court, the court, if satisfied by affidavit or otherwise that a person has been engaged in the practice of real estate appraisal without a valid license, may enter a temporary restraining order without notice or bond enjoining the defendant from further practice. The showing of the absence of a valid, active, unexpired license, by affidavit or otherwise, is sufficient for the issuance of a temporary injunction. If it is established that the defendant has been or is engaged in violation of subsection A of this section, the court may enter an order or judgment perpetually enjoining the defendant from further unlawful acts. In all proceedings under this section, the court, in its discretion, may apportion the costs among the parties interested in the action, including the cost of filing the complaint, service of process, witness fees and expenses, court-reported charges, and reasonable attorney fees. These injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in the Oklahoma Certified Real Estate Appraisers Act.

D. This act is hereby deemed to be voluntary on the part of those who apply to become trainee, state licensed, state certified residential or state certified general real estate appraisers. Users of appraisals may determine, by their own discretion or by guidelines, whether or not to use a trainee, state licensed, state certified residential or state certified general real estate appraiser.

Added by Laws 1990, c. 327, § 5, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 2, eff. Sept. 1, 1991; Laws 1992, c. 132, § 2, eff. Sept. 1, 1992; Laws 2001, c. 280, § 2, eff. July 1, 2001; Laws 2006, c. 165, § 3, eff. Nov. 1, 2006.

§59-858-705. Real Estate Appraiser Board - Members - Appointment - Qualifications - Terms - Removal - Meetings - Chairperson - Quorum.

A. There is hereby established as an adjunct to the Department an independent Real Estate Appraiser Board which shall consist of seven (7) regular members and one ex officio member. The ex officio member shall be the Insurance Commissioner. The seven regular members shall be as follows: one from the commercial banking industry; one of whom shall be a layperson; one of whom shall be in the real estate sales industry; and four of whom shall be real estate appraisers with no nationally recognized real estate appraisal organization having more than two members on the Board.

B. The Governor shall appoint the members of the Real Estate Appraiser Board.

C. Each real estate appraiser member of the Board appointed after July 1, 1991, or within twenty-four (24) months of the effective date of this act, whichever occurs first, must be a state

licensed, state certified residential or state certified general real estate appraiser.

D. The term of each member shall be five (5) years; except that of the members first appointed, two shall serve for one (1) year, two shall serve for two (2) years, one shall serve for three (3) years, one shall serve for four (4) years, and one shall serve for five (5) years.

E. Members of the Board shall hold office until the appointment and qualification of their successors. No person shall serve as a member of the Board for more than two consecutive terms. The Governor may remove a member for inefficiency, neglect of duty, or malfeasance in office. The member shall be given notice and an opportunity to be heard prior to removal.

F. The Board shall meet at least once each calendar quarter to conduct its business. Written notice shall be given to each member of the time and place of each meeting of the Board at least ten (10) days before the scheduled date of the meetings.

G. The members of the Board shall elect a vice-chairperson from among the members to preside at Board meetings when the chairperson is absent.

H. A quorum of the Board shall be five members.

Added by Laws 1990, c. 327, § 6, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 3, eff. Sept. 1, 1991; Laws 1992, c. 132, § 3, eff. Sept. 1, 1992; Laws 1996, c. 318, § 8, eff. July 1, 1996; Laws 2001, c. 280, § 3, eff. July 1, 2001.

§59-858-705.1. Board – Ex-officio Chairperson - Duties.

A. In addition to the seven (7) appointed members of the Board, the Insurance Commissioner shall serve as ex-officio Chairperson of the Board, voting only in case of a tie.

B. As Chairperson, the Insurance Commissioner, in addition to his duties prescribed by law as Insurance Commissioner on September 1, 1991, shall be required to perform the following duties, for which duties he shall be paid an additional Twelve Thousand Dollars ($12,000.00) annually, payable monthly from appropriations made to the Insurance Department:

1. Keep records of the proceedings of the Board;

2. Call special meetings of the Board when in the judgment of the chairperson it is necessary or proper to do so;

3. Procure appropriate examination questions and answers which shall meet criteria established by the Appraisal Qualifications Board of the Appraisal Foundation and approved by the Board;

4. Prepare and file an annual report with the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor detailing the number of applicants for the examination and the pass/fail rate;

5. Establish and maintain a recordkeeping system approved by

the Board to monitor compliance with the continuing education requirements imposed by law;

6. Make recommendations to the Board concerning the establishment of administrative procedures for conducting disciplinary proceedings pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

7. Develop a procedure approved by the Board whereby persons aggrieved by the actions of a licensed or certified appraiser may file complaints with the Board;

8. Annually compile and file a report with the Speaker of the House of Representatives, President Pro Tempore of the Senate and the Governor detailing the number of complaints received by the Board, the resulting number of investigations and hearings conducted and the final disposition of these matters;

9. Prepare and file a report with the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor evaluating the impact of the voluntary licensure/certification program on future appraisers and recommend whether an appraiser trainee or apprenticeship program should be instituted; and

10. Submit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor on or before January 1, 1994, a report evaluating the impact of the licensure/certification requirements imposed by the Oklahoma Certified Real Estate Appraisers Act on the appraiser and banking industry and include in the report any recommendations for amendments to the Oklahoma Certified Real Estate Appraisers Act. Added by Laws 1991, c. 271, § 4, eff. Sept. 1, 1991. Amended by Laws 2019, c. 90, § 1, eff. Nov. 1, 2019; Laws 2021, c. 298, § 2, eff. July 1, 2021.

§59-858-706. Powers and duties of Board.

A. The Board shall promulgate rules and regulations to implement the provisions of the Oklahoma Certified Real Estate Appraisers Act.

B. The Board shall have the following powers and duties:

1. The Real Estate Appraiser Board may employ a Director to oversee the organization and activities of the Board and to ensure compliance with rules promulgated by the Board. The Director shall perform such other duties as the Board may prescribe. The salary of the Director shall be set by the Board. The position of Director shall be an unclassified position;

2. Board employees shall be hired by and subject to the supervision and control of the Director or designee. Persons employed by the Board shall serve at the direction and pleasure of the Director. All employees are employees of this state and shall be in the unclassified service;

3. Employees of the Board shall be considered unclassified employees of the Insurance Department only for the purpose of administrative support provided by the Insurance Department;

4. The Director is authorized to employ temporary workers or contract labor as may be required to properly administer the Oklahoma Certified Real Estate Appraisers Act;

5. To further define by regulation and with respect to each category of Oklahoma certified real estate appraisers the type of educational experience, appraisal experience and equivalent experience that will meet the requirements of the Oklahoma Certified Real Estate Appraisers Act, as approved by the Appraiser Qualification Board of the Appraisal Foundation;

6. To establish the examination specifications for each category of Oklahoma certified real estate appraiser;

7. To approve or disapprove applications for certification and issue certificates;

8. To further define by regulation and with respect to each category of Oklahoma certified real estate appraiser, the continuing education requirements for the renewal of certification that will meet the requirements of the Oklahoma Certified Real Estate Appraisers Act as approved by the Appraiser Qualification Board of the Appraisal Foundation;

9. To review from time to time the standards for the development and communication of real estate appraisals provided in the Oklahoma Certified Real Estate Appraisers Act and to adopt regulations explaining and interpreting the standards;

10. To establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

11. To censure, suspend and revoke certificates pursuant to the disciplinary proceedings provided in the Oklahoma Certified Real Estate Appraisers Act; and

12. To perform such other functions and duties as may be necessary in carrying out the provisions of the Oklahoma Certified Real Estate Appraisers Act.

In the exercise of all powers and the performance of all duties provided in the Oklahoma Certified Real Estate Appraisers Act, the Board shall comply with the procedures provided in the Administrative Procedures Act.

C. Actions of the Board shall not be subject to review by the Department.

D. The members of the Board shall not be held civilly liable for any action taken in good faith by the Board in its official capacity pursuant to law unless such action is arbitrary and capricious.

Added by Laws 1990, c. 327, § 7, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 5, eff. Sept. 1, 1991; Laws 2014, c. 97, § 1, eff. Nov. 1, 2014; Laws 2021, c. 298, § 3, eff. July 1, 2021.

§59-858-707. Powers and duties of Insurance Department.

The Insurance Department shall have the following powers and duties:

1. The Department shall provide administrative support for the Board including, but not limited to, office space, equipment and furnishings, IT support, payroll and employee benefit administration and processing, and travel and expense reimbursement, and shall manage the Board's funds at the direction of the Board. The Insurance Department shall be entitled to reimbursement for the annual cost of providing administrative support. Upon invoice and a written directive of any expenditure approved by the Director, the Insurance Department shall process and make payment for the expenditure from Board funds within fifteen (15) business days of receipt of the written directive from the Board. All other Board-directed expenditures shall be processed according to Insurance Department policy;

2. To receive application for Oklahoma certification;

3. To establish the administrative procedures for processing applications for Oklahoma certification;

4. To maintain a registry of the names and addresses of people certified pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act and transmit such registry to the Appraisal Subcommittee;

5. To retain records and all application materials submitted to it; and

6. To assist the Board in such other manner as may be requested.

Added by Laws 1990, c. 327, § 8, emerg. eff. May 31, 1990. Amended by Laws 2021, c. 298, § 4, eff. July 1, 2021.

§59-858-708. Fees.

A. The Insurance Department shall charge and collect fees not to exceed the following:

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| 1. Trainee Appraiser Certificate (annually) | $300.00 |
| 2. State Licensed Appraiser Certificate (annually) | $300.00 |
| 3. State Certified General Appraiser Certificate (annually) | $300.00 |
| 4. State Certified Residential Appraiser Certificate (annually) | $300.00 |
| 5. State Licensed Appraiser Examination | $150.00 |

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|---|---|
| 6. State Certified General Appraiser Examination | $150.00 |
| 7. State Certified Residential Appraiser Examination | $150.00 |
| 8. Reexamination Fee | $150.00 |
| 9. Late Fee | $50.00 |
| 10. Reinstatement Fee | $50.00 |
| 11. Duplicate for Lost or Destroyed Certificate | $5.00 |
| 12. Temporary Practice Fee Per Appraisal | $50.00 |
| 13. Maximum Temporary Practice Fee Per Assignment | $150.00 |

B. The Department shall charge and collect such fees as may be promulgated by administrative rule by the Real Estate Appraiser Board for the conduct of experience reviews required in the licensing process.

C. The Department shall charge and collect such fees as may be promulgated by administrative rule by the Real Estate Appraiser Board for review of submissions by course providers and instructors.

D. All state licensed, state certified residential, and state certified general appraisers shall be responsible for payment of all Federal Registry Fees. The Real Estate Appraiser Board shall promulgate rules to assist appraisers in meeting the requirements of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Added by Laws 1990, c. 327, § 9, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 6, eff. Sept. 1, 1991; Laws 1992, c. 132, § 4, eff. Sept. 1, 1992; Laws 1994, c. 144, § 2, eff. Sept. 1, 1994; Laws 1996, c. 318, § 9, eff. July 1, 1996; Laws 2001, c. 280, § 4, eff. July 1, 2001; Laws 2006, c. 165, § 4, eff. Nov. 1, 2006; Laws 2012, c. 216, § 1, eff. July 1, 2012.

§59-858-709. Applications for certification, renewal and examination - Fees - Pledge of compliance with Board standards - Temporary appraisers - Consent to suits and actions.

A. Applications for original certification, renewal certification and examinations shall be made in writing to the Insurance Department on forms approved by the Real Estate Appraiser Board. Effective January 1, 2015, applicants for original certification must submit to a criminal history records search that complies with Section 858-709A of this title.

B. Appropriate fees, as fixed by the Department pursuant to Section 858-708 of this title, must accompany all applications for renewal certification.

C. At the time of filing an application for certification, each applicant shall sign a pledge to comply with the standards set forth in the Oklahoma Certified Real Estate Appraisers Act, and state that

such applicant understands the types of misconduct for which disciplinary proceedings may be initiated against an Oklahoma certified real estate appraiser, as set forth in the Oklahoma Certified Real Estate Appraisers Act.

D. In accordance with Section 3351 of Title 12 of the United States Code, the Board shall recognize, on a temporary basis, the certification or license of an appraiser issued by another state if:

1. The property to be appraised is part of a federally related transaction, as defined in the federal real estate appraisal reform amendments;

2. The appraiser's business is of a temporary nature and certified by the appraiser;

3. The appraiser registers the temporary practice with the Board and pays fees as provided herein; and

4. The appraiser resides in or is working out of a state that is also in compliance with Section 3351 of Title 12 of the United States Code, that recognizes, on a temporary basis, the certification or license of an Oklahoma appraiser in their state; or

5. As otherwise approved by the Board.

E. The applicant or any person registering with the Board for temporary practice shall file an irrevocable consent that suits and actions may be commenced against such person:

1. In the proper court of any county of this state in which a cause of action may arise due to the person's actions as a state licensed or certified real estate appraiser; or

2. In the county in which the plaintiff may reside.

The consent also shall stipulate and agree that service of process or pleadings on the person shall be made by service upon the Board as the person's agent and held in all courts to be as valid and binding as if personal service had been made upon the applicant in Oklahoma. In case any processes or pleading mentioned in the case is served upon the Board, it shall be by duplicate copies, one of which shall be filed with the Board's Director and the other immediately forwarded by registered mail to the nonresident state licensed or certified real estate appraiser to whom the processes or pleadings are directed.

Added by Laws 1990, c. 327, § 10, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 7, eff. Sept. 1, 1991; Laws 1994, c. 144, § 3, eff. Sept. 1, 1994; Laws 2006, c. 165, § 5, eff. Nov. 1, 2006; Laws 2014, c. 97, § 2, eff. Nov. 1, 2014; Laws 2021, c. 298, § 5, eff. July 1, 2021.

§59-858-709A. Criminal history records check.

For purposes of the Oklahoma Certified Real Estate Appraisers Act, the required criminal history records check shall include a state and national criminal history records search conducted by the

Oklahoma State Bureau of Investigation that is not more than ninety (90) days old. Each criminal background check shall require:

1. The applicant shall submit a full set of usable fingerprints that is not more than ninety (90) days old to the Real Estate Appraiser Board for the purpose of permitting a state and federal criminal history records search pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The OSBI may exchange these fingerprints with the Federal Bureau of Investigation (FBI);

2. The applicant shall furnish the Board fingerprints as established by Board rules and any applicable fees as required by a state or federal law enforcement agency to process the background check;

3. The Board shall forward the fingerprints along with the applicable fee for a national criminal records history search to the OSBI. The Bureau shall retain one set of fingerprints in the Automated Fingerprint Identification System and submit the other set to the FBI for a national criminal history records search;

4. Any and all state and federal criminal history record information obtained by the Board from the OSBI or the FBI that is not already a matter of public record shall be deemed confidential. The confidential information shall be restricted to the exclusive use of the Board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure; and

5. Fingerprint images may be rejected by the OSBI or the FBI for a variety of reasons, including, but not limited to, fingerprint quality or an inability by the OSBI or the FBI to classify the fingerprints. These rejections require the applicant to be fingerprinted again. Applicants with fingerprints rejected will be required to repay and be re-fingerprinted. Applicants are responsible for insuring and verifying that all data is correct in the fingerprinting process.

Added by Laws 2014, c. 97, § 4, eff. Nov. 1, 2014.

§59-858-710. Classifications of certification.

A. There shall be four classes for Oklahoma certified real estate appraisers:

1. State Licensed Appraiser as defined by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation;

2. State Certified Residential Appraiser as defined by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation;

3. State Certified General Appraiser as defined by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation; and

4. Trainee Appraiser as defined by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation.

B. The application for original certification, renewal certification and examination shall specify the classification of certification being applied for and previously granted.

Added by Laws 1990, c. 327, § 11, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 8, eff. Sept. 1, 1991; Laws 1992, c. 132, § 5, eff. Sept. 1, 1992; Laws 1994, c. 144, § 4, eff. Sept. 1, 1994; Laws 2001, c. 280, § 5, eff. July 1, 2001; Laws 2006, c. 165, § 6, eff. Nov. 1, 2006.

§59-858-711. Areas of knowledge required for original certification.

A. An original certification as a state licensed, state certified residential or state certified general real estate appraiser shall not be issued to any person who has not made application with the Real Estate Appraiser Board within ninety (90) days of having demonstrated through a written examination process that such person possesses the following:

1. Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate;

2. Understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines;

3. Understanding of the standards for the development and communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act;

4. Knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the classification of certificate applied for;

5. Knowledge of other principles and procedures as may be appropriate for the respective classifications;

6. Basic understanding of real estate law; and

7. Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a trainee, state licensed, state certified residential or state certified general real estate appraiser, as set forth in the Oklahoma Certified Real Estate Appraisers Act.

B. As long as the Board contracts with a private testing firm in the administration of the written examination process, the Board shall not require passing test scores which deviate from the recommendations of such private testing firm.

Added by Laws 1990, c. 327, § 12, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 9, eff. Sept. 1, 1991; Laws 1992, c. 132, § 6, eff. Sept. 1, 1992; Laws 2001, c. 280, § 6, eff. July 1, 2001; Laws 2006, c. 165, § 7, eff. Nov. 1, 2006.

§59-858-712. Examination for certification - Prerequisites.

A. State Certified General Appraiser - As a prerequisite to taking the examination for certification as a State Certified General Appraiser, an applicant shall present satisfactory evidence to the Real Estate Appraiser Board that such applicant has successfully completed the minimum educational requirement specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or college or university or technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout the State of Oklahoma prior to the required examination date which must include classroom hours related to standards of professional practice.

B. State Certified Residential Appraiser - As a prerequisite to taking the examination for certification as a State Certified Residential Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed the minimum educational requirement specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or college or university or technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout this state prior to the required examination date which must include classroom hours related to standards of professional practice.

C. State Licensed Appraiser - As a prerequisite to taking the examination for certification as a State Licensed Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed the minimum education requirement specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university or technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout the State of Oklahoma prior to the required examination date which must include classroom hours related to standards of professional practice. Provided, that any appraiser who becomes state licensed prior to July 1, 2001, shall not be

required to complete any additional classroom hours necessary to meet the minimum requirements of the Appraiser Qualifications Board of the Appraisal Foundation in order to maintain certification as a state licensed appraiser.

D. Trainee Appraiser – There shall be no examination for certification as a Trainee Appraiser. As a prerequisite to certification as a Trainee Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed not less than seventy-five (75) classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university or area technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout the State of Oklahoma prior to the required examination date with the cost of the classes being established by the Board which must include classroom hours related to standards of professional practice the minimum educational requirement specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation.

Added by Laws 1990, c. 327, § 13, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 10, eff. Sept. 1, 1991; Laws 1992, c. 132, § 7, eff. Sept. 1, 1992; Laws 1994, c. 144, § 5, eff. Sept. 1, 1994; Laws 2001, c. 33, § 49, eff. July 1, 2001; Laws 2001, c. 280, § 7, eff. July 1, 2001; Laws 2006, c. 165, § 8, eff. Nov. 1, 2006.

§59-858-713. Experience required for certification - Qualifications.

A. An original certification as a state certified general or a state certified residential or state licensed appraiser shall not be issued to any person who does not possess the equivalent of the minimum requirements of experience promulgated by the Appraiser Qualifications Board of the Appraisal Foundation in real property appraisal supported by adequate written reports or file memoranda. Provided, no experience shall be required for a trainee appraiser. Provided, any state licensed appraiser who becomes state licensed prior to July 1, 2001, shall not be required to attain the minimum requirements of experience promulgated by the Appraiser Qualifications Board to maintain certification as a state licensed appraiser.

B. Each applicant for certification as a state certified general or a state certified residential or state licensed appraiser shall furnish under oath a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the Real Estate Appraiser Board for

examination, a sample of appraisal reports which the applicant has prepared in the course of that applicant's appraisal practice.

C. Each applicant for a certification upgrade to a state certified general or a state certified residential or state licensed appraiser shall be required to meet the prerequisites for the certification sought as provided in Section 858-712 of this title and the minimum requirements promulgated by the Appraiser Qualifications Board of the Appraisal Foundation as required by subsection A of this section. The application for a certification upgrade shall be processed as provided for an application for original certification, except all applications for certification upgrades shall be expedited. During the initial review period, all qualifications and experience including review of sample appraisal reports submitted shall be considered. Upon completion of the initial review, the applicant shall be notified as to whether or not the application for certification upgrade is approved. In the event an application for a certification upgrade is denied, a second review shall automatically commence. During a second review, the applicant may be required to submit different sample appraisal reports as authorized in subsection B of this section or other information requested by the Board or reviewer which would tend to clarify or assist in determining the applicant's qualifications and experience relating to the certification being sought. Following the completion of the second review, the applicant shall be notified in writing by the Board as to whether or not the application for certification upgrade is approved, and if denied, the notification shall state recommendations for improving qualifications and experience and any criteria for reapplication.

D. In order to expedite the application process provided in this section, the Real Estate Appraiser Board shall employ by contract, as necessary, a qualified appraiser or appraisers to review the applicants' experience for compliance with the minimum requirements promulgated by the Appraiser Qualifications Board of the Appraisal Foundation as required by subsection A of this section. In the event the application process cannot be completed in ninety (90) days, the Real Estate Appraiser Board shall notify the applicant of the reason for delay or provide an estimated date for completion of the application process.

Added by Laws 1990, c. 327, § 14, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 11, eff. Sept. 1, 1991; Laws 1992, c. 132, § 8, eff. Sept. 1, 1992; Laws 1994, c. 144, § 6, eff. Sept. 1, 1994; Laws 2001, c. 280, § 8, eff. July 1, 2001; Laws 2012, c. 216, § 2, eff. July 1, 2012.

§59-858-714. Term of certificate - Expiration.

The term of a certificate issued under the authority of this act shall be three (3) years from the date of issuance. The expiration

date of certificate shall appear on the certificate and no other notice of its expiration need be given to its holder.
Added by Laws 1990, c. 327, § 15, emerg. eff. May 31, 1990.

§59-858-715. Nonresident applicants - Consent of service of process - Reciprocal license.

A. Every applicant for certification pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process upon the applicant may be made by delivery of the process to the Secretary of State if, in an action against the applicant in a court of this state arising out of the applicant's activities as an Oklahoma certified real estate appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

B. An appraiser licensed by and residing in another state who is not licensed as an Oklahoma appraiser and who does not obtain an Oklahoma temporary practice permit for such purpose, may apply for and obtain an Oklahoma reciprocal license if:

1. The appraiser licensing and certification program of the state of the appraiser’s licensure and residence is in compliance with the reciprocity provisions of 12 U.S.C. 3351(b) and such other state has in place a policy of issuing a reciprocal certification or license for an appraiser licensed by another state; and

2. The nonresident appraiser holds a valid certification from a state whose requirements for appraiser certification or licensing meet or exceed the appraiser licensure standards established by the Oklahoma Certified Real Estate Appraisers Act.

Added by Laws 1990, c. 327, § 16, emerg. eff. May 31, 1990. Amended by Laws 1994, c. 144, § 7, eff. Sept. 1, 1994; Laws 2012, c. 142, § 1, eff. Nov. 1, 2012.

§59-858-716. Nonresident applicants from states with substantially equivalent certification requirements.

If, in the determination by the Board, another state is deemed to have substantially equivalent certification requirements, an applicant who is certified under the laws of such other state may obtain a certificate as an Oklahoma certified real estate appraiser upon such terms and conditions as may be determined by the Board provided they are in good standing with the state in which they hold a current certification and have become a resident of Oklahoma.
Added by Laws 1990, c. 327, § 17, emerg. eff. May 31, 1990. Amended by Laws 1994, c. 144, § 8, eff. Sept. 1, 1994.

§59-858-717. Denial of certificate.

A. The Board shall, in accordance with the provisions of the Oklahoma Certified Real Estate Appraisers Act relating to hearings on original certification and the requirement for such applicants to submit to a criminal history records search on and after January 1, 2015, deny the issuance of a certificate as a trainee, state-licensed, state-certified residential or state-certified general real estate appraiser to the applicant on any of the grounds stated below:

1. If the applicant has been convicted of, or pled guilty or nolo contendere to a felony in a domestic or foreign court during the five-year period immediately preceding the date of application;

2. If the applicant has been convicted of, or pled guilty or nolo contendere to a felony in a domestic or foreign court at any time preceding the date of application if such felony involved an act of fraud, dishonesty, a breach of trust or money laundering; or

3. The applicant has failed to demonstrate character and general fitness such as to warrant a determination that the applicant may not operate honestly and fairly in the conduct of appraisals as outlined within the real property appraisal qualifications criteria established by the Appraiser Qualifications Board.

B. The Board may for all other applicants, in accordance with the provisions of the Oklahoma Certified Real Estate Appraisers Act relating to hearings, deny the issuance of a certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser to an applicant on any of the grounds enumerated in the Oklahoma Certified Real Estate Appraisers Act.

Added by Laws 1990, c. 327, § 18, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 12, eff. Sept. 1, 1991; Laws 1992, c. 132, § 9, eff. Sept. 1, 1992; Laws 2001, c. 280, § 9, eff. July 1, 2001; Laws 2014, c. 97, § 3, eff. Nov. 1, 2014.

§59-858-718. Address of appraiser's principal place of business - Notification of change - Residence addresses.

A. Each trainee, state licensed, state certified residential or state certified general real estate appraiser shall advise the Real Estate Appraiser Board of the address of that appraiser's principal place of business and all other addresses at which such appraiser is currently engaged in the business of preparing real property appraisal reports.

B. Whenever a trainee, state licensed, state certified residential or state certified general real estate appraiser changes a place of business, that appraiser shall immediately give written notification of the change to the Board.

C. Every trainee, state licensed, state certified residential or state certified general real estate appraiser shall notify the

Board of that appraiser's current residence address. Residence addresses on file with the Board are exempt from disclosure as public records.
Added by Laws 1990, c. 327, § 19, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 13, eff. Sept. 1, 1991; Laws 1992, c. 132, § 10, eff. Sept. 1, 1992; Laws 2001, c. 280, § 10, eff. July 1, 2001; Laws 2006, c. 165, § 9, eff. Nov. 1, 2006.

§59-858-719. Certificate signatures and numbers.

A. A certificate issued pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act shall bear the signatures or facsimile signatures of the members of the Board and a certificate number assigned by the Board.

B. Each trainee, state licensed, state certified residential or state certified general real estate appraiser shall place that appraiser's certificate number adjacent to or immediately below the title Trainee Appraiser, State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities.
Added by Laws 1990, c. 327, § 20, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 14, eff. Sept. 1, 1991; Laws 1992, c. 132, § 11, eff. Sept. 1, 1992; Laws 2001, c. 280, § 11, eff. July 1, 2001.

§59-858-720. Issuance of certificate to corporation, partnership, firm or group prohibited.

A. The terms "Trainee, State Licensed, State Certified Residential or State Certified General Real Estate Appraiser" may only be used to refer to individuals who hold the license or certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

B. No certificate shall be issued pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act to a corporation, partnership, firm or group. This shall not be construed to prevent a trainee, state licensed, state certified residential or state certified general real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice.
Added by Laws 1990, c. 327, § 21, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 15, eff. Sept. 1, 1991; Laws 1992, c. 132, § 12, eff. Sept. 1, 1992; Laws 2001, c. 280, § 12, eff. July 1, 2001.

§59-858-721. Renewal certificate - Late renewal fee.

A. To obtain a renewal certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser, the holder of a current, valid certificate shall make application and pay the prescribed fee to the Board not earlier than one hundred twenty (120) days nor later than thirty (30) days after the expiration date of the certificate then held. With the application for renewal, the trainee, state licensed, state certified residential or state certified general real estate appraiser shall present evidence in the form prescribed by the Board of having completed the continuing education requirements for renewal specified pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act.

B. If a person fails to renew a certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser prior to its expiration, the person may obtain a renewal certificate by satisfying all of the requirements for renewal and by the payment of a late renewal fee.

Added by Laws 1990, c. 327, § 22, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 16, eff. Sept. 1, 1991; Laws 1992, c. 132, § 13, eff. Sept. 1, 1992; Laws 2001, c. 280, § 13, eff. July 1, 2001.

§59-858-722. Continuing education requirements - Board regulations - Requirement for reinstatement.

A. As a prerequisite to renewal of certification, a trainee, state licensed, state certified residential or state certified general real estate appraiser shall present evidence satisfactory to the Real Estate Appraiser Board of having met the continuing education requirements of this section.

B. The basic continuing education requirement of renewal of certification shall be the completion by the applicant, during the immediately preceding term of certification, of the minimum number of classroom hours of instruction in courses or seminars according to the guidelines promulgated by the Appraiser Qualifications Board.

C. The Board shall adopt regulations for implementation of the provisions of this section assuring that persons renewing their certifications as trainee, state licensed, state certified residential or state certified general real estate appraisers have current knowledge of real property appraisal theories, practices, and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of the certification. The regulations shall prescribe the following:

1. Policies and procedures for obtaining Board approval of courses of instruction pursuant to subsection B of this section; and

2. Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to Board approval of courses for credit.

D. No amendment or repeal of a regulation adopted by the Board pursuant to this section shall operate to deprive a trainee, state licensed, state certified residential or state certified general real estate appraiser of credit toward renewal of certification for any course of instruction completed by the applicant prior to the amendment or repeal of the regulation which would have qualified for continuing education credit under the regulation as it existed prior to the repeal or amendment.

E. Commencing thirty (30) days after the effective date of this act, a certification as a trainee, state licensed, state certified residential or state certified general real estate appraiser that has been revoked as a result of disciplinary action by the Board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required pursuant to the provisions of the Oklahoma Real Estate Appraisers Act. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for trainee, state licensed, state certified residential or state certified general real estate appraiser as a condition to reinstatement of certification.
Added by Laws 1990, c. 327, § 23, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 17, eff. Sept. 1, 1991; Laws 1992, c. 132, § 14, eff. Sept. 1, 1992; Laws 1994, c. 144, § 9, eff. Sept. 1, 1994; Laws 2001, c. 280, § 14, eff. July 1, 2001; Laws 2006, c. 165, § 10, eff. Nov. 1, 2006.

§59-858-723. Disciplinary proceedings – Penalties - Grounds - Civil judgment as basis - Complaints – Definitions.

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 crime that substantially relates to the practice of real estate appraisals 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.

Added by Laws 1990, c. 327, § 24, emerg. eff. May 31, 1990. Amended by Laws 1991, c. 271, § 18, eff. Sept. 1, 1991; Laws 1992, c. 132, § 15, eff. Sept. 1, 1992; Laws 1996, c. 318, § 10, eff. July 1, 1996; Laws 2001, c. 280, § 15, eff. July 1, 2001; Laws 2006, c. 165, § 11, eff. Nov. 1, 2006; Laws 2015, c. 183, § 5, eff. Nov. 1, 2015.

§59-858-724. Notice and hearing - Subpoenas and depositions.

A. Before suspending or revoking any certification, the Real Estate Appraiser Board shall notify the appraiser in writing of any charges made at least thirty (30) days prior to the date set for the hearing and shall afford the appraiser an opportunity to be heard in

person or by counsel.

B. In any proceeding in which the Board is required to serve an order on an individual, the Board may send such material to the individual's address of record with the Board. If the order is returned with a notation by the United States Postal Service indicating that it is undeliverable for any reason, and the records of the Board indicate that the Board has not received any change of address since the order was sent, as required by the rules of the Board, the order and any subsequent material relating to the same matter sent to the most recent address on file with the Board shall be deemed by the court as having been legally served for all purposes. The written notice may be served personally or by registered or certified mail to the last-known business and/or residence address of the appraiser.

C. The Board shall have the power to subpoena and issue subpoenas duces tecum and to bring before it any person in this state, or to take testimony by deposition, in the same manner as prescribed by law in judicial proceedings in the courts of this state.

Added by Laws 1990, c. 327, § 25, emerg. eff. May 31, 1990. Amended by Laws 2006, c. 165, § 12, eff. Nov. 1, 2006; Laws 2019, c. 90, § 2, eff. Nov. 1, 2019.

§59-858-725. Time and place of hearing - Final order of Board - Review.

A. The hearing on the charges shall be at a time and place prescribed by the Real Estate Appraiser Board and in accordance with the provisions of the Administrative Procedures Act.

B. If the Board determines that an Oklahoma certified appraiser is guilty of a violation of any of the provisions of the Oklahoma Certified Real Estate Appraisers Act, it shall prepare an order containing findings of fact, conclusions of law, and disciplinary penalties in accordance with Section 858-723 of this title. The decision and order of the Board shall be final.

C. Any final decision or order of the Board shall be reviewable by a court of appropriate jurisdiction in accordance with the provisions of the Administrative Procedures Act.

Added by Laws 1990, c. 327, § 26, emerg. eff. May 31, 1990. Amended by Laws 2006, c. 165, § 13, eff. Nov. 1, 2006.

§59-858-726. Uniform Standards of Professional Appraisal Practice - Compliance required.

An Oklahoma certified real estate appraiser must comply with the current edition of the Uniform Standards of Professional Appraisal Practice, as promulgated by the Appraisal Standards Board of the Appraisal Foundation when involved in a federally related transaction or a real estate-related financial transaction of the

agencies, instrumentalities and federally recognized entities as defined and recognized by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, or when both the appraiser and user of appraisal services agree in writing that the work product is an appraisal, or when a written appraisal states that it is in compliance with the Uniform Standards of Professional Appraisal Practice.
Added by Laws 1990, c. 327, § 27, emerg. eff. May 31, 1990. Amended by Laws 1996, c. 318, § 11, eff. July 1, 1996; Laws 2006, c. 165, § 14, eff. Nov. 1, 2006.

§59-858-727. Employment of certified real estate appraiser - Compliance with Act.

A client or employer may retain or employ an Oklahoma certified real estate appraiser to act as a disinterested third party in rendering an unbiased estimate of value or analysis. A client or employer may also retain or employ an Oklahoma certified real estate appraiser to provide specialized services to facilitate the client's or employer's objectives. In either case, the appraisal and the appraisal report must comply with the provisions of this act.
Added by Laws 1990, c. 327, § 28, emerg. eff. May 31, 1990.

§59-858-728. Contingent fees.

A. An Oklahoma certified real estate appraiser may not accept a fee for an appraisal assignment, as defined in the Oklahoma Certified Real Estate Appraisers Act, that is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion or is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment.

B. An Oklahoma certified real estate appraiser who enters into an agreement to perform specialized services, as defined in the Oklahoma Certified Real Estate Appraisers Act, may be paid a fixed fee or a fee that is contingent on the results achieved by the specialized services.

C. If an Oklahoma certified real estate appraiser enters into an agreement to perform specialized services for a contingent fee, this fact shall be clearly stated in each written and oral report. In each written report, this fact shall be clearly stated in a prominent location in such report and also in each letter of transmittal and in the certification statement made by the appraiser in such report.
Added by Laws 1990, c. 327, § 29, emerg. eff. May 31, 1990.

§59-858-729. Retention of records - Inspection by Board.

A. An Oklahoma certified real estate appraiser shall retain for five (5) years, originals or true copies of all written contracts engaging that appraiser's services for real property appraisal work,

and all reports and supporting data assembled and formulated by the appraiser in preparing the reports.

B. This five-year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within such five-year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the five-year period for the retention of records shall commence upon the date of the final disposition of such litigation.

C. All records required to be maintained pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act shall be made available by the Oklahoma certified real estate appraiser for inspection and copying by the Board on reasonable notice to the appraiser.

Added by Laws 1990, c. 327, § 30, emerg. eff. May 31, 1990.

§59-858-730. Oklahoma Certified Real Estate Appraisers Revolving Fund.

There is hereby created the "Oklahoma Certified Real Estate Appraisers Revolving Fund". The fund shall consist of all monies, other than appropriated monies, received by the Department from fees collected. The fund shall be a continuing fund not subject to fiscal year limitations and shall be subject to the administrative direction of the Department. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims made to the Director of the Office of Management and Enterprise Services. Monies may be expended for the operating expenses of the Department and the Board and shall be made pursuant to the laws of this state.

Added by Laws 1990, c. 327, § 31, emerg. eff. May 31, 1990. Amended by Laws 2012, c. 304, § 271.

§59-858-731. Repealed by Laws 1992, c. 132, § 16, eff. Sept. 1, 1992.

§59-858-732. Code of ethics.

A. All persons listed in paragraph 2 of subsection A of Section 858-702 of this title must conduct all real property valuations and any real property valuation-related activity in conformance with the following:

1. An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests;

2. The acceptance of compensation that is contingent upon the reporting of a predetermined value or a direction in value that

favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event is unethical;

3. The payment of undisclosed fees, commissions or things of value in connection with the procurement of real property valuation assignments is unethical;

4. Advertising for or soliciting appraisal assignments in a manner which is false, misleading or exaggerated is unethical;

5. An appraiser must protect the confidential nature of the appraiser-client relationship; and

6. Using or attempting to use the seal, certificate, or license of another as their own; falsely impersonating any duly licensed appraiser; using or attempting to use an inactive, expired, suspended, or revoked license; or aiding or abetting any of the foregoing is unethical.

B. Although this code of ethics is based upon the ethics provisions of the Uniform Standards of Professional Appraisal Practice, it is not the intent of the Legislature to incorporate the standards set forth in the Uniform Standards of Professional Appraisal Practice.

Added by Laws 1996, c. 318, § 12, eff. July 1, 1996. Amended by Laws 2006, c. 165, § 15, eff. Nov. 1, 2006.

§59-858-801. Oklahoma Appraisal Management Company Regulation Act.

This act shall be known and may be cited as the "Oklahoma Appraisal Management Company Regulation Act".

Added by Laws 2010, c. 364, § 1, eff. Jan. 1, 2011.

§59-858-802. Purpose of act.

It is the intent of the Legislature to develop a process for real estate appraisal management company registration and regulation in order to protect lenders, financial institutions, clients, consumers and the public from economic and financial harm and the potential for such harm that may result from interference with the independence, objectivity, and impartiality of the real estate appraisal process.

The purpose of the Oklahoma Appraisal Management Company Regulation Act is to provide a process for the registration and regulation of entities conducting, performing or engaging in, or attempting to conduct, perform or engage in, real estate appraisal management services as a real estate appraisal management company within the State of Oklahoma.

Added by Laws 2010, c. 364, § 2, eff. Jan. 1, 2011.

§59-858-803. Definitions.

As used in the Oklahoma Appraisal Management Company Regulation Act:

1. "Affiliate" has the meaning provided in 12 U.S.C. 1841;

2. "AMC National Registry" means the registry of state-registered appraisal management companies ("AMCs") and federally-regulated AMCs maintained by the Appraisal Subcommittee;

3. "Appraisal" means the practice of developing and reporting an opinion of the value of real property in conformance with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of The Appraisal Foundation;

4. "Appraisal management company" or "AMC" means a person that provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates; provides services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and within a given 12-month period oversees an appraiser panel of more than 15 state certified or state licensed appraisers in Oklahoma or 25 or more state-certified or state licensed appraisers in two or more states. An AMC does not include a department or division of an entity that provides appraisal management services only to that entity;

5. "Appraisal management services" means, directly or indirectly, to perform or attempt to perform any one or more of the following functions on behalf of a lender, financial institution, client, or any other person:

a. administer an appraiser panel,

b. recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel,

c. receive an order for an appraisal from one entity, and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion,

d. track and determine the status of orders for appraisals,

e. conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal, or

f. provide a completed appraisal performed by an appraiser to one or more clients;

6. "Appraiser" means a person who holds a credential or a valid temporary practice permit issued by the Oklahoma Real Estate Appraiser Board pursuant to the Oklahoma Certified Real Estate Appraisers Act as a State Certified General, State Certified Residential, State Licensed, or Trainee Appraiser entitling that person to perform an appraisal of real property in the State of Oklahoma consistent with the scope of practice identified in the Real Property Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of The Appraisal Foundation;

7. "Appraiser panel" means a network, list or roster of licensed or certified appraisers approved by an AMC to perform appraisals as independent contractors for the AMC. Appraisers on an "appraiser panel" include appraisers accepted by the AMC for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions and appraisers engaged by the AMC to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions. An appraiser is an independent contractor for purposes of this subpart if the appraiser is treated as an independent contractor by the AMC for purposes of federal income taxation;

8. "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment related to the appraiser's data collection, analysis, opinions, conclusions, estimate of value, or compliance with the Uniform Standards of Professional Appraisal Practice. This term does not include:

a. a general examination for grammatical, typographical or other similar errors, or

b. a general examination for completeness including regulatory and/or client requirements as specified in the agreement process that does not communicate an opinion;

9. "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Examinations Council;

10. "Board" means the Oklahoma Real Estate Appraiser Board;

11. "Competent appraiser" means an appraiser that satisfies each provision of the Competency Rule of the Uniform Standards of Professional Appraisal Practice for a specific appraisal assignment that the appraiser has received, or may receive, from an AMC;

12. "Consumer Credit" means credit offered or extended to a consumer primarily for personal, family or household purposes;

13. "Covered Transaction" means any consumer credit transaction secured by the consumer's principal dwelling;

14. "Credential" means a certificate issued by the Board pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act authorizing an individual to act as a Trainee Appraiser, State Licensed Appraiser, Certified Residential Appraiser or State Certified General Appraiser in the State of Oklahoma;

15. "Controlling person" means:

a. an owner, officer, manager, or director of a corporation, partnership, firm, association, limited liability company, or other business entity seeking to offer appraisal management services in this state,

b. an individual employed, appointed, or authorized by an AMC that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals, or

c. an individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an AMC;

16. "Federally Regulated AMC" means an AMC that is owned and controlled by an insured depository institution as defined in 12 U.S.C. 1813 and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation or the National Credit Union Administration pursuant to sections 1112, 1113 and 1114 of Title XI 12 U.S.C. 3341-3343;

17. "Person" means an individual, firm, partnership, association, corporation, or any other entity;

18. "Truth in Lending Act" or "TILA" means Title I of the Consumer Credit Protection Act (15 U.S.C.A., Section 1601 et seq.), and regulations thereunder; and

19. "Uniform Standards of Professional Appraisal Practice" or "USPAP" means the edition of the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of The Appraisal Foundation in force as of the date that a report of an appraisal was signed or communicated.

Added by Laws 2010, c. 364, § 3, eff. Jan. 1, 2011. Amended by Laws 2016, c. 195, § 1, eff. Nov. 1, 2016; Laws 2019, c. 90, § 3, eff. Nov. 1, 2019.

§59-858-804. Application for registration.

A. It is unlawful for a person to directly or indirectly engage or to attempt to engage in business as an AMC, to directly or indirectly perform or to attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an AMC without first obtaining a registration issued by the Oklahoma Real Estate Appraiser Board under the provisions of the Oklahoma Appraisal Management Company Regulation Act.

B. The application for the registration required by subsection A of this section shall be on a form approved by the Board and shall, at a minimum, include the following information:

1. Legal name and any other trade or business name of the entity seeking registration;

2. Mailing and physical addresses of the entity seeking registration;

3. Telephone, email, website, and facsimile contact information of the entity seeking registration;

4. If the entity is a corporation that is not domiciled in this state, the name and contact information for the entity's agent for service of process in this state;

5. If the entity is a corporation, limited liability company, or partnership that is not domiciled in this state, proof that the entity is properly and currently registered with the Office of the Secretary of State;

6. The name, mailing and physical addresses, and contact information for any person that owns the AMC;

7. The name, mailing and physical addresses, and contact information for all named controlling persons;

8. A certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the AMC for appraisal services being performed in Oklahoma holds a credential in good standing in this state pursuant to the Oklahoma Certified Real Estate Appraisers Act and the rules promulgated thereunder if a license or certification is required to perform appraisals, pursuant to Section 858-817 of this title;

9. A certification that the entity has a system in place to review the work of a statistically significant number of appraisal reports submitted by each appraiser who is performing real estate appraisal services for the AMC within Oklahoma on a periodic basis to validate that the real estate appraisal services are being conducted in accordance with USPAP and the Oklahoma Certified Real Estate Appraisers Act and the rules promulgated thereunder;

10. A certification that the entity maintains a detailed record of each service request that it receives and the appraiser that performs real estate appraisal services for the AMC, pursuant to Section 858-819 of this title;

11. An irrevocable Uniform Consent to Service of Process, pursuant to Section 858-807 of this title; and

12. Any other information reasonably required by the Board to evaluate compliance with the application requirements in the Oklahoma Appraisal Management Company Regulation Act.

Added by Laws 2010, c. 364, § 4, eff. Jan. 1, 2011. Amended by Laws 2016, c. 195, § 2, eff. Nov. 1, 2016; Laws 2019, c. 90, § 4, eff. Nov. 1, 2019.

§59-858-805. Applicability of act.

The provisions of the Oklahoma Appraisal Management Company Regulation Act shall not apply to:

1. A department or unit within a financial institution that is subject to direct regulation by an agency of the United States Government that is a member of the Federal Financial Institutions Examination Council or its successor, or to regulation by an agency

of this state, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser that is an independent contractor to the institution, except that an AMC that is a wholly owned subsidiary of a financial institution shall not be considered a department or unit within a financial institution to which the provisions of the Oklahoma Appraisal Management Company Regulation Act do not apply;

2. A person that enters into an agreement, whether written or otherwise, with an appraiser for the performance of an appraisal, and upon the completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal, except that an AMC may not avoid the requirements of the Oklahoma Appraisal Management Company Regulation Act by requiring an employee of the AMC that is an appraiser to sign an appraisal that is completed by an appraiser that is part of the appraisal panel of the AMC; or

3. An individual or individuals who are state-certified or state-licensed appraisers in good standing credentialed by the Oklahoma Real Estate Appraiser Board and who are actively engaged in the practice of real estate appraising and, as a function of the practice, maintain a list of fifteen or fewer employees in Oklahoma or twenty-four or less employees in two or more states who are credentialed appraisers in good standing or independent contractor credentialed appraisers in good standing.

Added by Laws 2010, c. 364, § 5, eff. Jan. 1, 2011. Amended by Laws 2019, c. 90, § 5, eff. Nov. 1, 2019.

§59-858-806. Duration of registration.

A registration or a renewal of a registration granted by the Board pursuant to the Oklahoma Appraisal Management Company Regulation Act shall be valid for one (1) year from the date on which it is issued.

Added by Laws 2010, c. 364, § 6, eff. Jan. 1, 2011.

§59-858-807. Uniform Consent to Service of Process.

Each entity applying for registration as an AMC in this state shall complete an irrevocable Uniform Consent to Service of Process, as prescribed by the Oklahoma Real Estate Appraiser Board.

Added by Laws 2010, c. 364, § 7, eff. Jan. 1, 2011.

§59-858-808. Registration fees.

The Oklahoma Real Estate Appraiser Board shall establish the fee to be paid by each AMC seeking registration or renewal of a registration under the Oklahoma Appraisal Management Company

Regulation Act. The amount of the registration and renewal fees must be the lesser of:

1. The Board's determination of the sum of the fees paid by all appraisal management companies seeking registration or renewal of a registration under the Oklahoma Appraisal Management Company Regulation Act sufficient for the administration of the Oklahoma Appraisal Management Company Regulation Act; or

2. Two Thousand Dollars ($2,000.00).

Fees shall be received by the Oklahoma Insurance Department and shall be deposited to the Oklahoma Certified Real Estate Appraisers Revolving Fund as set forth in the Oklahoma Certified Real Estate Appraisers Act.

Added by Laws 2010, c. 364, § 8, eff. Jan. 1, 2011.

§59-858-809. Ownership of AMC applying for, holding, or renewing a registration.

A. An AMC applying for, holding, or renewing a registration under the Oklahoma Appraisal Management Company Regulation Act shall not be owned by:

1. A person who has held a credential issued by any appraiser-credentialing jurisdiction to act as an appraiser that was refused, denied, canceled, suspended, revoked or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently granted or reinstated; or

2. An entity that is owned by any person who has held a credential issued by any appraiser-credentialing jurisdiction to act as an appraiser that was refused, denied, canceled, suspended, revoked or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently granted or reinstated.

B. Each person that owns an AMC applying for, holding, or renewing a registration under the Oklahoma Appraisal Management Company Regulation Act shall:

1. Be of good moral character, as determined by the Board; and

2. Submit to a background investigation, as determined by the Board.

C. Each AMC applying for registration or for renewal of a registration under the Oklahoma Appraisal Management Company Regulation Act shall certify to the Oklahoma Real Estate Appraiser Board on a form prescribed by the Board that it has reviewed each entity that owns the AMC and that no entity has had a credential issued by any appraiser-credentialing jurisdiction to act as an appraiser that was refused, denied, cancelled, suspended, revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently granted or reinstated.

Added by Laws 2010, c. 364, § 9, eff. Jan. 1, 2011. Amended by Laws 2016, c. 195, § 3, eff. Nov. 1, 2016; Laws 2019, c. 90, § 6, eff. Nov. 1, 2019.

§59-858-810. AMC controlling person.

A. Each AMC applying to the Oklahoma Real Estate Appraiser Board for a registration or for a renewal of a registration in this state shall designate one controlling person that shall serve as the main contact for all communication between the Board and the AMC.

B. The controlling person designated pursuant to subsection A of this section shall:

1. Remain in good standing with any appraiser-credentialing jurisdictions that the controlling person has credentials with, however, nothing in this section shall require that a designated controlling person hold an appraiser credential in any jurisdiction;

2. Have never had a credential issued by any appraiser-credentialing jurisdiction to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction;

3. Be of good moral character, as determined by the Board;

4. Submit to a background investigation, as determined by the Board; and

5. Notify the Oklahoma Real Estate Appraiser Board of any discipline imposed by any other jurisdiction, whether state or federal, including but not limited to consent agreements or orders, in connection with any real property valuation activity including, but not limited to, public or private reprimand, censure, financial penalty, probation, restriction on practice, delisting, suspension, revocation, surrender of license or credential, debarment or any other formal or informal resolution as to the Appraisal Management Company or any of its individual controlling officers in their capacity as an appraiser.

a. Discipline imposed by another jurisdiction shall be reported in writing within ten (10) calendar days of the certificate holder's receipt of the final order or notice of the discipline imposed, and failure to report shall itself be grounds for discipline.

b. The decision of the other jurisdiction that imposed discipline may not be collaterally attacked. The sole issue to be determined by the Board in the disciplinary proceeding in this state shall be the extent of the final discipline to be imposed by the Board which may be less or more severe than the discipline imposed by the other jurisdiction that imposed discipline.

Added by Laws 2010, c. 364, § 10, eff. Jan. 1, 2011. Amended by Laws 2016, c. 195, § 4, eff. Nov. 1, 2016.

§59-858-811. AMC prohibited actions.

An AMC that applies to the Oklahoma Real Estate Appraiser Board for a registration or to renew a registration to do business in this state as an AMC shall not:

1. Employ any person who has had a credential issued by any appraiser-credentialing jurisdiction to act as an appraiser that was refused, denied, canceled, suspended, revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently reinstated or granted;

2. Knowingly enter into any independent contractor arrangement, whether in verbal, written, or other form for the performance of appraisal or appraisal management services, with any person who has had a credential that was issued by any appraiser-credentialing jurisdiction to act as an appraiser refused, denied, canceled, suspended, revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently reinstated or granted; and

3. Knowingly enter into any contract, agreement, or other business relationship, whether in verbal, written, or any other form, with any entity that employs, has entered into an independent contract arrangement, or has entered into any contract, agreement, or other business relationship, whether in verbal, written, or any other form for the performance of appraisal or appraisal management services, with any person who has ever had a credential issued by any appraiser-credentialing jurisdiction to act as an appraiser that was refused, denied, canceled, suspended, revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently reinstated or granted.

Added by Laws 2010, c. 364, § 11, eff. Jan. 1, 2011. Amended by Laws 2016, c. 195, § 5, eff. Nov. 1, 2016.

§59-858-812. AMC verification that an appraiser holds a credential in good standing.

Prior to placing an assignment with an appraiser on the appraiser panel of an AMC, the AMC shall verify that the appraiser receiving the assignment holds a credential in good standing in this state pursuant to the Oklahoma Certified Real Estate Appraisers Act and the rules promulgated thereunder if a license or certification is required to perform such appraisal. Letters of engagement shall include instructions to the appraiser to decline the assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser’s scope of practice restrictions as established by the Board rules.

Added by Laws 2010, c. 364, § 12, eff. Jan. 1, 2011.

§59-858-813. Credentials of employees or contractors of an AMC.

Any employee of, or independent contractor to, the AMC that performs an appraisal review for a property located in Oklahoma

shall be an appraiser credentialed in good standing in the State of Oklahoma.
Added by Laws 2010, c. 364, § 13, eff. Jan. 1, 2011.

§59-858-814. Prohibition of contracts or agreements with uncredentialed appraisers.

An AMC registered in this state pursuant to the Oklahoma Appraisal Management Company Regulation Act shall not enter into any contract or agreement with an appraiser for the performance of appraisals unless it verifies that the individual is credentialed in good standing to perform the appraisal pursuant to the Oklahoma Certified Real Estate Appraisers Act.
Added by Laws 2010, c. 364, § 14, eff. Jan. 1, 2011.

§59-858-815. Annual certification of system or process to verify an appraiser's credentials.

Each AMC seeking to be registered in this state shall certify to the Oklahoma Real Estate Appraiser Board on an annual basis on a form prescribed by the Board that the AMC has a system and process in place to verify that an individual being added to the appraiser panel of the AMC for appraisal services holds a credential in good standing in this state pursuant to the Oklahoma Certified Real Estate Appraisers Act.
Added by Laws 2010, c. 364, § 15, eff. Jan. 1, 2011.

§59-858-816. Annual certification of system to validate an appraiser's performance.

Each AMC seeking to be registered or to renew a registration in this state shall certify to the Oklahoma Real Estate Appraiser Board on a form prescribed by the Board on an annual basis that it has a system in place to perform an appraisal review of the work product of a statistically significant number of appraisal reports submitted by each appraiser who is performing appraisals for the AMC on a periodic basis to validate that the appraisals are being conducted in accordance with the USPAP and the Oklahoma Certified Real Estate Appraisers Act and the rules promulgated thereunder. An AMC shall report to the Board the results of any appraisal reviews in which an appraisal is found to be substantially noncompliant with USPAP.
Added by Laws 2010, c. 364, § 16, eff. Jan. 1, 2011.

§59-858-817. Annual certification of each service request.

A. Each AMC seeking to be registered or to renew an existing registration in this state shall certify to the Oklahoma Real Estate Appraiser Board on a form prescribed by the Board on an annual basis that it maintains a detailed record of each service request that it receives for appraisal of real property located in Oklahoma.

B. An AMC registered under the provisions of the Oklahoma Appraisal Management Company Regulation Act shall retain for five (5) years all records required to be maintained under the Oklahoma Appraisal Management Company Regulation Act as described in the rules promulgated by the Board in accordance with the Oklahoma Appraisal Management Company Regulation Act. This five-year period shall commence on the date of the final action by the AMC for each individual transaction or, if the AMC is notified that the transaction is involved in litigation, the five-year period shall commence on the date that the litigation is finally disposed.

C. All records required to be maintained by the registered AMC pursuant to the provisions of the Oklahoma Appraisal Management Company Regulation Act and the rules promulgated thereunder shall be made available by the registration holder for inspection and copying by the Board or its designee on reasonable notice to the AMC.
Added by Laws 2010, c. 364, § 17, eff. Jan. 1, 2011.

§59-858-818. Disclosure of fees paid for appraiser management services and the appraisal assignment.

A. An AMC registered under the Oklahoma Appraisal Management Company Regulation Act shall be required to have a system in place to disclose to its client the fees paid for appraisal management services and the fees paid to the appraiser for the completion for an appraisal assignment.

B. An AMC registered under the Oklahoma Appraisal Management Company Regulation Act that applies for registration in this state shall not prohibit an appraiser that is part of an appraiser panel of the AMC from recording the fee that the appraiser was paid by the AMC for the performance of the appraisal within the communication of the appraisal that is submitted by the appraiser to the AMC.
Added by Laws 2010, c. 364, § 18, eff. Jan. 1, 2011.

§59-858-819. Violations of act.

A. Appraisal Management Companies shall comply with the appraisal independence requirements of Section 129E(a) through (i) of the Truth in Lending Act, 15 U.S.C., Section 1639e(a) through (i), and regulations thereunder.

B. It shall be unlawful and a violation of the Oklahoma Appraisal Management Company Regulation Act for any employee, partner, director, officer, or agent of an AMC to influence or attempt to influence the development, reporting, result, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery or in any other manner, including but not limited to:

1. Withholding or threatening to withhold timely payment or partial payment for an appraisal with the exception of a substandard or noncompliant appraisal;

2. Withholding or threatening to withhold, either expressed or implied, future business from, or demoting or terminating or threatening to demote or terminate an appraiser;

3. Promising, either expressed or implied, future business, promotions, or increased compensation for an appraiser;

4. Conditioning an assignment of an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

5. Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

6. Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided;

7. Providing to an appraiser, or any entity or individual related to the appraiser, stock or other financial or nonfinancial benefit or thing of value;

8. Allowing or directing the removal of an appraiser from an appraiser panel, or the addition of an appraiser to an exclusionary list of disapproved appraisers used by any entity, without prior written notice to such appraiser;

9. Any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or impartiality;

10. Submitting or attempting to submit false, misleading, or inaccurate information in any application for registration or renewal;

11. Failing to timely respond to any subpoena or any other request for information;

12. Failing to timely obey an administrative order of the Board; or

13. Failing to fully cooperate in any investigation.

C. Nothing in subsection B of this section shall be construed as prohibiting the AMC from requesting that an appraiser:

1. Provide additional information about the basis for a valuation including consideration of additional comparable data; or

2. Correct objective factual errors in an appraisal.

Added by Laws 2010, c. 364, § 19, eff. Jan. 1, 2011. Amended by Laws 2016, c. 195, § 6, eff. Nov. 1, 2016.

§59-858-820. Prohibited acts.

An AMC shall not perform or attempt to perform any one or more of the following acts:

1. Require an appraiser to modify any aspect of an appraisal unless the modification complies with Section 858-819 of this title;

2. Require an appraiser to prepare an appraisal if the appraiser, in the appraiser's own independent professional judgment, believes the appraiser does not have the necessary expertise for the assignment or for the specific geographic area and has notified the AMC and declined the assignment;

3. Require an appraiser to prepare an appraisal under a time frame that the appraiser, in the appraiser's own professional judgment, believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations and has notified the AMC and declined the assignment;

4. Prohibit or inhibit legal or other allowable communication between the appraiser and:

a. the lender,

b. a real estate licensee, or

c. any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;

5. Requires the appraiser to do anything that does not comply with:

a. USPAP,

b. the Oklahoma Certified Real Estate Appraisers Act or the rules promulgated thereunder, or

c. any assignment conditions and certifications required by the client; or

6. Makes any portion of the appraiser's fee or the AMC's fee contingent on a predetermined or favorable outcome, including but not limited to:

a. a loan closing, or

b. specific dollar amount being achieved by the appraiser in the appraisal.

Added by Laws 2010, c. 364, § 20, eff. Jan. 1, 2011. Amended by Laws 2016, c. 195, § 7, eff. Nov. 1, 2016.

§59-858-821. Payment within sixty days of transmitted appraisal.

A. Each AMC shall, except in bona fide cases of breach of contract or substandard performance of services, make payment to an appraiser for the completion of an appraisal or valuation assignment within sixty (60) days of the date on which the appraiser transmits or otherwise provides the completed appraisal or valuation study to the AMC or its assignee unless a mutually agreed upon alternate arrangement has been previously established.

B. Appraisal Management Companies are prohibited from requiring an appraiser to reimburse them for the Appraisal Subcommittee's Appraisal Management Company National Registry fee which may be charged or assessed against them.

Added by Laws 2010, c. 364, § 21, eff. Jan. 1, 2011. Amended by Laws 2019, c. 90, § 7, eff. Nov. 1, 2019.

§59-858-822. Altering, modifying, or changing completed appraisal.

A. An AMC shall not alter, modify, or otherwise change or attempt to alter, modify, or otherwise change a completed appraisal submitted by an appraiser by doing any of the following:

1. Permanently removing the appraiser's signature or seal;

2. Adding information to, or removing information from, the appraisal;

3. Altering, modifying or otherwise changing a completed appraisal submitted by an independent appraiser without the appraiser's knowledge and written consent; or

4. Using an appraisal submitted by an independent appraiser for any other transaction or use.

B. No AMC shall require an appraiser to provide the AMC with the appraiser's digital signature or seal, but nothing in this subsection shall be deemed to prohibit an appraiser from voluntarily providing his or her digital signature to another person in the manner permitted by the provisions of the USPAP.

Added by Laws 2010, c. 364, § 22, eff. Jan. 1, 2011.

§59-858-823. AMC registration number.

A. The Oklahoma Real Estate Appraiser Board shall issue a unique registration number to each AMC that is registered in this state.

B. The Board shall maintain a list on its website of the AMCs that have registered with the Board pursuant to the Oklahoma Appraisal Management Company Regulation Act and have been issued a registration number pursuant to subsection A of this section.

C. An AMC registered in this state shall place its registration number on any instrument utilized by the AMC for procurement of appraisal services in this state.

Added by Laws 2010, c. 364, § 23, eff. Jan. 1, 2011.

§59-858-824. Appraiser removed from appraiser panel.

A. An AMC shall not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an appraiser without:

1. Notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the AMC;

2. Providing an opportunity for the appraiser to respond to the written notification of the AMC either personally or through legal counsel; and

3. If the appraiser is being removed from the panel for illegal conduct, violation of the USPAP, or a violation of the Oklahoma Certified Real Estate Appraisers Act or the rules promulgated thereunder, providing notice to the appraiser and to the Oklahoma

Real Estate Appraiser Board detailing allegations of fact and alleged violations of standards or laws.

B. An appraiser that is removed from the appraiser panel of an AMC for alleged illegal conduct, violation of the USPAP, or violation of the Oklahoma Certified Real Estate Appraisers Act or the rules promulgated thereunder, may file a complaint with the Board for a review of the decision of the AMC, except that in no case shall the Board make any determination regarding the nature of the business relationship between the appraiser and the AMC which is unrelated to the actions specified in subsection A of this section.

C. If an appraiser files a complaint against an AMC pursuant to subsection B of this section, the Board shall adjudicate the complaint within one (1) year.

D. If after opportunity for hearing and review, the Board determines that an appraiser did not commit a violation of law, a violation of the USPAP, or a violation of the Oklahoma Certified Real Estate Appraisers Act or the rules promulgated thereunder, the Board shall order that an appraiser be promptly reinstated to the appraiser panel of the AMC that was the subject of the complaint, without prejudice.

E. Following the adjudication of a complaint to the Board by an appraiser against an AMC, an AMC may not refuse to make assignments for real estate appraisal services to an appraiser, or reduce the number of assignments, or otherwise penalize the appraiser, if the Board has found that the AMC acted improperly in removing the appraiser from the appraiser panel and ordered the appraiser's reinstatement.

Added by Laws 2010, c. 364, § 24, eff. Jan. 1, 2011. Amended by Laws 2019, c. 90, § 8, eff. Nov. 1, 2019.

§59-858-825. Authority to deny registration.

The Oklahoma Real Estate Appraiser Board may, in accordance with the provisions of the Oklahoma Appraisal Management Company Regulation Act relating to hearings, deny the issuance of a registration or a renewal of a registration to an applicant on any of the grounds enumerated in the Oklahoma Appraisal Management Company Regulation Act.

Added by Laws 2010, c. 364, § 25, eff. Jan. 1, 2011.

§59-858-826. Grounds for denial of registration.

The Oklahoma Real Estate Appraiser Board may refuse to issue a registration either on an original application or a renewal application, if it has reasonable grounds to believe and finds any of the following to be true:

1. That the applicant or any partner has, within twelve (12) months preceding the date of the application violated any provision

of the Oklahoma Appraisal Management Company Regulation Act or regulation of the Oklahoma Real Estate Appraiser Board;

2. That the applicant is not of good moral character;

3. That the applicant has been the holder of a registration revoked or suspended for cause, or surrendered in lieu of disciplinary proceedings;

4. That the applicant, in the case of an application for renewal of any registration, would not be eligible for such license on a first application;

5. That the issuance of the registration applied for would result in a violation of any provision of the Oklahoma Appraisal Management Company Regulation Act; or

6. When, in the judgment of the Oklahoma Real Estate Appraiser Board, the registrant has, in the conduct of affairs under the registration, demonstrated incompetency, or untrustworthiness, or conduct or practices rendering the registrant unfit to carry on appraisal management services or making continuance in the business detrimental to the public interest, or that the licensee is no longer in good faith carrying on appraisal management services, and for this conduct is found by the Oklahoma Real Estate Appraiser Board to be a source of detriment, injury, or loss to the public.

Added by Laws 2010, c. 364, § 26, eff. Jan. 1, 2011.

§59-858-827. Penalties - Censure, suspension or revocation of registration, fine.

The Oklahoma Real Estate Appraiser Board may censure an AMC, conditionally or unconditionally suspend or revoke any registration issued under the Oklahoma Appraisal Management Company Regulation Act, or impose administrative fines not to exceed Five Thousand Dollars ($5,000.00) per violation of the Oklahoma Appraisal Management Company Regulation Act, if in the opinion of the Board, an AMC is attempting to perform, has performed, or has attempted to perform any of the following acts:

1. Committing any act in violation of the Oklahoma Appraisal Management Company Regulation Act;

2. Violating any rule or regulation adopted by the Board in the interest of the public and consistent with the provisions of the Oklahoma Appraisal Management Company Regulation Act; or

3. Procuring a registration or a renewal of a registration for the AMC or committing any other act by fraud, misrepresentation, or deceit.

Added by Laws 2010, c. 364, § 27, eff. Jan. 1, 2011.

§59-858-828. Violation of act or rules.

A. The conduct of administrative proceedings shall be in accordance with the Administrative Procedures Act and the Oklahoma Certified Real Estate Appraisers Act and the rules promulgated

thereunder for violations of the Oklahoma Appraisal Management Company Regulation Act shall be vested in the Oklahoma Real Estate Appraiser Board, such that the 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 registrant has violated any provision of the Oklahoma Appraisal Management Company Regulation Act or rules promulgated thereunder:

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

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

3. Stipulations, limitations, restrictions and conditions relating to conduct of the registrant's appraisal management services practice;

4. Censure, including specific redress, if appropriate;

5. Reprimand;

6. Administrative fines not to exceed Five Thousand Dollars ($5,000.00) per violation; and

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

B. Payment of fines and costs shall be in accordance with the following:

1. All administrative fines and costs shall be paid within thirty (30) days of notifying the registrant's controlling person or the registrant's agent for service of process in this state of the order of the Board imposing the administrative fine, unless the registrant has entered into an agreement with the Board extending the period for payment;

2. The registration may be suspended until any fine imposed upon the registrant by the Board is paid;

3. Unless the registrant has entered into an agreement with the Board extending the period for payment, if fines and costs are not paid in full by the registrant within thirty (30) days of the notification of the order, the fines and costs shall double and the registrant shall have an additional thirty-day period. If the double fine and costs are not paid within the additional thirty-day period, the registration shall automatically be revoked; and

4. All monies received by the Board as a result of the imposition of the administrative fines and costs 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. Complaint filing procedures shall be in accordance with the following:

1. Any complaint filed under the Oklahoma Appraisal Management Company Regulation Act or the rules promulgated thereunder shall be in writing and signed by the person filing same and shall be on a form prescribed by the Board. A complaint may be filed against a registrant directly by the Board, if reasonable cause exists to believe there has been a violation of the Oklahoma Appraisal Management Company Regulation Act or rules; and

2. The registrant shall be entitled to any hearings or subject to any disciplinary proceedings provided for in the Oklahoma Appraisal Management Company Regulation Act or the rules promulgated thereunder based upon any complaint filed pursuant to this section.

D. Written notice of charges shall be provided as follows:

1. Before taking any administrative action against any registration, the Oklahoma Real Estate Appraiser Board shall notify the registrant in writing of any charges made at least thirty (30) days prior to the date set for hearing and shall afford the registrant an opportunity to be heard in person or by counsel; and

2. The written notice may be served personally or sent by registered or certified mail to the last-known address of either the registrant's controlling person or the registrant's service agent in this state.

Added by Laws 2010, c. 364, § 28, eff. Jan. 1, 2011. Amended by Laws 2016, c. 195, § 8, eff. Nov. 1, 2016.

§59-858-829. Promulgation of rules.

The Oklahoma Real Estate Appraiser Board shall promulgate rules to implement the provisions of the Oklahoma Appraisal Management Company Regulation Act.

Added by Laws 2010, c. 364, § 29, eff. Jan. 1, 2011.

§59-858-830. Report to Real Estate Appraiser Board required for federally regulated AMC.

A. A federally-regulated appraisal management company (AMC) operating in Oklahoma must report to the Real Estate Appraiser Board the information required to be submitted by the Real Estate Appraiser Board to the Appraisal Subcommittee of the Federal Financial Examinations Council (ASC), pursuant to the ASC's policies regarding the determination of the AMC National Registry fee, including, but not limited to, the collection of the information related to ownership limitations.

B. As a state electing to register AMCs for purposes of permitting AMCs to provide appraisal management services relating to covered transactions in Oklahoma, the Real Estate Appraiser Board shall submit to the ASC the information required to be submitted by ASC regulations or guidance concerning AMCs that operate in Oklahoma.

C. If the National Registry fee is received by the Real Estate Appraiser Board from a self-identifying AMC, such funds will be transmitted by the Real Estate Appraiser Board to the ASC National Registry.
Added by Laws 2019, c. 90, § 9, eff. Nov. 1, 2019.

§59-887.1. Short title.
This act shall be known as the "Physical Therapy Practice Act". Laws 1965, c. 153, § 1, emerg. eff. May 26, 1965.

§59-887.2. Definitions.
As used in the Physical Therapy Practice Act:
1. "Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist who is licensed pursuant to the Physical Therapy Practice Act;
2. "Practice of physical therapy" means the use of selected knowledge and skills in planning, organizing and directing programs for the care of individuals whose ability to function is impaired or threatened by disease or injury, encompassing preventive measures, screening, tests in aid of diagnosis by a licensed doctor of medicine, osteopathy, chiropractic, dentistry or podiatry, or a physician assistant, and evaluation and invasive or noninvasive procedures with emphasis on the skeletal system, neuromuscular and cardiopulmonary function, as it relates to physical therapy. Physical therapy includes screening or evaluations performed to determine the degree of impairment of relevant aspects such as, but not limited to, nerve and muscle function including transcutaneous bioelectrical potentials, motor development, functional capacity and respiratory or circulatory efficiency. Physical therapy also includes physical therapy treatment performed including, but not limited to, exercises for increasing or restoring strength, endurance, coordination and range of motion, stimuli to facilitate motor activity and learning, instruction in activities of daily living and the use of assistive devices and the application of physical agents to relieve pain or alter physiological status. Physical therapy services may be provided in person or remotely, via telehealth, to individuals or groups. The use of roentgen rays and radium for diagnostic or therapeutic purposes, the use of electricity for surgical purposes, including cauterization and colonic irrigations are not authorized under the term "physical therapy" as used in this chapter;
3. "Physical therapist assistant" means a person who assists in the practice of physical therapy subject to the direction and supervision of a licensed physical therapist, who meets all the educational requirements, and who is licensed pursuant to the provisions of the Physical Therapy Practice Act;

4. "Licensed physical therapist" means a person who is licensed as required in the Physical Therapy Practice Act and who regularly practices physical therapy;

5. "Board" means the State Board of Medical Licensure and Supervision;

6. "Committee" means the Physical Therapy Committee;

7. "Telehealth" means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration; and

8. "Telecommunication" means the use of audio, video or other electronic media to deliver health care in real-time or through the use of store-and-forward technology.

Added by Laws 1965, c. 153, § 2, emerg. eff. May 26, 1965. Amended by Laws 1969, c. 345, § 1; Laws 1987, c. 13, § 1, eff. July 1, 1987; Laws 1987, c. 118, § 44, operative July 1, 1987; Laws 2001, c. 385, § 5, eff. Nov. 1, 2001; Laws 2012, c. 29, § 1, eff. Nov. 1, 2012; Laws 2014, c. 324, § 1, eff. Nov. 1, 2014; Laws 2021, c. 77, § 1, eff. Nov. 1, 2021.

§59-887.3. License requirements.

No person shall designate himself as a physical therapist or physical therapist assistant, nor practice, nor hold himself out to the public as being able to practice physical therapy in this state, unless licensed in accordance with the provisions of the Physical Therapy Practice Act. The Physical Therapy Practice Act shall not prohibit or prevent any person licensed in the healing arts in this state from engaging in the practice for which he is duly licensed. Amended by Laws 1987, c. 13, § 2, eff. July 1, 1987.

§59-887.4. Physical Therapy Committee - Membership - Powers and duties.

A. There is hereby established a Physical Therapy Committee to assist the State Board of Medical Licensure and Supervision in conducting examinations for applicants and to advise the Board on all matters pertaining to the licensure, education, and continuing education of physical therapists and physical therapist assistants and the practice of physical therapy.

B. 1. The Physical Therapy Committee shall consist of five (5) members who shall be appointed by the State Board of Medical Licensure and Supervision as follows:

a. three members shall be licensed physical therapists,

b. one member shall be a licensed physical therapist assistant, and

c. one member shall be a lay person.

2. Except for the lay appointee, each appointee shall be selected from a list of three persons submitted for each vacancy by the Oklahoma Chapter of the American Physical Therapy Association.

a. Members serving on the Committee on the effective date of this act may continue serving until expiration of their terms of office and may be reappointed if eligible pursuant to the provisions of this act. Members of the original Physical Therapy Committee shall have been appointed for staggered terms of one (1), two (2), and three (3) years, respectively. Terms of office of each appointed member shall expire July 1 of that year in which they expire regardless of the calendar date when such appointments were made. Subsequent appointments shall be made for a term of three (3) years or until their successors are appointed and qualified.

b. The lay member and physical therapist assistant member initially appointed to fill the two new positions created pursuant to this act shall be appointed for staggered terms of office which will expire July 1, 1998, and July 1, 1999. Thereafter, members appointed to these positions shall serve for terms of three (3) years or until their successors are appointed and qualified.

c. Vacancies shall be filled by the Board in the same manner as the original appointment.

3. Each member of the Committee shall be a resident of this state. The physical therapist and physical therapist assistant members shall be licensed pursuant to the Physical Therapy Practice Act for at least three (3) years prior to appointment to the Committee. The lay member shall not be a physical therapist or a licensed health care professional or be related by adoption, blood, or marriage within the third degree of consanguinity to a physical therapist or a licensed health care professional.

4. Members of the Committee shall be reimbursed for all actual and necessary expenses incurred in the performance of duties required by the Physical Therapy Practice Act in accordance with the provisions of the State Travel Reimbursement Act.

C. The Committee shall have the power and duty to:

1. Assist in selecting and conducting examinations for licensure, and in determining which applicants successfully passed such examination;

2. Advise the Board on all matters pertaining to the licensure, education, and continuing education requirements for, and practice of physical therapy in this state;

3. Maintain a current list of approved schools of physical therapy and physical therapist assistants; and

4. Assist and advise in all hearings involving physical therapists or physical therapist assistants who are deemed to be in violation of the Physical Therapy Practice Act.
Added by Laws 1965, c. 153, § 4, emerg. eff. May 26, 1965. Amended by Laws 1969, c. 345, § 3; Laws 1985, c. 178, § 37, operative July 1, 1985; Laws 1987, c. 13, § 3, eff. July 1, 1987; Laws 1987, c. 118, § 45, operative July 1, 1987; Laws 1997, c. 126, § 1.

§59-887.5. Powers and duties of Board.

The State Board of Medical Licensure and Supervision shall have the power and duty to:

1. Promulgate rules necessary to implement the provisions of the Physical Therapy Practice Act;

2. Determine, as recommended by the Committee, the qualifications of applicants for licensure, conduct all examinations, and determine which applicants successfully passed such examinations;

3. Issue a license to each applicant who passes the examination in accordance with standards promulgated by the Board pursuant to the Physical Therapy Practice Act, and who is otherwise in compliance with the Physical Therapy Practice Act. A license shall also be issued to persons who qualify for such license pursuant to the provisions of Sections 887.9 and 887.10 of this title. Said licenses shall be subject to annual renewal as provided by the Physical Therapy Practice Act;

4. Make such investigations and inspections as are necessary to ensure compliance with the Physical Therapy Practice Act and the rules and regulations of the Board promulgated pursuant to the act;

5. Conduct hearings as required by the provisions of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes;

6. Report to the district attorney having jurisdiction or the Attorney General any act committed by any person which may constitute a misdemeanor pursuant to the provisions of the Physical Therapy Practice Act;

7. Initiate prosecution and civil proceedings;

8. Suspend, revoke or deny the license of any physical therapist and physical therapist assistant for violation of any provisions of the Physical Therapy Practice Act or rules and regulations promulgated by the Board pursuant to this act;

9. Maintain a record listing the name of each physical therapist and physical therapist assistant licensed in this state;

10. Compile a list of physical therapists and physical therapist assistants licensed to practice in this state. Said list shall be available to any person upon application to the Board and the payment of such fee as determined by the Board for the

reasonable expense thereof pursuant to the provisions of the Physical Therapy Practice Act;

11. Make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of the Physical Therapy Practice Act; and

12. Conduct state and national criminal history record checks as determined by the Board through the Oklahoma State Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and Federal Bureau of Investigation in accordance with 28 U.S.C., Section 534 and 34 U.S.C., Section 40316; provided, however, that reports from such record checks shall not be shared with entities outside of this state.

Added by Laws 1965, c. 153, § 5, emerg. eff. May 26, 1965. Amended by Laws 1969, c. 345, § 4; Laws 1987, c. 13, § 4, eff. July 1, 1987; Laws 2019, c. 198, § 1, emerg. eff. April 29, 2019; Laws 2021, c. 77, § 2, eff. Nov. 1, 2021.

§59-887.6. Qualifications for license.

A. Except as otherwise provided by law, to be eligible for licensure as a physical therapist or physical therapist assistant pursuant to the provisions of the Physical Therapy Practice Act an applicant shall pass an examination based on standards promulgated by the State Board of Medical Licensure and Supervision pursuant to the Physical Therapy Practice Act which shall include a written examination testing the knowledge of the applicant on:

1. The basic and clinical sciences as they relate to physical therapy theory and physical therapy procedures; and

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

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

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

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

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

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

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

a. have completed the application process,

b. provide satisfactory evidence that their education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs as determined by the Board. If the Board determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process,

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

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

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

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

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

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

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

(2) the applicant is able to document exceptional expertise acceptable to the Board in the fields of research, education, or clinical practice, and

i. have successfully passed the national examination approved by the Board.

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

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

F. 1. In addition to the requirements provided by subsection A of this section, the Board may require an applicant for licensure as a physical therapist or physical therapist assistant pursuant to the provisions of the Physical Therapy Practice Act, as a condition for eligibility for initial licensure, to submit a full set of fingerprints in a form and manner prescribed by the Board.

2. The Board is authorized to obtain state and national criminal history record information on the applicant.

3. The Board shall not disseminate criminal history record information resulting from the background check outside of this state.

Added by Laws 1965, c. 153, § 6, emerg. eff. May 26, 1965. Amended by Laws 1969, c. 345, § 5; Laws 1987, c. 13, § 5, eff. July 1, 1987; Laws 1997, c. 126, § 2; Laws 2019, c. 198, § 2, emerg. eff. April 29, 2019; Laws 2019, c. 363, § 37, eff. Nov. 1, 2019.

§59-887.7. Application for licenses - Fees.

Any person intending to practice as a physical therapist or physical therapist assistant in this state shall apply to the Board in writing. Such application shall be on a form and in a manner prescribed by the Board and shall request such information from the applicant as will indicate to the Board the applicant's qualifications to take the required examination or otherwise comply with the provisions of the Physical Therapy Practice Act. An application to the Board to practice as a physical therapist or a physical therapist assistant shall be accompanied by a fee as

required by the provisions of the Physical Therapy Practice Act. Said fee shall not be refundable.
Amended by Laws 1987, c. 13, § 6, eff. July 1, 1987.

§59-887.8. Issuance of license - Reexamination.

The Board shall issue an appropriate license to each applicant who successfully passes the examination in accordance with standards promulgated by the Board and who otherwise complies with the provisions of the Physical Therapy Practice Act.

Any applicant who fails to pass the examination may request to retake the examination in accordance with standards established by the Board.
Amended by Laws 1987, c. 13, § 7, eff. July 1, 1987.

§59-887.9. License without examination.

Upon payment to the Board of a fee as provided by the Physical Therapy Practice Act, and submission of a written application on forms provided by the Board, the Board may issue a license without examination to any person who is licensed or otherwise registered as a physical therapist by another state or any territory of the United States which has substantially the same standards for licensure as are required by this state pursuant to the provisions of the Physical Therapy Practice Act.
Amended by Laws 1987, c. 13, § 8, eff. July 1, 1987.

§59-887.10. Temporary permit without examination.

A. Upon proper application to the Board, and payment of the fee required by the provisions of the Physical Therapy Practice Act, the Board shall issue without examination a temporary permit to practice physical therapy or to practice as a physical therapist assistant in this state for a period of not to exceed one (1) year to any person who meets the qualifications required for applicants to take the examination and who submits satisfactory evidence to the Board that such applicant is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project. The Board may shorten the term of the temporary permit for less than one (1) year.

B. Upon proper application and payment of fees, the Board may issue a temporary permit to a person who has applied for a license pursuant to the provisions of Section 887.7 of this title, and who is eligible to take the examination pursuant to the provisions of the Physical Therapy Practice Act. Such temporary permit shall be available to an applicant only with respect to his first application for licensure. Such permit shall expire upon notice that the applicant has or has not passed the examination.
Amended by Laws 1987, c. 13, § 9, eff. July 1, 1987.

§59-887.12. Renewal of licenses.

A. 1. Except as otherwise provided by the Physical Therapy Practice Act, all licenses shall expire on January 31 of each year. A license may be renewed during the month of January of each year upon:

a. application,

b. evidence of satisfactory completion of a program of continuing education or of alternative requirements, as required by the State Board of Medical Licensure and Supervision pursuant to subsection B of this section, and

c. payment of fees.

2. Applications for renewal of licensure shall be sent by the Board to all licensed physical therapists and physical therapist assistants at their last-known address. Failure to renew a license three (3) months after notification shall effect a forfeiture of the license granted pursuant to the provisions of the Physical Therapy Practice Act. Upon recommendation of the Board, a lapsed license may be revived upon the payment of all unpaid registration fees and pursuant to such rules as may be promulgated by the Board.

3. A physical therapist or physical therapist assistant who fails to apply for a renewal of a license for five (5) years may renew the license by complying with the provisions of the Physical Therapy Practice Act relating to the issuance of an original license.

B. For physical therapists and physical therapist assistants, the Board shall establish by rule the requirements for:

1. A program of continuing education; and

2. Alternative requirements to establish continuing competence to practice.

The Board shall also establish by rule the minimum hours of continuing education needed to satisfy these requirements. In establishing these requirements, the Board shall consider any existing programs of continuing education currently being offered to licensed physical therapists or physical therapist assistants. Added by Laws 1965, c. 153, § 12, emerg. eff. May 26, 1965. Amended by Laws 1969, c. 345, § 8; Laws 1987, c. 13, § 10, eff. July 1, 1987; Laws 1997, c. 126, § 3.

§59-887.13. Refusal, suspension or revocation of license – Definitions.

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 and poses a reasonable threat to public safety;

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.

Added by Laws 1965, c. 153, § 13, emerg. eff. May 26, 1965. Amended by Laws 1969, c. 345, § 9; Laws 1987, c. 13, § 11, eff. July 1, 1987; Laws 2008, c. 26, § 1, emerg. eff. April 11, 2008; Laws 2014,

c. 324, § 2, eff. Nov. 1, 2014; Laws 2015, c. 183, § 6, eff. Nov. 1, 2015; Laws 2019, c. 363, § 38, eff. Nov. 1, 2019.

§59-887.14. Titles and abbreviations.

Any person holding a license pursuant to the provisions of the Physical Therapy Practice Act as a physical therapist may use the title "Physical Therapist", "Registered Physical Therapist", or "Licensed Physical Therapist", or the letters "P.T.", "R.P.T.", or "L.P.T.", as authorized by the license obtained from the State Board of Medical Licensure and Supervision. Any person holding a license pursuant to the provisions of the Physical Therapy Practice Act as a physical therapist who has earned a Doctor of Physical Therapy degree from a program approved by a national accrediting body recognized by the Board may use the title "Doctor of Physical Therapy" or the letters "D.P.T.".

Added by Laws 1965, c. 153, § 14, emerg. eff. May 26, 1965. Amended by Laws 1987, c. 13, § 12, eff. July 1, 1987; Laws 2022, c. 149, § 5, eff. Nov. 1, 2022.

§59-887.15. Obtaining license by misrepresentations - Penalty.

Any person who obtains, or attempts to obtain, licensure as a physical therapist or physical therapist assistant by any willful misrepresentation, grossly negligent misrepresentation, or any fraudulent misrepresentation, upon conviction, shall be guilty of a misdemeanor and shall be punished as required by the provisions of the Physical Therapy Practice Act.

Amended by Laws 1987, c. 13, § 13, eff. July 1, 1987.

§59-887.16. Misrepresentations - Penalties and actions.

A. No person shall advertise, in any manner, or otherwise represent himself as a physical therapist or physical therapist assistant or as a provider of physical therapy services unless such person is licensed pursuant to the provisions of the Physical Therapy Practice Act.

B. Any person who violates any provision of the Physical Therapy Practice Act shall be found guilty of a misdemeanor and upon conviction shall be subject to punishment pursuant to the provisions of Section 491 of this title and to one or more of the following actions which may be taken by the State Board of Medical Examiners in consultation with the Physical Therapy Committee:

1. Revocation of license;

2. Suspension of license not to exceed six (6) months from the date of hearing;

3. Invocation of restrictions in the form of probation as defined by the Board; or

4. For emergency situations where the question of continued right to practice is a threat to public welfare, utilization of

procedures as outlined in Section 481 et seq. of this title regarding physicians.
Added by Laws 1965, c. 153, § 16, emerg. eff. May 26, 1985. Amended by Laws 1987, c. 13, § 14, eff. July 1, 1987.

§59-887.17. Referrals by physicians, surgeons, or assistants thereof - Exceptions.

A. 1. Except for workers' compensation claims, any person licensed under the Physical Therapy Practice Act as a physical therapist shall be able to evaluate and treat human ailments by physical therapy on a patient without a referral from a licensed health care practitioner for a period not to exceed thirty (30) days. Treatment may be provided by a physical therapist assistant under the supervision of a physical therapist. Any treatment provided beyond the thirty-day period shall be only under the referral of a person licensed as a physician or surgeon with unlimited license, or the physician assistant of the person so licensed, and Doctors of Dentistry, Chiropractic and Podiatry and an Advanced Practice Registered Nurse, with those referrals being limited to their respective areas of training and practice.

2. A physical therapist may provide services within the scope of physical therapy practice without a physician referral to children who receive physical therapy services pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as may be amended, and Section 504 of the Rehabilitation Act of 1973, as may be amended. Provided further, a plan of care developed by a person authorized to provide services within the scope of the Physical Therapy Practice Act shall be deemed to be a prescription for purposes of providing services pursuant to the provisions of the Individuals with Disabilities Education Improvement Act of 2004, as may be amended, and Section 504 of the Rehabilitation Act of 1973, as may be amended.

3. Nothing in the Physical Therapy Practice Act shall prevent a physical therapist from performing screening and educational procedures within the scope of physical therapy practice without a physician referral.

4. Nothing in the Physical Therapy Practice Act shall prevent a physical therapist from performing services that are provided for the purpose of fitness, wellness, or prevention that is not related to the treatment of an injury or ailment.

5. Nothing in the Physical Therapy Practice Act shall be construed as authorization for a physical therapist or physical therapist assistant to practice any branch of the healing art.

6. Any person violating the provisions of the Physical Therapy Practice Act shall be guilty of a misdemeanor as per Section 887.16 of this title.

B. 1. The provisions of the Physical Therapy Practice Act are not intended to limit the activities of persons legitimately engaged in the nontherapeutic administration of baths, massage, and normal exercise.

2. The Physical Therapy Practice Act shall not prohibit students who are enrolled in schools of physical therapy approved by the State Board of Medical Licensure and Supervision from performing such work as is incidental to their course of study; nor shall it prevent any student in any recognized school of the healing art in carrying out prescribed courses of study; provided such school is a recognized institution by the statutes of Oklahoma, and its practitioners are duly licensed as prescribed by law.

3. Nothing in the Physical Therapy Practice Act shall apply to any person employed by an agency, bureau, or division of the federal government while in the discharge of official duties; however, if such individual engages in the practice of physical therapy outside the line of official duty, the individual must be licensed as herein provided.

Added by Laws 1965, c. 153, § 17, emerg. eff. May 26, 1965. Amended by Laws 1969, c. 345, § 11; Laws 1987, c. 13, § 16, eff. July 1, 1987; Laws 1987, c. 236, § 196, emerg. eff. July 20, 1987; Laws 2003, c. 135, § 1, eff. Nov. 1, 2003; Laws 2004, c. 543, § 6, eff. July 1, 2004; Laws 2005, c. 84, § 1, eff. Nov. 1, 2005; Laws 2008, c. 26, § 2, emerg. eff. April 11, 2008; Laws 2012, c. 29, § 2, eff. Nov. 1, 2012; Laws 2014, c. 324, § 3, eff. Nov. 1, 2014; Laws 2019, c. 224, § 1, eff. Nov. 1, 2019 and Laws 2019, c. 475, § 46, eff. Nov. 1, 2019.

NOTE: Laws 2019, c. 224, § 1 and Laws 2019, c. 475, § 46 made identical amendments to this section.

§59-887.18. Fees.

The Board shall prescribe and publish, in the manner established by its rules and regulations, fees in the amounts determined by the Board but not exceeding the following maximum amounts unless cost justification is present:

Physical Therapist Examination .....$150.00
Physical Therapist Assistant Examination .....$100.00
Physical Therapist License
and renewal thereof ..... $50.00
Physical Therapist Assistant License
and renewal thereof ..... $35.00
Temporary Permit .....$25.00

Added by Laws 1987, c. 13, § 15, eff. July 1, 1987.

§59-887.19. Physical Therapy Licensure Compact.

Physical Therapy Licensure Compact

ARTICLE I

Findings and Declaration of Purpose

A. The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

B. This Compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

2. Enhance the states' ability to protect the public's health and safety;

3. Encourage the cooperation of member states in regulating multistate physical therapy practice;

4. Support spouses of relocating military members;

5. Enhance the exchange of licensure, investigative and disciplinary information between member states; and

6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

ARTICLE II

Definitions

As used in this Compact:

1. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C., Sections 1209 and 1211;

2. "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both;

3. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues;

4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter;

5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work;

6. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege and adverse action;

7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way;

8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission;

9. "Home state" means the member state that is the licensee's primary state of residence;

10. "Investigative information" means information, records and documents received or generated by a physical therapy licensing board pursuant to an investigation;

11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state;

12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant;

13. "Member state" means a state that has enacted the Compact;

14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege;

15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy;

16. "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy;

17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist;

18. "Physical Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact;

19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants;

20. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege; and

21. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law.

ARTICLE III

State Participation in the Compact

A. To participate in the Compact, a state shall:

1. Participate fully in the Commission's data system, including using the Commission's unique identifier as defined in rules;

2. Have a mechanism in place for receiving and investigating complaints about licensees;

3. Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

4. Fully implement a state and national criminal background check requirement. The physical therapy licensing board shall forward fingerprints of each applicant for licensure to the Oklahoma State Bureau of Investigation. The Bureau shall conduct a state and national background check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and shall provide the results of the background check to the licensing board. The licensing board shall use the results in making licensure decisions in accordance with this Compact;

5. Comply with the rules of the Commission;

6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the Commission; and

7. Have continuing competence requirements as a condition for license renewal.

B. Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C., Section 534 and 42 U.S.C., Section 14616.

C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules.

D. Member states may charge a fee for granting a compact privilege.

ARTICLE IV

Compact Privilege

A. To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall:

1. Hold a license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with this Compact;

4. Have not had any adverse action against any license or compact privilege within the previous two (2) years;

5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the Commission adverse action taken by any nonmember state within thirty (30) days from the date the adverse action is taken.

B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of this Compact to maintain the compact privilege in the remote state.

C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and

2. Two (2) years have elapsed from the date of the adverse action.

F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of this Compact to obtain a compact privilege in any remote state.

G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

1. The specific period of time for which the compact privilege was removed has ended;

2. All fines have been paid; and

3. Two (2) years have elapsed from the date of the adverse action.

H. Once the requirements of this Compact have been met, the license must meet the applicable requirements in this Compact to obtain a compact privilege in a remote state.

ARTICLE V

Active Duty Military Personnel or their Spouses

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

1. Home of record;

2. Permanent Change of Station (PCS); or

3. State of current residence if it is different than the PCS state or home of record.

ARTICLE VI

Adverse Actions

A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

B. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

C. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states shall require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

E. A remote state shall have the authority to:

1. Take adverse actions as set forth in this Compact against a licensee's compact privilege in the state;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence is located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

G. Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

ARTICLE VII

Establishment of the Physical Therapy Compact Commission

A. The Compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission.

1. The Commission shall be an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Each member state shall have and be limited to one delegate selected by that member state's licensing board.

1. The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member or the board administrator.

2. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

3. The member state board shall fill any vacancy occurring in the Commission.

4. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

5. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

6. Bring and prosecute legal proceedings or actions in the name of the Commission; provided, that the standing of any state physical

therapy licensing board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided, that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided, that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Board; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.

D. The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of nine (9) members:

   a. seven voting members who are elected by the Commission from the current membership of the Commission,

   b. one ex officio, nonvoting member from the recognized national physical therapy professional association, and

   c. one ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

2. The ex officio members shall be selected by their respective organizations.

3. The Commission may remove any member of the Executive Board as provided in bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following duties and responsibilities:

a. recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege,

b. ensure Compact administration services are appropriately provided, contractual or otherwise,

c. prepare and recommend the budget,

d. maintain financial records on behalf of the Commission,

e. monitor Compact compliance of member states and provide compliance reports to the Commission,

f. establish additional committees as necessary, and

g. other duties as provided in rules or bylaws.

E. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in this Compact.

1. The Commission or the Executive Board or other committees of the Commission may convene in a closed, nonpublic meeting if the Commission or Executive Board or other committees of the Commission must discuss:

a. noncompliance of a member state with its obligations under the Compact,

b. the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures,

c. current, threatened or reasonably anticipated litigation,

d. negotiation of contracts for the purchase, lease or sale of goods, services or real estate,

e. accusing any person of a crime or formally censuring any person,

f. disclosure of trade secrets or commercial or financial information that is privileged or confidential,

g. disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,

h. disclosure of investigative records compiled for law enforcement purposes,

i. disclosure of information related to any investigative reports prepared by or on behalf of or for use of the

Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact, or

j. matters specifically exempted from disclosure by federal or member state statute.

2. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

3. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

1. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials and services.

2. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

3. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

4. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other

civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

1. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

2. The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE VIII

Data System

A. The Commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or compact privilege;

4. Nonconfidential information related to alternative program participation;

5. Any denial of application for licensure, and the reason(s) for such denial; and

6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

ARTICLE IX

Rulemaking

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons;

2. A state or federal governmental subdivision or agency; or

3. An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

K. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided, that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than ninety (90) days after the

effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;

2. Prevent a loss of Commission or member state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE X

Oversight, Dispute Resolution, and Enforcement

A. The executive, legislative and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

B. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

C. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

D. 1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission, and

b. provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an

affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

E. 1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

F. 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XI

Date of Implementation, Associated Rules, Withdrawal or Amendment

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XII

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any party state, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Added by Laws 2018, c. 259, § 1, eff. Nov. 1, 2018.

§59-888.1. Short title.

This act shall be known and cited as the "Occupational Therapy Practice Act".
Added by Laws 1984, c. 119, § 1, eff. Nov. 1, 1984.

§59-888.2. Purpose.

In order to safeguard the public health, safety and welfare, to protect the public from being misled by incompetent and unauthorized persons, to assure the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants, and to assure the availability of occupational therapy services of high quality to persons in need of such services, it is the purpose of this act to provide for the regulation of persons offering occupational therapy services to the public.
Added by Laws 1984, c. 119, § 2, eff. Nov. 1, 1984.

§59-888.3. Definitions.

As used in the Occupational Therapy Practice Act:

1. "Occupational therapy" is a health profession for which practitioners provide assessment, treatment, and consultation through the use of purposeful activity with individuals who are limited by or at risk of physical illness or injury, psycho-social dysfunction, developmental or learning disabilities, poverty and cultural differences or the aging process, in order to maximize independence, prevent disability, and maintain health. Specific occupational therapy services include but are not limited to the use of media and methods such as instruction in daily living skills and cognitive retraining, facilitating self-maintenance, work and leisure skills, using standardized or adapted techniques, designing, fabricating, and applying selected orthotic equipment or selective adaptive equipment with instructions, using therapeutically applied creative activities, exercise, and other media to enhance and restore functional performance, to administer and interpret tests which may include sensorimotor evaluation, psycho-social assessments, standardized or nonstandardized tests, to improve developmental skills, perceptual and motor skills, and sensory integrative function, and to adapt the environment for the handicapped. These services are provided individually, in groups, via telehealth or through social systems;

2. "Occupational therapist" means a person licensed to practice occupational therapy pursuant to the provisions of the Occupational Therapy Practice Act;

3. "Occupational therapy assistant" means a person licensed to provide occupational therapy treatment under the general supervision of a licensed occupational therapist;

4. "Occupational therapy aide" means a person who assists in the practice of occupational therapy and whose activities require an understanding of occupational therapy, but do not require the

technical or professional training of an occupational therapist or occupational therapy assistant;

5. "Board" means the State Board of Medical Licensure and Supervision;

6. "Person" means any individual, partnership, unincorporated organization, or corporate body, except only an individual may be licensed pursuant to the provisions of the Occupational Therapy Practice Act;

7. "Committee" means the Oklahoma Occupational Therapy Advisory Committee;

8. "Telehealth" means the use of electronic information and telecommunications technologies to support and promote access to clinical health care, patient and professional health-related education, public health and health administration; and

9. "Telerehabilitation" or "teletherapy" means the delivery of rehabilitation and habilitation services via information and communication technologies (ICT), also commonly referred to as "telehealth" technologies.

Added by Laws 1984, c. 119, § 3, eff. Nov. 1, 1984. Amended by Laws 1987, c. 118, § 46, operative July 1, 1987; Laws 2019, c. 383, § 1, eff. Nov. 1, 2019.

§59-888.4. License required - Application of act - Plan of care.

A. No person shall practice occupational therapy or hold himself or herself out as an occupational therapist, or as being able to practice occupational therapy, or to render occupational therapy services in this state unless he or she is licensed in accordance with the provisions of this act. The licensing provisions of this act shall not be applicable to a person who assists in the practice of occupational therapy as an occupational therapy aide.

B. The provisions of this act shall not be construed to authorize occupational therapists or occupational therapy assistants to practice medicine and surgery within the meaning of Section 492 of Title 59 of the Oklahoma Statutes.

C. Notwithstanding any other provisions of this act, a plan of care developed by a person authorized to provide services within the scope of the Occupational Therapy Practice Act shall be deemed to be a prescription for purposes of providing services pursuant to the provisions of the Individuals with Disabilities Education Act, Amendment of 1997, Public Law 105-17, and Section 504 of the Rehabilitation Act of 1973.

Added by Laws 1984, c. 119, § 4, eff. Nov. 1, 1984. Amended by Laws 2004, c. 543, § 7, eff. July 1, 2004.

§59-888.5. Practices, services and activities not prohibited.

Nothing in the Occupational Therapy Practice Act shall be construed to prevent or restrict the practice, services, or activities of:

1. Any persons of other licensed professions or personnel supervised by licensed professions in this state from performing work incidental to the practice of their profession or occupation, if that person does not represent himself as an occupational therapist or occupational therapy assistant;

2. Any person employed as an occupational therapist or occupational therapy assistant by the Government of the United States if such person provides occupational therapy solely under the direction or control of the organization by which he or she is employed;

3. Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited educational program if such activities and services constitute a part of a supervised course of study, if such a person is designated by a title which clearly indicates his status as a student or trainee;

4. Any person fulfilling the supervised field work experience requirements of Section 888.6 of this title, if such activities and services constitute a part of the experience necessary to meet the requirements of that section;

5. Any person performing occupational therapy services in this state, if services are performed for no more than ninety (90) days in a calendar year in association with an occupational therapist licensed pursuant to the provisions of this act, if:

   a. such person is licensed according to the laws of another state which has licensure requirements equal to or surpassing the requirements of the Occupational Therapy Practice Act, or

   b. such person is certified as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.), by the National Board for Certification in Occupational Therapy;

6. Any person employed or working under the direct supervision of an occupational therapist as an occupational therapy aide; or

7. A certified recreational therapist in the area of play and leisure.

Added by Laws 1984, c. 119, § 5, eff. Nov. 1, 1984. Amended by Laws 2019, c. 383, § 2, eff. Nov. 1, 2019.

§59-888.6. See the following versions:

OS 59-888.6v1 (HB 1373, Laws 2019, c. 363, § 39).

OS 59-888.6v2 (SB 1038, Laws 2019, c. 383, § 3).

§59-888.6v1. Application for license - Information required.

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

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

2. Education: Applicants shall present evidence satisfactory to the Board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the Board, with concentration in biological or physical science, psychology and sociology, and with education in selected manual skills. For an occupational therapist the educational program shall be accredited by the Committee on Allied Health Education and Accreditation/American Medical Association in collaboration with the American Occupational Therapy Association. For an occupational therapy assistant, such a program shall be approved by the American Occupational Therapy Association;

3. Experience: Applicants shall submit to the Board evidence of having successfully completed a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where he met the academic requirements. For an occupational therapist, a minimum of six (6) months of supervised field work experience is required. For an occupational therapy assistant, a minimum of two (2) months of supervised field work experience is required;

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

Added by Laws 1984, c. 119, § 6, eff. Nov. 1, 1984. Amended by Laws 2019, c. 363, § 39, eff. Nov. 1, 2019.

§59-888.6v2. Application for license - Information required.

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

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

2. Character: Applicants shall meet the standards of the Code of Ethics and licensure rules adopted by the Board to safeguard the public;

3. Education: Applicants shall present evidence satisfactory to the Board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the Board, with concentration in biological or physical science, psychology and sociology, and with education in selected manual skills. For an occupational therapist the

educational program shall be accredited by the Accreditation Council for Occupational Therapy Education (ACOTE). For an occupational therapy assistant, such a program shall be approved by ACOTE;

4. Experience: Applicants shall submit to the Board evidence of having successfully completed a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where he or she met the academic requirements. For an occupational therapist, a minimum of six (6) months of supervised field work experience is required. For an occupational therapy assistant, a minimum of two (2) months of supervised field work experience is required;

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

Added by Laws 1984, c. 119, § 6, eff. Nov. 1, 1984. Amended by Laws 2019, c. 383, § 3, eff. Nov. 1, 2019.

§59-888.7. Application for license - Form - Examination and reexamination.

A. A person applying for a license shall demonstrate his or her eligibility in accordance with the requirements of Section 888.6 of this title and shall make application for examination upon a form in such a manner as the National Board for Certification in Occupational Therapy (NBCOT) shall prescribe. A person who fails the examination may make reapplication for reexamination accompanied by the prescribed fee.

B. Each applicant for licensure pursuant to the provisions of the Occupational Therapy Practice Act shall be examined on the applicant's knowledge of the basic and clinical sciences relating to occupational therapy and occupational theory and practice, including the application of professional skills and judgment in the utilization of occupational therapy techniques and methods and such other subjects as the Board may deem useful to determine the applicant's fitness to practice. The Board shall approve an examination and establish standards for acceptable practice. NBCOT shall be the approved provider for the examination according to national standards for entry-level practice.

C. Applicants for licensure shall be examined at a time and place as NBCOT may determine. Applicants must pass the examination by a score determined by NBCOT. Examinations shall be given at least two times each year at such places as NBCOT may determine.

D. In case of failure of any examination the applicant shall have the privilege of a second examination on payment of the regular fees. In case of a second failure, the applicant shall be eligible for the third examination, but shall, in addition to the requirements for previous examinations have to wait a specific period as determined by NBCOT, not to exceed one (1) year, before

reexamination. The waiting period may include completion of academic or clinical work as prescribed by rules promulgated by the Board. A temporary license may be issued pursuant to the provisions of Section 888.8 of this title. Further testing shall be at the discretion of the Board and NBCOT guidelines.

E. Applicants shall be given their examination scores in accordance with such rules and regulations as NBCOT may establish. Added by Laws 1984, c. 119, § 7, eff. Nov. 1, 1984. Amended by Laws 2019, c. 383, § 4, eff. Nov. 1, 2019.

§59-888.8. Waiver of examination, education or experience requirements.

A. The Board shall waive the examination and grant a license to any person certified prior to the effective date of this act as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) by the American Occupational Therapy Association. The Board may waive the examination, education, or experience requirements and grant a license to any person so certified after the effective date of this act if the Board considers the requirements for such certification to be at least equivalent to the requirements for licensure in this act.

B. The Board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards of licensure considered by the Board to be at least equivalent to the requirements for licensure in this act.

C. An applicant may be licensed as an occupational therapist if he has first practiced as an occupational therapy assistant for four (4) years and has completed the requirements of paragraph 4 of Section 6 of this act before January 1, 1988, and has passed the examination for occupational therapist.
Added by Laws 1984, c. 119, § 8, eff. Nov. 1, 1984. Added by Laws 1984, c. 119, § 8, eff. Nov. 1, 1984.

§59-888.9. Denial, refusal, suspension, revocation, censure, probation and reinstatement of license – Definitions.

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 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.

Added by Laws 1984, c. 119, § 9, eff. Nov. 1, 1984. Amended by Laws 2015, c. 183, § 7, eff. Nov. 1, 2015.

§59-888.10. Renewal of license - Continuing education.

A. Licenses under this act shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the Board, upon payment of a renewal fee provided for in Section 11 of this act. The Board may provide for the late renewal of a license upon payment of a late fee in accordance with its rules and regulations, but no such late renewal of a license may be granted more than five (5) years after its expiration. A hearing before the Board may be required in addition to a late fee.

B. A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any conduct or activity in violation of the order or judgment by which the license was suspended. If a license revoked on disciplinary

grounds is reinstated, the licensee as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

C. The Board may establish continuing education requirements to facilitate the maintenance of current practice skills of all persons licensed under this act.

Added by Laws 1984, c. 119, § 10, eff. Nov. 1, 1984.

§59-888.11. Fees.

The Board shall prescribe and publish, in the manner established by its rules and regulations, fees in the amounts determined by the Board for the following:

1. Initial license fee;
2. Renewal of license fee; and
3. Late renewal fee.

Added by Laws 1984, c. 119, § 11, eff. Nov. 1, 1984. Amended by Laws 2019, c. 383, § 5, eff. Nov. 1, 2019.

§59-888.12. Oklahoma Occupational Therapy Advisory Committee - Creation - Membership - Term - Vacancies - Removal - Liability.

An Oklahoma Occupational Therapy Advisory Committee of the State Board of Medical Licensure and Supervision is hereby created. The Committee shall consist of five (5) members appointed by the Board, upon recommendation of the Oklahoma Occupational Therapy Association, for staggered terms of three (3) years, except for the first Committee appointed hereunder. Three members shall be occupational therapists with at least five (5) years' experience, one member shall be an occupational therapy assistant with at least three (3) years' experience, and one member shall be a consumer. All of the therapists shall be licensed except for the first members of the Committee who shall be licensed as soon after their appointments as possible. Said licensing shall take place within ninety (90) days after this act becomes effective.

The terms of the members shall be for three (3) years and until their successors are appointed and qualify; except of those first appointed, one shall serve for one (1) year, one shall serve for two (2) years, and three shall serve for three (3) years. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. The Board after notice and opportunity for hearing may remove any member of the Committee for neglect of duty, incompetence, revocation or suspension of license, or other dishonorable conduct. A member of the Committee is not liable to civil action for any act performed in good faith in the execution of his duties in this capacity.

Added by Laws 1984, c. 119, § 12, eff. Nov. 1, 1984. Amended by Laws 1987, c. 118, § 47, operative July 1, 1987.

§59-888.13. Oklahoma Occupational Therapy Advisory Committee - Officers - Meetings - Rules - Records - Expenses.

A. The members of the Oklahoma Occupational Therapy Advisory Committee shall elect from their number a chairman. Special meetings of the Committee shall be called by the chairman on the written request of any three members. The Committee shall recommend to the Board for adoption rules as necessary to govern its proceedings and implement the purposes of this act.

B. The Board shall keep a written record of each meeting of the Committee and maintain a register containing names of all occupational therapists licensed under this act, which shall be at all times open to public inspection. On March 1, of each year, the Board shall transmit an official copy of the list of licensees to the Secretary of State for permanent record, a certified copy of which shall be admissible as evidence in any court in the state.

C. Members of the Committee shall be reimbursed for all actual and necessary expenses incurred in the performance of duties required by this act in accordance with the provisions of the State Travel Reimbursement Act.

Added by Laws 1984, c. 119, § 13, eff. Nov. 1, 1984.

§59-888.14. Powers and duties of Committee.

A. The Oklahoma Occupational Therapy Advisory Committee shall recommend to the Board for approval a list of applicants for licenses at least twice each year at such reasonable times and places as shall be designated by the Board in its discretion.

B. The Board shall approve the examination as described in Section 7 of this act.

C. The Board may investigate complaints, issue, suspend, deny, and revoke licenses, reprimand licensees and place them on probation, issue subpoenas, and hold hearings.

D. The Committee shall propose rules to the Board consistent with this act to carry out its duties in administering this act.

E. The Board may hire individuals as it deems necessary to implement the purposes of this act.

F. The Board shall assist the proper legal authorities in the prosecution of all persons violating any provisions of this act.

G. The Board shall issue a license to any person who meets the requirements of this act upon payment of the prescribed license fee.

Added by Laws 1984, c. 119, § 14, eff. Nov. 1, 1984.

§59-888.15. Titles and abbreviations - Misrepresentation - Penalties.

A. Any person holding a license as occupational therapist issued by the Board may use the title "Occupational Therapist", "Registered Occupational Therapist", or "Licensed Occupational Therapist", or the letters "O.T.", "O.T.R.", or "O.T.R./L.". Any

person holding a license as an occupational therapy assistant issued by the Board may use the title "Occupational Therapy Assistant", "Certified Occupational Therapy Assistant", or "Licensed Occupational Therapy Assistant" or use the letters "O.T.A.", "C.O.T.A.", or "O.T.A./L.". No other person shall in any way, orally or in writing, in print, or by sign or transmission of sound or sight, directly or by implication, represent himself as an occupational therapist. Such misrepresentation, upon conviction, shall constitute a misdemeanor and shall be punishable as herein provided; provided, however, that nothing in this act shall prohibit any person who does not in any way assume or represent himself to be an occupational therapist, registered occupational therapist, licensed occupational therapist, occupational therapy assistant, certified occupational therapy assistant, or licensed occupational therapy assistant, from doing other types of therapies as may be authorized by law.

B. Any person who obtains, or attempts to obtain, licensure as an occupational therapist or occupational therapy assistant by any willful misrepresentation, grossly negligent misrepresentation, or any fraudulent misrepresentation, upon conviction, shall be guilty of a misdemeanor and punishable as herein set forth.

C. Any person who violates any provisions of this act, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail in the county in which such conviction occurred for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment. Each day upon which this act shall be violated shall constitute a separate offense and shall be punishable as such.
Added by Laws 1984, c. 119, § 15, eff. Nov. 1, 1984.

§59-889. Short title - Music Therapy Practice Act.

This act shall be known and may be cited as the "Music Therapy Practice Act".
Added by Laws 2016, c. 202, § 1, eff. Nov. 1, 2016.

§59-889.1. Definitions.

As used in the Music Therapy Practice Act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Board-certified music therapist" means an individual who has completed the education and clinical training requirements established by the American Music Therapy Association, and who holds current board certification from the Certification Board for Music Therapists;

3. "Committee" means the Music Therapy Committee;

4. "Licensed music therapist" means a person licensed to practice music therapy in the State of Oklahoma;

5. "Music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship between a patient and a practitioner who is licensed pursuant to the Music Therapy Practice Act; and

6. "Practice of music therapy" includes the development of individualized music therapy treatment plans specific to the needs and strengths of the client who may be seen individually or in groups. The goals, objectives and potential strategies of the music therapy services are appropriate for the client and setting. The music therapy interventions may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, singing, music performance, learning through music, music combined with other arts, music-assisted relaxation, music-based patient education, electronic music technology, adapted music intervention and movement to music. The practice of music therapy does not include the diagnosis or assessment of any physical, mental or communication disorder. This term may include:

a. accepting referrals for music therapy services from medical, developmental, mental health or education professionals, family members, clients, caregivers or others involved and authorized with provision of client services. Before providing music therapy services to a client for an identified clinical or developmental need, the licensee collaborates, as applicable, with the primary care provider(s) to review the client's diagnosis, treatment needs and treatment plan. During the provision of music therapy services to a client the licensee collaborates, as applicable, with the client's treatment team,

b. conducting a music therapy assessment of a client to determine if treatment is indicated. If treatment is indicated, the licensee collects systematic, comprehensive and accurate information to determine the appropriateness and type of music therapy services to provide for the client,

c. developing an individualized music therapy treatment plan for the client that is based upon the results of the music therapy assessment. The music therapy treatment plan includes individualized goals and objectives that focus on the assessed needs and strengths of the client and specify music therapy approaches and interventions to be used to address these goals and objectives,

d. implementing an individualized music therapy treatment plan that is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care or educational services being provided to the client,
e. evaluating the client's response to music therapy and the music therapy treatment plan, documenting change and progress and suggesting modifications, as appropriate,
f. developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, physician or other provider of health care or education of the client, family members of the client, and any other appropriate person upon whom the client relies for support,
g. minimizing any barriers to ensure that the client receives music therapy services in the least restrictive environment,
h. collaborating with and educating the client and the family or caregiver of the client, or any other appropriate person regarding the needs of the client that are being addressed in music therapy and the manner in which the music therapy treatment addresses those needs, and
i. utilizing appropriate knowledge and skills to inform practice including use of research, reasoning and problem-solving skills to determine appropriate actions in the context of each specific clinical setting.

Added by Laws 2016, c. 202, § 2, eff. Nov. 1, 2016.

§59-889.2. License required to practice.

A. No person shall practice or hold himself or herself out as being able to practice music therapy or provide music therapy services in this state unless the person is licensed in accordance with the provisions of the Music Therapy Practice Act.

B. Nothing in the Music Therapy Practice Act shall be construed to prevent or restrict the practice, services or activities of:

1. Any person licensed, certified or regulated under the laws of this state in another profession or occupation, or personnel supervised by a licensed professional in this state from performing work, including the use of music, incidental to the practice of the person's profession or occupation, if that person does not represent himself or herself as a music therapist;

2. Any person enrolled in a course of study leading to a degree in music therapy from performing music therapy services incidental

to the person's coursework when supervised by a licensed professional, if the person is designated by a title which clearly indicates the person's status as a student;

3. Any person whose training and national certification attests to the individual's preparation and ability to practice the person's profession, if that person does not represent himself or herself as a music therapist; or

4. Any person employed by an agency, bureau or division of the federal government while in the discharge of official duties; provided, however, if such individual engages in the practice of music therapy outside the line of official duty, the individual must be licensed as herein provided.

Added by Laws 2016, c. 202, § 3, eff. Nov. 1, 2016.

§59-889.3. Music Therapy Committee.

A. There is hereby established the Music Therapy Committee to advise the State Board of Medical Licensure and Supervision on all matters pertaining to the licensure, education and continuing education of licensed music therapists and the practice of music therapy.

B. 1. The Board shall appoint five (5) members to the Music Therapy Committee as follows:

a. three members shall, upon initial appointment, be qualified persons who have been actively practicing music therapy in this state for at least three (3) years; provided, their successors shall be licensed music therapists,

b. one member shall be a licensed health care provider who is not a music therapist, and

c. one member shall be a lay person.

2. The professional members of the Committee shall be appointed for staggered terms of one (1), two (2) and three (3) years, respectively. Terms of office of each appointed member shall expire July 1 of that year in which they expire regardless of the calendar date when such appointments were made. Subsequent appointments shall be made for a term of three (3) years or until successors are appointed and qualified.

a. The lay member and licensed health care provider member shall be initially appointed to fill these two new positions created pursuant to this act and shall be appointed for staggered terms of office which will expire July 1, 2019, and July 1, 2020. Thereafter, members appointed to these positions shall serve for terms of three (3) years or until successors are appointed and qualified.

b. Vacancies shall be filled by the Board in the same manner as the original appointment.

3. Members of the Committee shall serve without compensation.

C. The Committee shall have the power and duty to:

1. Meet at least twice a year or as otherwise called by the Board;

2. Advise the Board on all matters pertaining to the licensure, education and continuing education requirements for and practice of music therapy in this state;

3. Facilitate the development of materials that the Board may utilize to educate the public concerning music therapist licensure, the benefits of music therapy, and utilization of music therapy by individuals and in facilities or institutional settings;

4. Facilitate the statewide dissemination of information between music therapists, the American Music Therapy Association or any successor organization, the Certification Board for Music Therapists or any successor organization, and the Board;

5. Assist and advise the Board in all hearings involving music therapists who are deemed to be in violation of the Music Therapy Practice Act; and

6. Provide analysis of disciplinary actions taken, appeals and denials, or revocation of licenses at least once per year.

Added by Laws 2016, c. 202, § 4, eff. Nov. 1, 2016.

§59-889.4. State Board of Medical Licensure and Supervision duties.

The State Board of Medical Licensure and Supervision shall:

1. Appoint all members of the Committee. The Committee shall consist of persons familiar with the practice of music therapy to provide the Board with expertise and assistance in carrying out his or her duties pursuant to the Music Therapy Practice Act;

2. Consult with the Committee prior to setting or changing fees in this act; and

3. Seek the advice of the Committee for issues related to music therapy.

Added by Laws 2016, c. 202, § 5, eff. Nov. 1, 2016.

§59-889.5. License requirements.

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

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

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

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

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

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

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

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

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

Added by Laws 2016, c. 202, § 6, eff. Nov. 1, 2016. Amended by Laws 2019, c. 363, § 40, eff. Nov. 1, 2019.

§59-889.6. License renewal – Inactive status.

A. Every license issued under the Music Therapy Practice Act shall be renewed biennially. A license shall be renewed upon payment of a renewal fee if the applicant is not in violation of any of the terms of the Music Therapy Practice Act at the time of application for renewal. Proof of maintenance of the applicant's status as a board-certified music therapist shall also be required for license renewal.

B. A licensee shall inform the Board of any changes to his or her address. Each licensee shall be responsible for timely renewal of his or her license.

C. Failure to renew a license shall result in forfeiture of the license. Licenses that have been forfeited may be restored within one (1) year of the expiration date upon payment of renewal and restoration fees. Failure to restore a forfeited license within one (1) year of the date of its expiration shall result in the automatic termination of the license, and the Board may require the individual to reapply for licensure as a new applicant.

D. Upon written request of a licensee, the Board may place an active license on an inactive status subject to an inactive status license fee established by the Board. The licensee, upon request and payment of the inactive status license fee, may continue on inactive status for a period up to two (2) years. An inactive license may be reactivated at any time by making a written request to the Board and by fulfilling requirements established by the Board.

Added by Laws 2016, c. 202, § 7, eff. Nov. 1, 2016.

§59-889.7. Acceptable uses of music-therapy-related acronyms and names.

A. A licensed professional music therapist may use the letters "LPMT" in connection with his or her name. Use of the letters "MT-BC" is contingent upon maintenance of national certification guidelines provided by the Certification Board for Music Therapists.

B. A person or business entity, its employees, agents or representatives shall not use in conjunction with that person's name or the activity of the business the words licensed music therapist, music therapy, music therapist, the letters MT or MT-BC, or any other words, abbreviations or insignia indicating or implying directly or indirectly that music therapy is provided or supplied, including the billing of services labeled as music therapy, unless such services are provided under the direction of a licensed music therapist licensed pursuant to the Music Therapy Practice Act.

Added by Laws 2016, c. 202, § 8, eff. Nov. 1, 2016.

§59-889.8. When referral is required.

A. Consultation and evaluation by a licensed music therapist may be performed without a referral. Initiation of music therapy services to individuals with medically related conditions shall be based on a referral from any qualified health care professional who, within the scope of his or her professional license, is authorized to refer for health care services.

B. Prevention, wellness, education, adaptive, related and specialized instructional support and services shall not require a referral.

Added by Laws 2016, c. 202, § 9, eff. Nov. 1, 2016.

§59-889.9. Delegation of activities or tasks.

A. No person shall coerce a licensed music therapist into compromising client safety by requiring the licensed therapist to delegate activities or tasks if the licensed music therapist determines that it is inappropriate to do so.

B. A licensed music therapist shall not be subject to disciplinary action by the State Board of Medical Licensure and Supervision for refusing to delegate activities or tasks or refusing to provide the required training for delegation, if the licensed music therapist determines that the delegation may compromise client safety.

Added by Laws 2016, c. 202, § 10, eff. Nov. 1, 2016.

§59-889.10. License required to advertise or represent – Violations of act - Penalties.

A. No person shall advertise, in any manner, or otherwise represent himself or herself as a licensed music therapist or as a provider of music therapy services unless the person is licensed pursuant to the provisions of the Music Therapy Practice Act.

B. It shall be a misdemeanor for a person to violate any provision of the Music Therapy Practice Act and, upon conviction, such person shall be subject to one or more of the following actions which may be taken by the Board in consultation with the Music Therapy Committee:

1. Revocation of license;

2. Suspension of license not to exceed six (6) months from the date of hearing; or

3. Invocation of restrictions in the form of probation as defined by the State Board of Medical Licensure and Supervision.

Added by Laws 2016, c. 202, § 11, eff. Nov. 1, 2016.

§59-889.11. Refusal to issue or renew, or suspension or revocation of, license – Definitions.

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 promulgated pursuant to the Music Therapy Practice Act and the provisions of the Administrative Procedures Act who has:

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

2. Failed to refer patients to other health care providers if symptoms are known to be present for which music therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the scope of music therapy practice as

specified by the American Music Therapy Association and the Certification Board for Music Therapists;

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

4. Been convicted of a felony crime that substantially relates to the occupation of music therapy and poses a reasonable threat to public safety;

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

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

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

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

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

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

B. As used in this section:

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

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

Added by Laws 2016, c. 202, § 12, eff. Nov. 1, 2016. Amended by Laws 2019, c. 363, § 41, eff. Nov. 1, 2019.

§59-889.12. License fees.

The State Board of Medical Licensure and Supervision shall prescribe and publish, in the manner established by its rules and regulations, fees in the amounts determined by the Board, but not exceeding the following maximum amount, unless cost justification is present:

Music Therapist License
and renewal thereof .....$50.00

Added by Laws 2016, c. 202, § 13, eff. Nov. 1, 2016.

§59-941. Declaration of policy.

It is the public policy of the State of Oklahoma that the citizens of Oklahoma shall receive the best possible visual care, through the efforts of well trained and qualified physicians licensed under Chapter 11, Title 59, Oklahoma Statutes and optometrists licensed under Chapter 13, of Title 59, Oklahoma

Statutes and that no unqualified person shall be permitted to visually correct for compensation the eyes of another.
Laws 1953, p. 271, § 1.

§59-942. Acts by unlicensed persons prohibited - Permissible acts on prescription - Repairs.

A. It shall be unlawful for any person, firm, corporation, company, or partnership not licensed pursuant to the provisions of Chapter 11, Chapter 13 or Chapter 14 of this title, to:

1. Fit, adjust, adapt, or to in any manner apply lenses, frames, prisms, or any other optical appliances to the face of a person;

2. Duplicate or attempt to duplicate, or to place or replace into the frames, any lenses or other optical appliances which have been prescribed, fitted, or adjusted for visual correction, or which are intended to aid human vision;

3. Give any treatment or training designed to aid human vision; or

4. Represent or hold oneself out to the public as being qualified to do any of the acts listed in this section.

B. 1. Persons licensed pursuant to the provisions of Chapters 11, 13 or 14 of this title may in a written prescription, or its duplicate, authorize any optical supplier to interpret the prescription. The optical supplier:

a. may, in accordance with a written prescription or its duplicate, measure, adapt, fit, prepare, dispense, or adjust such lenses, spectacles, eyeglasses, prisms, tinted lenses, frames or appurtenances thereto, to the human face for the aid or correction of visual or ocular anomalies of the human eye, and

b. may continue to do such acts upon a written prescription, or its duplicate.

2. The physician or optometrist writing such prescription shall remain responsible for the full effect of the appliances so furnished by the other person.

C. 1. It is hereby prohibited and declared contrary to the public health and public policy of this state to dispense, supply, fit, adjust, adapt, or in any manner apply contact lenses to the eyes of a person whether or not those contact lenses are designed to aid or correct human vision or are plano or cosmetic contact lenses, without a prescription issued by a person licensed pursuant to Chapter 11, Chapter 13 or Chapter 14 of this title.

2. The Board of Examiners in Optometry may secure an injunction, without bond, in the district courts to prevent the dispensing, supplying, fitting, adjusting, or adapting of any contact lens without a prescription.

3. As used in this section, "plano" means a contact lens with no prescription power.

D. The provisions of this section shall not prevent a qualified person from making repairs to eyeglasses.

Added by Laws 1953, p. 271, § 2. Amended by Laws 2003, c. 47, § 1, emerg. eff. April 7, 2003.

§59-943.1. Advertisement of ophthalmic lenses, frames, eyeglasses, spectacles or parts.

A. No person, firm or corporation shall publish or display, or cause or permit to be published or displayed in any newspaper or by radio, television, window display, poster, sign, billboard or any other means, any statement or advertisement concerning ophthalmic lenses, frames, eyeglasses, spectacles or parts thereof, that is fraudulent, deceitful or misleading, including statements or advertisements of discount, premiums, price, gifts or any statements or advertisements of a similar nature, import or meaning or which is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts.

B. No person, firm or corporation shall publish or display or cause or permit to be published or displayed in any newspaper, or by radio, television, window display, poster, sign, billboard or any other means of media, any statement or advertisement of or reference to the price or prices of any eyeglasses, spectacles, lenses, frames or any other optical device or materials or parts thereof requiring a prescription from a licensed physician or optometrist unless such person, firm or corporation complies with the provisions of subsections C through E of this section.

C. Any advertisement or statement published or displayed that contains the price of an item in any of the following categories:

1. Single vision lenses;
2. Kryptok bifocal lenses;
3. Regular bifocal lenses;
4. Trifocal lenses;
5. Aphakic lenses;
6. Prism lenses;
7. Double segment bifocal lenses;
8. Subnormal vision lenses;
9. Tinted lenses; and
10. Frames;

or any other items advertised shall also contain the prices of all items in the same category. All items and prices shall be published or displayed with equal prominence. No advertisement that shows the price of items listed in the categories shown above shall contain any language which directly or indirectly compares the prices so quoted with any other prices of similar items. In showing the price of all items in any category, it shall be permissible to combine two

or more categories into one general category of "all other lenses" and designate the price thereby of "up to $_____," which represents the highest price of any lenses included within this combined general category. Should there be a category in which two or more price differentials exist, it shall be permissible for the category to have a single listing in the advertisement with the lowest and the highest price in the category designated.

D. In the event the dispensing optician owns more than one office, the prices for all eyeglasses, spectacles, lenses, frames or other optical devices or materials or parts thereof in the same category shall be the same in all offices located within the same county or city regardless of the name under which the dispensing optician operates the offices.

E. All items advertised by price in accordance with this section shall be available at the advertised price without limit to quantity unless the advertisement contained quantity limitations to all persons including, but not limited to, individuals, physicians, optometrists and dispensing opticians.

F. Any advertisement quoting a price or prices of spectacles, eyeglasses and other optical appliances only, shall contain a readily legible statement that the quoted price or prices "Does not include professional services of an examining optometrist or physician."

G. Dispensers of optical appliances or devices are subject to the Oklahoma Deceptive Trade Practices Act, as provided in Sections 51 through 55 of Title 78 of the Oklahoma Statutes, and in addition to the civil remedies provided therein, it shall be a misdemeanor for any dispenser of optical appliances or devices as defined herein to knowingly commit a deceptive trade practice as defined in the Oklahoma Deceptive Trade Practices Act.

H. A person who violates any provision of this act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) or by confinement in the county jail for not less than two (2) months nor more than six (6) months, or both. A separate offense is committed each day a violation of this act occurs or continues. Should the violator be an optometrist, such violation also constitutes grounds for revocation of his license to practice optometry. Provided, however, the owner, officer or employee of any advertising media, not otherwise having a pecuniary interest in any advertising authorized by the provisions of this act, shall not be guilty of the misdemeanor hereinabove defined by reason of the publishing or other delivery of any advertising furnished by a vendor of the service or material so advertised.

Laws 1978, c. 37, § 2.

§59-943.2. Prescriptions for spectacles or eyeglasses - Copies.

Any person who requests a copy of his prescription for spectacles or eyeglasses, following an eye examination by a person licensed under Sections 481 through 518 or Sections 581 through 606 of Title 59, shall be provided a written, signed copy of such prescription. No extra charge shall be made for the prescription if the patient chooses to take the prescription elsewhere. The examining optometrist or physician shall not be responsible for the accuracy of the optical materials furnished by another person.
Laws 1978, c. 37, § 3.

§59-943.3. Standards - Eyeglasses, spectacles, lenses or other optical devices or parts.

All eyeglasses, spectacles, lenses or other optical devices or materials or parts thereof shall conform to standards of quality as promulgated by the American Standards Association, Inc. and commonly known as Z80.1 1964 Standards, as amended.
Laws 1978, c. 37, § 4.

§59-944. Rebates, kickbacks, etc. - Permitting solicitation - Acts as employee or associate - Renting space or subleasing departments.

A. It shall be unlawful for any optometrist, physician or other person doing, or purporting or pretending to do eye examination or visual correction to receive or accept any rebate, kickback, reward or premium from any optical company or any other person, firm or corporation dealing in optical goods, appliances or materials, or knowingly allow or permit any person engaged in or interested in the sale of such optical goods, appliances, or materials, to solicit business for any person licensed under the provisions of Chapters 11 or 13 of this title. It shall be unlawful for any optometrist, physician, or other person to make an eye examination, or do visual correction in any manner, either directly or indirectly as an employee or associate of a person, firm, corporation, lay body, organization, group or lay person and it shall be likewise unlawful for any corporation, lay body, organization, group or lay person in any manner to make an eye examination or perform any visual correction through the means of engaging the services on a salary, commission or any other compensatory basis of a person licensed under the provisions of Chapters 11 or 13 of this title, provided that this sentence shall not apply to the University of Oklahoma School of Medicine and Hospitals, OSU College of Osteopathic Medicine or to a bona fide resident physician of a licensed hospital, and provided further that renting a separate area or room and practicing optometry within or adjacent to a retail store shall not be considered a violation of this section.

B. A person, firm, or corporation engaged in the business of retailing merchandise to the general public may rent a separate area or room within a retail store to an optometrist or optometric

professional corporation for the practice of optometry in the following counties:

1. For the period beginning November 1, 2019, through October 31, 2024, in counties having a population of three hundred thousand (300,000) or more persons according to the latest Federal Decennial Census or most recent population estimate;

2. For the period beginning November 1, 2024, through October 31, 2029, in counties having a population of one hundred thirty thousand (130,000) persons or more according to the latest Federal Decennial Census or most recent population estimate;

3. For the period beginning November 1, 2029, through October 31, 2036, in counties having a population of one hundred thousand (100,000) persons or more according to the latest Federal Decennial Census or most recent population estimate;

4. For the period beginning November 1, 2036, through October 31, 2042, in counties having a population of fifty thousand (50,000) persons or more according to the latest Federal Decennial Census or most recent population estimate; and

5. For the period beginning November 1, 2042, and for all periods thereafter, all counties of the state.

C. For separate areas or rooms rented for the practice of optometry pursuant to subsection B of this section, the area or room rented for the practice of optometry must be definite and apart from space used by other occupants of the premises. Solid, opaque partitions or walls from floor to ceiling, which may contain doors and windows, must separate the area or room rented for the practice of optometry from space used by other occupants. The area or room rented for the practice of optometry must have a patient's entrance opening on a public thoroughfare, such as a public street, hall, lobby or corridor; provided that the space rented for the practice of optometry can also be accessible for a patient from the retail store if the access is through a second room with a door such that the patient does not have access to the space rented for the practice of optometry directly from the general retail area of the retail store. Renting a separate area or room and practicing optometry within or adjacent to a retail store shall not be considered a rebate, kickback, reward or premium.

D. No lessor shall include a requirement in any lease of real property pursuant to which an optometrist or the professional business entity owned by the optometrist is required to maintain specific hours of operation or which provides for payment of rent or reduction of rent based on the gross revenues of the optometrist or the professional business entity, whether characterized as production goals, patient visits or similar economic metrics or that requires or provides any type of incentive through the lease terms based on referrals by the optometrist or the professional business entity owned by the optometrist for purposes of the sale of any form

of tangible personal property sold by the lessor, including, but not limited to, eyeglasses, frames, eye care products, eyeglass accessories or similar tangible personal property related to care of the human eye.

E. A person, firm or corporation engaged in the business of retailing merchandise to the general public may sell optical goods, appliances or materials and function as an optical supplier in a retail store, regardless of whether a majority of the retail store's income is derived from the sale of prescription optical goods, appliances and materials or whether an optometrist is practicing optometry in such retail store.

F. Optical goods, appliances or materials shall be subject to all provisions regarding below cost sales set forth in the Unfair Sales Act created in Section 598.1 et seq. of Title 15 of the Oklahoma Statutes.

G. Nothing in this section shall prohibit a person licensed under Chapter 11 or Chapter 13 of this title from organizing or maintaining a professional association with other persons so licensed.

Added by Laws 1953, p. 272, § 4. Amended by Laws 2019, c. 427, § 3, eff. Nov. 1, 2019.

§59-945. Discrimination between licensees by public officers and agencies - Sending resident out of state for services.

No department, commission, board, official, employee, or agency of the State of Oklahoma, or of any county, municipality or other subdivision of the State of Oklahoma shall, in the performance of its duties and functions in obtaining examination for refractions and visual training or correction for citizens of this state discriminate between persons licensed to perform examination for refraction and visual training or correction within the field for which their respective license entitle them to practice; and no such department, commission, board, official or agency of the state, county, municipality, or other subdivision shall send any resident of the State of Oklahoma out of this state to receive or be furnished such services. This section shall have no application with respect to any person confined in the Oklahoma Medical Center.

Amended by Laws 1988, c. 326, § 31, emerg. eff. July 13, 1988.

§59-946. Violations - Punishment - Injunction.

Any person, firm, company, corporation, or partnership violating any of the provisions, of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished for each such offense, as provided by law, and in addition thereto may be enjoined by a court of competent jurisdiction for any further violations of the provisions of this act. It shall be the mandatory duty of the district attorneys of the respective counties to bring such

injunction suits when a verified complaint is filed with such district attorney alleging any violations of this act. This act shall not supercede other laws, but shall be cumulative to other statutes of the State of Oklahoma.
Laws 1953, p. 273, § 6.

§59-947. Provisions inapplicable to osteopaths.
The provisions of Sections 1, 2 and 6 of this act shall not extend, limit or affect the legal scope of practice of persons licensed under the provisions of Chapter 14, Title 59, Oklahoma Statutes 1951.
Laws 1953, p. 273, § 8.

§59-981. Citation.
This act shall be known as the "Oklahoma Public Auction Law".
Laws 1955, p. 332, § 1.

§59-982. Definitions.
The words "public auction sales" when used in this act, shall mean the offering for sale or selling of new goods, wares or merchandise to the highest bidder or offering for sale or selling of new goods, wares or merchandise at a high price and then offering the same at successive lower prices until a buyer is secured.
The words "new goods, wares and merchandise", when used in this act, shall mean and include all goods, wares and merchandise not previously sold at retail.
Laws 1955, p. 332, § 2.

§59-983. Sale of new goods, wares or merchandise at public auction - License.
It shall be unlawful for any person, firm or corporation to sell, dispose of, or offer for sale at public auction in the State of Oklahoma any new goods, wares or merchandise, unless such person, firm or corporation, and the owners of such new goods, wares or merchandise to be offered for sale or sold if such are not owned by the vendors, shall have first secured a license as herein provided and shall have complied with the other requirements of this act herein set forth.
Laws 1955, p. 332, § 3.

§59-984. Application for license - Contents.
Any person, firm or corporation desiring to offer any new goods, wares or merchandise for sale at public auction shall file application for a license for that purpose with the treasurer of the county in this state in which the said auction is proposed to be held. The application shall be filed not less than ten (10) full

days prior to the date the said auction is to be held. The application shall state the following facts:

(a) The name, residence and post office address of the person, firm or corporation making the application, and if a firm or corporation, the name and address of the members of the firm or officers of the corporation, as the case may be.

(b) If the applicant is a corporation then there shall be stated on the application form the date of incorporation, the state of incorporation and if for a corporation formed in a state other than the State of Oklahoma the date on which such corporation qualified to do business as a foreign corporation in the State of Oklahoma.

(c) The name, residence and post office address of the auctioneer who will conduct such auction sale.

(d) A detailed inventory and description of all such new goods, wares or merchandise to be offered for sale at such auction which inventory shall set forth the cost to the applicant of the several items contained in such inventory.

(e) Attached to the application shall be a copy of a notice, which ten (10) days before the said application has been filed, shall have been mailed registered mail by the proposed seller to the Tax Commission of the State of Oklahoma of such other department as may be charged with the duty of collecting gross income taxes or such other taxes of a comparable nature or which may be in lieu of such gross income taxes. The said notice must state the precise time and place where the said auction is to be held, the approximate value of the new goods, wares or merchandise to be offered for sale or sold and such other information as the Tax Commission of the State of Oklahoma or its successor may request or by regulation require.

(f) The number of days on which said auction will be held.

(g) The said application shall be verified.

Laws 1955, p. 332, § 4.

§59-985. Bonds - Service of process.

At the time of filing said application, and as a part thereof, the applicant shall file and deposit with the said county treasurer a bond, with sureties to be approved by the said county treasurer, in the penal sum of two times the value of the merchandise proposed to be offered for sale at public auction as shown by the inventory filed, running to the State of Oklahoma, and for the use and benefit of any purchaser of any such new goods, wares or merchandise at the said auction who might have a cause of action of any nature arising from or out of a sale or sales at such auction or against the applicant or against the auctioneer; the said bond shall be further conditioned on the payment by the applicant of all taxes that may be payable by or due from, the applicant to the State of Oklahoma or any department thereof or any subdivision of the State of Oklahoma,

municipal or otherwise, the payment of any fines that may be assessed by any court against the applicant or against the auctioneer for violation of the provisions of this act, and the satisfaction of all causes of action commenced within one (1) year from the date that such sale is made at any such auction and arising therefrom provided, however, that the aggregate liability of the surety for all said taxes, fines, and causes of action shall in no event exceed the sum of such bond but there shall be no limitation of liability against the owners of the new goods, wares and merchandise or the auctioneer or the applicant for the license.

In such bond the applicant and surety shall appoint the treasurer of said county in which said bond is filed the agent of the applicant and the surety for the service of process. At the time that said bond is filed and deposited with the county treasurer as herein provided the auctioneer shall appoint the said county treasurer the agent of the auctioneer for the service of process. In the event of such service of process, the agent on whom such service is made shall, within five (5) days after the service, mail by ordinary mail a true copy of the process served upon him to each party for whom he has been served, addressed to the last known address of such party. Failure to so mail said copy shall not, however, affect the court's jurisdiction.

The State of Oklahoma or any department or subdivision, municipal or otherwise, thereof, or any person having a cause of action arising out of any sale of such new goods, wares or merchandise may join the applicant and the surety on such bond and the auctioneer in the same action, or may in such action due either such applicant or the surety or the auctioneer alone.
Laws 1955, p. 333, § 5.

§59-986. License fee.

The applicant desiring to file an application with the treasurer for a license to conduct a public auction shall pay to the treasurer of such county in which the said application is made, a license fee of Fifty Dollars ($50.00) per day for each day that he proposes to conduct a public auction.
Laws 1955, p. 334, § 6.

§59-987. Issuance of license.

Upon the filing of such application and after the applicant has established that he has fully complied with all the provisions of this act, the treasurer of said county, shall issue to the applicant a license authorizing the said applicant to conduct a public auction as proposed in said application; such license shall not be transferable and shall be valid only in the county where issued and shall not be valid in any town or city which has enacted an ordinance licensing public auction sales unless a license is also

obtained from such city or town. No license shall be good for more than one person, unless such persons shall be copartners nor for more than one place in said county.

The treasurer shall keep a record of such licenses in a book provided for that purpose, which shall at all times be open to public inspection.

No particular form of license shall be required to be issued by said treasurer. However, any license issued shall state the name of the person, firm or corporation which is licensed, the precise place at which such auction sale is to be held and the number of days for which the license is issued.
Laws 1955, p. 334, § 7.

§59-988. Filing of inventory of merchandise sold - Prices.

Within ten (10) days after the last day of said auction sale, the applicant shall file in duplicate with the county treasurer an inventory of all merchandise sold at such auction and the price received therefor, which inventory shall be verified by the person who filed the application for the license with the said auditor. The county treasurer shall immediately after receiving such report and inventory forward a copy thereof to the Tax Commission of the State of Oklahoma or its successor.
Laws 1955, p. 334, § 8.

§59-989. Penalties.

Every person, firm or corporation, either as principal or agent, who shall in any manner engage in, or conduct a public auction sale, without having first obtained a license as hereinbefore provided, or who shall knowingly advertise, represent or hold forth any sale of goods, wares or merchandise to be conducted contrary to the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined in any sum not less than Two Hundred Dollars ($200.00) and not more than One Thousand Dollars ($1,000.00), to which may be added imprisonment of not less than thirty (30) days and not more than one hundred eighty (180) days .
Laws 1955, p. 334, § 9.

§59-990. Sales exempt.

The provisions of this act shall not extend to the sale at public auction of livestock, real estate, farm machinery or farm produce or other items commonly sold at farm sales, community sales, or to auction sales by individuals of new merchandise, which was assessed personal property tax or is replacement stock of merchandise inventory which was assessed personal property tax in the county in which the sale is to be had, nor to a bona fide sale of goods, wares and merchandise by sample for future delivery, or by sales made by sheriffs, constables or other public officers selling

goods, wares and merchandise according to law, nor to bona fide assignees or receivers appointed in this state selling goods, wares and merchandise for the benefit of creditors, provided further, nothing in this act shall prevent a person, firm or corporation registered hereunder and operating in more than one county, from selling all his goods in either county if said goods are duly assessed in one of said counties.
Laws 1955, p. 334, § 10.

§59-991. Regulation by cities and towns.
The towns and cities of the State of Oklahoma are hereby given full power and authority to tax, license and regulate persons, firms or corporations engaging in or desiring to engage in public auctions, and may require a license and charge a fee therefor; but such license fee shall not exceed the amount provided in this act for a county license but shall be in addition thereto and such towns and cities may provide for penalties for violations of said ordinance. A city or town license shall not be in lieu of a county license.
Laws 1955, p. 334, § 11.

§59-992. Law governing.
Insofar as the provisions of Section 11 of this act are in conflict with Section 651 or Section 1105 of Title 11, Oklahoma Statutes 1951, or any other prior legislative enactment, the provisions of Section 11 hereof shall prevail.
Laws 1955, p. 335, § 12.

§59-993. Partial invalidity.
If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining portion or portions of this act.
Laws 1955, p. 335, § 13.

§59-1000.1. Short title.
Sections 1000.1 through 1000.9 of this title shall be known and may be cited as the "Construction Industries Board Act".
Added by Laws 2001, c. 394, § 1, eff. July 1, 2001. Amended by Laws 2013, c. 332, § 1.

§59-1000.2. See the following versions:
OS 59-1000.2v1 (HB 1686, Laws 2013, c. 292, § 1).
OS 59-1000.2v2 (SB 2038, Laws 2024, c. 452, § 121).

§59-1000.2v1. Construction Industries Board.

A. The Construction Industries Board is hereby re-created to continue until July 1, 2017, in accordance with the provisions of the Oklahoma Sunset Law. Beginning January 1, 2002, the Board shall regulate the plumbing, electrical and mechanical trades, and building and construction inspectors through the powers and duties set forth in the Construction Industries Board Act and in the respective licensing acts for such trades.

B. 1. Beginning July 1, 2008, the Board shall be composed of seven (7) members appointed by the Governor with the advice and consent of the Senate, as follows:

a. two members shall have at least ten (10) years' experience in the plumbing trade, of which one shall be a plumbing contractor and one shall be a journeyman plumber,

b. two members shall have at least ten (10) years' experience in the electrical trade, of which one shall be an electrical contractor and one shall be a journeyman electrician,

c. two members shall have at least ten (10) years' experience in the mechanical trade, of which one shall be a mechanical contractor and one shall be a mechanical journeyman, and

d. one member shall have at least ten (10) years' experience as a building and construction inspector and shall be from a list recommended by a statewide organization of municipal governments.

2. Members shall be appointed for terms of four (4) years; provided, of those members initially appointed to the Board, five members shall be appointed for two-year terms, beginning September 1, 2001, and four members shall be appointed for four-year terms, beginning September 1, 2001, as designated by the Governor. Members shall continue in office until a successor is appointed by the Governor. The Governor shall fill all vacancies and unexpired terms in the same manner as the original appointment of the member whose position is to be filled. Such members may be removed by the Governor for cause.

Added by Laws 2001, c. 394, § 2, eff. July 1, 2001. Amended by Laws 2003, c. 318, § 3, eff. Nov. 1, 2003; Laws 2007, c. 87, § 1; Laws 2008, c. 405, § 10, emerg. eff. June 3, 2008; Laws 2013, c. 292, § 1.

§59-1000.2v2. Construction Industries Board.

A. The Construction Industries Board is hereby re-created to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall regulate the plumbing, electrical and mechanical trades, the building and construction inspectors, the home inspectors, and the roofing contractors through

the powers and duties set forth in the Construction Industries Board Act and in the respective licensing or registration acts for such trades, or as otherwise provided by law.

B. 1. Beginning July 1, 2013, the Board shall be composed of seven (7) members appointed by the Governor with the advice and consent of the Oklahoma State Senate, as follows:

a. two members shall have at least ten (10) years' experience in the plumbing trade, of which one shall be a plumbing contractor and one shall be a journeyman plumber,

b. two members shall have at least ten (10) years' experience in the electrical trade, of which one shall be an electrical contractor and one shall be a journeyman electrician,

c. two members shall have at least ten (10) years' experience in the mechanical trade, of which one shall be a mechanical contractor and one shall be a mechanical journeyman, and

d. one member shall have at least ten (10) years' experience as a building and construction inspector.

2. Members shall be appointed for staggered terms of four (4) years, as designated by the Governor. Members shall continue in office until a successor is appointed by the Governor. The Governor shall fill all vacancies and unexpired terms in the same manner as the original appointment of the member whose position is to be filled. A member may be removed by the Governor at any time. Added by Laws 2001, c. 394, § 2, eff. July 1, 2001. Amended by Laws 2003, c. 318, § 3, eff. Nov. 1, 2003; Laws 2007, c. 87, § 1; Laws 2008, c. 405, § 10, emerg. eff. June 3, 2008; Laws 2013, c. 332, § 2; Laws 2016, c. 157, § 1; Laws 2020, c. 116, § 5, eff. July 1, 2020; Laws 2023, c. 64, § 1; Laws 2024, c. 452, § 121, emerg. eff. June 14, 2024.

§59-1000.3. Board meetings.

A. 1. The Construction Industries Board shall organize on September 1 each year, by electing from among its members a chair and a vice-chair. The Board shall hold regularly scheduled meetings at least once each quarter at a time and place determined by the Board and may hold special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be necessary. A majority of the members of the Board shall constitute a quorum for the transaction of business.

2. The chair shall preside at meetings of the Board, set the agenda, sign orders and other required documents, coordinate Board activities, and perform such other duties as may be prescribed by the Board or authorized by law.

3. The vice-chair shall perform the duties of the chair during the absence or disability of the chair and shall perform such other duties as may be prescribed by the Board or authorized by law.

4. The Construction Industries Administrator, at the discretion of the Board shall:

a. keep a record of all proceedings of the Board and certify to actions of the Board,

b. oversee the receipt and deposit of all monies received by the Board in the appropriate revolving funds,

c. submit, at the first regular meeting of the Board after the end of each fiscal year, a full itemized report of the receipts and disbursements for the prior fiscal year, showing the amount of funds on hand, and

d. perform such other duties as are prescribed in the Construction Industries Board Act or as may be prescribed by the Board or required by law.

B. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

C. All members of the Board and such employees as determined by the Board shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

D. The liability of any member or employee of the Board acting within the scope of Board duties or employment shall be governed by The Governmental Tort Claims Act.

E. Members of the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

Added by Laws 2001, c. 394, § 3, eff. July 1, 2001. Amended by Laws 2013, c. 332, § 3.

§59-1000.4. Rules - Powers and duties - Fines, penalties, and fees - Appeals.

A. 1. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Construction Industries Board shall have the power to adopt, amend, repeal, and promulgate rules as may be necessary to regulate the plumbing, electrical and mechanical trades, building and construction inspectors and home inspectors. All rules promulgated by the Board shall be reviewed and approved as provided in subsection F of Section 308 of Title 75 of the Oklahoma Statutes.

2. The Board shall have the power to enforce the provisions of the Construction Industries Board Act, The Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act, the Home Inspection Licensing Act, and the

Roofing Contractor Registration Act, as provided in the respective acts.

B. The Board shall have the following powers:

1. Exercise all incidental powers and duties which are necessary to effectuate the provisions of The Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act, the Home Inspection Licensing Act, and the Roofing Contractor Registration Act, including but not limited to authorizing the Board chair, vice-chair, administrator, or designee to determine good reason for and to cancel a scheduled meeting or reschedule meetings of a licensing or registration act advisory examining committee of the Board pursuant to state requirements. Such canceling or rescheduling meetings authority provided for in this section shall supersede all other meeting scheduling requirements for acts administered by the Board;

2. Serve as a code variance and appeals board for the trades and industries it regulates which do not have statutory code variance and appeals boards;

3. Order or subpoena the attendance of witnesses, the inspection of records and premises, and the production of relevant books and papers for the investigation of matters that may come before the Board;

4. Initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of The Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act, the Home Inspection Licensing Act, and the Roofing Contractor Registration Act;

5. Maintain an administrative staff including, but not limited to, a Construction Industries Administrator whose appointment shall be made as provided in Section 1000.6 of this title;

6. Establish and levy administrative fines for violations of law or rule in the trades and industries the Board licenses or regulates or against any person or entity denying the Board or its representatives access to a job site for purposes of enforcing any of the provisions of The Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act, the Home Inspection Licensing Act, or the Roofing Contractor Registration Act; provided, however, the Board is not authorized to inspect or issue administrative violations or fines for public utilities, public service corporations, intrastate gas pipeline companies, gas gathering pipeline companies, gas processing companies, rural electric associations, municipal utilities or their subsidiaries, chemical plants, gas processing plants or petroleum refineries where the entity uses their employees or contractors to work on their own facilities or equipment;

7. Direct such other expenditures as may be necessary in the performance of its duties including, but not limited to, expenditures for office space, equipment, furnishings and contracts for legal services. All expenditures shall be made pursuant to the Oklahoma Central Purchasing Act; and

8. Enforce provisions of the plumbing, electrical and mechanical codes as adopted by the Oklahoma Uniform Building Code Commission pursuant to the Oklahoma Uniform Building Code Commission Act.

C. The Board shall account for all receipts and expenditures of the monies of the Board, including annually preparing and publishing a statement of receipts and expenditures of the Board for each fiscal year. The Board's annual statement of receipts and expenditures shall be audited by the State Auditor and Inspector or an independent accounting firm in accordance with the provisions of subsection B of Section 212 of Title 74 of the Oklahoma Statutes, and the audit report shall be certified to the Governor of this state to be true and correct, under oath, by the chair and vice-chair of the Board. A copy of such certified report, if not already available online, shall be delivered to the chairs of the respective Senate and House of Representatives Committees having authority over matters relating to business, labor and construction industry licensing or regulation not later than February 1 each year.

D. The Board shall account for all fines, penalties and fees assessed and collected pursuant to the Administrative Procedures Act or any rule promulgated for regulation of any industry and trade under the authority of the Construction Industries Board. All fines, penalties and fees assessed for any violation of law or rule shall be automatically reviewed and brought before the entire Board for consideration and vote not later than ninety (90) days from which it was imposed. The Construction Industries Administrator shall present to the Board a written recommendation and summary for each case in which an assessment of a fine, penalty or fee was imposed after administrative proceedings. The Board shall consider the recommendations for each case at the next meeting date and at such meeting shall either vote to affirm the recommendations or vote to deny the recommendations and remand the case for further administrative hearing, with or without instructions. No administrative case shall be delayed or continued by the Board after being placed on an agenda for final Board review, except with the consent of all parties. The licensee or persons affected by the imposition of an administrative fine, penalty or fee on final review by the Board shall have all rights of appeal preserved pursuant to the Administrative Procedures Act until final action by the Board.

E. The Construction Industries Board shall hear all appeals timely made from an administrative ruling relating to an industry and trade regulated by the Board; however, this appeal authority

shall not be in addition to the appeal process authorized by the Administrative Procedures Act. Any ruling by the Board from an administrative hearing may be further appealed to the district court of Oklahoma County. The district court, upon conclusion of an appeal from a Board ruling, shall be authorized to award reasonable legal fees to the prevailing party.
Added by Laws 2001, c. 394, § 4, eff. July 1, 2001. Amended by Laws 2002, c. 457, § 1, eff. July 1, 2002; Laws 2003, c. 318, § 4, eff. Nov. 1, 2003; Laws 2004, c. 163, § 1, emerg. eff. April 26, 2004; Laws 2008, c. 405, § 11, emerg. eff. June 3, 2008; Laws 2009, c. 439, § 12, emerg. eff. June 2, 2009; Laws 2010, c. 413, § 20, eff. July 1, 2010; Laws 2012, c. 304, § 272; Laws 2013, c. 332, § 4; Laws 2023, c. 185, § 2, eff. July 1, 2023.

§59-1000.4a. Additional powers - Skilled Trade Education and Workforce Development Fund.

A. The Construction Industries Board shall have the additional powers to:

1. Receive and convey information relating to the skilled trades regulated by the Construction Industries Board including, but not limited to, workforce development; and

2. Enter into contracts with the Oklahoma Department of Career and Technology Education or any Oklahoma State Board of Career and Technology Education fully accredited vocational or technical school or system of education institution in the State of Oklahoma receiving state appropriations and offering programs in secondary and postsecondary instruction that provide electrical, mechanical, plumbing or roofing trade coursework for any of the following purposes, or combination thereof:

   a. developing and implementing instructional courses on Oklahoma Statutes and rules that govern the electrical, mechanical, plumbing and roofing trades, which courses can be in conjunction with instruction in performing trade work or instruction on statewide-adopted trade codes, or both, for the advancement of the electrical, mechanical, plumbing and roofing trades, or

   b. developing and implementing a workforce development program that will create interest in the pursuit of a skilled trade career. The workforce development program may consist of, but is not limited to, use of the Internet, community and school presentations, and research and instruction on the electrical, mechanical, plumbing and roofing trades.

B. All contracts pursuant to this section shall be approved by the Construction Industries Board in accordance with the Oklahoma Open Meeting Act. Costs of the contracts for education and

workforce development programs shall be paid from the Skilled Trade Education and Workforce Development Fund established herein and funded by administrative fines or penalties as described in this section. Applications for proposals are to be submitted to the Board on forms provided requiring sufficient justification and information to evaluate costs, return on investment, value, and viability of the proposal. Any contracts will include the requirement that the recipient of the funds will, upon the completion of the contract, provide a written report to the Board providing an accounting of expenditures, describing an explanation of the funds used for the services provided and the success of outreach demonstrating a return on the investment including, but not limited to, an accounting of accomplishments.

C. Fines or penalties collected by the Board and deposited in the Oklahoma Mechanical Licensing Revolving Fund, the Electrical Revolving Fund, the Plumbing Licensing Revolving Fund and the Roofing Contractor Registration Revolving Fund may be transferred to the Skilled Trade Education and Workforce Development Fund created in subsection E of this section for the following purposes:

1. To develop instructional materials on Oklahoma laws, statutes and rules, as they relate to the plumbing, mechanical, electrical and roofing trades and state licensing standards;

2. To cover the cost of equipment, materials, personnel and any other costs of developing and implementing the trade curriculum; and

3. To cover the cost of equipment, materials, personnel and any other costs of developing and implementing the workforce development program used to promote the plumbing, mechanical, electrical and roofing trades as a career in Oklahoma.

D. The Skilled Trade Education and Workforce Development Fund monies shall be used only for the advancement of trade-related education and workforce development, and only if available based upon statutory limitations.

E. 1. There is hereby created in the State Treasury a revolving fund for the Construction Industries Board to be designated the "Skilled Trade Education and Workforce Development Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. The fund shall consist of an annual transfer of fully adjudicated fine revenue received in the Oklahoma Mechanical Licensing Revolving Fund, Electrical Revolving Fund, Plumbing Licensing Revolving Fund or Roofing Contractor Registration Revolving Fund as determined pursuant to this section. Funds may be transferred only from the prior fiscal year.

2. If actual receipts, not including fine receipts, exceed actual expenses and outstanding encumbrances, then one hundred percent (100%) of all fully adjudicated fine revenue received shall be transferred from each specific trade revolving fund: the Oklahoma Mechanical Licensing Revolving Fund, Electrical Revolving Fund,

Plumbing Licensing Revolving Fund or Roofing Contractor Registration Revolving Fund.

3. If at any time the receipts in the Oklahoma Mechanical Licensing Revolving Fund, Electrical Revolving Fund, Plumbing Licensing Revolving Fund or Roofing Contractor Registration Revolving Fund, not including fine receipts, are less than actual expenses and outstanding encumbrances, then the difference of fine receipts over actual expenses and outstanding encumbrances, if any, shall be transferred.

4. If at any time the annual receipts in the Oklahoma Mechanical Licensing Revolving Fund, Electrical Revolving Fund, Plumbing Licensing Revolving Fund or Roofing Contractor Registration Revolving Fund, including fine receipts, are less than the actual expenses and outstanding encumbrances, there shall be no transfer of funds for that period.

5. All monies accruing to the credit of the Skilled Trade Education and Workforce Development Fund may be budgeted and expended by the Construction Industries Board for workforce development as it relates to the skilled trades and to contract for the services identified in this 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.

6. All unexpended or outstanding Skilled Trade Education and Workforce Development Funds from any written agreement where work or services have not been previously approved by specific quote or cost estimate and have not been performed within eighteen (18) months of the date the agreement was signed are hereby released from the agreement and are available for future agreements approved by the Board pursuant to this act, except for specific quotes, estimates, or invoices that previously have been approved for payment, performance has been initiated, and completed within twenty-four (24) months of the signed agreement.

Added by Laws 2018, c. 244, § 1, eff. Nov. 1, 2018. Amended by Laws 2023, c. 185, § 3, eff. July 1, 2023.

§59-1000.5. Fees - Licenses and permits - Issuance and renewal.

A. The Construction Industries Board may establish a system of fees by rule to be charged for the application for licenses, for the issuance and renewal of licenses and permits, for administration of examinations, for formal project reviews and dishonored checks under the Board's authority. This provision is subject to the following limitations:

1. No schedule of fees may be established or amended by the Board except during such times as the Legislature is in session; provided, the Board may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule

of fees has been specifically authorized by the Legislature pursuant to paragraph 2 of this subsection. The Board must follow the procedures required by Article I of the Administrative Procedures Act for adoption of rules in establishing or amending any such schedule of fees; and

2. The Board shall charge fees only within the following ranges, except as may be otherwise specified in this section or another provision of law.

| | |
|---|---|
| For application for license | not to exceed $30.00 |
| For administration of license examinations: | not to exceed $200.00 |
| For license or permit issuance: | not to exceed $300.00 |
| For license or permit renewal: | not to exceed $200.00 |
| For formal project review for code conformance: | not to exceed $200.00 |
| For permit issuance for the use of alternative materials or methods: | not to exceed $50.00 |
| For dishonored checks: | not to exceed amount pursuant to the provisions of Section 1121 of Title 47 of the Oklahoma Statutes. |

B. The Board shall base its schedule of fees upon the reasonable costs of review and inspection services rendered in connection with each license, permit, or review, but shall be within the ranges specified in paragraph 2 of subsection A of this section, except as otherwise specified in this section or provided by law. The Board shall establish a system of training for all personnel who render review and inspection services in order to assure uniform statewide application of rules. The Board shall include the reasonable costs associated with such training in the fees provided for in this section.

C. The Board may exempt by rule any class of licensee or permittee from the requirements of the fee schedule if the Board determines that the creation of such a schedule for any such class would create an unreasonable economic hardship.

D. All fee changes adopted by the Board shall be reviewed and approved as provided in subsection F of Section 308 of Title 75 of the Oklahoma Statutes.

E. Unless otherwise provided, licenses and permits issued by the Construction Industries Board shall be for a one-year period.

F. When, at the time of application or renewal of any license or registration, payment is made by check for fees and the check is not paid by the bank on which drawn for any reason, such license or registration issued at that time shall be invalid. In all such cases, the license or registration shall be subject to the license

or registration fees and penalties provided in subsection A of this section and treated as though no attempt to apply for or renew a license or registration had been made. The Board may charge and collect from the licensee, registrant or other obligor of fees or fines, a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the licensee, registrant or other obligor. Added by Laws 2001, c. 394, § 5, eff. July 1, 2001. Amended by Laws 2002, c. 457, § 2, eff. July 1, 2002; Laws 2008, c. 4, § 1, eff. Nov. 1, 2008; Laws 2013, c. 332, § 5.

§59-1000.5a. License without examination - Reciprocity.

A. Except as otherwise provided by law, by way of reciprocity and without examination, an application for any license issued by any committee or board under the authority of the Construction Industries Board to engage in any work or trade in this state subject to the Board's regulatory authority may be made to the Board in writing on a form and in a manner prescribed by the Board. The application shall be accompanied by a fee pursuant to Section 1000.5 of this title, which shall not be refundable under any circumstances. If the application is disapproved by the Board, it shall be returned to the applicant with the reason for its disapproval stated thereon.

B. The Board may, in its discretion, issue a license by reciprocity to an applicant who is currently licensed to practice an applicable trade in another state, country, territory, province or city outside of the State of Oklahoma, upon a satisfactory showing of the following:

1. That the requirements for licensure in the city, state, country, territory or province in which the applicant is licensed are deemed by the Board to be substantially the same or equivalent to the requirements for obtaining an original license by examination in force in this state at the date of such license;

2. That one (1) year immediately prior to the date of payment of the required fee the applicant lawfully practiced an applicable trade within and under the laws of city, state, country, territory or province pursuant to a license issued thereby authorizing such practice;

3. That no disciplinary matters are pending against the applicant in any city, state, country, territory or province, and relating to the applicable trade in which the applicant seeks reciprocity;

4. That the license being reciprocated was obtained by examination in the city, state, country, territory or province wherein it was issued; and

5. That the applicant meets all other requirements of the Construction Industries Board Act, including payment of the applicable license fee.

Added by Laws 2002, c. 457, § 3, eff. July 1, 2002. Amended by Laws 2013, c. 332, § 6.

§59-1000.5b. Temporary license examinations.

A. The Construction Industries Board shall offer examinations for temporary journeyman plumber, temporary journeyman electrician, and temporary mechanical journeyman at least once every thirty (30) days following a declaration by the Governor of this state of a state of emergency in response to a disaster involving the destruction of dwelling units and shall continue do so for at least six (6) months following the declaration.

B. The temporary journeyman examinations shall be neither less stringent nor more stringent than examinations for regular journeyman licenses in this state.

C. No applicant for any temporary journeyman license shall be allowed more than one opportunity to take the temporary journeyman examination.

D. No temporary journeyman license shall be extended or renewed. Upon expiration of the temporary journeyman license, the license holder shall be ineligible to work as a journeyman in this state unless qualified under other provisions of law.

E. The temporary license shall be distinguishable from the regularly issued license.

F. The Construction Industries Board shall not issue a temporary license until the person demonstrates compliance with the requirements of Section 1701 et seq. of Title 68 of the Oklahoma Statutes.

Added by Laws 1999, c. 405, § 14, emerg. eff. June 10, 1999. Amended by Laws 2001, c. 394, § 64, emerg. eff. June 4, 2001. Renumbered from Title 59, § 1860 by Laws 2008, c. 4, § 17, eff. Nov. 1, 2008. Amended by Laws 2013, c. 332, § 7.

§59-1000.6. Construction Industries Administrator.

A. No later than January 1, 2002, and thereafter, each time the position becomes vacant, the Construction Industries Board shall hire a Construction Industries Administrator. The Construction Industries Board may, upon a majority vote, terminate the employment of the Construction Industries Administrator.

B. The Construction Industries Administrator shall assist the Construction Industries Board in the performance of its duties and shall report directly to the Board.

Added by Laws 2001, c. 394, § 6, eff. July 1, 2001. Amended by Laws 2003, c. 318, § 5, eff. Nov. 1, 2003.

§59-1000.7. Repealed by Laws 2003, c. 8, § 5, eff. July 1, 2003 and Laws 2003, c. 318, § 17, eff. Nov. 1, 2003.

§59-1000.9. Orders requiring compliance with standards and rules - Penalty.

A. In addition to any other remedies provided for by law, the Construction Industries Board may issue a written order to any person or entity whom the Board has reason to believe is in violation of, or has violated, any law which the Board has authority to enforce or the standards or rules promulgated by the Board, and to whom the Board has served, no less than fifteen (15) days previously, a written notice of violation. The fifteen-day notice period may be reduced as, in the opinion of the Board, may be necessary to render the order reasonably effectual.

B. The written order may require immediate compliance with the law or the standards or rules promulgated by the Board, or within a specified time period, or both. The order may also assess an administrative fine for each day or part of a day that such person fails to comply with the order.

C. Any order issued pursuant to this section shall state with specificity the nature of the violation. Any penalty assessed in the order shall not exceed One Thousand Dollars ($1,000.00) per day of noncompliance with the order. In assessing such penalty, the Board shall consider the seriousness of the violation and any efforts to comply with applicable requirements.

D. Any order issued pursuant to the provisions of this section shall become a final order unless, no later than fifteen (15) days after the order is served, the person or persons named therein request an administrative hearing. Upon such request, the Board shall promptly conduct a hearing. The Board may dismiss such proceedings when compliance with the order is demonstrated and all assessed fines, whether negotiated or not, are paid. A final order following a hearing determining a violation occurred shall assess an administrative fine based upon consideration of the evidence and as allowed by law or rule.

E. Such orders and hearings are subject to the Administrative Procedures Act.

Added by Laws 2003, c. 318, § 6, eff. Nov. 1, 2003. Amended by Laws 2013, c. 332, § 8.

§59-1000.20. Short title.

Sections 1000.20 through 1000.29 of this title shall be known and may be cited as the "Oklahoma Uniform Building Code Commission Act".

Added by Laws 2009, c. 439, § 2, emerg. eff. June 2, 2009. Amended by Laws 2014, c. 223, § 1.

§59-1000.21. Oklahoma Uniform Building Code Commission members.

A. 1. There is hereby created the Oklahoma Uniform Building Code Commission within the Construction Industries Board which shall consist of thirteen (13) members, eleven of whom shall be appointed by the Governor with the advice and consent of the Senate as follows:

a. one member who is a general contractor from a statewide organization that represents residential construction,
b. one member who is a general contractor from a statewide organization that represents commercial construction,
c. one member who is a contractor from a statewide organization that represents electrical contractors,
d. one member who is a contractor from a statewide organization that represents plumbing contractors,
e. one member who is a contractor from a statewide organization that represents heating and cooling contractors,
f. one member who is a licensed electrical engineer from a state-recognized professional engineering firm,
g. one member who is a local-level regulator/inspector who is a member of a statewide organization that is exempt from taxation under federal law and designated pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a), who has represented municipalities and had statutory functions for municipalities for at least fifteen (15) years prior to November 1, 2005,
h. one member who is a Certified Building Official employed by a political subdivision,
i. one member who is a licensed architect from a statewide organization that represents architects,
j. one member who is from the insurance industry with knowledge of building codes and experience in property loss mitigation, and
k. one member who is a licensed mechanical engineer from a state-recognized professional engineering firm.

2. The members shall be appointed for staggered terms of four (4) years. The initial appointment of the members added by this act shall be made within ninety (90) days of the effective date of this act. A full term of office for purposes of determining term limits provided in subsection C of this section shall be the completion of a full four-year term of appointment.

B. The remaining two members of the Commission shall be the State Fire Marshal, or a designee, and an appointee of the Construction Industries Board.

C. Appointed members shall continue in office until a successor is appointed by the Governor, notwithstanding the term limitations. No appointed member shall serve more than two consecutive full four-year terms; provided, such a member shall be eligible to serve until a successor is appointed, and such member may be reappointed after a two-year absence from the Commission. The Governor shall fill all vacancies and unexpired terms in the same manner as the original appointment of the member whose position is to be filled. No initial appointment to a term of less than four (4) years or any partial-term appointment to fill a vacancy or unexpired term of another member shall be counted for purposes of determining term limits. An appointed member may be removed by the Governor for cause.

D. Whenever a member of the Commission is absent from more than one-half (1/2) of all meetings of the governing body, regular and special, held within any period of twelve (12) consecutive months, the member shall thereupon cease to hold office by operation of law. Added by Laws 2009, c. 439, § 3, emerg. eff. June 2, 2009. Amended by Laws 2014, c. 223, § 2; Laws 2021, c. 266, § 1, eff. July 1, 2021.

§59-1000.22. Commission - Meetings - Duties.

1. The Oklahoma Uniform Building Code Commission shall organize immediately after July 1, 2009, and annually thereafter, by electing from among its members a chair and a vice-chair. The Commission shall hold regularly scheduled meetings at least once each quarter at a time and place determined by the Commission and may hold such special meetings, emergency meetings or continued or reconvened meetings as found by the Commission to be necessary. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

2. The chair shall preside at meetings of the Commission, set the agenda, sign orders and other required documents, coordinate Commission activities and perform such other duties as may be prescribed by the Commission.

3. The vice-chair shall perform the duties of the chair during the absence or disability of the chair and shall perform such other duties as may be prescribed by the Commission.

4. The Oklahoma Uniform Building Code Commission Chief Executive Officer, at the discretion of the Commission, shall:

a. keep a record of all proceedings of the Commission and certify to actions of the Commission,

b. oversee the receipt and deposit of all monies received by the Commission in the appropriate revolving funds,

c. submit, at the first regular meeting of the Commission after the end of each fiscal year, a fully itemized

report of the receipts and disbursements for the prior fiscal year, showing the amount of funds on hand, and

d. perform such other duties as are prescribed in this act or as may be prescribed by the Commission.

5. The Commission shall comply with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

6. All members of the Commission and such employees as determined by the Commission shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

7. The liability of any member or employee of the Commission acting within the scope of Commission duties or employment shall be governed by The Governmental Tort Claims Act.

8. Members of the Oklahoma Uniform Building Code Commission and members of all technical committees shall serve without compensation, but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

Added by Laws 2009, c. 439, § 4, emerg. eff. June 2, 2009.

§59-1000.23. Codes and standards - Training and certification of building inspectors.

A. The Oklahoma Uniform Building Code Commission shall have the power and the duty to review and adopt all building codes for residential and commercial construction to be used by all entities within this state. Codes and standards adopted by the Commission shall be the minimum standards for residential and commercial construction in this state.

B. All public projects shall abide by such minimum standards and requirements; provided, nothing in the Oklahoma Uniform Building Code Commission Act shall prevent or take away from state agencies the authority to enact and enforce requirements containing higher standards and requirements than such minimum standards and requirements.

C. Municipalities and other political subdivisions shall abide by such minimum standards and requirements; provided, nothing in the Oklahoma Uniform Building Code Commission Act shall prevent or take away from such municipalities and other political subdivisions the authority to enact and enforce requirements containing higher standards and requirements than such minimum standards and requirements.

D. The Oklahoma Uniform Building Code Commission shall have the power and duty to establish a training and certification process for all residential and commercial building code inspectors. The Commission shall establish regional training for the purpose of training the county and municipal inspectors in the Uniform Building Code. The regional training shall be offered at no cost to the

participant and shall be funded from the funds received pursuant to Section 1000.25 of this title. Each inspector operating in this state on behalf of any state agency or any municipal or county office may complete regional training and be issued a certification for inspections by the Uniform Building Code Commission on and after January 1, 2015. The training and certification applications, qualifications and procedures shall be promulgated by rules of the Commission. The Commission may establish forms and procedures to implement and administer the provisions of this section.
Added by Laws 2009, c. 439, § 5, emerg. eff. June 2, 2009. Amended by Laws 2014, c. 223, § 3.

§59-1000.24. Rules - Powers and duties.

A. 1. Beginning July 1, 2009, pursuant to and in compliance with Article I of the Administrative Procedures Act, the Oklahoma Uniform Building Code Commission shall have the power to adopt, amend, repeal and promulgate rules as may be necessary to perform the duties required under the Oklahoma Uniform Building Code Commission Act. Rules authorized under this section shall not become effective prior to October 1, 2009.

2. Beginning October 1, 2009, the Commission shall have the power to enforce the provisions of the Oklahoma Uniform Building Code Commission Act.

3. Any codes adopted by state agencies, municipalities or other political subdivisions of the state prior to uniform codes being adopted by the Oklahoma Uniform Building Code Commission, pursuant to the provisions of, or rules promulgated pursuant to, the Oklahoma Uniform Building Code Commission Act, shall be considered valid and in effect until uniform codes are adopted by the Oklahoma Uniform Building Code Commission.

B. The Oklahoma Uniform Building Code Commission shall have the following powers:

1. Exercise all incidental powers and duties which are necessary to effectuate the provisions of the Oklahoma Uniform Building Code Commission Act;

2. Adopt and have an official seal;

3. Maintain an administrative staff, including, but not limited to, an Oklahoma Uniform Building Code Commission Chief Executive Officer;

4. Direct such other expenditures as may be necessary in the performance of its duties, including, but not limited to, expenditures for office space, equipment, furnishings and contracts for services. All expenditures shall be made pursuant to the Oklahoma Central Purchasing Act;

5. Appoint technical committees to review and recommend for adoption all building codes. The technical committees shall review

and recommend building codes with any amendments for adoption by the Commission; and

6. Create a website listing all building codes adopted by the Commission. The website shall provide a method for listing all codes adopted by a state agency, city or any other political subdivision of the state containing higher standards and requirements than the codes adopted pursuant to the Oklahoma Uniform Building Code Commission Act as required in Section 14-107 of Title 11 of the Oklahoma Statutes.

C. After October 1, 2009, the Commission shall account for all receipts and expenditures of the monies of the Commission, including annually preparing and publishing a statement of receipts and expenditures of the Commission for each fiscal year. The Commission's annual statement of receipts and expenditures shall be audited by the State Auditor and Inspector or an independent accounting firm, and the audit report shall be certified to the Governor of this state to be true and correct, under oath, by the chair and vice-chair of the Commission.

D. Any amendments or modifications to the currently adopted state codes shall be forwarded to the Oklahoma Uniform Building Code Commission for consideration.

Added by Laws 2009, c. 439, § 6, emerg. eff. June 2, 2009. Amended by Laws 2023, c. 56, § 1, eff. Nov. 1, 2023.

§59-1000.25. System of fees - Construction permits.

A. The Oklahoma Uniform Building Code Commission shall establish a system of fees to be charged for the issuance and renewal of any construction permits issued by any agency, municipality, or other political subdivision of this state.

B. This provision is subject to the following limitations:

1. No schedule of fees may be established or amended by the Commission except during such times as the Legislature is in session; provided, the Commission may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule of fees has been specifically authorized by the Legislature pursuant to paragraphs 2 and 3 of this subsection. The Commission must follow the procedures required by Article I of the Administrative Procedures Act for adoption of rules in establishing or amending any such schedule of fees;

2. The Commission shall charge fees for building permits and renewal of such permits issued by any state agency, municipality, or other political subdivision of this state which authorized work governed by codes within the purview of the Commission only within the following ranges:

| | |
|---|---|
| For issuance of permit | not to exceed $5.00 |
| For renewal of permit | not to exceed $5.00 |

Fees shall be remitted to the Oklahoma Uniform Building Code Commission within thirty (30) days after the end of the preceding calendar month. The Oklahoma Uniform Building Code Commission shall report to the Governor, President Pro Tempore of the Senate and the Speaker of the House semiannually its collections for the six (6) months preceding the report;

3. Fees shall be collected by any state agency, municipality or other political subdivision issuing construction permits within this state. The fees shall be deposited in an account created by the collecting entity for that purpose;

4. The state agency, municipality or other political subdivision shall remit the monies in the account on a monthly basis directly to the State Treasury for deposit in the Oklahoma Uniform Building Code Commission Revolving Fund created pursuant to Section 1000.28 of this title. Along with the deposits required by this paragraph, each state agency, municipality or other political subdivision shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding month. The report shall be made on computerized or manual disposition reports as provided by rule of the Commission;

5. Any state agency, municipality or other political subdivision collecting and remitting fees pursuant to this section may levy a fee up to fifty cents ($0.50) for every construction permit or renewal permit issued. These monies shall be deposited into an account for the sole use of the state agency, municipality or other political subdivision. The state agency, municipality or other political subdivision shall state the total amount of funds collected and the total number of fees imposed to the State Treasury in the report required by paragraph 4 of this subsection;

6. It shall be the responsibility of the state agency, municipality or other political subdivision to account for and ensure the correctness and accuracy of payments made to the State Treasury pursuant to this title;

7. Funds collected by a state agency, municipality or other political subdivision and remitted to the State Treasury pursuant to the Oklahoma Uniform Building Code Commission Act shall be deposited in the Oklahoma Uniform Building Code Commission Revolving Fund and shall be used solely for the purposes of the Oklahoma Uniform Building Code Commission Act; and

8. Nothing in this act shall prevent the Oklahoma Uniform Building Code Commission from offering incentives for prompt payment.

Added by Laws 2009, c. 439, § 7, emerg. eff. June 2, 2009. Amended by Laws 2012, c. 317, § 1, eff. Nov. 1, 2012; Laws 2014, c. 223, § 4.

§59-1000.26. Chief Executive Officer - Hire and terminate - Majority of vote.

A. No later than August 15, 2009, and thereafter, each time the position becomes vacant, the Oklahoma Uniform Building Code Commission shall hire an Oklahoma Uniform Building Code Commission Chief Executive Officer. The Commission may, upon a majority vote, terminate the employment of the Oklahoma Uniform Building Code Commission Chief Executive Officer.

B. The Oklahoma Uniform Building Code Commission Chief Executive Officer shall assist the Commission in the performance of its duties and shall report directly to the Commission.

C. Commission employees shall be hired by and subject to the supervision and control of the Chief Executive Officer or designee. All employees are employees of the State of Oklahoma and shall be in the unclassified service.

D. The Chief Executive Officer is authorized to employ temporary workers or contract labor as may be prudent to properly administer the Oklahoma Uniform Building Code Commission Act.
Added by Laws 2009, c. 439, § 8, emerg. eff. June 2, 2009.

§59-1000.27. Attorney General - Legal advisor - Discharge of duties.

The Attorney General shall be the legal advisor for the Oklahoma Uniform Building Code Commission; and the Oklahoma Uniform Building Code Commission Chief Executive Officer and shall appear for and represent the Commission, the Chief Executive Officer and any deputies or agents in any and all litigation that may arise in the discharge of their respective duties.
Added by Laws 2009, c. 439, § 9, emerg. eff. June 2, 2009.

§59-1000.28. Oklahoma Uniform Building Code Commission Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Uniform Building Code Commission to be designated the Oklahoma Uniform Building Code Commission Revolving Fund. The fund shall be a continuous fund, not subject to fiscal year limitations, and shall consist of all fees or payments of any type received by the Commission. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for the purpose of implementing the Oklahoma Uniform Building Code Commission 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.
Added by Laws 2009, c. 439, § 10, emerg. eff. June 2, 2009. Amended by Laws 2012, c. 304, § 273.

§59-1000.29. State agencies or political subdivisions - Enactment of codes and rules.

Nothing in the Oklahoma Uniform Building Code Commission Act shall prohibit state agencies or political subdivisions of the state from having full authority to provide for the enactment of codes and rules in such form as they may determine and prescribe; provided, that such code, ordinance, bylaw or rule shall contain higher standards and requirements than the codes adopted pursuant to the Oklahoma Uniform Building Code Commission Act, or any rule adopted or prescribed by the Oklahoma Uniform Building Code Commission through authority of Oklahoma Uniform Building Code Commission Act, nor shall it prevent or take away from any state agencies or political subdivisions of the state the authority to amend such adopted codes to make changes necessary to accommodate local conditions; provided, such changes shall be approved by the Commission.

Added by Laws 2009, c. 439, § 11, emerg. eff. June 2, 2009.

§59-1000.30. Federally accepted refrigerants not to be prohibited or limited in use.

No provision of a building code, any other law, regulation, or other requirement in Oklahoma may prohibit or otherwise limit the use of a refrigerant designated as acceptable for use pursuant to and in accordance with 42 U.S.C. 7671K; provided, any equipment containing such refrigerant is listed and installed in accordance with safety standards and use conditions imposed pursuant to such designation.

Added by Laws 2023, c. 23, § 1, eff. Nov. 1, 2023.

§59-1001. Citation.

Sections 1001 through 1023.1 of this title shall be known and may be cited as "The Plumbing License Law of 1955”.

Added by Laws 1955, p. 366, § 1. Amended by Laws 2001, c. 394, § 9, eff. Jan. 1, 2002.

§59-1002. Rules - State bond, cash or deposit in lieu of bond.

A. The Construction Industries Board is hereby authorized, empowered, and directed to make, prescribe, enforce, amend, and repeal rules governing the following:

1. The examination and licensing of persons desiring or intending to engage in the business, trade or calling of plumbing contractor or journeyman plumber, implementing the provisions of The Plumbing License Law of 1955, including, but not limited to, defining categories and limitations for such licenses;

2. The registering of and issuing of certificates to persons desiring or intending to work or act as a plumber's apprentice;

3. The establishment and levying of administrative fines;

4. The initiation of disciplinary proceedings;

5. The requesting of prosecution of and initiation of injunctive proceedings against any person who violates any of the provisions of The Plumbing License Law of 1955 or any rule promulgated pursuant to The Plumbing License Law of 1955;

6. The establishment of minimum standards of plumbing installation; and

7. The establishment of bonding and insurance requirements for the issuance of a license as a plumbing contractor; provided, such rules shall not be inconsistent with the terms and conditions hereinafter provided.

B. Such bonding requirements shall allow the filing of cash or a certificate of deposit in lieu of a bond. A state bond or cash or certificate of deposit filed in lieu of a bond and which is posted pursuant to the provisions of this section shall be deemed sufficient to meet the requirements of any municipality, provided that a copy of said bond or documentation of cash or certificate of deposit filed in lieu of a bond shall be filed by the contractor prior to the commencement of any plumbing work with any municipality in which the licensee does work if required by local ordinances or rules.

Added by Laws 1955, p. 366, § 2. Amended by Laws 1989, c. 331, § 1, emerg. eff. May 31, 1989; Laws 1991, c. 106, § 1, eff. Sept. 1, 1991; Laws 1993, c. 236, § 1, eff. Sept. 1, 1993; Laws 2001, c. 394, § 10, eff. Jan. 1, 2002; Laws 2003, c. 318, § 7, eff. Nov. 1, 2003; Laws 2008, c. 4, § 2, eff. Nov. 1, 2008; Laws 2009, c. 439, § 13, emerg. eff. June 2, 2009; Laws 2021, c. 318, § 1.

§59-1002.1. Voluntary review of project plans and specifications.

The Construction Industries Board shall establish by rule a process for the formal review of the plans and specifications for a project prior to bid dates for the project to ensure that the project plans and specifications are in conformance with applicable plumbing, electrical, mechanical, and fire sprinkler installation codes. The rule shall provide that the review shall be completed in a timely manner, not to exceed fourteen (14) calendar days from the date of the submission of a completed application for review which is accompanied by the review fee not to exceed Two Hundred Dollars ($200.00) to be established by the rule. Upon completion of the review, the plans and specifications shall be returned to the applicant with documentation indicating either approval of plans and specifications which are in compliance with the applicable codes, or modifications which must be made to bring the plans and specifications into conformance. Submission of such plans and specifications for review by the Board shall be voluntary.

Added by Laws 1994, c. 293, § 1, eff. July 1, 1994. Amended by Laws 2001, c. 394, § 11, eff. Jan. 1, 2002.

§59-1003. Definitions.

As used in The Plumbing License Law of 1955:

1. "Board" means the Construction Industries Board;

2. "Committee" means the State Committee of Plumbing Examiners appointed by the Construction Industries Board;

3. "Plumbing Hearing Board" means the State Plumbing Hearing Board which shall consist of a designee of the Construction Industries Board, as chair, and the members of the State Committee of Plumbing Examiners;

4. "Apprentice" or "plumber's apprentice" means any person sixteen (16) years of age or older who, as the principal occupation of the person, is engaged in learning and assisting in the installation of plumbing under the direct supervision of a licensed journeyman plumber or plumbing contractor;

5. "Journeyman plumber" means any person other than a master plumber or plumbing contractor who engages in or works at the actual installation, alteration, repair and/or renovation of plumbing;

6. "Temporary journeyman plumber" means any person other than a person permanently licensed as a journeyman plumber, master plumber, or plumbing contractor in this state who meets the temporary licensure requirements of Section 1006.1 of this title;

7. "Master plumber" is a term used and defined under laws which have been repealed. A person formerly known as a master plumber is henceforth to be known as a "plumbing contractor" as defined in this section;

8. "Plumbing contractor" means any person who is skilled in the planning, superintending, and practical installation of plumbing and who is familiar with the laws and rules governing the same. This definition may be construed to mean any person who has qualified and is licensed under The Plumbing License Law of 1955 as a plumbing contractor, who may operate as an individual, a firm, partnership, limited liability company, or corporation, or other legal entity to engage in the business of plumbing, or the business of contracting to do plumbing, or furnish labor or materials or both for the installation, repair, maintenance, or renovation of plumbing according to the requirements of The Plumbing License Law of 1955;

9. "Plumbing" means, and includes:

   a. all piping, fixtures, appurtenances and appliances for, and in connection with, a supply of water within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a water main or other source of supply,

   b. all piping, fixtures, appurtenances and appliances for sanitary drainage or storm drainage facilities, including venting systems for such facilities, within or adjacent to any building, structure, or conveyance,

on the premises and to the connection with a public disposal system or other acceptable terminal,

c. the installation, repair, maintenance and renovation of all piping, fixtures, appurtenances and appliances for a supply of water, or for the disposal of waste water, liquid waste, or sewage within or adjacent to any building, structure, or conveyance, on the premises and to the source of supply of water or point of disposal of wastes, and

d. the installation, repair and maintenance of radiant-floor heating system piping in residential homes with capacities no greater than one hundred thousand (100,000) BTU's using only piping approved by the most current adopted edition of the International Mechanical Code; and

10. "Variance and Appeals Board" means the Oklahoma State Plumbing Installation Code Variance and Appeals Board.

Added by Laws 1955, p. 366, § 3. Amended by Laws 1994, c. 293, § 2, eff. July 1, 1994; Laws 1999, c. 405, § 1, emerg. eff. June 10, 1999; Laws 2001, c. 394, § 12, eff. Jan. 1, 2002; Laws 2004, c. 163, § 2, emerg. eff. April 26, 2004.

§59-1004. Oklahoma State Committee of Plumbing Examiners - Membership - Tenure - Qualifications and duties - Travel expenses.

A. The Oklahoma State Committee of Plumbing Examiners is hereby created and shall consist of five (5) members, each of whom shall be a citizen of the United States, and a resident of this state. One member shall be appointed from each congressional district and any remaining members shall be appointed from the state 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. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. Beginning January 1, 2002, as the terms of members serving on the Committee on such date expire, members of the Committee shall be appointed by the Construction Industries Board which may also remove them for cause. They will hold office for terms of two (2) years, or until their successors are appointed. Two members of the Committee shall have had at least five (5) years'

practical experience as a licensed master plumber or plumbing contractor, and two members shall have had at least five (5) years' practical experience as a licensed journeyman plumber. One member shall be a plumbing inspector selected from lists of names submitted from plumbing inspection industries. Whenever appointments of initial, new, or replacement plumbing members of the Committee are to be made, the Board shall choose them only from lists of at least three names to be furnished whenever needed as follows:

1. Master plumber or plumbing contractor member - lists to be furnished by associated plumbing and heating contractors of this state;

2. Journeyman plumber member - lists to be furnished by state pipe trades associations;

3. One licensed master plumber or plumbing contractor who is not a member of an association of plumbing, heating, and cooling contractors of this state; and

4. One licensed journeyman plumber who is not a member of a state pipe trades association.

B. Duties of the Committee shall be to serve the Construction Industries Board in an advisory capacity, to formulate rules pursuant to The Plumbing License Law of 1955, and to assist and advise the Board on the examination of applicants for licenses as journeyman plumber or plumbing contractor, in accordance with such rules and the terms and conditions hereof. A majority of the Committee shall constitute a quorum for the transaction of business.

C. Each examiner shall be reimbursed for travel expenses in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

Added by Laws 1955, p. 367, § 4. Amended by Laws 1978, c. 58, § 1, emerg. eff. March 20, 1978; Laws 1980, c. 1, § 1, eff. July 1, 1980; Laws 1984, c. 115, § 1, eff. July 1, 1984; Laws 1985, c. 178, § 39, operative July 1, 1985; Laws 1990, c. 157, § 1, emerg. eff. May 1, 1990; Laws 1996, c. 63, § 1, eff. July 1, 1996; Laws 2001, c. 394, § 13, eff. Jan. 1, 2002; Laws 2002, c. 375, § 10, eff. Nov. 5, 2002; Laws 2003, c. 3, § 52, emerg. eff. March 19, 2003; Laws 2008, c. 12, § 1; Laws 2012, c. 73, § 1; Laws 2015, c. 68, § 1, eff. Nov. 1, 2015.

NOTE: Laws 2002, c. 175, § 1 repealed by Laws 2003, c. 3, § 53, emerg. eff. March 19, 2003.

§59-1005. Examinations.

(a) Examinations shall be uniform and shall be practical in nature but sufficiently strict to test the qualification and fitness of the applicant as a journeyman plumber or as a plumbing contractor, as the case may be. It shall be in whole or in part in writing.

(b) Regular examinations shall be held at least twice each year and special examinations may be fixed by the Committee. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days, and thereafter any such applicant subsequently failing to pass the examination shall not be permitted to take a subsequent examination for a period of ninety (90) days.
Laws 1955, p. 368 § 5; Laws 1973, c. 122, § 1, emerg. eff. May 7, 1973.

§59-1006. Licenses – Transferability – Armed forces candidates.

A. The Construction Industries Board shall issue licenses to persons who have been certified by the Board as having successfully passed the examination for journeyman plumber or plumbing contractor, as the case may be, and who have paid the fees and have otherwise complied with the applicable requirements of The Plumbing License Law of 1955.

B. All licenses shall be nontransferable. It shall be unlawful for any holder of a license under The Plumbing License Law of 1955 to loan or allow the use of such license by any other person, firm or corporation, except as specifically provided in The Plumbing License Law of 1955.

C. The Board shall adopt procedures and rules to review and accept proof and documentation of an applicant's qualified training and experience as a journeyman plumber or plumbing contractor while on active duty with the armed forces of the United States when such service member has been honorably discharged from active duty within one (1) year of the application for examination or licensure in this state as a journeyman plumber or plumbing contractor.
Added by Laws 1955, p. 368, § 6. Amended by Laws 2001, c. 394, § 14, eff. Jan. 1, 2002; Laws 2015, c. 68, § 2, eff. Nov. 1, 2015.

§59-1006.1. Temporary licenses.

A. Within one (1) year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the Construction Industries Board shall issue a distinctively colored, nonrenewable, temporary journeyman plumber license which shall expire one (1) year after the date of the declaration to any person who is currently licensed as a journeyman plumber by another state and who:

1. Submits, within ten (10) days of beginning journeyman plumber's work in this state, an application and fee for a journeyman plumber's examination;

2. Takes and passes the examination at the first opportunity thereafter offered by the Board; and

3. Pays a temporary journeyman plumber's license fee to be established by rule by the Board pursuant to Section 1000.5 of this title.

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

Added by Laws 1999, c. 405, § 2, emerg. eff. June 10, 1999. Amended by Laws 2001, c. 394, § 15, eff. Jan. 1, 2002; Laws 2002, c. 457, § 4, eff. July 1, 2002.

§59-1007. Applications.

Application for examination, license or renewal of license shall be made to the Construction Industries Board in writing and, if required, on forms furnished by the Board and shall be accompanied by the proper fee.

Added by Laws 1955, p. 368, § 7. Amended by Laws 2001, c. 394, § 16, eff. Jan. 1, 2002.

§59-1008. Repealed by Laws 2002, c. 457, § 12, eff. July 1, 2002.

§59-1009. Duration of licenses - Expiration date - Renewals.

No license shall be issued for longer than one (1) year and all licenses shall expire on the last day in the birth month of the licensee. Such licenses may be renewed upon application and payment of fees within thirty (30) days preceding or following the date the license renewal is due. No journeyman or contractor license shall be renewed unless the licensee has completed the required hours of continuing education as determined and approved by the Committee. The Committee may renew licenses upon application made more than thirty (30) days following the date of expiration only upon payment of the renewal and additional fee prescribed and upon compliance with any applicable continuing education requirements as established by the Board and this act. Provided that no penalty for renewal shall be charged to any holder of a license which expires while such holder is in military service if application is made within one (1) year following discharge from the military service.

Apprentice registration certificates expire one (1) year after date of registration, at which time the apprentice may reregister.

Added by Laws 1955, p. 368, § 9. Amended by Laws 1980, c. 1, § 3, eff. July 1, 1980; Laws 2003, c. 318, § 8, eff. Nov. 1, 2003; Laws 2008, c. 4, § 3, eff. Nov. 1, 2008.

§59-1010. Plumbing Hearing Board - Investigations and hearings - Suspensions - Jurisdiction of political subdivisions.

A. The designee of the Construction Industries Board, as chair, and the members of the Oklahoma State Committee of Plumbing Examiners shall constitute a Plumbing Hearing Board, which may on

its own motion make investigations and conduct hearings. The Plumbing Hearing Board may, on its own motion or upon complaint in writing duly signed and verified by the complainant, and upon not less than ten (10) days' notice to the licensee, suspend any license or registration issued under The Plumbing License Law of 1955, and may revoke such license or registration in the manner hereinafter provided, if by clear and convincing evidence it finds that the holder of the license has:

1. Made a material misstatement in the application for license or renewal thereof;

2. Loaned or illegally used the license;

3. Demonstrated incompetency to act as a journeyman plumber or plumbing contractor, as the case may be;

4. Violated any provision of The Plumbing License Law of 1955, or any rule or order prescribed by the Construction Industries Board, or any ordinance or regulation for the installation of plumbing made or enacted by a city, town, or sewer Board by authority of The Plumbing License Law of 1955; or

5. Willfully and unreasonably failed to perform his or her normal business obligations without justifiable cause.

B. A copy of the complaint with notice of the suspension of license, if ordered by the Plumbing Hearing Board, shall be served on the person complained against, and the answer thereto shall be filed in the time allowed for the filing of answers in legal proceedings by the statutes of this state.

C. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Construction Industries Board. The hearing examiner’s decision shall be a final decision which may be appealed to a district court in accordance with the Administrative Procedures Act.

D. No order revoking a license shall be made until after a public hearing, held in accordance with the provisions of Article II of the Administrative Procedures Act, by the Plumbing Hearing Board which shall not be less than thirty (30) days and not more than sixty (60) days after the date of notice of suspension. The hearing shall be held at the place designated by the Plumbing Hearing Board. The person complained against shall have the right to be represented by counsel and to introduce any evidence in defense. The conduct of the hearing shall be in accordance with recognized rules of legal procedure and any member of the Plumbing Hearing Board or a representative designated by the Plumbing Hearing Board shall have authority to administer oaths and take testimony.

E. Any person whose license or registration has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for a new license.

F. Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized

plumbing code and appointed an inspector pursuant to Section 1016 of this title or pursuant to the Oklahoma Inspectors Act for such work shall have jurisdiction over the interpretation of the code and the installation of all plumbing work done in that political subdivision, subject to the provisions of the Oklahoma Inspectors Act. Provided, a state inspector may work directly with a plumbing contractor or journeyman plumber in such a locality if a violation of the code creates an immediate threat to life or health.

G. In the case of a complaint about, investigation of, or inspection of any license, registration, permit or plumbing in any political subdivision of this state which has not adopted a nationally recognized plumbing code and appointed an inspector pursuant to Section 1016 of this title or pursuant to the Oklahoma Inspectors Act for such work, the Construction Industries Board shall have jurisdiction over such matters.

H. 1. No individual, business, company, corporation, limited liability company, association or other entity subject to the provisions of Section 1001 et seq. of this title shall install, modify or alter plumbing in any incorporated area of this state which has not adopted a nationally recognized plumbing code and appointed an inspector pursuant to Section 1016 of this title or pursuant to the Oklahoma Inspectors Act for such work without providing notice of such plumbing to the Construction Industries Board. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the Construction Industries Board upon request.

2. Notice to the Construction Industries Board pursuant to this subsection shall not be required for plumbing maintenance or replacement of an existing plumbing device or fixture, unless such device is gas fired, or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to The Plumbing License Law of 1955, or under authority granted to the Construction Industries Board.

Added by Laws 1955, p. 369, § 10. Amended by Laws 1993, c. 251, § 1, eff. Sept. 1, 1993; Laws 1997, c. 353, § 1, eff. Nov. 1, 1997; Laws 2001, c. 394, § 18, eff. Jan. 1, 2002; Laws 2008, c. 4, § 4, eff. Nov. 1, 2008.

§59-1010.1. Administrative fines - Injunctions.

A. In addition to other penalties provided by law, if after a hearing in accordance with the provisions of Section 1010 of this title, the Plumbing Hearing Board shall find any person to be in violation of any of the provisions of The Plumbing License Law of 1955, such person may be subject to an administrative fine of not more than Five Hundred Dollars ($500.00) for each violation. Each day a person is in violation of The Plumbing License Law of 1955 may

constitute a separate violation. The maximum fine will not exceed One Thousand Dollars ($1,000.00). All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the fund established in Section 1018 of this title. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

B. The Plumbing Hearing Board may make application to the appropriate court for an order enjoining the acts or practices prohibited by The Plumbing License Law of 1955, and upon a showing by the Plumbing Hearing Board that the person has engaged in any of the prohibited acts or practices, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.
Added by Laws 1993, c. 236, § 3, eff. Sept. 1, 1993. Amended by Laws 2001, c. 394, § 19, eff. Jan. 1, 2002.

§59-1011. Appeals from decisions of Board.

An appeal from the decision of the Plumbing Hearing Board upon the suspension or revocation of a license, or upon any decision not specifically provided for in The Plumbing License Law of 1955, may be taken to the district court in accordance with the provisions of Article II of the Administrative Procedures Act.
Added by Laws 1955, p. 369, § 11. Amended by Laws 2001, c. 394, § 20, eff. Jan. 1, 2002.

§59-1012. Necessity for licenses - Penalty.

(a) Ninety (90) days from and after the effective date of this act it shall be unlawful and a misdemeanor for any person to act as, or perform the work of, a journeyman plumber, as defined in this act, until such person has qualified and is licensed as a journeyman plumber or plumbing contractor, as provided in this act.

(b) Ninety (90) days from and after the effective date of this act it shall be unlawful and a misdemeanor for any person, firm, partnership, association or corporation to act as a master plumber or plumbing contractor or to engage in or offer to engage in, by advertisement or otherwise, the business of plumbing, or plumbing contractor, as defined in this act, until such person, or a bona fide member of such partnership, or a bona fide officer of such firm, association, or corporation, as the case may be, shall have qualified and is licensed as a plumbing contractor as required by this act.
Laws 1955, p. 369, § 12.

§59-1013. Plumbers apprentice - Certificates.

The Construction Industries Board shall, upon proper application and payment of fee, register as a plumber's apprentice, and shall issue a certificate of registration to, persons who furnish proof satisfactory to the Board that they are sixteen (16) years of age or

older and are enrolled in a recognized school or training course for plumber apprentices, or have arranged for employment as a plumber's apprentice with a licensed plumbing contractor. The certificate of an apprentice shall expire at the end of one (1) year from date of issuance, at which time the Board may issue a renewal certificate upon payment of the renewal fee.
Added by Laws 1955, p. 369, § 13. Amended by Laws 1980, c. 1, § 4, eff. July 1, 1980; Laws 1999, c. 405, § 4, emerg. eff. June 10, 1999; Laws 2001, c. 394, § 21, eff. Jan. 1, 2002.

§59-1014. Change of business address.

Every holder of a license as a journeyman plumber or plumbing contractor, or of a certificate of registration as a plumber's apprentice, shall promptly notify the Construction Industries Board of any change in business address.
Added by Laws 1955, p. 370, § 14. Amended by Laws 2001, c. 394, § 22, eff. Jan. 1, 2002.

§59-1015. Municipal water and sewage systems - Rules and regulations.

Each city and/or incorporated town with a population of two thousand (2,000) or more in the state, having a system of water supply or sewerage shall, and any incorporated town, or any sewer district Commission may, by ordinance or regulation, prescribe rules and regulations for the material, construction, installation and inspection of all plumbing and sewerage placed in, or in connection with any building, structure, or conveyance in such city, town or sewer district, and the board of health or other proper authority of such city, town or sewer district shall further provide that no plumbing work shall be done, except in the case of repairing leaks, without permit being issued therefor upon such terms and conditions as such city, town or sewer commission shall prescribe.
Laws 1955, p. 370, § 15.

§59-1016. Municipal plumbing inspector - Combining plumbing inspector and electrical inspector.

A. Each city or incorporated town with a population of two thousand (2,000) or more in the state, having a system of water supply or sewerage shall by ordinance, within ninety (90) days after the effective date of this act, create an office of plumbing inspector, whose duty it shall be to inspect all plumbing installed in the jurisdiction of such city or town, and shall furnish a certificate of same. Said plumbing inspector shall have had not less than three (3) years' practical experience at the plumbing business, and shall not be interested, either directly or indirectly, in any firm or corporation engaged in the plumbing business.

B. Any city or town in this state, with a population in excess of four thousand (4,000) but not exceeding thirty thousand (30,000), may create an office which combines the powers and duties of the plumbing inspector and the electrical inspector. Except as otherwise provided in this subsection, the holder of such office must have at least three (3) years' practical experience in the plumbing industry and three (3) years' practical experience in the electrical industry. Any such city or town may, in its discretion, appoint some other person deemed qualified for such office if such person, within two (2) years after the date of appointment, successfully passes the examination for a license as a plumbing inspector and the examination for a license as an electrical inspector conducted by a recognized national building code or standard service. Cities or towns with a population of four thousand (4,000) or less may, in their discretion, appoint some other person deemed qualified for the office. The salary of said plumbing inspector is to be provided for by the respective city or town.

Added by Laws 1955, p. 370, § 16. Amended by Laws 1991, c. 324, § 1, emerg. eff. June 14, 1991; Laws 1995, c. 9, § 1, eff. Nov. 1, 1995.

§59-1017. Inapplicability.

The provisions of The Plumbing License Law of 1955 shall not apply to:

1. Minor repairs, consisting of repairing or replacing faucets or minor working parts of plumbing fixtures;

2. Farm buildings located outside any city or town unless such buildings are connected to a public water or sewer system;

3. Maintenance work for state institutions and school districts;

4. The installation, maintenance, repair, renovation of automatic sprinkler systems and related mechanical appurtenances beginning at a point where the pipe or piping system provides water used exclusively for these automatic sprinklers and their related appurtenances and to standpipes connected to automatic sprinkler systems;

5. The construction, installation, maintenance, repair, renovation, and/or removal of pipe or piping systems and related mechanical appurtenances including backflow preventers, appliances and/or equipment used in connection therewith, directly or indirectly within or without any building or structure, from a point or location in a source of potable water supply at which point or location there exists any backflow preventer, provided that said pipe and/or piping systems are for:

a. heating, except radiant-floor heating systems as defined in subparagraph d of paragraph 9 of Section 1003 of this title,
b. cooling,
c. air conditioning,
d. refrigeration, or
e. boilers and other pressure vessels of whatsoever kind and character.

A "backflow preventer," as used herein, means any permanent mechanical device, or combination of permanent mechanical devices, of whatever material, which, after installation acts to prevent a reversal of the normal directional flow of potable water within the piping system in which it is installed, and shall include, but not be limited to, metal checkvalves and airgaps, either naturally or artificially created. Provided, further, that the exclusionary provisions of this paragraph shall apply only to and within governmental agencies, counties, cities and towns which now have or which hereafter may adopt separate laws relating to the licensing, registration and regulating of persons engaged, for business purposes, in any of the areas of trade hereinbefore specified in this paragraph; the exemptions herein being provided to apply only to these items specifically regulated by any such local laws and ordinances; and

6. An individual who performs plumbing work on such individual's property of residence.

Added by Laws 1955, p. 370, § 17. Amended by Laws 1965, c. 147, § 1, emerg. eff. May 24, 1965; Laws 1967, c. 361, § 1, emerg. eff. May 22, 1967; Laws 1996, c. 318, § 1, eff. July 1, 1996; Laws 2004, c. 163, § 3, emerg. eff. April 26, 2004.

§59-1018. Fees paid to State Treasury - Disposition.

All fees, administrative fines or payments of any type received by the Construction Industries Board under The Plumbing License Law of 1955 shall be deposited in a revolving fund to be designated as the "Plumbing Licensing Revolving Fund" and are hereby appropriated and may be expended by the Construction Industries Board for the purpose of implementing The Plumbing License Law of 1955, and the fully adjudicated fine revenue received into this fund may be transferred to the Skilled Trade Education and Workforce Development Fund created in subsection E of Section 1 of this act. The fund shall be a continuing fund, not subject to fiscal year limitations. 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.

Added by Laws 1955, p. 370, § 18. Amended by Laws 1993, c. 236, § 2, eff. Sept. 1, 1993; Laws 2001, c. 394, § 23, eff. Jan. 1, 2002;

Laws 2004, c. 163, § 4, emerg. eff. April 26, 2004; Laws 2012, c. 304, § 274; Laws 2018, c. 244, § 2, eff. Nov. 1, 2018.

§59-1019. Violations and penalties.

A. Any person who violates any of the provisions of The Plumbing License Law of 1955, or any provision of an ordinance or regulation enacted by a city, town, or sewer commission, by authority of this act shall, upon conviction, in addition to suffering possible suspension or revocation of a license, be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than One Thousand Dollars ($1,000.00), together with the costs of prosecution.

B. The Plumbing Hearing Board may make application to the appropriate court for an order enjoining the acts or practices prohibited by this act, and upon a showing by the Plumbing Hearing Board that the person or firm has engaged in any of the prohibited acts or practices, an injunction, restraining order or other order as may be appropriate shall be granted by the court.

Added by Laws 1955, p. 371, § 19. Amended by Laws 2008, c. 4, § 5, eff. Nov. 1, 2008; Laws 2008, c. 142, § 1, eff. Nov. 1, 2008.

§59-1020. Local regulation by municipalities not prohibited.

Nothing in The Plumbing License Law of 1955 shall prohibit cities and towns from having full authority to provide full supervision and inspection of plumbing by the enactment of codes and rules in such form as they may determine and prescribe; provided, that no such ordinances, bylaw or rule shall be inconsistent with the Oklahoma Uniform Building Code Commission Act or any rule adopted or prescribed by the Oklahoma Uniform Building Code Commission, The Plumbing License Law of 1955, or any rule adopted or prescribed by the Construction Industries Board through authority of The Plumbing License Law of 1955 and the provisions of the Construction Industries Board Act. Each state-licensed master plumber or plumbing contractor shall be required to register with the plumbing inspector of every city and town in whose jurisdiction the plumber operates, and each such city or town is hereby authorized to register such master plumber or plumbing contractor to revoke the same, to charge fees for such registration, for permits and for inspections of plumbing and fixtures. Provided, further, that no master plumber or plumbing contractor shall be permitted to do business or work in any city or town wherein the local registration of the plumber has been revoked.

Added by Laws 1955, p. 371, § 20. Amended by Laws 2001, c. 394, § 24, eff. Jan. 1, 2002; Laws 2003, c. 318, § 9, eff. Nov. 1, 2003; Laws 2009, c. 439, § 14, emerg. eff. June 2, 2009.

§59-1021.1. Oklahoma State Plumbing Installation Code Variance and Appeals Board.

A. 1. There is hereby created the Oklahoma State Plumbing Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices, where no ordinance or regulation of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the Construction Industries Board for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars ($50.00), as set by rule of the Construction Industries Board.

2. The Variance and Appeals Board shall also hear appeals from contractors, licensed by the Construction Industries Board, and any party who has an ownership interest in or is in responsible charge of the design of or work on the installation, who contest the Construction Industries Board's interpretation of the state's model plumbing installation code as applied to a particular installation. Such appeals shall be based on a claim that:

a. the true intent of the installation code has been incorrectly interpreted,

b. the provisions of the code do not fully apply, or

c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the Construction Industries Board within fourteen (14) days after a code interpretation or receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the designated representative of the Construction Industries Board and the following members who, except for the State Fire Marshal or designee, shall be appointed by the Construction Industries Board from a list of names submitted by the professional organizations of the professions represented on the Variance and Appeals Board and who shall serve at the pleasure of the Construction Industries Board:

1. Two members shall be appointed from the State Committee of Plumbing Examiners; one shall be a contractor with five (5) years of

experience and one shall be a journeyman with five (5) years of experience;

2. One member shall be a registered design professional who is a registered architect with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with at least ten (10) years of structural engineering or architectural experience, five (5) of which shall have been in responsible charge of work;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work; and

6. One member shall be the State Fire Marshal or a designee of the State Fire Marshal.

Any member serving on the Variance and Appeals Board on January 1, 2002, may continue to serve until a replacement is appointed by the Construction Industries Board.

C. Members, except the designated representatives of the State Fire Marshal and the Construction Industries Board, and employees of the Construction Industries Board, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act from the revolving fund created pursuant to Section 1018 of this title.

D. The Variance and Appeals Board shall meet after the Construction Industries Board receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The designated representative of the Construction Industries Board shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of business.

Added by Laws 1994, c. 293, § 3, eff. July 1, 1994. Amended by Laws 2001, c. 394, § 25, eff. Jan. 1, 2002.

§59-1022. Repealed by Laws 1997, c. 353, § 6, eff. Nov. 1, 1997.

§59-1023.1. Issuance of citation for certain work prohibited.

No state or municipal inspector may issue a citation for work which is exempt from the requirement for a permit under Section 106 of the International Plumbing Code, latest edition.

Added by Laws 1997, c. 353, § 2, eff. Nov. 1, 1997.

§59-1031. Short title.

Sections 1031 through 1044 of this title shall be known and may be cited as the "Oklahoma Inspectors Act".
Added by Laws 1989, c. 215, § 1, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 26, eff. Jan. 1, 2002.

§59-1032. Rules - Promulgation by Construction Industries Board.
The Construction Industries Board shall promulgate rules governing the examination and licensing of building, electrical, mechanical, plumbing, and other construction inspectors and the establishment of classifications for such inspectors. The Board may adopt as part of such rules any or all nationally recognized inspector certification programs or codes for purposes of building and construction inspector licensing. The rules adopted by the Board shall provide requirements for continuing education for building and construction inspectors.
Added by Laws 1989, c. 215, § 2, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 27, eff. Jan. 1, 2002.

§59-1033. Definitions.
As used in the Oklahoma Inspectors Act:
1. "Board" means the Construction Industries Board;
2. "Committee" means the Oklahoma Inspector Examiners Committee;
3. "Building and construction inspection" means the inspection of plumbing, electrical, mechanical or structural aspects of building and construction, for the purpose of enforcing compliance with the applicable building codes or standards;
4. "Building and construction inspector" means any person actively engaged in the inspection of any phase of building and construction for the purpose of enforcing compliance with the applicable building codes or standards and includes, but is not limited to, plumbing inspectors, electrical inspectors, mechanical inspectors and structural building inspectors;
5. "Building official" means the licensed employee code official having the duty to administer and the authority to enforce building codes in the political subdivision;
6. "Certification" means successful passage of an examination by a Committee-approved national certification program in a license category pursuant to the Oklahoma Inspectors Act;
7. "Circuit rider inspector" means a person who acts as a building and construction inspector for two or more municipalities or other political subdivisions and is certified and licensed pursuant to the Oklahoma Inspectors Act;
8. "Inactive building and construction inspector" means a previously licensed building and construction inspector, having successfully passed an examination by a Committee-approved national certification program, who does not meet all requirements of the

Oklahoma Inspectors Act to perform building and construction inspections pursuant to the Oklahoma Inspectors Act until all requirements are met;

9. "Provisional license" means a license issued to a building and construction inspector who is an employee of a political subdivision on a provisional basis and limited to a maximum of one (1) year in each license category for the purpose of enabling an applicant to meet the certification requirements;

10. "Report writer" means any person recognized by a political subdivision having managerial and superintending control over building codes as a report writer for purposes of furnishing report-writing services on behalf of the building official. This person must be approved by the building official or designated code official, provided he or she has no conflict of interest and satisfies the requirements of the political subdivision as to qualifications, ethical standards and reliability in the process and services. The individual's furnished written reports shall be provided and acceptable to the building official, designated code official or political subdivision for final code evaluation; and

11. "Authorized provider" means one who is not a governmental employee but an independent contractor who is recognized by a political subdivision that issues building permits and who meets the requirements under the Oklahoma Inspectors Act and rules promulgated on the requirements of such licensure.

Added by Laws 1989, c. 215, § 3, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 28, eff. Jan. 1, 2002; Laws 2017, c. 346, § 1, eff. Nov. 1, 2017; Laws 2019, c. 60, § 1, eff. Nov. 1, 2019; Laws 2019, c. 356, § 1, eff. Nov. 1, 2019.

§59-1034. Oklahoma Inspector Examiners Committee - Members - Appointment - Qualifications - Travel Expenses.

There is hereby created the Oklahoma Inspector Examiners Committee which shall consist of seven (7) members. One member shall be the designee of the Construction Industries Board. When the terms of the other members serving on the Committee expire or are vacated, members shall be appointed by the Board, which may also remove any appointed member for cause. Appointed members shall hold office for terms of four (4) years or until their successors are appointed.

Four appointed members shall be residents of this state and each shall have had at least five (5) years of practical experience as a building and construction inspector in the respective field of the inspector. Of these appointees, one member each shall be appointed from the plumbing, electrical, mechanical and structural professions. One appointed member shall be a municipal officer as defined in Section 1-102 of Title 11 of the Oklahoma Statutes, and one appointed member shall be a lay person.

Each member shall serve without pay but shall be reimbursed for his actual expenses in accordance with the State Travel Reimbursement Act.
Added by Laws 1989, c. 215, § 4, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 29, eff. Jan. 1, 2002.

§59-1035. Oklahoma Inspector Examiners Committee - Powers and duties.

The Oklahoma Inspector Examiners Committee shall have the power and duty:

1. To assist the Construction Industries Board in certifying, licensing and otherwise regulating persons employed as building and construction inspectors;

2. To assist the Board in establishing and administering examinations to applicants for an Oklahoma inspector's license;

3. To assist the Board in prescribing and adopting forms for certification and licensure applications;

4. To assist the Board by making recommendations concerning rules which establish standards of performance for building and construction inspectors;

5. To assist the Board in determining whether certification by a national certification program or licensing by another governmental entity should be approved as a substitute for a successful completion of the Oklahoma Inspector's Examination;

6. To investigate alleged violations of the provisions of the Oklahoma Inspectors Act and of any rules promulgated pursuant thereto; and

7. To have such other powers and duties as are necessary to implement the Oklahoma Inspectors Act.
Added by Laws 1989, c. 215, § 5, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 30, eff. Jan. 1, 2002.

§59-1036. Application for certification and license – Requirements - Provisional license – Examination - Nontransferability.

A. Applicants for certification and license shall show proof of certification by successful completion of an examination approved by the Oklahoma Inspector Examiners Committee.

The Board shall issue a license to any person who has met the requirements of this subsection and who has paid the fees required by the Oklahoma Inspectors Act and has otherwise complied with the applicable requirements of the Oklahoma Inspectors Act. Provided, the Board may issue a provisional license limited to one (1) year to enable an applicant to meet the licensing requirements of this subsection while seeking certification by examination.

B. Examinations shall be uniform and shall be practical in nature but shall be sufficiently strict to test the qualifications and fitness of the applicant as a building and construction

inspector. The examination shall be in whole or in part in writing. Examination dates shall be set by the Committee or by the examination provider. Any applicant failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days, and thereafter any such applicants subsequently failing to pass the examination shall not be permitted to take a subsequent examination for a period of ninety (90) days.

C. All licenses shall be nontransferable and it shall be unlawful for any holder of a license issued pursuant to the Oklahoma Inspectors Act to loan or allow the use of such license by any other person, firm or corporation.

Added by Laws 1989, c. 215, § 6, eff. Nov. 1, 1989. Amended by Laws 1995, c. 9, § 2, eff. Nov. 1, 1995; Laws 2001, c. 394, § 31, eff. Jan. 1, 2002; Laws 2017, c. 346, § 2, eff. Nov. 1, 2017; Laws 2019, c. 356, § 2, eff. Nov. 1, 2019.

§59-1037. Application forms - Fee - Renewal.

Application for examination, certification, or license or renewal of license shall be made to the Construction Industries Board in writing on forms furnished by the Board and each application shall be accompanied by a fee to be established by rule by the Board pursuant to Section 1000.5 of this title. Applicants for renewal may also be required to submit proof of compliance with continuing education requirements established by the Board.

Added by Laws 1989, c. 215, § 7, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 32, eff. Jan. 1, 2002; Laws 2002, c. 457, § 5, eff. July 1, 2002.

§59-1038. License - Expiration - Late renewal - Fee - Exemption for military service.

A. No license shall be issued for longer than one (1) year and all licenses shall expire on the last day in the birth month of the licensee.

B. An application for the renewal of a license which is received more than thirty (30) days following the date of expiration and which is accompanied by a fee established pursuant to Section 1000.5 of this title, and proof of current continuing education requirements, may be accepted and the license reissued without examination.

C. The fee for late renewal and the continuing education requirements shall not be required of any holder of a license which expires while such holder is in military service, if application for renewal is made within one (1) year following the service discharge of such person.

Added by Laws 1989, c. 215, § 8, eff. Nov. 1, 1989. Amended by Laws 2003, c. 318, § 10, eff. Nov. 1, 2003; Laws 2017, c. 346, § 3, eff.

Nov. 1, 2017; Laws 2019, c. 60, § 2, eff. Nov. 1, 2019; Laws 2019, c. 356, § 3, eff. Nov. 1, 2019.

§59-1039. Complaints - Investigation - Individual proceeding - Finding - Suspension or revocation of license - Other administrative penalties - Reapplication for license.

A. The Oklahoma Inspector Examiners Committee may, upon its own motion, and shall upon written complaint filed by any person, investigate inspection practices of any building and construction inspector.

B. The Committee may request that an individual proceeding be conducted to determine whether the licensee has:

1. Made a material misstatement in the application for license or renewal thereof;

2. Loaned or illegally used the license of the licensee;

3. Demonstrated incompetency to act as a building and construction inspector; or

4. Violated any provision of the Oklahoma Inspectors Act, or any rule promulgated or order issued pursuant to the Oklahoma Inspectors Act.

C. After a finding by an impartial hearing examiner that the licensee is guilty of any violation as provided for in subsection B of this section, the Construction Industries Board may:

1. Suspend or revoke the license;

2. Defer such suspension or revocation pending mitigating or remedial action by the licensee; or

3. Assess administrative penalties pursuant to the provisions of Section 1044 of this title.

D. Any person whose license has been revoked by the Board may not apply for a new license for at least one (1) year from the date of such revocation.

Added by Laws 1989, c. 215, § 9, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 33, eff. Jan. 1, 2002.

§59-1040. Acting as or performing work of building and construction inspector without a license - Violation - Effective date.

Beginning February 1, 1990, it shall be unlawful for any person to act as or perform the work of a building and construction inspector unless such person is qualified and licensed as a building and construction inspector pursuant to the Oklahoma Inspectors Act.

Added by Laws 1989, c. 215, § 10, eff. Nov. 1, 1989.

§59-1041. Employment of inspectors by municipality or other governmental entity - Notification of Commissioner - Exemption of municipalities under 10,000.

Any municipality or other governmental entity which employs any person as a building and construction inspector for functions

normally performed by a building and construction inspector shall notify the Construction Industries Board of the employment.

Any municipality or other political subdivision of the state with a population of ten thousand (10,000) or less according to the most current census published by the United States Census Bureau shall be exempt from the provisions of the Oklahoma Inspectors Act, unless such municipality or other political subdivision of the state employs the services of a circuit rider inspector or relies on the use of an authorized provider.

Added by Laws 1989, c. 215, § 11, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 34, eff. Jan. 1, 2002; Laws 2017, c. 346, § 4, eff. Nov. 1, 2017; Laws 2019, c. 60, § 3, eff. Nov. 1, 2019; Laws 2019, c. 356, § 4, eff. Nov. 1, 2019.

§59-1042. Oklahoma Inspectors Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Construction Industries Board, to be designated the "Oklahoma Inspectors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board from fees and fines collected pursuant to the Oklahoma Inspectors Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Construction Industries Board for the purpose of implementing the provisions of the Oklahoma Inspectors Act for the continuing education of building and construction inspectors, and for implementing programs designed to further the efficiency of the building and construction inspector profession and public understanding of the profession. Expenditures from said 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.

Added by Laws 1989, c. 215, § 12, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 35, eff. Jan. 1, 2002; Laws 2004, c. 163, § 5, emerg. eff. April 26, 2004; Laws 2012, c. 304, § 275.

§59-1043. Nonapplicability to unincorporated areas of state.

This act shall not apply to unincorporated areas of this state.

Added by Laws 1989, c. 215, § 13, eff. Nov. 1, 1989.

§59-1044. Violations - Penalties.

Any person convicted of acting or performing as a building and construction inspector without the proper license shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), together with the costs of prosecution. Each day of violation shall constitute a separate offense.

Any entity who employs an unlicensed person to perform the duties and responsibilities of a building and construction inspector or who fails to notify the Construction Industries Board of the employment of an inspector shall be subject to an administrative fine of not more than Two Hundred Dollars ($200.00) for each violation. Each day a person is in violation may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars ($1,000.00).
Added by Laws 1989, c. 215, § 14, eff. Nov. 1, 1989. Amended by Laws 2001, c. 394, § 36, eff. Jan. 1, 2002.

§59-1045. Access to premises to be granted - Violation.
Any building and construction inspector licensed pursuant to Sections 1031 through 1044 of this title, shall be granted access within a reasonable period of time to perform an inspection for the purpose of enforcing compliance with the Oklahoma Inspectors Act. Pursuant to its authority under Section 1000.4 of Title 59 of the Oklahoma Statutes, the Construction Industries Board may initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates this provision.
Added by Laws 2002, c. 457, § 6, eff. July 1, 2002.

§59-1046. Authorized agent inspector license.
A. For purposes of a building and construction inspector performing functions normally performed by a building and construction inspector for a political subdivision pursuant to the Oklahoma Inspectors Act, the Construction Industries Board shall create for one acting as or performing the work of a building and construction inspector a separate classification of inspector license to act as an authorized provider of a political subdivision, and such licensure shall be governed by the Oklahoma Inspectors Act and rules promulgated on the requirements of such licensure.
B. As used in this section, "authorized provider" means one who is not a governmental employee but an independent contractor who is recognized by a political subdivision that issues building permits and who meets the requirements under the Oklahoma Inspectors Act and rules promulgated on the requirements of such licensure. An authorized provider is excluded from the population limitations of Section 1041 of this title and is required to be licensed regardless of the population of the political subdivision.
C. To obtain an authorized provider inspector license, the individual shall:
1. Be recognized by a political subdivision as meeting all requirements for a state inspector's license in the category of the inspections being performed and be free of direction and control of any contractor who is requesting the inspection;

2. Pass the inspector examination approved by the Oklahoma Inspector Examiners Committee and complete all other requirements in the Oklahoma Inspectors Act and rules for each category sought; and

3. Complete an authorized provider inspector license application for the examination, license or renewal of license. The application shall be completed in writing on forms furnished by the Construction Industries Board. Each application shall be accompanied by a fee and proof of continuing education for renewals as required in the Oklahoma Inspectors Act and rules.

D. It shall be unlawful for any person to act as or perform the work of an authorized provider inspector unless such person is qualified and licensed pursuant to the Oklahoma Inspectors Act. An authorized provider inspector license does not authorize an individual to issue permits.

E. Authorized provider inspectors licensed by the state are deemed to be acting as independent contractors and not as officers, employees or agents of the state or any political subdivision. Neither the state nor the political subdivision assumes any liability for the actions or omissions of licensed authorized providers.

F. Authorized providers shall:

1. In addition to complying with the provisions of the Oklahoma Inspectors Act, provide proof of insurance coverage of up to One Million Dollars ($1,000,000.00) in professional liability insurance, in addition to One Million Dollars ($1,000,000.00) in errors and omissions insurance as set by rule. Proof of valid and current insurance coverage must be provided upon application for registration and renewal of registration in the form of an insurance certificate listing the State of Oklahoma as the certificate holder. Further, proof of compliance with the workers' compensation laws of Oklahoma or exemption is required. Lapse of insurance shall result in the change of license status to inactive;

2. Not be under the direction and control of any entity that performs industrial, commercial or residential construction for which they would provide services;

3. Not be under the direction and control of any entity that designs industrial, commercial or residential projects for which they would provide services;

4. Provide written reports acceptable to the political subdivision according to the political subdivision requirements;

5. Not be prohibited in the Oklahoma Inspectors Act from providing other plan review and inspection services for jurisdictions that pertain to infrastructure projects, utilities projects or other services not regulated by the Oklahoma Inspectors Act, except as restricted or limited by the political subdivision;

6. Not be allowed to apply for a provisional license as described in Section 1036 of this title; and

7. Provide evidence of being certified for the specific license category for which they are applying and shall only provide services in the area of certification and licensing.

G. Beginning November 1, 2019, and until administrative rules concerning authorized provider licensure have been finally adopted pursuant to the Administrative Procedures Act, authorized agent licensure shall be equivalent to authorized provider licensure pursuant to the Oklahoma Inspectors Act, and existing administrative rules set forth in the Oklahoma Administrative Code relating to authorized agent licensure shall remain in effect.

Added by Laws 2017, c. 346, § 5, eff. Nov. 1, 2017. Amended by Laws 2019, c. 356, § 5, eff. Nov. 1, 2019.

§59-1101. Short title - Declaration.

A. Sections 275 through 289 of this act shall be known and may be cited as the "Waterworks and Wastewater Works Operator Certification Act".

B. The Waterworks and Wastewater Works Operator Certification Act is declared to be necessary to safeguard life, health, and property, and to protect the waters of this state.

Added by Laws 1959, p. 269, § 1. Amended by Laws 1993, c. 145, § 275, eff. July 1, 1993.

§59-1102. Definitions.

A. As used in the Waterworks and Wastewater Works Operator Certification Act:

1. "Board" means the Environmental Quality Board of the State of Oklahoma;

2. "Certificate" means a certificate of competency issued as provided for herein;

3. "Department" means the Oklahoma Department of Environmental Quality;

4. "Executive Director" means the Executive Director of the Oklahoma Department of Environmental Quality;

5. "Helper" means any person who performs or assists in the performance of work which may affect the quality of either water or wastewater;

6. "Operator" means any person who is at any time responsible for the operation of a wastewater works or waterworks or associated laboratories, in part or in whole. Operator shall not ordinarily apply to an official exercising official general administrative supervision but shall include any person who can, through a direct act or command, affect the quality of the water or wastewater;

7. "Person" means and includes individuals, firms, partnerships, associations, and corporations; and also means and includes the State of Oklahoma, counties, districts, municipalities, and all subdivisions, districts, officers, agencies, departments,

institutions, or instrumentalities of any thereof, whether governmental or proprietary;

8. "Wastewater works" means wastewater treatment systems and facilities used in the collection, transmission, storage, pumping, treatment or disposal of liquid or waterborne wastes, except as provided in subsection B of this section; and

9. "Waterworks" means facilities used in the procurement, treatment, storage, pumping or distribution of water for human consumption, except as provided in subsection B of this section.

B. The words "waterworks", or "wastewater works" shall not include:

1. Any waterworks used exclusively by a private residence or a private business or industry, except when a waterworks has fifteen or more permanent or temporary service connections available for residential use, or regularly serves twenty-five or more of the same individuals at least six (6) months in a year;

2. Any nonindustrial wastewater works treatment system which has an average flow of five thousand (5,000) gallons per day or less;

3. Any industrial wastewater works; and

4. Such classes of systems, which because of their size, type of treatment, or the nature of wastes involved, the Board shall find do not require general supervision by a certified operator in order to safeguard life, health, property, or the water supplies or streams of this state. Such classes shall be fixed by rules promulgated by the Board.

Added by Laws 1959, p. 270, § 2. Amended by Laws 1965, c. 88, § 1, emerg. eff. May 5, 1965; Laws 1978, c. 166, § 1, eff. July 1, 1978; Laws 1993, c. 145, § 276, eff. July 1, 1993; Laws 1993, c. 324, § 50, eff. July 1, 1993; Laws 2005, c. 138, § 2, eff. Nov. 1, 2005.

§59-1103. Repealed by Laws 2013, c. 227, § 12, eff. Nov. 1, 2013.

§59-1104. Powers and duties of Board.

The Environmental Quality Board shall have the power and duty to promulgate such rules, including requirements, restrictions and conditions relating to the hiring or contracting of licensed public water supply or wastewater operators pursuant to the provisions of Section 2 of this act and the establishment of a fee schedule pursuant to Section 2-3-402 of Title 27A of the Oklahoma Statutes, as it may deem necessary to the carrying out of the provisions and purposes of the Waterworks and Wastewater Works Operator Certification Act.

Added by Laws 1959, p. 271, § 4. Amended by Laws 1993, c. 145, § 278, eff. July 1, 1993; Laws 2006, c. 154, § 1, eff. July 1, 2006.

§59-1105. Powers and duties of Department.

In addition to the other powers conferred by the Waterworks and Wastewater Works Operator Certification Act, the Department shall have the following powers and duties:

1. To institute in any court of competent jurisdiction such actions or proceedings, including but not limited to actions and proceedings for mandatory or prohibitory injunctions or mandamus, as it may deem necessary either to enforce or to prevent violation of any provision of this act or of any rule or order made thereunder, or to enforce any subpoena or order issued or made under authority of the Waterworks and Wastewater Works Operator Certification Act;

2. To conduct and cooperate with others in conducting educational and training programs, including itinerant training programs or district meetings, concerning plant operation and related subjects;

3. To employ such personnel, incur such expenses, and purchase such personal property as may be necessary for the purposes of this act, insofar as funds are lawfully available therefor;

4. To prescribe such procedures and forms as may be necessary to the administration of the Waterworks and Wastewater Works Operator Certification Act;

5. To prescribe the form and content of, and to grade and determine the criteria for the successful completion of, examinations given to applicants and to provide for the confidentiality of examinations and individual test scores;

6. To perform such other acts as shall be necessary for the accomplishment of the purposes of the Waterworks and Wastewater Works Operator Certification Act;

7. To enforce the provisions of the Waterworks and Wastewater Works Operator Certification Act, rules promulgated thereunder and orders, certifications and registrations issued pursuant thereto; and

8. To conduct voluntary certification programs, certification programs specifically authorized by state statute, and certification programs promulgated by the Environmental Quality Board pursuant to a federal regulation or requirement; and to issue, renew or reactivate certificates and to register persons employed as helpers pursuant to such programs.

Added by Laws 1959, p. 271, § 5. Amended by Laws 1993, c. 145, § 279, eff. July 1, 1993; Laws 1994, c. 353, § 31, eff. July 1, 1994.

§59-1106. Unlawful acts - Necessity for certificate.

A. Except as otherwise provided in the Waterworks and Wastewater Works Operator Certification Act, it shall be unlawful:

1. For any person to employ or appoint or vote for or approve the employment or appointment of any person as an operator of a waterworks or wastewater works who does not possess a valid current certificate issued under the Waterworks and Wastewater Works

Operator Certification Act, which certifies the operator's competency to operate a waterworks or wastewater works for which the operator is employed or appointed as operator; or to employ or appoint a person as an operator of a waterworks or wastewater works or vote for or approve the employment or appointment of any person as an operator of a waterworks or wastewater works contrary to the terms and conditions of the certificate held by such person;

2. For any person to be the operator of a waterworks or wastewater works for the operation of which the person does not hold a required certificate, or to be the operator of any waterworks or wastewater works contrary to any of the terms and conditions of the operator's certificate; or

3. For any person to violate any rule or order made under the authority of the Waterworks and Wastewater Works Operator Certification Act or any certificate issued pursuant thereto.

B. Paragraphs 1 and 2 of subsection A of this section shall apply to a waterworks or wastewater works employing a superintendent of the waterworks or wastewater works who has not obtained the proper level of certification within six (6) months of employment as superintendent. The Environmental Quality Board may, by rule, limit the number of times this six-month exemption is available to a waterworks and wastewater works.

C. The provisions of this section shall not affect the practice of engineering by a professional engineer.

D. A plumber licensed pursuant to the Plumbing License Law of 1955 shall not be required to hold any waterworks or wastewater operator certificate in order to make connections to public water systems or lines or sewer systems or lines.

Added by Laws 1959, p. 271, § 6. Amended by Laws 1978, c. 166, § 3, eff. July 1, 1978; Laws 1993, c. 145, § 280, eff. July 1, 1993; Laws 1993, c. 324, § 52, eff. July 1, 1993; Laws 1994, c. 353, § 32, eff. July 1, 1994; Laws 1996, c. 115, § 1, emerg. eff. April 18, 1996; Laws 1999, c. 204, § 1, emerg. eff. May 24, 1999.

§59-1107. Application for certificate - Qualifications - Renewals, expiratrion.

A. Upon application, made upon a form to be prescribed by the Department, by an individual not less than eighteen (18) years of age, the Department shall issue a certificate when the applicant has paid a nonrefundable application fee and has met any one of the following qualifications:

1. An applicant who successfully completes training and examination as prescribed by the Department; or

2. An applicant who holds a license or certificate issued by any other state or territory of the United States, and currently valid at the time he makes application hereunder, similar to a certificate provided for herein, where the requirements of such

other state or territory for the issuance of a license or certificate, at the time such applicant received said license or certificate, were of a level found by the Department to be the equivalent of the standards required hereby for a certificate of similar kind. Provided, however, that no certificate shall be issued under this paragraph unless the holder of a certificate under this act would be issued a similar license or certificate by such other state or territory under substantially the same conditions.

B. All fees shall be deposited in the Certification Fund.

C. Any certificate issued under this section shall be renewable annually for the period from July 1 to June 30.

D. A certificate shall be renewed upon approval of the Department. Application for such renewal shall be submitted to the Department on forms prescribed by the Department, shall be accompanied by a renewal fee as set by the Board and shall include documentation that the applicant has met the annual renewal training requirements of the Department. The Department may allow a thirty-one-day grace period for such renewals, from July 1 through July 31, without requiring payment of a late fee as set by the Board, provided the applicant submits the required renewal fee and qualifies for such renewal.

E. A certificate which is not so renewed by July 31 shall have no further force, effect or validity unless the Department, upon receipt of an application from the holder of the expired certificate within two (2) years after the certificate's June 30 renewal date, reactivates such certificate. Such reactivation application shall include the submission of data on forms prescribed by the Department, renewal and reactivation late fees as set by the Board, and documentation that the applicant has met the Department's renewal training requirements. A reactivated certificate may be renewed annually thereafter as provided in this section.

F. The holder of an expired and unreactivated certificate shall not be issued any new certificate unless he applies and qualifies therefor pursuant to the Waterworks and Wastewater Works Operator Certification Act.

Added by Laws 1959, p. 271, § 7. Amended by Laws 1965, c. 88, § 2, emerg. eff. May 5, 1965; Laws 1978, c. 166, § 4, eff. July 1, 1978; Laws 1993, c. 145, § 281, eff. July 1, 1993; Laws 1994, c. 353, § 33, eff. July 1, 1994.

§59-1108. Temporary permit for operation of waterworks or wastewater works.

Any individual who, after the effective date of this act, is employed or appointed as operator of a waterworks or wastewater works for the operation of which he does not hold a certificate, or the operation of which would be contrary to the terms and conditions of any certificate held by such individual, shall be issued a

temporary certificate for the operation of such works by the Department upon satisfactory application made therefor within ten (10) days after initial employment or appointment of such individual as the operator of such works, accompanied by a fee as set by the Board. Such application shall be made under oath, and shall provide in addition any information required by the Department. Said temporary certificate shall expire one (1) calendar year after the date of the applicant's initial employment as the operator of such works, and shall not be renewable. If such application is not made within said ten (10) days, then the continuation of such individual as the operator of such works after said ten (10) days shall be unlawful and shall constitute a violation of this act by both said individual and the person owning or maintaining such works. If the issuance of such temporary certificate is refused for any lawful reason, then the continuation of such individual as the operator of such works after thirty (30) days after the Department has mailed notice of such refusal to the person owning or maintaining such works, and to such applicant, shall be unlawful and shall constitute a violation of this act by both said individual and the person owning or maintaining such works. Not more than one temporary certificate shall be issued to the same individual during any five-year period. This section shall not be applicable to or authorize the issuance of a temporary certificate to any individual who has had a certificate revoked or whose certificate is under suspension, or to whom the issuance or renewal or reactivation of a certificate has been refused, under Section 1113 of this title, except where such individual has thereafter been reinstated or issued a certificate as provided in the Waterworks and Wastewater Works Operator Certification Act.
Added by Laws 1959, p. 272, § 8. Amended by Laws 1993, c. 145, § 282, eff. July 1, 1993; Laws 1993, c. 324, § 53, eff. July 1, 1993.

§59-1109. Certificates may contain conditions or restrictions.

Any certificate issued pursuant to the Waterworks and Wastewater Works Operator Certification Act may contain such conditions or restrictions as the Department shall deem necessary or appropriate.
Added by Laws 1959, p. 273, § 9. Amended by Laws 1993, c. 145, § 283, eff. July 1, 1993.

§59-1110. Certificate issued to individuals only.

A certificate shall not be issued pursuant to the provisions of the Waterworks and Wastewater Works Operator Certification Act to any person other than an individual.
Added by Laws 1959, p. 273, § 10. Amended by Laws 1993, c. 145, § 284, eff. July 1, 1993.

§59-1111. Refusal to issue, renew, reinstate, reactivate or to revoke or suspend certificate - Grounds - Notice and proceedings.

The Department shall have power to refuse to issue, renew, reinstate or reactivate or, after notice and opportunity for an individual proceeding as provided in the Administrative Procedures Act, the Oklahoma Environmental Quality Code and rules of the Board, to revoke or suspend any certificate for good cause including but not limited to:

1. Gross inefficiency or incompetence;

2. Violation of any provisions of the Waterworks and Wastewater Works Operator Certification Act or applicable provisions of the Oklahoma Environmental Quality Code, rules promulgated thereunder or the terms of any certificate or order issued pursuant thereto; or

3. Fraud or misrepresentation in obtaining a certificate.

Added by Laws 1959, p. 273, § 11. Amended by Laws 1993, c. 145, § 285, eff. July 1, 1993; Laws 1994, c. 353, § 34, eff. July 1, 1994.

§59-1112. Renewal, reactivation or reinstatement of certificate.

After the expiration of one (1) year after the Department denies an application for certification, renewal or reactivation or revokes a certificate pursuant to the Waterworks and Wastewater Works Operator Certification Act, the holder of such certificate may make application to the Department for renewal, reactivation or reinstatement. Such renewal, reactivation or reinstatement shall rest in the sound discretion of the Department.

Added by Laws 1959, p. 274, § 12. Amended by Laws 1993, c. 145, § 286, eff. July 1, 1993.

§59-1113. Certification Fund - Created - Receipts - Disbursements - Use of fund for training program.

There is hereby created a revolving fund in the State Treasury to be known as the "Certification Fund". Said fund shall consist of all monies appropriated to said fund, and all fees collected under the provisions of this act. Said fund shall be under the control and supervision of the Department, and shall be paid out on claims approved by the Department and forwarded to the Director of the Office of Management and Enterprise Services who shall audit the same, and, upon approval thereof, warrants shall be issued according to law, and said warrants shall be paid by the State Treasurer from the said fund. The said fund shall be expended for training programs including itinerant training programs, meetings, personnel, expenses, and purchase of personal property, to carry out the purposes of the Waterworks and Wastewater Works Operator Certification Act, and for no other purpose. Nothing herein shall prevent the expenditure of other funds of the Department or of the Board, the expenditure of which is not otherwise restricted, from

being expended to accomplish the purposes of the Waterworks and Wastewater Works Operator Certification Act.
Added by Laws 1959, p. 274, § 13. Amended by Laws 1993, c. 145, § 287, eff. July 1, 1993; Laws 2012, c. 304, § 276.

§59-1114. Powers of Commissioner subject to rules and regulations of Board.

The powers herein granted to the Commissioner shall be exercised subject to such rules and regulations as the Board may make, which are applicable thereto.
Laws 1959, p. 274, § 14.

§59-1115. Violations and penalties.

Any public officer who shall knowingly violate any provision of the Waterworks and Wastewater Works Operator Certification Act shall upon conviction thereof be guilty of a misdemeanor. If any county, district, municipality, or any agency or instrumentality thereof, or any state board, institution, agency, instrumentality, or commission shall violate any provision of the Waterworks and Wastewater Works Operator Certification Act, each of the members of the governing board thereof who shall vote for or otherwise approve of such violation shall upon conviction thereof be guilty of a misdemeanor. Every other person who shall violate any provision of the Waterworks and Wastewater Works Operator Certification Act shall upon conviction thereof be guilty of a misdemeanor. Any person guilty of a misdemeanor hereunder shall, upon conviction thereof, be punished by a fine of not to exceed One Hundred Dollars ($100.00), or by imprisonment in the county jail for not to exceed thirty (30) days, or by both such fine and imprisonment.
Added by Laws 1959, p. 274, § 15. Amended by Laws 1993, c. 145, § 288, eff. July 1, 1993.

§59-1117. Registration of helpers - Reporting list of helpers.

A. A helper shall register annually with the Department. Any registered helper shall work only under the direct supervision of a certified operator.

B. Any authority, company, district, county, municipality, individual or agency providing water or wastewater services shall report a list of all helpers in its employment as of the first day of July of each year together with a registration fee for each such helper and such other information as may be required by the Department.
Added by Laws 1978, c. 166, § 5, eff. July 1, 1978. Amended by Laws 1993, c. 145, § 289, eff. July 1, 1993.

§59-1118. Hiring or contracting of licensed public water supply or wastewater operators.

A. A municipality, sewer improvement district, water or sewer public trust, or rural water or sewer district may hire or contract for the services of one or more operators, properly licensed and certified by the Department of Environmental Quality, to operate the entity's publicly owned public water supply or wastewater systems. The entity may contract with a small publicly owned water supply system or small publicly owned wastewater system to provide the services of the entity's certified operator or operators to assist in the operation of the small system.

B. A consortium of small publicly owned water supply systems or small publicly owned wastewater systems may hire or contract for the services of one or more operators, properly licensed and certified by the Department, to provide certified operator services for those small publicly owned public water supply or wastewater systems.

C. A substate planning district may hire or contract for the services of one or more operators, properly licensed and certified by the Department, to provide certified operator services for small publicly owned public water supply or wastewater systems within the substate planning district.

D. The Oklahoma Rural Water Association may hire or contract for the services of one or more operators, properly licensed and certified by the Department, to provide certified operator services for small publicly owned public water supply or waste water systems.

E. The Environmental Quality Board shall adopt rules defining a small system for purposes of this section, and establishing such requirements, restrictions and conditions relating to the hiring and contracting of operators as it deems necessary to ensure proper operation of publicly owned public water supply or wastewater systems.

Added by Laws 2006, c. 154, § 2, eff. July 1, 2006.

§59-1150.1. Short title.

Sections 1150.1 through 1150.13 of this title shall be known and may be cited as the "Oklahoma Sanitarian and Environmental Specialist Registration Act".

Added by Laws 1993, c. 145, § 290, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 1, eff. Nov. 1, 1995.

§59-1150.2. Definitions.

For the purposes of the Oklahoma Sanitarian and Environmental Specialist Registration Act:

1. "Board" means the State Board of Health of the State of Oklahoma;

2. "Commissioner" means the State Commissioner of Health of the State of Oklahoma;

3. "Council" means the Sanitarian and Environmental Specialist Registration Advisory Council;

4. "Executive Director" means the Executive Director of the Department of Environmental Quality;

5. "Person" means individuals;

6. "Registration" means a certificate issued pursuant to the Oklahoma Sanitarian and Environmental Specialist Registration Act; and

7. "Sanitarian or environmental specialist" means a person uniquely qualified by education in the sciences, specialized training, and documented field experience to effectively plan, organize, manage, execute and evaluate one or more of the many diverse elements comprising the fields of public health or environmental protection or both public health and environmental protection. The term "sanitarian or environmental specialist" may be interpreted to include environmental sanitarian, environmental protection specialist, environmental health specialist or other similar terms.

Added by Laws 1988, c. 225, § 17. Amended by Laws 1993, c. 145, § 291, eff. July 1, 1993. Renumbered from Title 63, § 1-2201 by Laws 1993, c. 145, § 360, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 2, eff. Nov. 1, 1995.

§59-1150.3. Promulgation of rules.

The State Board of Health in conjunction with the Sanitarian and Environmental Specialist Registration Advisory Council is hereby authorized to promulgate rules governing the examination and registration of sanitarians and environmental specialists, and the defining of categories and limitations for such registration and providing continuing education requirements for the renewal of registration.

Added by Laws 1993, c. 145, § 292, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 3, eff. Nov. 1, 1995.

§59-1150.4. Intent of Legislature - Disposition of fees collected.

A. It is the intent of the Legislature that the Council and the registration of sanitarians and environmental specialists pursuant to the provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act shall constitute a section of the Occupational Licensing Division of the Oklahoma State Department of Health.

B. Fees collected pursuant to the provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act shall be determined by the Board in conjunction with the Council pursuant to Article I of the Administrative Procedures Act.

Added by Laws 1993, c. 145, § 293, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 4, eff. Nov. 1, 1995.

§59-1150.5. Sanitarian and Environmental Specialist Registration Advisory Council.

A. There is hereby created the "Sanitarian and Environmental Specialist Registration Advisory Council", which shall consist of nine (9) members as follows:

1. One member shall be the Commissioner of Health or designated representative;

2. One member shall be the Executive Director of the Department of Environmental Quality or designee;

3. One member shall be the Director of the Office of Management and Enterprise Services or designee;

4. One member who shall be appointed for an initial term of three (3) years by the Director of the City-County Health Department of Oklahoma County;

5. One member who shall be appointed for an initial term of three (3) years by the Director of the Tulsa City-County Health Department;

6. Two members shall be employed by state government who shall be appointed by the Commissioner for an initial term of two (2) years each; and

7. Two members, for an initial term of one (1) year each, who shall be appointed by the Executive Director of the Department of Environmental Quality, one who is employed by private industry and one who is employed by the Indian Health Service of the Public Health Service or by a tribal government with an office in the State of Oklahoma.

B. With the exception of paragraph 3 of subsection A of this section all of the members shall have at least five (5) years of experience as registered sanitarians or environmental specialists.

C. After expiration of one initial term of office, the term of office of each appointed member shall be for three (3) years. Each appointed member shall hold office until his successor is appointed and has qualified under the Oklahoma Sanitarian and Environmental Specialist Registration Act. The initial term for all appointed members shall begin January 1, 1996.

D. Sixty (60) days prior to the expiration of the term to be filled or whenever a vacancy occurs, any statewide organization whose membership represents more than twenty percent (20%) of the registered sanitarians and environmental specialists in the state may recommend three persons for such position or vacancy to the appointing authority.

E. Appointed members of the Council may be removed from office by the appointing authority.

F. The members of the Council shall serve without pay but may be reimbursed for actual expenses pursuant to the State Travel Reimbursement Act.

G. The Council shall elect from among its membership a chair, vice-chair and secretary to serve a term of not more than one (1) year ending on July 1 of the year designated by the Council. Members may be elected for more than one term. The chair or vice-chair shall preside at all meetings. The chair, vice-chair and secretary shall perform such duties as may be decided by the Council in order to effectively administer the Oklahoma Sanitarian and Environmental Specialist Registration Act.

H. A majority of Council members shall constitute a quorum to transact official business.

I. The Council shall meet within sixty (60) days after the effective date of this act and shall meet thereafter at such times as the Council deems necessary to implement the Oklahoma Sanitarian and Environmental Specialist Registration Act.

Added by Laws 1993, c. 145, § 294, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 5, eff. Nov. 1, 1995; Laws 2012, c. 304, § 277.

§59-1150.6. Powers and duties of Council.

Pursuant to the Oklahoma Sanitarian and Environmental Specialist Registration Act, the Council shall have the power and duty to:

1. Assist and advise the Board on all matters relating to the formulation of rules in accordance with this act;

2. Administer and develop the examinations of applicants for registration pursuant to this act;

3. Determine qualifications of applicants for registration pursuant to this act;

4. Prescribe and adopt forms for registration applications and initiate mailing of the application forms to all persons requesting applications;

5. Investigate alleged violations of the provisions of this act and of any rules promulgated by the Board thereunder;

6. Assist the Board in establishing categories of registrations and application requirements for each category including but not limited to education, experience requirements, and examinations; and

7. Have such other powers and duties as is necessary to implement this act.

Added by Laws 1993, c. 145, § 295, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 6, eff. Nov. 1, 1995.

§59-1150.7. Certificate of registration - Qualifications - Issuance - Sanitarian- or environmental specialist-in-training.

A. Applicants for certificate of registration as a sanitarian or environmental specialist shall be approved for registration by the Council upon compliance with the following:

1. Have two (2) years of postgraduate, full-time experience working in the fields of public health or environmental protection;

2. Have a four-year baccalaureate degree with a major in public health, environmental health, environmental science, physical science, natural science, biological science, agricultural science, or equivalent, from an accredited college or university with at least thirty (30) semester hours of work in physical, natural and biological sciences, public health and/or environmental health or environmental protection or both environmental health and environmental protection;

3. Pass an examination prescribed by the Council, demonstrating knowledge and understanding of the principles of sanitation and of the physical, biological and environmental sciences; and

4. Pay applicable examination and registration fees.

B. Upon compliance with subsection A of this section, the Commissioner shall issue a certificate of registration as a registered professional sanitarian or registered professional environmental specialist. The area of specialization, if any, shall be designated on the certificate.

C. Applicants who, except for the experience requirement, meet all qualifications for registration as required in this section may be granted a certificate as a sanitarian- or environmental specialist-in-training, which certificate shall remain in effect, unless revoked by the Commissioner, for a period not to exceed thirty (30) months after date of issue.

Added by Laws 1988, c. 225, § 18. Amended by Laws 1993, c. 145, § 296, eff. July 1, 1993. Renumbered from Title 63, § 1-2202 by Laws 1993, c. 145, § 360, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 7, eff. Nov. 1, 1995.

§59-1150.8. Examinations.

A. Examinations shall be uniform and practical in nature and shall be sufficiently strict to test the qualifications and fitness of the applicants for registration. Examinations shall be in whole or in part in writing. The Council shall conduct examinations twice a year and at such other times as it deems necessary. Examinations may be general or specific to an area of specialization.

B. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days.

Added by Laws 1993, c. 145, § 297, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 8, eff. Nov. 1, 1995.

§59-1150.9. Criteria for issuance of registration - Nontransferability - Registration without examination or additional fees.

A. The Commissioner shall issue a certificate of registration as a sanitarian or environmental specialist to any person who:

1. Has been certified by the Council as having a current valid registration in good standing issued by another entity with registration requirements similar to but not less than those provided in the Oklahoma Sanitarian and Environmental Specialist Registration Act; and

2. Has paid the registration fee and otherwise complied with the provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act.

B. No registration shall be issued unless the holder of a registration pursuant to the Oklahoma Sanitarian and Environmental Specialist Registration Act would be issued a similar registration by such other body under substantially the same conditions.

C. All registrations shall be nontransferable. It shall be a misdemeanor for any person registered pursuant to the provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act to loan or allow the use of such registration by any other person.

D. Until January 1, 1994, the Council shall, upon proper application, issue registrations without examinations and without payment of additional fees to persons who prior to October 1, 1993, hold unexpired registrations as sanitarians issued by the Commissioner, and who have otherwise complied with the requirements of the Oklahoma Sanitarian Registration Act as of October 1, 1993. This registration must be produced as a prerequisite to obtaining a registration pursuant to the Oklahoma Sanitarian and Environmental Specialist Registration Act.

Added by Laws 1993, c. 145, § 298, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 9, eff. Nov. 1, 1995.

§59-1150.10. Repealed by Laws 1995, c. 91, § 12, eff. Nov. 1, 1995.

§59-1150.11. Repealed by Laws 1995, c. 91, § 12, eff. Nov. 1, 1995.

§59-1150.12. Use of title and abbreviation R.P.S. or R.P.E.S.

Only a person who has qualified as a registered sanitarian or environmental specialist and who holds a valid current registration certificate for use in this state shall have the right and privilege of using the title Registered Professional Sanitarian or Registered Professional Environmental Specialist and to use the abbreviation R.P.S. or R.P.E.S. after the name of such person. Any person who violates the provisions of this section, upon conviction thereof, shall be guilty of a misdemeanor.

Added by Laws 1993, c. 145, § 301, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 10, eff. Nov. 1, 1995.

§59-1150.13. Revocation or suspension of registration.

A. The Commissioner shall have the power to revoke the certificate of registration of any registrant pursuant to this section.

B. The Commissioner shall suspend or revoke or not renew any registration for:

1. Fraud or deceit in obtaining a registration;

2. Making a material misstatement in the application for a registration, or the renewal of a registration;

3. Loaning or illegally using a registration;

4. Demonstrating incompetence, or any gross negligence or misconduct in the profession of Registered Professional Sanitarian or Registered Professional Environmental Specialist; or

5. Violating any provisions of the Oklahoma Sanitarian and Environmental Specialist Registration Act, or any rule, or order prescribed by the Board promulgated thereto.

C. Any person whose registration has been revoked by the Commissioner may apply for a new registration one (1) year from the date of such revocation.

Added by Laws 1993, c. 145, § 302, eff. July 1, 1993. Amended by Laws 1995, c. 91, § 11, eff. Nov. 1, 1995.

§59-1150.14. Soil tests to design sewage disposal systems for compensation.

Individuals registered under the Oklahoma Sanitarian and Environmental Specialist Registration Act who are employed by the State of Oklahoma may perform soil tests to design sewage disposal systems for compensation during hours when they are not officially on work status as a state employee, as defined by a state agency's policy and procedures. This section shall not preclude the State of Oklahoma from receiving compensation for soil tests performed by these individuals as part of their official state employment duties.

Added by Laws 2001, c. 245, § 2, eff. Nov. 1, 2001. Amended by Laws 2005, c. 187, § 1, emerg. eff. May 17, 2005.

§59-1151.1. Short title.

This act shall be known and may be cited as the "Roofing Contractor Registration Act".

Added by Laws 2010, c. 479, § 1, eff. Nov. 1, 2010.

§59-1151.2. Definitions.

As used in the Roofing Contractor Registration Act:

1. "Advertise" means any written publication, dissemination, solicitation, contract, bid, promotional item, or circulation which is intended to directly or indirectly induce any person to contract for roofing construction services with the advertiser, including,

but not limited to, business cards, telephone directory display advertisements, vehicle signage, radio, television and electronic solicitations;

2. "Applicant" means the qualifying party, or if no qualifying party, any person applying under the Roofing Contractor Registration Act for a roofing contractor registration to be issued by the Construction Industries Board;

3. "Board" means the Construction Industries Board;

4. "Committee" means the Committee of Roofing Examiners;

5. "Homeowner" means one who owns and resides in, or who resides in, or who contracts for the purchase, construction, remodeling or repairing of a residence;

6. "Nonresident contractor" means any contractor who has not established and maintained a place of business as a roofing contractor in this state within the preceding year, or who claims residency in another state, or who has not submitted an income tax return as a resident of this state within the preceding year;

7. "Owner" means person who owns the property or is a lessee of the property;

8. "Person" means any natural person, firm, limited or general partnership, corporation, association, limited liability company, trust, association, other legal entity and any organization capable of conducting business, or any combination thereof acting as a unit, unless the intent to give a more limited meaning is disclosed clearly by the Roofing Contractor Registration Act;

9. "Prime contractor" means a general contractor, commercial contractor, or other contractor who contracts directly with the owner for construction trade work in multiple trade areas;

10. "Project manager" means one who manages construction projects consisting of work involving multiple trades;

11. "Public contract" means a contract with the State of Oklahoma, its political subdivisions, or any board, commission, or department thereof, or with any board of county commissioners, or with any city council, school board, or with any state or municipal agency, or with any other public board, body, commission, or agency authorized to award contracts for the construction or reconstruction of public works and includes subcontracts undertaken to perform works covered by the original contract or any part thereof;

12. "Qualifying party" means a natural person who is an officer or owner of the corporation, a member of the limited liability company, or a general partner of the limited liability partnership, and who is actively engaged in the work undertaken by the registrant for which a registration is required pursuant to the Roofing Contractor Registration Act who meets the experience and ability requirements for registration on behalf of the registrant;

13. "Registrar" means the Construction Industries Board or any person designated by the Board to administer the provisions of the Roofing Contractor Registration Act;

14. "Registration" means the process of applying for an initial or renewal registration which upon approval is exhibited by a registration number and card issued pursuant to the Roofing Contractor Registration Act;

15. "Registration number" means the roofing registration number issued by the registrar to the registrant's qualifying party;

16. "Registrant" means a holder of a registration issued pursuant to the Roofing Contractor Registration Act;

17. "Residence" means a single structure for residential occupancy or use which is a detached one- to four-family dwelling or a multiple single-family dwelling (townhouse) not more than three stories/floors above grade plane in height with a separate means of egress, and any appurtenances thereto, which is intended for use as a primary habitation and is in compliance with the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission;

18. "Roofing contractor" means any person, including a subcontractor and nonresident contractor, engaged in the business of commercial or residential roofing contractor work, or who himself or herself, or through another, attempts to or advertises, holds himself or herself out as having, or purports to have, the capacity to undertake roofing contractor work, or offers to engage in or solicits roofing installation-related services, including construction, installation, renovation, remodeling, reroofing, repair, maintenance, alteration, and waterproofing, unless specifically exempted in the Roofing Contractor Registration Act. Roofing contractor shall not mean:

a. a person engaged in the demolition of a structure or the cleanup of construction waste and debris that contains roofing material,

b. a person working under the direct supervision of the roofing contractor who is hired either as an employee, day laborer, or contract laborer whose payment, received in any form, from the roofing contractor is subject to self-employment tax,

c. a person working on his or her own property or that of an immediate relative and such person is not receiving any compensation, or

d. a person acting as a handyman who is receiving compensation from the property owner and who is performing the roofing repair in conjunction with other repairs to the property and who does not perform more than two roofing jobs per year;

19. "Roofing contractor work" means the installation, fabrication or assembly of equipment or systems included in roofing systems as defined in the International Building Code and the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission, and which codes are hereby adopted and incorporated by reference. Roofing construction work includes, but is not limited to, installation, renovation, remodeling, reroofing, reconstructing, repair, maintenance, improvement, alteration, and waterproofing, unless specifically exempted in the Roofing Contractor Registration Act.

a. "Commercial roofing contractor work" means work done on commercial, industrial or public building roofing systems or structures as defined in the International Building Code, as adopted by the Oklahoma Uniform Building Code Commission; except it does not mean buildings used for commercial purposes having equivalent or substantially the same roofing requirements as a "residence" defined herein, including but not limited to business offices converted from a structure that formerly was a residence, and

b. "Residential roofing contractor work" means work done on roofing systems as defined in the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission, or as defined as a "residence" herein; including buildings used for commercial purposes having asphalt shingles, tile shingles, synthetic shakes, wood shakes or other comparable materials applied to a sloped roof equal to the same roofing requirements as a "residence" defined herein, including but not limited to business offices converted from a structure that formerly was a residence;

20. "Roofing Hearing Board" means the Roofing Hearing Board which shall consist of a designee of the Construction Industries Board, as chair, and the members of the Committee of Roofing Examiners;

21. "Subcontractor" means one who contracts with a prime contractor, general contractor, residential contractor, project manager, property manager, another subcontractor, or another entity for roofing contractor work;

22. "Variance" means the use of an alternative material or method of construction from that prescribed in the International Building Code or the International Residential Code or other approved documents by the Oklahoma Uniform Building Code Commission for use at a particular location or project specified in the variance application;

23. "Variance and Appeals Board" means the Oklahoma State Roofing Installation Code Variance and Appeals Board;

24. "Labor-only crews" means a crew that is to perform the installation of asphalt shingles, tile shingles, synthetic shakes, wood shakes or other comparable materials to a sloped roof and to complete roofing work; and

25. "Prefabricated- or pre-engineered-metal-building erector" means the labor necessary to construct the components of a prefabricated- or pre-engineered-metal-building package, known as PEMB, as defined by the Construction Science Institute and Construction Specifications Institute in Division 13, Special Construction: Metal Building Systems.

Added by Laws 2010, c. 479, § 2, eff. Nov. 1, 2010. Amended by Laws 2014, c. 270, § 1, eff. Nov. 1, 2014; Laws 2018, c. 178, § 1, eff. July 1, 2018.

§59-1151.2a. Authority of Board to administer and enforce commercial roofer endorsement provisions.

A. The Construction Industries Board is authorized to administer and enforce the Roofing Contractor Registration Act.

B. 1. The Construction Industries Board is authorized to administer and enforce the commercial roofer endorsement provisions of the Roofing Contractor Registration Act.

2. The Construction Industries Board shall have the authority to administer and enforce the provisions of the commercial roofer endorsement provisions of the Roofing Contractor Registration Act, including the authority to:

a. establish the examination and continuing education requirements and procedures for endorsements of persons desiring or intending to engage in the business or trade of a commercial roofing contractor with the advice and input from the Committee of Roofing Examiners using assistance from a third-party vendor as necessary and appropriate,

b. establish and enforce the minimum standards of commercial roofer endorsements in this state and rules promulgated pursuant to the commercial roofer endorsement provisions of the Roofing Contractor Registration Act with the advice and input from the Committee of Roofing Examiners,

c. promulgate, prescribe, amend, and repeal rules necessary to implement the provisions of the commercial roofer endorsement of the Roofing Contractor Registration Act with the advice and input from the Committee of Roofing Examiners,

d. issue, renew, suspend, revoke, modify or deny endorsements to engage in commercial roofing

contractor work pursuant to the Roofing Contractor Registration Act,

e. conduct investigations for the purpose of inspecting commercial roofer endorsements for compliance with the commercial roofer endorsement provisions of the Roofing Contractor Registration Act, and of the rules of the Board promulgated pursuant thereto, into the qualifications of applicants and allegations of violations,

f. establish and levy administrative fines against any person who violates any of the provisions of the commercial roofer endorsement standards of the Roofing Contractor Registration Act or any rule promulgated pursuant thereto, not to exceed five percent (5%) of the commercial job. For any residential job on a first violation the Board may issue a warning; on any second violation levy and administrative fine not to exceed Five Hundred Dollars ($500.00); on a third violation, levy an administrative fine not to exceed Three Thousand Five Hundred Dollars ($3,500.00); and for any subsequent violation, revoke the registration and commercial roofer endorsement,

g. initiate disciplinary proceedings and provide hearings on any person who violates any of the provisions of the commercial roofer endorsement standards of the Roofing Contractor Registration Act or any rule promulgated pursuant thereto,

h. request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of the commercial roofers endorsement in the Roofing Contractor Registration Act or any rule promulgated pursuant to the commercial roofer endorsement of the Roofing Contractor Registration Act, and

i. exercise all incidental powers as necessary and proper to implement and enforce the provisions of the commercial roofer endorsement of the Roofing Contractor Registration Act and the rules promulgated pursuant thereto.

Added by Laws 2014, c. 270, § 8, eff. Nov. 1, 2014.

§59-1151.3. Roofing contractor registration – Violations – Penalties – Enjoinment of prohibited acts or practices.

A. All roofing contractors shall be registered annually by the Board. All registrations shall be nontransferable. It is unlawful for any person to act as a roofing contractor without having a current and valid roofing contractor's registration or act as a

commercial roofing contractor without a current and valid commercial roofer endorsement issued pursuant to the Roofing Contractor Registration Act, unless the person is exempt under the Roofing Contractor Registration Act. Evidence of securing a permit, including roofing work from a governmental agency or the employment of a person on a roofing project, shall be accepted in any court as prima facie evidence of the existence of a contract.

Each copy of a roofing contractor's record, which would include responses to any complaints, that is from and verified by the registrar, or a verified statement from the registrar that there is no record as no application was made, shall be received in all courts in this state as prima facie evidence of the facts stated therein.

A verified copy of a roofing contractor's administrative citation for unregistered activity or without required commercial roofer endorsement and order of final disposition from the registrar shall be received in all courts in this state as prima facie evidence of the facts stated therein, including establishment thereby of the first offense.

B. A person shall not engage or offer to engage in, by advertisement or otherwise, the business nor act in the capacity of a roofing contractor within this state nor shall that person bring or maintain any claim, action, suit, or proceeding in any court of this state related to the person's business or capacity as a roofing contractor without a valid registration and commercial roofer endorsement, when required, continuously while performing the work for which the claim, action, suit, or proceeding is sought, as provided in the Roofing Contractor Registration Act. No business entity shall advertise or act as a roofing contractor unless such business is a registered roofing contractor with a valid commercial roofer endorsement, when required, and is in good standing, and is associated with and responsible for all roofing contractor work of such entity. Any business entity violating the provisions of this subsection shall be subject to administrative penalty by the Board not to exceed Five Thousand Dollars ($5,000.00).

C. A person who fails to obtain a valid registration and endorsement when required prior to advertising or offering to engage as or acting as a roofing contractor as defined in the Roofing Contractor Registration Act, or a person who acts as a roofing contractor while his or her registration is not in good standing or is suspended or revoked without complying with the required disclosure and option for homeowner to cancel the contract provisions of subsection I of Section 1151.5 of this title, or a person who violates any provision of the Roofing Contractor Registration Act, shall be guilty of a misdemeanor, upon conviction or plea, punishable by a fine not to exceed Five Hundred Dollars ($500.00) for each violation. More than one misdemeanor violation

in any twelve-month period shall be grounds for the suspension of the registration, and shall cause the person to be ineligible for registration for a period not to exceed twenty-four (24) months after all requirements of the sentence, or deferment of sentence, and probation have been met, including the payment of any restitution or rehabilitative treatment.

D. In lieu of referring complaints of violations of the Roofing Contractor Registration Act to the district attorney for misdemeanor prosecution, the Board in its discretion may issue administrative fines to any person up to Five Hundred Dollars ($500.00) for violations of any provision of the Roofing Contractor Registration Act or its rules or regulations. A person who fails to obtain a valid registration prior to acting as a roofing contractor, or a person who acts as a roofing contractor while his or her registration or commercial roofer endorsement is not in good standing or is suspended or revoked without complying with the required disclosure and option for homeowner to cancel the contract provisions of subsection I of Section 1151.5 of this title, on first offense, may be administratively fined and disciplined after notice and opportunity for hearing before the Roofing Hearing Board. A person who violates any other provision of the Roofing Contractor Registration Act, on first offense within a two-year period, may be administratively fined and disciplined by the Roofing Hearing Board in its discretion in lieu of referral to the district attorney as a misdemeanor, or the matter may be referred to the district attorney. Misdemeanor conviction, guilty plea, or nolo contendere plea due to alleged violations of the Roofing Contractor Registration Act shall be grounds for the revocation of the registration and shall cause the person to be ineligible for registration for a period not to exceed twelve (12) months after all requirements of the sentence, or deferment of sentence, and probation have been met, including the payment of any restitution or rehabilitative treatment.

E. Administrative fines collected pursuant to the Roofing Contractor Registration Act shall be placed in the Roofing Contractor Registration Revolving Fund pursuant to Section 1151.20 of this title.

F. It is the duty of the building official or other authority charged with the duty of issuing roofing permits of any incorporated municipality or subdivision of the municipality or county to refuse to issue a roofing permit for any roofing undertaking which would require a registration pursuant to the Roofing Contractor Registration Act unless the applicant has furnished evidence that he or she is either registered as required or is exempt from the registration requirements of the Roofing Contractor Registration Act.

G. The Roofing Hearing Board may make application to the appropriate court for an order enjoining the acts or practices

prohibited by the Roofing Contractor Registration Act, and upon a showing by the Roofing Hearing Board that the person or firm has engaged in, or is about to engage in, any of the prohibited acts or practices, an injunction, restraining order or other order as may be appropriate shall be granted by the court.
Added by Laws 2010, c. 479, § 3, eff. Nov. 1, 2010. Amended by Laws 2011, c. 225, § 1; Laws 2014, c. 270, § 2, eff. Nov. 1, 2014.

§59-1151.4. Construction Industries Board.

The Construction Industries Board is authorized to administer the Roofing Contractor Registration Act. In addition to the powers stated in the Construction Industries Board Act, the Board shall have the following powers:

1. Exercise all incidental powers and duties necessary to effectuate the provisions of the Roofing Contractor Registration Act;

2. Promulgate, adopt, amend, suspend and repeal rules as may be reasonably necessary to effectuate the provisions of the Roofing Contractor Registration Act, the proper performance of its duties, and to define categories and limitations for such registration. The rule-making powers of the Construction Industries Board are subject to the Administrative Procedure Act, including those pertaining to emergency or temporary rules or regulations;

3. Promulgate forms to implement the provisions of the Roofing Contractor Registration Act. The Board may administer any provision of this act through use of the Internet or other technology as deemed necessary or appropriate;

4. Issue, refuse to issue, suspend, revoke or deny a registration, or take any other action provided by the requirements of the Roofing Contractor Registration Act;

5. Collect fees, fines and civil penalties pursuant to the Roofing Contractor Registration Act and the promulgated rules;

6. Enter upon public and private property for the purpose of inspecting workers' registrations and roofing work for compliance with the provisions of the Roofing Contractor Registration Act and of the rules of the Board promulgated pursuant thereto;

7. Employ personnel and procure such supplies and equipment as may be necessary to carry out and implement the provisions of this act, subject to budgetary limitations and funding;

8. Investigate complaints, qualifications of qualifying parties or applicants for registration, and any person to the extent necessary to determine if the person is engaged in the violation of the provisions of the Roofing Contractor Registration Act, including unlawful or unregistered activity. The Construction Industries Board may refer the matter for misdemeanor prosecution, whether or not the person ceases the unlawful and/or unregistered activity;

9. Initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of the Roofing Contractor Registration Act or any rule promulgated pursuant to the Roofing Contractor Registration Act;

10. Reprimand or place on probation, or both, any holder of a registration pursuant to the Roofing Contractor Registration Act;

11. Administer oaths, order or subpoena the attendance of witnesses, the inspection of records and premises, and the production of books, records, and papers for the investigation of matters that may come before the Board;

12. Authority to appoint members who shall serve as a code variance and appeals board;

13. Maintain an administrative staff to carry out the responsibilities of the Board and Committee;

14. The registrar shall maintain and provide a complete roster listing the names, last-known addresses, and status of all registrants. The registrar may condense or provide an abstract of a roofing contractor's record for public information; provided, a complete record is available for public inspection upon written request; and

15. Upon the advice and recommendation of the Committee, the Board may, in its discretion, enter into a written reciprocity agreement with another state if the requirements for registration in the other state are deemed by the Committee to be substantially the same or equivalent to the requirements for obtaining an original registration in force in this state at the date of such registration, and then issue a registration by reciprocity to a qualified party applicant who is currently licensed or registered to engage in roofing contractor work in another state that has entered into a written reciprocity agreement with the Board.

Added by Laws 2010, c. 479, § 4, eff. Nov. 1, 2010. Amended by Laws 2014, c. 270, § 3, eff. Nov. 1, 2014.

§59-1151.5. Obtaining a roofing contractor registration - Refusal of registration - Registrar.

A. Applications for registration shall be made to the Construction Industries Board in writing on forms approved and provided by the Board and shall be accompanied by the proper fee.

B. An applicant or qualifying party whose registration is denied, or the person has a conviction, or pled guilty or nolo contendere to a misdemeanor, or otherwise fails to meet the requirements of application, may obtain a hearing before the Committee of Roofing Examiners in order to provide information in support of the application requirements and any other information showing the applicant's ability and willingness to comply with the

requirements of the Roofing Contractor Registration Act, and to protect the public health, safety and welfare.

C. To obtain a roofing contractor registration under the Roofing Contractor Registration Act, a qualifying party who is eighteen (18) years of age or older shall submit, on forms the registrar prescribes:

1. An application under oath containing a statement:
   a. of the qualifying party's experience and qualifications as a roofing contractor, if any,
   b. that the qualifying party desires the issuance of a roofing contractor registration certificate,
   c. that the qualifying party has read the Roofing Contractor Registration Act and will comply with the provisions of the Roofing Contractor Registration Act and rules,
   d. that the qualifying party will comply with state laws and local ordinances relating to standards and permits,
   e. that the qualifying party has or has not been registered or licensed as a roofing contractor in another state and whether any disciplinary action has been taken against such registration or license and whether it is currently in good standing, and
   f. that the nonresident qualifying party appoints the Secretary of State as legal service agent for all lawful process to be served upon the applicant for work performed in this state or as otherwise provided in the Roofing Contractor Registration Act;

2. The qualifying party's name, physical address, business name, telephone number, address and place of incorporation, if different, information on any other person who will be authorized to act as the business entity, and the applicant's phone number, if different;

3. The entity's federal tax ID number, or the employer's or owner's or qualifying party's social security number, and the employer's account number assigned by the Employment Security Commission. The social security number information shall remain with the registrar as confidential and privileged except for necessary disclosures to state agencies to verify compliance with requirements with this act, or upon request by law enforcement; and

4. A copy of the roofing contractor's certificate of liability insurance shall be filed with the application and shall be not less than Five Hundred Thousand Dollars ($500,000.00) for residential roofing contractor work and shall not be less than One Million Dollars ($1,000,000.00) for commercial roofing contractor work. Any insurance company issuing a liability policy to a roofing contractor pursuant to the provisions of the Roofing Contractor Registration

Act shall be required to notify the Construction Industries Board in the event such liability policy is cancelled for any reason or lapses for nonpayment of premiums. All registrations granted under the Roofing Contractor Registration Act shall be suspended on the date of the policy cancellation. The registrar must receive proof of insurance prior to restoring the registration.

In addition, the roofing contractor shall submit proof that the contractor has secured workers' compensation coverage satisfactory under the Workers' Compensation Act, or an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act. If the registrar deems it appropriate or necessary, the registrar may also require other information to be included on the application form to assist the registrar in registering the person as a contractor.

D. The qualifying party applying for a commercial roofer endorsement must provide information on the legal entity, including but not limited to the articles, organizational agreements or documents establishing the legal entity, including a list of the officers, members, managers, partners, or other managing agents of the legal entity. The qualifying party shall also provide a certificate of good standing or a trade name report from the Office of the Secretary of State.

E. The registrar shall refuse to register any person if the registrar determines:

1. The application contains false, misleading, or incomplete information;

2. The applicant fails to provide a certificate of good standing or a trade name report from the Office of the Secretary of State;

3. The applicant, qualifying party, or any member of the legal entity fails or refuses to provide any information requested by the registrar;

4. The applicant fails or refuses to pay the required fees;

5. The applicant, qualifying party, or owner or officer or managing member of the legal entity is ineligible for registration due to a suspended or revoked registration in this state;

6. The nonresident applicant has a revoked or suspended registration or license required by law for roofing contractors in another state; or

7. The applicant, qualifying party, or legal entity has failed or refuses to submit any taxes due in this state.

F. The registrar shall notify the applicant in writing if the registrar denies a registration or renewal certificate, and shall provide the applicant an opportunity to respond to or cure any defect in the written application or renewal for a period of ten (10) days from the date of the written notification. An applicant aggrieved by a decision of the registrar denying a registration or

renewal may appeal the decision as provided in the Roofing Contractor Registration Act, the Construction Industries Board Act, or the Administrative Procedures Act, or the applicant may reapply after a ninety-day waiting period, if otherwise eligible under the provisions of the Roofing Contractor Registration Act. The application and renewal fees shall not be refundable.

G. The registrar shall classify as not in good standing the registration of any roofing contractor who fails to:

1. Maintain liability insurance coverage;

2. Maintain workers' compensation coverage satisfactory under the Workers' Compensation Act, or provide an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act;

3. File, renew, or properly amend any fictitious name certificate;

4. Maintain an active status of a corporation or registration as a foreign corporation, a limited liability company or registration as a foreign limited liability company, a limited liability partnership registration or foreign limited liability partnership registration, or a limited partnership certificate or limited partnership or foreign limited partnership certificate of authority, with the Office of the Secretary of State;

5. File or renew a trade name registration;

6. Maintain or renew a roofing contractor registration as provided in the Roofing Contractor Registration Act;

7. Notify the registrar of a change in name, address, legal business entity, qualifying party, legal service agent, or adjudication by a court of competent jurisdiction for any act or omission specified in subsection A of Section 1151.14 of this title or a violation of the Roofing Contractor Registration Act;

8. Maintain a registration as required by law in another state while registered in this state as a nonresident roofing contractor; or

9. File and pay all taxes of the qualifying party and legal entity when due in this state.

H. The registrar shall send a written notice to the qualifying party when his or her registration is not in good standing.

I. Any roofing contractor who has been notified by the registrar that his or her registration is not in good standing shall cease soliciting or entering new roofing services and projects as of the date of such notification; however, the roofing contractor shall be allowed to complete roofing projects where actual physical work has begun prior to the date of issuance of the notice that his or her registration is not in good standing. The roofing contractor must disclose the change in standing to any homeowner or other person who has an interest in any job covered under the Roofing Contractor Registration Act. Upon notice of a change in standing,

the homeowner shall have the option to cancel the contract. The roofing contractor will be owed the actual cost incurred for materials and the market value of labor already incurred on the job. The roofing contractor must obtain an updated authorization from the homeowner and other parties of interest if there is an agreement to continue the job as originally negotiated. If the roofing contractor fails to correct the deficiency specified in the notice by evidence satisfactory to the registrar within thirty (30) days of the date of the notice, or if the roofing contractor solicits or enters into new roofing services contracts or projects while the roofing contractor's registration is not in good standing, or while such registration is suspended or revoked, the roofing contractor shall be in violation of the provisions of the Roofing Contractor Registration Act.

J. Any registration that remains not in good standing for a sixty-day period shall be suspended on the sixtieth day from the date of issuance of the notice to the roofing contractor that his or her registration is not in good standing. Any registration that remains not in good standing, and is suspended for such cause, shall be revoked on the ninetieth day from the date of issuance of the notice to the roofing contractor that his or her registration is not in good standing. The registrar shall notify the roofing contractor upon suspension or revocation of his or her registration for failure to comply in bringing such registration into good standing as required by law. The roofing contractor may reinstate his or her registration to good standing by paying the required fees provided in Section 1151.12 of this title and complying with all other requirements for issuance of a registration in good standing.

K. Any registrant, qualifying party, or roofing company owner aggrieved by the decision of the registrar to suspend or revoke a registration pursuant to this section may appeal such decision as provided in this act or the Administrative Procedures Act.

Added by Laws 2010, c. 479, § 5, eff. Nov. 1, 2010. Amended by Laws 2011, c. 225, § 2; Laws 2014, c. 270, § 4, eff. Nov. 1, 2014; Laws 2015, c. 265, § 1.

§59-1151.6. Application questions - Criminal history records search or background check.

A. There shall be a question on the application and renewal forms requiring the applicant to answer under oath whether or not the applicant has been convicted of a felony offense in this state, another state, or any other place, and the nature of that offense upon which a conviction was imposed. The registrar shall provide either on the application and renewal forms or by separate notice a statement describing the requirement under state law to register upon entering this state to reside or work if the person has been convicted of a sex offense.

B. Conviction of an offense shall not disqualify a person from registration as a roofing contractor under this act; provided, the applicant has truthfully disclosed the conviction and nature of the offense.

C. When deemed appropriate, the registrar may conduct a criminal history records search or background check on any applicant or registered roofing contractor and may investigate the information submitted on a roofing contractor application or renewal form; provided, no adverse action may be taken against the person until the person has been notified and given an opportunity to respond in writing.

D. The registrar, its agents, employees and assigns shall not be liable and are granted immunity for the acts or omissions of any registered roofing contractor or its employees, or for any person's failure or omission to properly disclose any information on an application or renewal form, including, but not limited to, pending criminal charges, arrests or prior criminal history records, disclosure of his or her roofing contractor registration status, or his or her qualifications to perform or act as a roofing contractor. Added by Laws 2010, c. 479, § 6, eff. Nov. 1, 2010.

§59-1151.7. Roofing contractor registration certificate - Business limitations.

The holder of a roofing contractor registration certificate is entitled to engage in the roofing business within this state pursuant to the provisions of the Roofing Contractor Registration Act, and subject to the following limitations:

1. A roofing contractor's registration certificate number shall be valid and in good standing at the time of soliciting a project and during subsequent job performance;

2. Each roofing contractor issued a roofing contractor registration shall display the roofing firm name and the roofing contractor registration number bearing the initials "OK" preceding that registration number issued by the registrar on all vehicles used to transport materials and tools in the operation of the business. Such names, endorsements and numbers shall be printed in letters and numerals at least two (2) inches in height in a conspicuous location on both sides of each vehicle in contrasting color to the background color;

3. Each roofing contractor issued a commercial roofer endorsement shall display the roofing firm name and the information that the roofing contractor has a commercial roofer endorsement issued by the registrar on all vehicles used to transport materials and tools in the operation of the business. Such endorsement information shall be in print size that is at least two (2) inches in height in a conspicuous location on both sides of each vehicle in contrasting color to the background color;

4. Each registrant shall post in a conspicuous place on the job site the name, existence of any endorsement, registration number, and telephone number for the registration under which any work is being performed, and on all media containing the registrant's name, including but not limited to magnetic signs on vehicles, business cards, contracts, bids, letterhead, signs, and advertisements;

5. A roofing contractor's registration certificate number shall be submitted when applying for any permit issued by the state, or any of its political subdivisions, for commercial or residential roofing services or projects, if a permit is required by such authority, and shall be written upon each permit issued. Provided, however, no permitting authority shall require a roofing contractor registration certificate as a condition to issuing a permit when registration is exempt pursuant to Section 1151.9 of this title;

6. A roofing contractor's registration certificate cannot be shared or used by any other individual or business entity; provided, however, a business firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit may be granted a single roofing registration certificate number for use by designated roofing contractors acting as agents for the business entity when the application for registration contained sufficient information on each member, partner, officer and agent and the registrar issued a single certificate number to such persons as a business unit;

7. Upon any change to the name, address, business entity, qualifying party, change in firm ownership of fifty percent (50%) or more of the stock or beneficial interest in the company, or legal service agent of a roofing contractor or upon adjudication by a court of competent jurisdiction for a violation of the Roofing Contractor Registration Act or an act or omission specified in subsection A of Section 1151.14 of this title, the registrar shall be notified in writing within ten (10) days. Any proposed or final order or notice of hearing to the last-known address of record shall be considered delivered when deposited in the United States mail and/or sent registered or certified or post office receipt secured. Any other communication to the last-known address of record of a registrant shall be considered delivered when deposited in the United States mail, regular mail;

8. A roofing contractor shall comply with state laws and local ordinances relating to standards and permits for roofing services and projects;

9. A roofing contractor must pay taxes due in this state;

10. Each registrant shall notify the registrar within ten (10) days after he or she receives notice that any felony conviction has been rendered against him or her or the registrant or qualifying party has pled guilty or nolo contendere to a felony. The

notification shall be in writing, by certified mail, and shall include a copy of the conviction, plea, or judgment and sentence;

11. Each registrant shall notify the registrar immediately upon receipt of an order imposing disciplinary action upon its registration issued by any other professional regulatory board, in this or any other jurisdiction. Disciplinary action taken against any other professional registration or license held by the registrant in this jurisdiction or any other jurisdiction is grounds for disciplinary action against the registration issued pursuant to the Roofing Contractor Registration Act; and

12. Each registrant shall utilize a valid written contract when engaging in the business of roofing contractor work. The contract shall contain the requirements described in Section 1151.21 of this title. Committing fraud when executing or materially altering a roofing contract, mortgage, promissory note or other document incidental to performing roofing contractor work, is a violation of the Roofing Contractor Registration Act.

Added by Laws 2010, c. 479, § 7, eff. Nov. 1, 2010. Amended by Laws 2011, c. 225, § 3; Laws 2014, c. 270, § 5, eff. Nov. 1, 2014.

§59-1151.8. Registration fee.

A. At the time of making application for a roofing contractor registration certificate pursuant to the Roofing Contractor Registration Act, the applicant shall pay to the registrar a fee of Seventy-five Dollars ($75.00) for the annual registration certificate.

B. All monies collected by the registrar for roofing contractor registration applications, renewals and other fee assessments shall be deposited by the registrar and credited to the Roofing Contractor Registration Revolving Fund and such funds shall be used by the registrar to implement and administer the provisions of the Roofing Contractor Registration Act.

C. The fee to be submitted with an application for a roofing contractor registration may be prorated as set by the provisions of the Roofing Contractor Registration Act or rules. Unless prorated at the time of initial registration, fees for initial registration shall be paid in the amount stated in subsection A of this section and such registration certificates shall expire each year on the last day of the birth month of the qualifying party. Renewals will be prorated as provided in Section 1151.3 of this title.

D. A renewal fee for a roofing contractor registration shall be Seventy-five Dollars ($75.00) for the annual renewal registration certificate.

Added by Laws 2010, c. 479, § 8, eff. Nov. 1, 2010. Amended by Laws 2011, c. 225, § 4; Laws 2014, c. 270, § 6, eff. Nov. 1, 2014.

§59-1151.9. Public contracts - Applicability of Roofing Contractor Registration Act.

A. Any administrative or governing body with authority to enter into public contracts shall require individual roofing contractor registration for purposes of such persons submitting or entering into any bid or contract involving roofing contractor work.

B. The Roofing Contractor Registration Act does not apply to:

1. An actual owner of residential or farm property who physically performs, or has family member, employee or employees who perform with or without remuneration, roofing services including, construction, installation, renovation, repair, maintenance, alteration, waterproofing, or removal of materials or structures on property owned by such person;

2. Any authorized employee, representative or representatives of the United States Government, the State of Oklahoma, or any county, municipality, or other political subdivision of this state;

3. Any person who furnishes any fabricated or finished product, material, or article of merchandise which is not incorporated into or attached to real property by such person so as to become affixed thereto;

4. Any person including churches or other charitable entities that provide roof repairs or replacements at no charge using volunteer labor;

5. Any employee of a registrant who does not hold himself or herself out for hire, advertise, or engage in contracting, except as an employee of a registrant;

6. Licensed engineers, licensed architects, licensed HVAC and any other person licensed by the jurisdiction, operating under the purview and within the scope of their respective license;

7. A person who only furnishes roofing materials, roofing supplies or equipment and does not, nor do the person's employees, install or fabricate them into or consume them in the performance of the work of the roofing contractor;

8. Prime contractors, general contractors, property managers and project managers who bid on construction trade work in areas additional to roofing contractor work, and subcontract the roofing contractor work as long as they subcontract the roofing work to a currently registered roofing contractor who is in good standing; if the bid is solely for roofing contractor work, then a registration is required;

9. Owners of commercial properties including residential rental properties consisting of four dwelling units or less, when acting as their own roofing contractor and providing all material supervision themselves, lessees of residential properties with the consent of the owner, who, whether themselves or with their own employees, perform roofing construction in or upon the properties, all installing roofing materials according to the International Building

Code, as adopted by the Oklahoma Uniform Building Code Commission, or the manufacturer's installation instructions;

10. Owners of property when acting as their own roofing contractor, providing all material supervision themselves, and installing roofing materials according to the International Residential Code, as adopted by the Oklahoma Uniform Building Code Commission, or the manufacturer's installation instructions when building or improving a single-family dwelling residence on such property for the occupancy of such owners and not intended for sale or rent. In any action brought under the Roofing Contractor Registration Act, proof of the sale or offering for sale of such structure or the renting or offering to rent of such structure by the owners of the property within one (1) year after substantial completion of the structure when the structure can be occupied and used as intended but punch list items may remain, is presumptive evidence that the construction was undertaken with the intent of sale or rent; or

11. Metal building erectors who install prefabricated- or pre-engineered-metal-building packages, known as PEMBs, as defined by the Construction Science Institute and Construction Specifications Institute in Division 13, Special Construction: Metal Building Systems.

C. Labor-only crews performing the installation of asphalt shingles, tile shingles, synthetic shakes or wood shakes to a sloped roof must be registered but are not required to have a commercial endorsement.

Added by Laws 2010, c. 479, § 9, eff. Nov. 1, 2010. Amended by Laws 2011, c. 225, § 5; Laws 2014, c. 270, § 7, eff. Nov. 1, 2014; Laws 2018, c. 178, § 2, eff. July 1, 2018.

§59-1151.10. Issuance or denial of registration or endorsement – Renewal – Denial hearing.

A. Within twenty-five (25) calendar days from the date of application, the registrar shall either issue or deny the roofing contractor registration. No registration shall be issued to a qualifying party until the registrar receives all documentation and fees necessary to obtain a registration certificate in good standing. The registration certificate issued on an original application entitles the person to act as a roofing contractor within this state, subject to the limitations of the Roofing Contractor Registration Act. Until January 1, 2015, all registrations shall expire on June 30 of each year and may be renewed from year to year. Beginning no later than January 1, 2015, all registrations issued shall be renewed based on staggered expiration dates of the last day of the birth month of the qualifying party so that all registrations and endorsements shall expire on the last day in the birth month of the qualifying party.

The Construction Industries Board is authorized to prorate registration and renewal fees, as described by rule, so that beginning January 1, 2015, or thirty (30) days after rules have been approved, fees for renewals previously due by June 30, 2015, are prorated and converted to be due the last day of the birth month of the qualifying party by shortening or lengthening the next renewal date by up to six (6) months. Beginning the effective date of this act, new initial registrations and endorsements will be issued for up to eighteen (18) months and due for renewal the last day of the birth month of the qualifying party. After initial proration or conversion to birth month, no subsequent registration or endorsement shall be issued for longer than one (1) year and all endorsements shall expire on the last day in the birth month of the qualifying party. The Construction Industries Board shall implement rules for the scheduling of expiration and renewal of registrations and endorsements, including the prorating of fees and the identification and information of the qualifying party. The commercial roofer endorsement shall expire on the expiration date of the supporting registration.

B. An applicant or qualifying party whose registration or endorsement is refused or denied by the registrar may obtain a hearing before the Committee of Roofing Examiners with written notice to the registrar of the grounds for appeal and identification of evidence to be presented in support of the application requirements and any other information showing the applicant's ability and willingness to comply with the requirements of the act, and to protect the public health, safety and welfare. Such appeals to the Committee of Roofing Examiners shall be made by the qualifying party in writing to the registrar within fourteen (14) days from the date of the written notification of denial or refusal to register or endorse.

C. The Construction Industries Board shall issue a commercial roofer endorsement to any person who:

1. Has been certified by the Committee of Roofing Examiners as having successfully passed the appropriate examination; and

2. Has paid the application and endorsement fee and has otherwise complied with all of the provisions of the commercial roofer endorsement of the Roofing Contractor Registration Act. The endorsement fee is hereby established as up to Two Hundred Dollars ($200.00). Renewal of a commercial roofer endorsement shall be One Hundred Dollars ($100.00).

Endorsements renewed more than thirty (30) days following the date of expiration may only be renewed upon application and payment of the required fees and payment of late renewal fee in the amount of One Hundred Dollars ($100.00).

No endorsement shall be renewed unless the licensee has completed the required hours of continuing education recommended by the Committee and set forth by rule.

No late fee shall be charged to renew a registration or endorsement which expired while the applicant was in active military service, if application for renewal is made within one (1) year of discharge from active duty status.

Added by Laws 2010, c. 479, § 10, eff. Nov. 1, 2010. Amended by Laws 2014, c. 270, § 9, eff. Nov. 1, 2014.

§59-1151.11. Change in roofing contractor's name, address, legal service agent, or cease of business - Notification of registrar.

Not later than ten (10) days after the date of a change in a roofing contractor's name, address, or legal service agent, or upon a registered roofing contractor ceasing business as a roofing contractor, the person shall notify the registrar of the change on a form provided by the registrar. A name, address, or legal service agent change shall be accompanied by a fee not exceeding Twenty-five Dollars ($25.00) to be set by the registrar. A person may not change his or her name under an active registration certificate if the change is associated with a change in the legal status of the business entity other than a change in marital status. Doing business under a new business name or a change in legal status of a business requires issuance of a new registration certificate. When a registered roofing contractor ceases to be active as a roofing contractor, the registrar shall suspend the registration certificate of such contractor.

Added by Laws 2010, c. 479, § 11, eff. Nov. 1, 2010.

§59-1151.12. Certificate of renewal.

A. Any roofing contractor registration certificate issued under the Roofing Contractor Registration Act may be renewed for each successive year by obtaining from the registrar a certificate of renewal. To obtain a certificate of renewal, the qualifying party shall file with the registrar a renewal application by the last day of the birth month of the qualifying party each successive year, provide any qualifying party information required under the Roofing Contractor Registration Act, Section 1151.5, not previously provided by the applicant, if any, and pay the renewal fee. The application for renewal shall require statements under oath that the qualifying party and legal entity have properly submitted income and employment taxes due in this state; whether or not the qualifying party has been adjudicated by a court of competent jurisdiction for any violation of the Roofing Contractor Registration Act or any act or omission specified in subsection A of Section 1151.14 of this title. The registrar may forward a copy of any information in an

application for renewal to the Oklahoma Tax Commission and any other state agency.

B. The qualifying party shall include with the renewal application a copy of the certificate of liability insurance, unless the registrar has a current valid certificate of insurance on file, proof of workers' compensation coverage, unless exempt under the Workers' Compensation Act, and, if applicable, a copy of the current registration certificate required by law for roofing contractors. The renewal application shall be notarized.

C. The registrar shall refuse to renew a roofing contractor's registration certificate for any reason stated in subsection B of Section 1151.5 of this title or for failing to provide any qualifying party information required under the Roofing Contractor Registration Act not previously provided by the applicant. The registrar shall notify the applicant in writing if the registrar denies the renewal as provided in subsection C of Section 1151.5 of this title.

D. If any roofing contractor fails to file a renewal application by the deadline of the last day of the birth month of the qualifying party, that contractor's registration shall be not in good standing. A roofing contractor has a thirty-day grace period after the last day of the birth month of the qualifying party to renew the registration certificate without a late fee. The late fee shall be One Hundred Dollars ($100.00). A roofing contractor registration certificate not renewed within sixty (60) days of the last day of the birth month of the qualifying party shall be suspended for failure to renew, and if a roofing contractor's registration certificate still has not been renewed within six (6) months of expiration, it shall be revoked for failure to renew.

E. 1. A roofing contractor desiring to renew a registration certificate that has been suspended for any cause provided in this act shall be assessed a fee equal to twice the amount of the fee established by subsection D of Section 1151.8 of this title.

2. The registrar shall assess a reinstatement fee not exceeding Three Hundred Dollars ($300.00) to be set by the registrar plus the fee established by Section 1151.8 of this title for any registration that has been revoked for any cause provided in the Roofing Contractor Registration Act.

3. A roofing contractor submitting an application for registration after suspension or revocation of that contractor's registration certificate must be otherwise eligible for registration under the Roofing Contractor Registration Act.

F. The registrar shall include a registration status notation in a roofing contractor's record if the status of registration changes from an active and valid registration to not in good standing, denied, suspended or revoked.

Added by Laws 2010, c. 479, § 12, eff. Nov. 1, 2010. Amended by Laws 2014, c. 270, § 10, eff. Nov. 1, 2014.

§59-1151.13. Indexed record of roofing contractors.

The registrar shall maintain in the registrar's office in Oklahoma City, Oklahoma, open to public inspection during normal office hours, a complete indexed record of all roofing contractor registrations and information maintained on individual roofing contractors. The registrar may dispose of an inactive roofing contractor file after three (3) years. Before disposal and upon written request by any person, the registrar shall furnish a certified copy of any information maintained on an individual roofing contractor upon receipt of the sum of Ten Dollars ($10.00) for each annual record. Each certified copy of a roofing contractor’s record from the registrar shall be received in all courts in this state as prima facie evidence of the facts stated therein. The registrar may condense or provide an abstract of a roofing contractor’s record for public inspection at any time for purposes of data management; provided, a complete record is available for public inspection upon written request.
Added by Laws 2010, c. 479, § 13, eff. Nov. 1, 2010.

§59-1151.14. Filing of complaint.

A. Any person may file a written duly verified complaint with the registrar alleging that a person has committed any of the following acts or omissions:

1. Abandonment of a roofing contract without legal excuse after a deposit of money or other consideration has been paid;

2. Diversion of funds or property entrusted to a roofing contractor;

3. Engaging in any fraudulent or deceptive acts or practices or misrepresentation of products, services or qualifications as a roofing contractor;

4. Making a false or misleading statement in an application for roofing contractor registration or renewal application or in soliciting a contract for roofing services;

5. Adjudication against the roofing contractor by a court of competent jurisdiction for a violation of the provisions of the Roofing Contractor Registration Act, or a license or registration suspended, revoked or other discipline imposed by any other professional regulatory board in this or any other jurisdiction;

6. Engaging in or offering to engage in work without a valid registration and commercial roofer endorsement as required for roofing contractors pursuant to the Roofing Contractor Registration Act or performing roofing services during any period when the roofing contractor's registration is denied, suspended or revoked;

7. Engaging in or offering to engage in roofing services without obtaining a proper permit as may be required by any state or local authority;

8. Failure to comply with any tax laws authorized by the state or any of its political subdivisions;

9. Damaging or injuring persons or property while performing roofing services under a valid roofing contractor registration for which the roofing contractor's liability insurance or workers compensation coverage was inadequate;

10. Failure to display the roofing firm name, existence of any commercial roofer endorsement, if any, and the roofing contractor registration number on all vehicles used to transport materials and tools in the operation of the business in letters and numerals at least two (2) inches in height in a conspicuous location on both sides of each vehicle in contrasting color to the background color;

11. Failure to post in a conspicuous place on each job site the name, existence of any commercial roofer endorsement, registration number, and telephone number for the registration under which any work is being performed;

12. Engaging in or offering to engage in roofing contractor work using a roofing registration number of another registrant, whether the registration is or is not in good standing;

13. Advertising, either directly or through another, for roofing contractor work without a valid, continuing registration, or without displaying registration number on advertisement, including but not limited to contracts and signage on vehicles;

14. Soliciting roofing contractor work through contracts obtained by salespersons not under the direct supervision and employment of a registered roofing contractor when such contract is then sold for remuneration or something of value and consists of a pattern of conduct that can be shown to be a business practice in a secondary market of sales of contracts for profit;

15. Gross defects in workmanship in a roofing contractor project that risks serious harm or injury to a person, or unjustly causes monetary damages in excess of Five Thousand Dollars ($5,000.00); or

16. Failure to comply with a specified provision of the Roofing Contractor Registration Act.

B. The complaint shall be on a form approved by the registrar and shall set forth the alleged act or omission stated in subsection A of this section, and a statement of sufficient facts upon which a reasonable person could conclude that the act or omission specified in subsection A of this section has been committed. All complaints filed with the registrar shall be open to public inspection. Nothing in this section shall be construed to require the complainant to first file a complaint with the registrar before seeking relief or remedies allowed by law.

C. A complaint received by the registrar as provided in this section may be retained by the Board for investigation, citation, and hearing before the Roofing Hearing Board or, in the Board's discretion, the complaint may be referred to the district attorney for appropriate disposition as determined by the district attorney, in his or her discretion.
Added by Laws 2010, c. 479, § 14, eff. Nov. 1, 2010. Amended by Laws 2014, c. 270, § 11, eff. Nov. 1, 2014.

§59-1151.15. Investigation of complaints by the Board - Notification of contractor - Referral of complaint to district attorney.

A. The Board is authorized to investigate any written complaint received pursuant to the Roofing Contractor Registration Act, including any person to the extent necessary to determine if the person is engaged in violations of the provisions of the Roofing Contractor Registration Act, including unlawful activity of the practice of contracting for roofing work without a valid registration, whether the matter is prosecuted administratively through the Roofing Hearing Board or referred for criminal prosecution. The Board may refer the matter for prosecution whether or not the person ceases the unlawful practice of contracting for roofing work without a valid registration.

B. Service of the notice of violation or citation may be in person or by certified mail at the last-known business address or residence address of the person cited.

C. A notice of violation and citation may contain a cease and desist order for residential roofing contractor work if the homeowner has been provided the required disclosure and has exercised the homeowner's option to cancel the contract as provided in subsection I of Section 1151.5 of this title, or at any time during commercial roofing contractor work.

D. The registrar shall read each complaint received and shall enter a notation in the individual roofing contractor's record showing the date that the verified complaint was received and the nature of the complaint. The registrar shall notify the roofing contractor against whom the complaint is made, in writing, within five (5) days of the receipt of the written complaint. The roofing contractor shall have ten (10) days to respond, in writing, to the registrar. If a response to the complaint is received by the registrar, whether admitting or denying the basis of the complaint, a copy of both the complaint and the response shall be sent to the district attorney along with the results of any investigation by the Board, if the Board does not retain the matter and refers the complaint to the district attorney. If no response is received, the complaint may still be referred to the district attorney, along with the results of any investigation by the Board. The Board or a

Committee member is authorized to assist in any investigation of a roofing complaint referred to the district attorney, if requested by the district attorney. In addition, the registrar shall enter a notation in the individual roofing contractor's record showing the date that the roofing contractor's response was received, if any, and whether the response admitted or denied the basis of the complaint.

E. Following referral of a complaint to the district attorney, if the roofing contractor is adjudicated by the court for an act or omission specified in subsection A of Section 1151.14 of this title, or upon a conviction for any violation of the provisions of the Roofing Contractor Registration Act, the registrar, when ordered by the court, shall suspend, revoke or deny the roofing contractor's registration for the period of time specified by the court, and if the court orders the registration suspended, revoked or denied, and yet fails to set the term of such suspension, revocation or denial, the period shall be six (6) months.

F. The registrar shall not renew, reinstate, or issue a new roofing contractor registration to any person subject to any term of denial, suspension or revocation until such term has been completed, and thereafter, the person makes application and pays required fees pursuant to Sections 1151.8 and 1151.12 of this title.

G. It shall be unlawful for a person to obtain or attempt to obtain a roofing contractor registration certificate under any other name during any period when the roofing contractor's registration is suspended or revoked. Upon conviction of a violation of this subsection, the person shall be guilty of a misdemeanor as provided in Section 1151.3 of this title. A business firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit whose registration certificate is suspended or revoked includes all of the members, partners, officers, and agents acting under that roofing contractor registration certificate when such persons are specified on and did sign the application or renewal form.

Added by Laws 2010, c. 479, § 15, eff. Nov. 1, 2010. Amended by Laws 2014, c. 270, § 12, eff. Nov. 1, 2014.

§59-1151.16. Contractor's agent for service of process.

Every applicant for a roofing contractor's registration who is a nonresident contractor as defined by this act, by signing and filing the application, appoints the Secretary of State as the applicant's true and lawful agent upon whom may be served all lawful process in any action or proceeding against such nonresident contractor for construction projects performed in this state. Such appointment in writing is evidence of the roofing contractor's consent that any such process against the contractor which is so served upon the Secretary of State shall be of the same legal force and effect as if

served upon the contractor personally within this state. Registered foreign corporations, registered foreign limited liability companies, foreign limited liability partnerships and foreign limited partnerships entitled to do business in this state and having a current registered agent and registered address on file in the Office of the Secretary of State need not appoint the Secretary of State as agent for service of process under this section. Within ten (10) days after service of the summons upon the Secretary of State, notice of such service with the summons and complaint in the action shall be sent to the defendant roofing contractor at the defendant contractor's last-known address by registered or certified mail with return receipt requested and proof of such mailing shall be attached to the summons. The Secretary of State shall keep a record of all process served upon the Secretary of State under this section, showing the day and hour of service. Whenever service of process was made under this section, the court, before entering a default judgment, or at any stage of the proceeding, may order such continuance as may be necessary to afford the defendant contractor reasonable opportunity to defend any action pending against the defendant contractor.
Added by Laws 2010, c. 479, § 16, eff. Nov. 1, 2010.

§59-1151.17. Application for building permits - Disclosure of registration certificate number.

A. When applying for any permit required by the state or any of its political subdivisions for roofing services or jobs, a roofing contractor shall supply the permit-issuing official that roofing contractor's registration certificate number issued pursuant to the Roofing Contractor Registration Act. That official shall enter a roofing contractor's registration number on the permit. The registrar may investigate any roofing project for purposes of verifying roofing contractor registration or permit verification.

B. A person performing as a roofing contractor on his or her own property, although exempt from the registration requirements of the Roofing Contractor Registration Act, shall, when applying for a permit required for the project, supply the permit-issuing official any roofing contractor registration number, as soon as available, of each roofing subcontractor engaged in roofing services and doing work covered by the permit, if any. That official shall enter each roofing contractor registration number so supplied before inspection of the job.

C. A roofing contractor shall display his or her roofing contractor registration number issued pursuant to the Roofing Contractor Registration Act on every business sign, card, correspondence, and contract used to solicit and conduct roofing services in this state and shall display the roofing firm name, existence of any commercial roofer endorsement, and the roofing

contractor registration number bearing the initials "OK" preceding that registration number issued by the registrar on all vehicles used to transport materials in the operation of the business. Such names, endorsements, and numbers shall be printed in letters and numerals at least two (2) inches in height in a conspicuous location on both sides of each vehicle in contrasting color to the background color.

D. Each registrant shall post in a conspicuous place on each job site the name, existence of any commercial roofer endorsement, registration number, and telephone number for the registration under which any work is being performed, and on all media containing the registrant's name, including but not limited to magnetic signs on vehicles, business cards, contracts, bids, letterhead, signs, and advertisements.

Added by Laws 2010, c. 479, § 17, eff. Nov. 1, 2010. Amended by Laws 2014, c. 270, § 13, eff. Nov. 1, 2014.

§59-1151.18. Verification of contractor's certificate number to enforcement officials and the public.

Upon request, the registrar shall verify a roofing contractor registration number to city, county and state enforcement officials and to the public. The registrar shall establish through the Internet or other technology a verification system or direct access system for confirming roofing contractor registration certificates and status of registration maintained by the Construction Industries Board. The system shall include the notation of each complaint received against an individual roofing contractor, his or her response to each complaint by noting whether the roofing contractor admits or denies the allegation, any court disposition of a complaint, if known, and any conviction for a violation of the provisions of this act. In addition, the system may include a notation for any conviction of a criminal violation in this state, another state, or the United States when disclosed by a criminal history records search on the individual roofing contractor. Disclosure of any information through use of the roofing contractor registration system or information maintained by the registrar shall not be deemed to be an endorsement of any roofing contractor or determination of any facts, qualifications, information or reputation of any roofing contractor by the registrar, the state, the Construction Industries Board, or any of their respective agents, officers, employees or assigns.

Added by Laws 2010, c. 479, § 18, eff. Nov. 1, 2010.

§59-1151.19. Construction of act.

This act shall be construed to be in addition to, and not in lieu of, any required licensure of persons for certain professions and trades in this state, and further, this act shall not be deemed

to conflict with or affect the authority of any state or local agency, board or commission whose duty and authority is to administer or enforce any law or ordinance or to establish, administer or enforce any policy, rule, qualification or standard for any trade or profession.
Added by Laws 2010, c. 479, § 19, eff. Nov. 1, 2010.

§59-1151.20. Roofing Contractor Registration Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Construction Industries Board to be designated the "Roofing Contractor Registration Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of application and renewal fees, late fees, administrative fees, reinstatement fees, and any other monies collected pursuant to the Roofing Contractor Registration Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Construction Industries Board for implementation and administration of the Roofing Contractor Registration Act, and the fully adjudicated fine revenue received into this fund may be transferred to the Skilled Trade Education and Workforce Development Fund created in subsection E of Section 1 of this 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.

This fund shall be subject to and comply with the provisions of Section 211 of Title 62 of the Oklahoma Statutes.
Added by Laws 2010, c. 479, § 20, eff. Nov. 1, 2010. Amended by Laws 2012, c. 304, § 278; Laws 2018, c. 244, § 3, eff. Nov. 1, 2018.

§59-1151.21. Contract cancellation.

A. When a person indicates a residential contractor will be paid by the proceeds of a property and casualty insurance policy and the person enters into a written contract with a residential contractor to provide goods and services with the understanding the insured is to pay from the proceeds of a property and casualty insurance policy claim, the person may cancel the contract within seventy-two (72) hours after the insured has received written notice from the insurer that all or any part of the claim has been denied. Cancellation is evidenced by the insured giving written notice of cancellation to the residential contractor at the address stated in the contract. Notice of cancellation, if given by mail, is effective upon deposit into the United States mail, postage prepaid and properly addressed to the contractor. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the insured not to be bound by the contract.

B. Before entering into a contract referred to in subsection C of this section, the residential contractor shall:

1. Furnish the insured a statement in boldface letters in a minimum size of twelve-point type, in substantially the following form: "You may cancel this contract at any time within seventy-two (72) hours after you have received written notification from your insurer that your claim to pay for the goods and services to be provided under this contract has been denied. See attached Notice of Cancellation for an explanation of this right."; and

2. Furnish the insured a Notice of Cancellation form, fully completed in duplicate, attached to the contract, but easily detachable, containing a statement in boldface letters in a minimum size of ten-point type, containing the following statement:

"NOTICE OF CANCELLATION

If your insurer denies all or any part of your claim to pay for goods and services to be provided under this contract, you may cancel the contract by mailing or delivering a signed and dated copy of this cancellation notice or any other written notice to _____ (name of contractor) at _____ (address of contractor's place of business) at any time within seventy-two (72) hours after you have received written notice that your claim has been denied. If you cancel, any payments made by you under the contract will be returned to you within ten (10) business days following receipt by the contractor of your cancellation notice.

I HEREBY CANCEL THIS TRANSACTION

_____

(date)

_____

(insured's signature)"

C. Within ten (10) days after a contract referred to in subsection A of this section has been cancelled, the contractor shall tender to the insured any payments made by the insured and any note or other evidence of indebtedness. If, however, the contractor has performed any emergency services, acknowledged by the insured in writing to be necessary to prevent damage to the premises, the contractor is entitled to the reasonable value of such services.

D. Any violation of this section by a residential contractor shall be considered a violation of the Roofing Contractor Registration Act, and shall be subject to the misdemeanor penalties prescribed in Section 1151.3 of Title 59 of the Oklahoma Statutes. Added by Laws 2011, c. 225, § 6.

§59-1151.22. Workers compensation insurance coverage

A. Any contract entered into under the Roofing Contractor Registration Act shall include a statement that all individuals performing work under the contract are covered by workers' compensation insurance.

B. If an affidavit of exemption for workers' compensation insurance is used by a legitimately exempt person, it shall be attached to the contract and it shall be used only for residential construction projects. All commercial projects shall require all individuals performing work on such project to be covered by workers' compensation insurance as employees of the person registered under the Roofing Contractor Registration Act. However, any day laborer who can show proof of being covered by workers' compensation insurance under the temporary labor agency for whom he or she is hired-out may provide an affidavit from the temporary labor agency to meet the requirement of this section for authority to use an affidavit of exemption. No roofing contractor required to be registered under the Roofing Contractor Registration Act shall hire any out-of-state company or person or use any person or independent contractor that is not registered under the Roofing Contractor Registration Act with the required workers' compensation insurance or who is not deemed his or her employee for purposes of workers' compensation insurance.

C. In no event shall a homeowner be held liable in the workers' compensation administrative system for injury or death to any person who performs work under a contract with a person required by law to be registered under the Roofing Contractor Registration Act and have workers' compensation insurance on all persons performing work on the roofing project.

Added by Laws 2011, c. 225, § 7. Amended by Laws 2016, c. 295, § 1, eff. Nov. 1, 2016.

§59-1151.23. Subcontractor and independent contract liability insurance.

A subcontractor or an independent contractor hired by a general contractor to engage in the business of roofing shall provide proof of liability insurance as provided for in subsection A of Section 1151.5 of Title 59 of the Oklahoma Statutes. It shall be the responsibility of the general contractor to ensure the subcontractor or independent contractor has complied with this section.

Added by Laws 2011, c. 225, § 8.

§59-1151.24. Additional registration prohibited.

No political subdivision or governmental entity created by or acting on the authority of a political subdivision shall use the Roofing Contractor Registration Act to impose any additional registration or permitting requirement.

Added by Laws 2011, c. 225, § 9.

§59-1151.25. Commercial roofing endorsement examination.

A. Except as otherwise provided in the Roofing Contractor Registration Act, on and after July 1, 2015, every roofing

contractor offering to engage in or engaging in performing commercial roofing contractor work in this state shall be required to take and successfully pass a commercial roofing examination approved under the provisions of this act, and be in compliance with all other provisions of the act and rules thereof before acting or being endorsed as a commercial roofing contractor.

B. Examinations for a commercial roofer endorsement shall be uniform and practical in nature and sufficiently strict to test the qualifications and fitness of the applicants for endorsement. Examinations shall be in whole or in part in writing. Examinations shall be offered at least monthly; dates, times and locations are to be determined by the registrar or third-party vendor with approval of the registrar.

C. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days. However, in a declared state of emergency, the examination shall be available as often as possible as determined by the registrar.

D. No commercial roofer endorsement shall be renewed unless the qualifying party has completed the required hours of continuing education, as determined and approved by the Committee of Roofing Examiners and the Construction Industries Board.

Added by Laws 2014, c. 270, § 14, eff. Nov. 1, 2014.

§59-1151.26. Committee of Roofing Examiners.

A. There is hereby established the Committee of Roofing Examiners, which shall consist of seven (7) members. All members shall be legal residents of the United States and shall be residents of this state. Members shall hold office for terms of two (2) years or until their successors have been appointed and qualified.

B. Members of the Committee shall be appointed as follows:

1. One member shall be appointed by the Governor and shall be a licensed architect with a minimum of five (5) years' experience in commercial roof design. This member shall be selected from a list of at least three qualified and eligible architects submitted by a state organization representing architects;

2. One member shall be appointed by the Governor and shall be a licensed engineer with a minimum of five (5) years' experience in commercial roof design. This member shall be selected from a list of at least three qualified and eligible engineers submitted by a state organization representing engineers;

3. Two members shall be appointed by the President Pro Tempore of the Senate and shall be registered roofing contractors with a valid commercial roofer endorsement, except for the initial appointees who shall be otherwise qualified to hold a commercial

roofer endorsement, each who work primarily in commercial roofing contractor work with a minimum of five (5) years' actual job experience in commercial roofing contractor work in this state and who are registered pursuant to the Roofing Contractor Registration Act, and otherwise meet all requirements for endorsement in this act;

4. Two members shall be appointed by the Speaker of the House of Representatives and shall be registered roofing contractors, each who work primarily in residential roofing contractor work with a minimum of five (5) years' actual job experience in residential roofing contractor work in this state and who are registered pursuant to the Roofing Contractor Registration Act, and otherwise meet all requirements for endorsement in this act; and

5. One member shall be appointed by the Construction Industries Board and shall be a licensed or certified building and construction inspector who is a member of a statewide organization representing certified building inspectors with a minimum of five (5) years' actual job experience in building code inspections. This member shall be selected from a list of at least three qualified and eligible inspectors submitted by a state organization representing inspectors.

C. Any vacancy on the Committee shall be filled for the unexpired term as soon as possible in the manner in which that position was originally filled. Members shall continue in office until a successor is appointed by the appointing authority. The appointing authority shall fill all vacancies and unexpired terms in the same manner as the original appointment of the member whose position is to be filled. Such members may be removed by the appointing authority at any time.

D. A majority of the Committee shall constitute a quorum for the transaction of business, and the Committee shall elect a chair from its number. Each member shall receive reimbursement for travel expenses in accordance with the provisions of the State Travel Reimbursement Act. The Committee shall meet at least quarterly, and special meetings may be called by the Committee chair or the Board. Added by Laws 2014, c. 270, § 15, eff. Nov. 1, 2014.

§59-1151.27. Powers and duties of Committee.

The Committee of Roofing Examiners shall:

1. Assist and advise the Construction Industries Board on all matters relating to the formation of rules and standards in accordance with the provisions of the Roofing Contractor Registration Act and the provisions of the commercial roofer endorsement of the Roofing Contractor Registration Act;

2. Assist and advise the Board in prescribing and adopting forms for registration and endorsement applications;

3. Assist and advise the Board on the examinations for applicants for a commercial roofer endorsement of the Roofing Contractor Registration Act and rules thereof, and on all matters relating to the commercial roofer endorsement of the Roofing Contractor Registration Act;

4. Assist and advise the Board on establishment of standards and procedures for continuing education requirements for a commercial roofer endorsement and procedures for all matters pertaining to the formation of rules;

5. Approve applications for continuing education classes or credits for a commercial roofer endorsement, and assist and advise the Board on establishment of standards and procedures for the approval of continuing education provider applications;

6. In its discretion, issue an advisory opinion to any registrant, governmental official or entity substantially affected by a rule or statute enforceable by the Board;

7. Hear requests for reconsideration of registration and endorsement applications denied or refused by the registrar;

8. When deemed necessary by the Committee, appoint a member of the Committee to assist in investigating an alleged violation of the provisions of the Roofing Contractor Registration Act and of any rules promulgated pursuant thereto. Such member then would be disqualified from participation as a Roofing Hearing Board member in the same matter brought before the Roofing Hearing Board for adjudication;

9. Develop the requirements for issuance of a registration and endorsement by reciprocity to an applicant who is currently licensed or registered to engage in roofing contractor work in another state for recommendation to the Board for its rulemaking process;

10. Recommend to the Board that the Board enter into a written reciprocity agreement with another state if the requirements for registration in the other state are deemed by the Committee to be substantially the same or equivalent to the requirements for obtaining an original registration in force in this state at the date of such registration and:

a. that one (1) year immediately prior to the date of payment of the required fee the applicant lawfully engaged in roofing contractor work within and under the laws of the state pursuant to a license or registration issued thereby authorizing such roofing work,

b. that no disciplinary matters are pending against the applicant in any city, state, country, territory or province, and relating to the roofing trade in which the applicant seeks reciprocity,

c. that the registration being reciprocated was obtained by equivalent or substantially the same requirements in the state wherein it was issued,
d. that there is a written agreement between the states with equivalent or substantially similar registration requirements, and
e. that the applicant meets all other requirements of the Construction Industries Board Act, including payment of the applicable license fee;

11. Have such other powers and duties as are necessary to implement the commercial roofer endorsement of the Roofing Contractor Registration Act; and

12. Assist and advise the Board in such other matters as requested thereby.

Added by Laws 2014, c. 270, § 16, eff. Nov. 1, 2014.

§59-1151.28. Roofing Hearing Board.

A. The designee of the Construction Industries Board, as chair, and the Committee of Roofing Examiners shall act as the Roofing Hearing Board and shall comply with the provisions of the Construction Industries Board Act, rules and Article II of the Administrative Procedures Act.

B. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Construction Industries Board. The hearing examiner's decision shall be a final decision which may be appealed to a district court in accordance with the Administrative Procedures Act and the Construction Industries Board Act and rules and regulations.

C. The Roofing Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate and conduct hearings on the business transactions of any roofing contractor, firm or any person soliciting or engaging in roofing contractor work.

D. The Roofing Hearing Board may conduct hearings on citations issued to any person pursuant to the Roofing Contractor Registration Act, applications for suspension and revocation of a registration or endorsement.

E. The Construction Industries Board shall suspend or revoke or may refuse to issue or renew any license or registration under the commercial roofer endorsement provisions of the Roofing Contractor Registration Act for any of the following standards of the Roofing Contractor Registration Act:

1. Making a material misstatement in the application for an endorsement, or the renewal of an endorsement;

2. Obtaining any endorsement by false or fraudulent representation;

3. Loaning or allowing the use of such endorsement by any other person or illegally using an endorsement;

4. Demonstrating incompetence to act as a commercial roofing contractor;

5. Violating any provisions of the Roofing Contractor Registration Act, or any rule or order prescribed by the Construction Industries Board pursuant to the provisions of the Roofing Contractor Registration Act; or

6. Willfully failing to perform normal business obligations without justifiable cause.

F. Any person whose endorsement or registration has been revoked by the Roofing Hearing Board may apply for a new license one (1) year from the date of such revocation.

Added by Laws 2014, c. 270, § 17, eff. Nov. 1, 2014.

§59-1151.29. Oklahoma State Roofing Installation Code Variance and Appeals Board.

A. 1. There is hereby created the Oklahoma State Roofing Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices, where no ordinance of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the Construction Industries Board for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars ($50.00), as set by rule of the Board.

2. The Variance and Appeals Board shall also hear appeals from contractors, registered by the Construction Industries Board, and any person who has ownership interest in or is in responsible charge of the design of or work on the installation, who contest the Construction Industries Board's interpretation of the statewide code as adopted by the Oklahoma Uniform Building Code Commission, as applied to a particular installation. Such appeals shall be based on a claim that:

a. the true intent of the installation code has been incorrectly interpreted,

b. the provisions of the code do not fully apply, or

c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the Construction Industries Board within fourteen (14) days after a code interpretation or receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the designated representative of the Construction Industries Board and the following members who, except for the State Fire Marshal or designee, shall be appointed by the Construction Industries Board from a list of names submitted by the professional organizations of the professions represented on the Variance and Appeals Board and who shall serve at the pleasure of the Construction Industries Board:

1. Two members shall be appointed from the Committee of Roofing Examiners; one shall be a commercial contractor with five (5) years of experience and one shall be a residential contractor with five (5) years of experience;

2. One member shall be a registered design professional who is a registered architect with at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with at least ten (10) years of structural engineering or architectural experience, five (5) years of which shall have been in responsible charge of work;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work; and

6. One member shall be the State Fire Marshal or a designee of the State Fire Marshal.

C. Members, except the designee of the Construction Industries Board and the State Fire Marshal, or the designated representative of the State Fire Marshal, and employees of the Construction Industries Board, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act from the revolving fund created pursuant to Section 1151.20 of Title 59 of the Oklahoma Statutes.

D. The Variance and Appeals Board shall meet after the Construction Industries Board receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The designated representative of the Construction Industries Board, shall serve as chair of the Variance and Appeals Board. A

majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of business.
Added by Laws 2014, c. 270, § 18, eff. Nov. 1, 2014.

§59-1151.30. Offer to pay insurance deductible or to compensate for providing service.

A residential or commercial roofing contractor providing repairs or improvement services to be paid by an insured from the proceeds of a property or casualty insurance policy shall not, as an inducement to the sale or provision of goods or services to an insured, advertise or promise to pay, directly or indirectly, all or part of any applicable insurance deductible or offer to compensate an insured for providing any service to the insured. If a roofing contractor violates the provisions of this section, the insurer to whom the insured tendered the claim shall not be obligated to consider the estimate prepared by the roofing contractor. Every roofing contractor shall provide a written notification of the requirements of this section with its initial estimate. The adjuster or insurer shall provide a written notification of the requirements of this section in the initial estimate relating to the claim.
Added by Laws 2022, c. 331, § 1, eff. Nov. 1, 2022.

§59-1158. Installers of individual sewage disposal systems – Certification - Penalties.

A. On and after July 1, 2002, any person, before engaging in the installation of individual sewage disposal systems, shall first obtain certification from the Department of Environmental Quality under such rules as may be promulgated by the Environmental Quality Board. The provisions of this subsection shall only apply to persons who install more than ten individual sewage disposal systems per calendar year. As used in this section, "individual sewage disposal systems" means a sewage disposal system that serves an individual residence or duplex and is not available for use by the general public.

B. Environmental Specialists employed by the Department of Environmental Quality may perform soil profile descriptions to design individual and other subsurface sewage disposal systems. Any other individual choosing to perform soil profile descriptions to design individual and other subsurface sewage disposal systems shall first be certified by the Department of Environmental Quality under such rules as may be promulgated by the Environmental Quality Board.

C. The Environmental Quality Board shall promulgate rules that shall include, but not be limited to, the following:

1. Establishment of minimum requirements for each type of certification;

2. Establishment of a procedure and schedule for the assessment of penalties for failure to comply with this section or rules promulgated pursuant thereto;

3. Establishment of procedures for suspension, revocation and nonrenewal of a certification; and

4. A requirement that an annual fee, as set by the Environmental Quality Board pursuant to Section 2-3-402 of Title 27A of the Oklahoma Statutes, shall be paid to the Department of Environmental Quality for each certification.

D. The Water Quality Management Advisory Council shall recommend proposed rules to the Environmental Quality Board pursuant to Section 2-2-201 of Title 27A of the Oklahoma Statutes.

E. The Department of Environmental Quality may, after notice and opportunity for a hearing pursuant to the Administrative Procedures Act, assess administrative penalties and may revoke, suspend or deny renewal of a certification pursuant to Section 2-3-502 of Title 27A of the Oklahoma Statutes for any violation of this section or rules promulgated pursuant thereto. Such administrative penalties shall be deposited as provided in Section 2-3-401 of Title 27A of the Oklahoma Statutes.

Added by Laws 2001, c. 245, § 3, eff. Nov. 1, 2001.

§59-1201. License required - Purpose of act.

No person shall use in connection with his name or otherwise assume, use, or advertise any title or description that he is a registered forester, unless he shall be licensed as hereinafter provided. Nothing contained in this act shall be construed as preventing any person, firm, partnership, or corporation from practicing forestry, landscape architecture, or managing woodlands, forest, or trees, or from operating the removal of any products therefrom, or planting trees on any plat of land, in any manner desired. This act is for the benefit and protection of the public.

Laws 1963, c. 92, § 1, emerg. eff. May 27, 1963.

§59-1202. Definitions.

As used in Section 1201 et seq. of this title: (1) the term "forester" means a person who, by reason of his knowledge of the natural sciences, mathematics, and the principles of forestry, acquired by forestry education, as set forth in Section 1212 of this title, and/or practical experience is qualified to engage in the practice of professional forestry as hereinafter defined; (2) the term "registered forester" means a person who has been licensed pursuant to the act; (3) the term "practice of professional forestry" means professional forestry services, including but not limited to consultation, investigation, evaluation, planning, or responsible supervisions of any forestry activities when such professional services require the application of forestry principles

and techniques; and (4) the term "Department" means the Oklahoma Department of Agriculture, Food, and Forestry.
Added by Laws 1963, c. 92, § 2, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 8, eff. Nov. 1, 2013.

§59-1203. Repealed by Laws 2013, c. 118, § 26, eff. Nov. 1, 2013.

§59-1204. Repealed by Laws 2013, c. 118, § 26, eff. Nov. 1, 2013.

§59-1206. Repealed by Laws 2013, c. 118, § 26, eff. Nov. 1, 2013.

§59-1207. Repealed by Laws 2013, c. 118, § 26, eff. Nov. 1, 2013.

§59-1208. Repealed by Laws 2013, c. 118, § 26, eff. Nov. 1, 2013.

§59-1209. Repealed by Laws 2013, c. 118, § 26, eff. Nov. 1, 2013.

§59-1210. Record of proceedings - Register of applications.

The Oklahoma Department of Agriculture, Food, and Forestry shall keep a register of all applications for registration. The register shall show the name, age, and residence of each applicant; the date of the application; address for the receipt of mail and the place of business of each applicant; the education and other qualifications of the applicant; whether or not an examination was required; whether the application was rejected; whether a license was granted; the date of the action of the Department; and such other information as may be deemed necessary by the Department.
Added by Laws 1963, c. 92, § 10, emerg. eff. May 27, 1963. Amended by Laws 1998, c. 364, § 14, emerg. eff. June 8, 1998; Laws 2013, c. 118, § 9, eff. Nov. 1, 2013.

§59-1211. Roster of registered foresters.

A roster showing the names and places of business of all registered foresters qualified according to the provisions of Section 1201 et seq. of this title shall be prepared by the Oklahoma Department of Agriculture, Food, and Forestry during the month of March of each year. Copies of the roster shall be mailed to each person registered, placed on file with the Secretary of State and made available to the public upon request.
Added by Laws 1963, c. 92, § 11, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 10, eff. Nov. 1, 2013.

§59-1212. Ineligibility for registration.

No person shall qualify as a registered forester unless the person graduated from a university or college with a curriculum in forestry acceptable to the Oklahoma Department of Agriculture, Food, and Forestry, including one three-credit course in each of the

following subjects: silviculture, forest protection, forest management, forest economics, and forest utilization, and who has a record of an additional two (2) years or more of experience in forestry work of a character satisfactory to the Department, and indication that the applicant is competent to practice professional forestry.
Added by Laws 1963, c. 92, § 12, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 11, eff. Nov. 1, 2013; Laws 2019, c. 363, § 42, eff. Nov. 1, 2019.

§59-1213. Applications for registration - Forms - Fees

Applications for registration shall be made on forms prescribed and furnished by the Oklahoma Department of Agriculture, Food, and Forestry, shall contain statements as to citizenship, residence, the applicant's education and a detailed summary of the applicant's technical work, and shall contain the names of not less than five (5) persons, of whom three (3) or more shall be forestry school graduates, having personal or professional knowledge of the applicant's forestry experience. The forms shall also contain a code of ethics prepared and approved by the Department essentially conforming to the code of ethics of the Society of American Foresters. The registration fee for a certificate as a "licensed forester" shall be fixed by the Department but not to exceed Twenty-five Dollars ($25.00), one-half (1/2) of which fee shall accompany the application, the balance to be paid before issuance of the certificate. Should the applicant fail or refuse to remit the remaining balance within thirty (30) days after being notified by mail that the applicant has successfully qualified, the applicant shall forfeit the right to have a certificate issued and the applicant may be required to again submit an original application and pay an original fee therefor. Should the Department deny the issuance of a certificate of registration to any applicant, the fee deposited shall be retained by the Department as an application fee.
Added by Laws 1963, c. 92, § 13, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 12, eff. Nov. 1, 2013; Laws 2016, c. 228, § 6, eff. Nov. 1, 2016.

§59-1214. Examinations.

When examinations are required, they shall be held at such time and place as the Oklahoma Department of Agriculture, Food, and Forestry shall determine. The methods of procedure shall be prescribed by the Department. A candidate failing an examination may apply for reexamination at the expiration of six (6) months and shall be entitled to one reexamination without payment of an additional fee. Subsequent examinations may be granted upon payment of a fee to be determined by the Department, but not in excess of Twenty-five Dollars ($25.00).

Added by Laws 1963, c. 92, § 14, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 13, eff. Nov. 1, 2013.

§59-1215. Licenses - Endorsement of plans, maps, etc.

The Oklahoma Department of Agriculture, Food, and Forestry shall issue a license upon payment of the registration fee as provided for in Section 1201 et seq. of this title to any applicant who, in the opinion of the Department, has satisfactorily met all the requirements of the act. Licenses shall show the full name of the registrant, shall have a serial number, and shall be signed by the Department. The issuance of a license by the Department shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed forester while the license remains unrevoked or unexpired. Plans, maps, specifications, and reports issued by a registrant shall be endorsed with the registrant's name and license number. It shall be a misdemeanor for anyone to endorse any plan, specifications, estimate, or map unless the registrant actually prepared the plan, specification, estimate, or map or was in actual charge of the preparation or responsible therefor.
Added by Laws 1963, c. 92, § 15, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 14, eff. Nov. 1, 2013.

§59-1216. Expiration of licenses - Renewals.

Licenses shall expire one (1) year after the date of their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Oklahoma Department of Agriculture, Food, and Forestry to notify, at the registrant's last-registered address, every person registered under this act of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for one (1) year; notice shall be mailed at least one (1) month in advance of the date of the expiration of the license. The fee for renewal of licenses shall not exceed Ten Dollars ($10.00). The Department shall make an exception to the foregoing renewal provisions in the case of a person while on active duty in any of the armed forces of the United States.
Added by Laws 1963, c. 92, § 16, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 15, eff. Nov. 1, 2013.

§59-1217. Individual personal qualifications.

Registration shall be determined upon a basis of individual personal qualifications. No firm, company, partnership, corporation, or public agency shall be licensed as a registered forester.
Laws 1963, c. 92, § 17, emerg. eff. May 27, 1963.

§59-1218. Reciprocity.

A person not a resident of and having no established place of business in Oklahoma, or who has recently become a resident thereof, may become a licensed forester in Oklahoma provided: (1) the person is legally licensed as a registered forester in the state or country of origin and submits evidence to the Oklahoma Department of Agriculture, Food, and Forestry of the license and that the requirements for registration therein are at least substantially equivalent to the requirements of Section 1201 et seq. of this title; and (2) the state or country in which licensed observes these same rules of reciprocity in regard to persons originally licensed under the provisions of this act; and (3) the Department shall issue a qualified applicant a one-year permit upon receipt of a fee equal to one-year annual renewal charged licensed foresters in this state.
Added by Laws 1963, c. 92, § 18, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 16, eff. Nov. 1, 2013.

§59-1219. Revocation of licenses - Reissuance.

The Oklahoma Department of Agriculture, Food, and Forestry shall have the power to revoke the license of any registrant who is found guilty by the Department of fraud, deceit, gross negligence, incompetency, or misconduct in connection with any forestry practice against any registrant. Such charges shall be written, shall be sworn to by the person making them, and shall be filed with the secretary of the Department. All charges shall be heard by the Department pursuant to its rules and regulations. The Department, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked. A new license to replace any license revoked, lost, destroyed or mutilated may be issued, subject to the rules of the Department, and upon payment of a fee of Three Dollars ($3.00).
Added by Laws 1963, c. 92, § 19, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 17, eff. Nov. 1, 2013.

§59-1220. Violations - Penalties.

Any person who shall practice or offer to practice the profession of forestry as a registered forester in this state, without being registered in accordance with the provisions of Section 1201 et seq. of this title, or any person who shall use or otherwise assume, use, or advertise any title or description tending to convey the impression that the person is a registered forester, without being registered in accordance with the provisions of this act, or any person who shall present or attempt to use as his or her own the license of another, or any person who shall give any false or forged evidence of any kind to the Oklahoma Department of Agriculture, Food, and Forestry, or any member thereof, in obtaining a license, or any person who shall attempt to use an expired or revoked license, or any person, firm, partnership, or corporation

who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00), and such monies shall be collected by the Department. The Department, or such person or persons as may be designated by the Department to act in its stead, is empowered to prefer charges for any violations of this act in any court of competent jurisdiction. It shall be the duty of all duly-constituted officers of the law of this state to enforce the provisions of this act and to prosecute any persons, firms, partnerships, or corporations violating the same.
Added by Laws 1963, c. 92, § 20, emerg. eff. May 27, 1963. Amended by Laws 2013, c. 118, § 18, eff. Nov. 1, 2013.

§59-1250. Short title.
This act may be cited as the "Social Worker's Licensing Act".
Added by Laws 1980, c. 124, § 1, eff. Oct. 1, 1980.

§59-1250.1. Definitions.
As used in the Social Worker's Licensing Act:
1. "Approved provider of continuing education" means an individual, group, professional association, school, institution, organization, or agency approved by the Board to conduct educational programs;
2. "Approved social work program" means a school of social work or a social work educational program that has been approved by the Board;
3. "Assessment" means the gathering of data about emotional, behavioral, mental, environmental, biopsychosocial, and interactional processes gathered in an effort to identify the client's past and current level of functioning. Assessment may also include the use of standardized psychometric testing instruments upon successful completion of appropriate, specialized courses or training;
4. "Board" means the State Board of Licensed Social Workers, which shall also be known as the State Board of Social Work;
5. "Board approved clinical supervisor" means a licensed clinical social worker who has met the qualifications determined by the Board for supervision in a clinical setting;
6. "Board approved supervisor" means a licensed clinical social worker (LCSW) who has met the qualifications determined by the Board for licensure as a supervisor;
7. "Case management" means a method to plan, provide, evaluate, and monitor services from a variety of resources on behalf of and in collaboration with a client;

8. "Client" means the individual, couple, family, group, organization, or community that seeks or receives social work services;

9. "Clinical social work practice" means the practice of social work by a social worker including assessment and diagnosis of behavioral disorders, treatment planning, planning intervention, case management, information and referrals, including referrals to an appropriate allopathic or osteopathic physician when the diagnosis or treatment is in question or psychiatric or medical treatment is indicated. Treatment methods include the provision of individual, marital, couple, family and group counseling and psychotherapy based on the education and training of the social worker. Treatment shall not include biological or medical treatments. The practice of clinical social work may include private or independent practice;

10. "Clinical supervision" means an interactional professional relationship between a supervisor and a social worker that provides evaluation and direction over the supervisee's practice of clinical social work and promotes continued development of the social worker's knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner;

11. "Consultation" means a problem solving process in which expertise is offered to an individual, couple, family, group, organization or community;

12. "Continuing education" means education and training which are oriented to maintain, improve or enhance the practice of social work;

13. "Continuing education contact hour" means a sixty-minute clock hour of instruction, not including breaks or meals;

14. "Conviction" means conviction of a crime by a court of competent jurisdiction including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered on admission of guilt, a plea of nolo contendere, or a guilty plea;

15. "Counseling" means a method used by social workers to assist individuals, couples, families and groups in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns;

16. "Diagnosis" means the use of assessment tools such as the Diagnostic and Statistical Manual or the International Classification of Diseases;

17. "Employment supervision" means the professional relationship between a worksite supervisor and social worker in an employment setting which provides evaluation and direction as it pertains to job-related duties. This type of supervision shall not be accepted towards licensure supervision requirements;

18. "Examination" means a standardized test or examination of social work knowledge, skills and abilities which have been approved by the Board;

19. "Implementation and evaluation" means continuing to evaluate and monitor the effectiveness of the treatment plan;

20. "Independent social work practice" means the practice of nonclinical social work by a licensed social worker (LSW), licensed clinical social worker (LCSW) or licensed social worker with administration specialty (LSW-ADM) outside of an organized setting, such as a social, medical, or governmental agency, after completion of all applicable supervision requirements, in which the social worker assumes responsibility and accountability for services provided;

21. "Intervention" means application of techniques utilized to implement the treatment plan appropriate to an assessment;

22. "Licensed clinical social worker" (LCSW) means a person duly licensed to practice clinical social work under the Social Worker's Licensing Act;

23. "Licensed masters social worker" (LMSW) means a person duly licensed to practice social work under the Social Worker's Licensing Act and who holds a master's degree in social work;

24. "Licensed social work associate" (LSWA) means a person duly licensed to practice social work under the Social Worker's Licensing Act;

25. "Licensed social worker with administration specialty" (LSW-ADM) means a person duly licensed to practice administrative social work under the Social Worker's Licensing Act;

26. "Licensed social worker" (LSW) means a person duly licensed to practice social work under the Social Worker's Licensing Act;

27. "Licensee" means a person duly licensed under the Social Worker's Licensing Act;

28. "Licensure supervisor" means a licensed social worker who has met the qualifications determined by the Board for a licensure supervisor;

29. "Nonclinical social work" means the practice of social work by a social worker to include but not be limited to case management, consultation, education, advocacy and community organization, but excluding counseling in independent practice, psychotherapy, treatment and diagnosis;

30. "Nonclinical supervision" means the supervision of social work practice by a social worker to include but not be limited to case management, consultation, education, advocacy and community organization;

31. "Practice of social work" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and

techniques in areas such as clinical social work, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social economic and cultural institutions and forces; and of the interaction of all of these factors. Social work practice includes the teaching of relevant subject matter and of conducting research into problems of human behavior and conflict. Except as otherwise provided in the Social Worker's Licensing Act, reference to the "practice of social work" shall be the practice of a person licensed under the Social Worker's Licensing Act;

32. "Private practice of clinical social work" means the practice of social work performed by a licensed clinical social worker (LCSW) who is wholly or in part self-employed and who assumes responsibility for the nature and quality of the services provided to the client in exchange for direct payment or third-party reimbursement, rather than a salaried employee of an organization or institution;

33. "Psychotherapy" means the use of treatment methods utilizing a specialized, formal interaction between a clinical social worker and an individual, couple, family, or group in which a therapeutic relationship is established, maintained and sustained to understand unconscious processes, intrapersonal, interpersonal, and psychosocial dynamics, and the diagnosis and treatment of mental, emotional, and behavioral disorders, conditions and addictions;

34. "Supervision" means the professional relationship between an approved supervisor and a social worker that provides evaluation and direction over the services provided by the social worker and promotes continued development of the social worker's knowledge, skills and abilities to provide social work services in an ethical and competent manner; and

35. "Treatment planning" or "treatment plan" means the organized approach of an assessment to guide the course of behavioral health treatment based upon identified needs, problems and issues.

Added by Laws 1980, c. 124, § 2, eff. Oct. 1, 1980. Amended by Laws 2003, c. 85, § 1, eff. Nov. 1, 2003; Laws 2011, c. 146, § 1, eff. Nov. 1, 2011; Laws 2014, c. 95, § 1, eff. Nov. 1, 2014.

§59-1251. License required - Exemptions.

A. In order to safeguard the welfare of the people of the State of Oklahoma, no person shall engage in the practice of social work for compensation or hold himself or herself forth as performing the services of a social worker unless he or she is licensed under the Social Worker's Licensing Act, nor may any person participate in the delivery of social work service unless under the supervision of a person licensed under these provisions, and no person may use any title, abbreviation, sign, card or device incorporating the words "social worker" or a derivative thereof unless such person has been duly licensed under the provisions of this law.

B. Nothing contained herein shall be construed to prevent qualified persons from doing work within the standards and ethics of their respective professions. Provided, that such persons shall not hold themselves out to the public by any title or description of services as being engaged in the practice of social work.

C. Employees of agencies of the state shall be exempt from the requirements of the Social Worker's Licensing Act as to the performance of their duties as state employees or health care facilities or employees of health care facilities licensed by the state. This exemption shall not apply to persons licensed by the Board of Licensed Social Workers, regardless of their employment.

D. 1. As a requirement for licensure, a license obtained pursuant to the Social Worker's Licensing Act shall be posted in a conspicuous place where the services of the social worker obtaining such license are rendered.

2. Information regarding the procedure for reporting any unethical or illegal practices pursuant to the Social Worker's Licensing Act shall be made available to the public by the social worker or employer of such social worker, as applicable, in the location where services of the social worker are rendered.

Added by Laws 1965, c. 140, § 1. Amended by Laws 1980, c. 124, § 3, eff. Oct. 1, 1980; Laws 1988, c. 231, § 2, emerg. eff. June 22, 1988. Amended by Laws 2003, c. 85, § 2, eff. Nov. 1, 2003; Laws 2015, c. 40, § 1, eff. Nov. 1, 2015.

§59-1253. State Board of Licensed Social Workers - Membership - Qualifications.

A. There is hereby re-created, to continue until July 1, 2025, in accordance with the provisions of the Oklahoma Sunset Law, the State Board of Licensed Social Workers, consisting of seven (7) members.

B. Three of the members of the Board shall be licensed social workers or licensed clinical social workers licensed pursuant to the provisions of the Social Worker's Licensing Act. Two members shall be licensed as either social work associates or master's social workers. One member shall be the president of the Oklahoma Chapter of the National Association of Social Workers. The remaining member of the Board shall be selected from and shall represent the general public.

C. Responsibility for enforcement of the provisions of this act is hereby vested in the State Board of Social Work. The Board shall have all of the duties, powers and authority specifically granted by, or necessary for, the enforcement of this act as well as other duties, powers and authority it may be granted by applicable law.

D. 1. Each member of the Board appointed as a social worker shall:

a. be a resident of this state,
b. be licensed in good standing to engage in the practice of social work in this state,
c. at the time of appointment, have been actively engaged in the practice of social work for at least one (1) year out of the last five (5) years, and
d. have at least three (3) years of experience in the practice of social work.

2. Each member of the Board appointed to represent the general public shall be a resident of this state who has attained the age of majority and shall not be, nor shall ever have been, a social work licensee, or the spouse of a social work licensee, or a person who has ever had any material financial interest in the provision of social work services or has engaged in any activity directly related to the practice of social work.

Added by Laws 1965, c. 140, § 3. Amended by Laws 1980, c. 124, § 4, eff. Oct. 1, 1980; Laws 1982, c. 122, § 1, operative July 1, 1982; Laws 1987, c. 108, § 1, eff. July 1, 1987; Laws 1988, c. 225, § 14; Laws 1994, c. 106, § 1, eff. July 1, 1994; Laws 2000, c. 28, § 1; Laws 2003, c. 85, § 3, eff. Nov. 1, 2003; Laws 2006, c. 43, § 1; Laws 2012, c. 68, § 1; Laws 2014, c. 62, § 1; Laws 2020, c. 116, § 8, eff. July 1, 2020; Laws 2023, c. 65, § 1.

NOTE: Laws 2014, c. 95, § 2 repealed by Laws 2021, c. 101, § 6, emerg. eff. April 20, 2021.

§59-1254. Appointment - Term - Vacancies - Removal - Compensation - Staff.

A. The members of the State Board of Licensed Social Workers shall be appointed by the Governor, with the advice and consent of the Senate. When a vacancy on the Board occurs or at the expiration of the term of a member, the Governor shall appoint, with the advice and consent of the Senate, the member's successor for a term of five (5) years. Members may serve more than two (2) terms, but shall be limited to serving no more than two (2) consecutive terms. Vacancies on the Board shall be filled in a like manner for the balance of any unexpired term. Each member shall serve until a successor is appointed and qualified.

B. Members of the Board may be removed from office, pursuant to the procedures set forth in the Administrative Procedures Act, upon one or more of the following grounds:

1. The refusal or inability for any reason of a Board member to perform the duties of a Board member in an efficient, responsible and professional manner;

2. The misuse of office by a Board member for pecuniary or material gain or for personal advantage for the Board member or another;

3. Violation by any Board member of the laws governing the practice of social work; or

4. Conviction of a felony shown by a certified copy of the record of the court of conviction.

C. Members of the Board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses as provided in the State Travel Reimbursement Act.

D. The Board may employ persons in such positions or capacities as it deems necessary to conduct Board business and to fulfill the Board’s responsibilities as defined in the Social Worker’s Licensing Act.

Added by Laws 1965, c. 140, § 4. Amended by Laws 1980, c. 124, § 5, eff. Oct. 1, 1980; Laws 1982, c. 122, § 2, operative July 1, 1982; Laws 1987, c. 108, § 2, eff. July 1, 1987; Laws 2003, c. 85, § 4, eff. Nov. 1, 2003.

§59-1255. Officers – Meetings.

A. The State Board of Licensed Social Workers shall biennially elect from its membership a chair and a vice-chair and such other officers as it deems appropriate and necessary to conduct its business. The chair shall preside at all meetings of the Board. Each additional officer elected by the Board shall perform those duties customarily associated with the position and such other duties assigned by the Board. Officers elected by the Board shall serve terms of two (2) years and shall serve no more than two (2)

consecutive full terms in each office to which the Board member is elected.

B. 1. The Board shall meet at least once every three (3) months to transact its business and may meet at such additional times as the Board may determine.

2. The Board shall meet in accordance with the Oklahoma Open Meeting Act.

3. A majority of the members of the Board shall constitute a quorum for the conduct of Board business. All actions of the Board shall be by a majority of the quorum present.

Added by Laws 1965, c. 140, § 5. Amended by Laws 1980, c. 124, § 6, eff. Oct. 1, 1980; Laws 1982, c. 122, § 3, operative July 1, 1982; Laws 2003, c. 85, § 5, eff. Nov. 1, 2003; Laws 2011, c. 146, § 2, eff. Nov. 1, 2011.

§59-1256. Repealed by Laws 2003, c. 85, § 22, eff. Nov. 1, 2003.

§59-1256.1. Powers and duties of Board.

A. The State Board of Licensed Social Workers shall be responsible for the control and regulation of the practice of social work in this state and shall conduct its business in accordance with the Administrative Procedures Act. The Board's authority includes, but is not limited to, the following:

1. The licensing by examination or by reciprocity of applicants who are qualified to engage in the practice of social work under the provisions of this act;

2. The renewal of licenses to engage in the practice of social work;

3. The establishment and enforcement of compliance with professional standards of practice and rules of conduct of social workers engaged in the practice of social work;

4. The determination and issuance of standards for recognition and approval of degree programs of schools and colleges of social work whose graduates may be eligible for licensure in this state, and the specification and enforcement of requirements for practical training;

5. The investigation of any activities related to the practice or unauthorized practice of social work. In conducting such investigations, the Board shall have the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, in the same manner as prescribed in civil cases in the courts of this state. Any member of the Board, hearing officer, or administrative law judge shall have power to administer oaths to witnesses at any hearing which the Board is authorized to conduct. Following such investigation, the Board may suspend, revoke or restrict licenses to engage in the practice of social work;

6. With probable cause that an applicant or licensee has engaged in conduct prohibited by this act or a rule promulgated by the Board, the issuance of a request that the applicant or licensee submit to a mental or physical examination or chemical dependency evaluation. If the applicant or licensee refuses to submit to the examination or evaluation, the Board shall issue an order requiring the licensee or applicant to show cause why he or she will not submit to the examination and shall schedule a hearing on the order within thirty (30) days after notice is served on the applicant or licensee by personal service or certified mail. At the hearing, the applicant or licensee and the applicant or licensee's attorney are entitled to present any testimony to show why the applicant or licensee should not be required to submit to the examination. After a complete hearing, the Board shall issue an order either requiring the applicant or licensee to submit to the examination or withdrawing the request for the examination. The license in question may be suspended until the results of the examination are received and reviewed by the Board;

7. The collection of professional demographic data;

8. The issuance of licenses of all persons engaged in the practice of social work;

9. The inspection of any licensed person, at all reasonable hours, for the purpose of determining if any provisions of the laws governing the practice of social work are being violated. The Board, its officers, inspectors, and representatives shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to the practice of social work;

10. The promulgation of such rules as may be deemed necessary by the Board for the proper administration and enforcement of this act in accordance with the Administrative Procedures Act;

11. The administration of examinations for licensure pursuant to the following:

a. any examination for licensure required under this act shall be given by the Board at least two times during each year. The Board shall determine the content and subject matter of each examination and the place, time, and date of administration of the examination, and

b. the examination shall be prepared to measure the competence of the applicant to engage in the relevant practice of social work. The Board may employ, cooperate, and contract with any organization or consultant in the preparation, administration and grading of an examination, but shall retain the sole discretion and responsibility for determining which

applicants have successfully passed such an examination;

12. The establishment of such requirements for supervised practice or any other experiential program necessary to qualify an applicant for any licensure examination under this act, including determination of the qualifications of supervisors used in supervision programs;

13. The acquisition of a membership in such professional organizations and associations organized exclusively to promote the improvement of the standards of the practice of social work for the protection of the health and welfare of the public or whose activities assist and facilitate the work of the Board;

14. The establishment of a "Bill of Rights" for clients concerning the services a client may expect in regard to social work services; and

15. In addition to the fees specifically provided for in this act, the establishment of fees including, but not limited to, the following:

a. issuance of duplicate certificates or identification cards,
b. copies of any documents,
c. certification of documents, and
d. issuance of licenses by reciprocity.

Added by Laws 2003, c. 85, § 6, eff. Nov. 1, 2003.

§59-1256.2. Reports to Board - Conduct by applicant or license.

A. A social worker shall report to the State Board of Licensed Social Workers information on the following conduct by an applicant or a licensee:

1. Sexual contact or sexual conduct with a client or a former client, only when the client consents to the report;

2. Failure to report information as required by law;

3. Impairment in the ability to practice by reason of illness, use of alcohol, drugs, or other chemicals, or as a result of any mental or physical condition;

4. Improper or fraudulent billing practices;

5. Fraud in the licensure application process or any other false statements made to the Board;

6. Conviction of any felony or crime reasonably related to the practice of social work; or

7. A violation of a Board order.

B. Social Workers shall report to the Board information on any other conduct by an applicant or a licensee that constitutes grounds for disciplinary action under this act or the rules of the Board when the social worker reasonably believes that the client's functioning has been affected negatively by the conduct.

C. An applicant or licensee shall report to the Board any personal action that would otherwise require a report to be made to the Board pursuant to this act.

D. Reports required by this section must be submitted not later than thirty (30) days after the occurrence of the reportable event or knowledge by the person reporting the occurrence. The Board may adopt such rules as are necessary to assure prompt and accurate reporting.

E. Any person, social worker, business, or organization is immune from civil liability or criminal prosecution for submitting in good faith a report under this section.
Added by Laws 2003, c. 85, § 7, eff. Nov. 1, 2003.

§59-1261.1. Issuance of licenses - Qualifications - Types of license - Private practice – Definitions.

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

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

2. Have attained the age of majority;

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

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

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

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

B. If the results of the national criminal history record check required by subsection A of this section reveal that the applicant has been convicted of, or pled guilty or nolo contendere to, any felony crime that substantially relates to the occupation of a social worker and poses a reasonable threat to public safety, the individual's application for licensure may be disapproved and no further action shall be taken on the application.

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

1. As a licensed social work associate (LSWA) who has a baccalaureate degree in social work from an accredited institution or an approved social work program or both and has passed the examination provided for under these provisions or who has a

doctoral or master's degree in social work from an institution with a program accredited by an approved social work program and has passed the examination provided for under these provisions;

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

3. As a licensed social worker (LSW) who has a master's degree in social work from an accredited institution or an approved social work program or both and has three thousand (3,000) hours of postgraduate experience in the practice of social work under professional supervision of a person licensed under those provisions, and who has passed the examination provided for under the provisions of the Social Worker's Licensing Act;

4. As a licensed clinical social worker (LCSW) who has a master's degree in social work from an accredited institution or an approved social work program or both and has three thousand (3,000) hours of postgraduate experience in the practice of clinical social work under professional supervision of a person licensed by the Social Worker's Licensing Act, and who has passed the examination provided for under the Social Worker's Licensing Act; and

5. As a licensed social worker with administration specialty (LSW-ADM) who has a master's degree in social work from an accredited institution or an approved social work program or both and has three thousand (3,000) hours of postgraduate experience in the practice of administrative social work under professional supervision of a person licensed by the Social Worker's Licensing Act, and who has passed the examination provided for under the Social Worker's Licensing Act.

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

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

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

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

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

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

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

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

H. 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.

Added by Laws 1980, c. 124, § 8, eff. Oct. 1, 1980. Amended by Laws 1982, c. 122, § 4, operative July 1, 1982; Laws 1987, c. 108, § 3, eff. July 1, 1987; Laws 2003, c. 85, § 8, eff. Nov. 1, 2003; Laws 2011, c. 146, § 3, eff. Nov. 1, 2011; Laws 2014, c. 95, § 3, eff. Nov. 1, 2014; Laws 2018, c. 310, § 2, eff. Nov. 1, 2018; Laws 2019, c. 363, § 43, eff. Nov. 1, 2019; Laws 2024, c. 109, § 1, eff. Nov. 1, 2024.

§59-1261.1a. License renewal - Continuing education - Reapplication.

A. Licensees shall be required to renew their license at such time and in such manner established by the State Board of Licensed Social Workers by rule, including the form of application and payment of the applicable renewal fee. Under no circumstances shall the renewal period exceed two (2) years.

B. As a requirement for license renewal, each licensee shall provide evidence satisfactory to the Board that such licensee has annually completed at least sixteen (16) hours of a program of continuing education as prescribed by the Board.

C. The Board shall also provide procedures by rule to ensure that license renewal candidates maintain the qualifications to practice social work, as set forth in this act.

D. If a social worker fails to make application to the Board for renewal of a license within a period of ninety (90) days after the expiration of the license, such person must reapply as an initial applicant for licensure and pass the current licensure examination; however, a person who has been licensed under the laws of this state and the license has expired, but who has continually practiced social work in another state under a license issued by the

authority of such state, may renew the license upon completion of the continuing education requirements set forth by the Board and payment of the designated fee.

E. Any licensee who allows their license to expire after January 1, 2012, shall, in addition to any other requirements for reinstatement, be required to submit to a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes, and pay the fee for the record check. However, the individual shall be allowed to practice with the expired license pending receipt by the Board of a complete and satisfactory national criminal history record check. If the Board does not receive two classifiable sets of fingerprints taken by a local, state or federal law enforcement agency or a civilian entity approved by the Oklahoma State Bureau of Investigation and the required fee within thirty (30) days from the date the license was reinstated, the license shall be suspended until receipt by the Board of the sets of fingerprints and the fee for the record check.

Added by Laws 2003, c. 85, § 9, eff. Nov. 1, 2003. Amended by Laws 2011, c. 146, § 4, eff. Nov. 1, 2011.

§59-1261.3. Repealed by Laws 2003, c. 85, § 22, eff. Nov. 1, 2003.

§59-1261.4. Reciprocity - Qualifications.

A. Any person who becomes a resident of this state and who is or has been, immediately preceding the person's residency in this state, licensed to practice social work by another state which grants a like privilege of reciprocity and who meets the educational and work experience qualifications for licensure in this state may, upon payment of the necessary fee and submission of documentation as required by the Board, be licensed under the provisions of the Social Worker's Licensing Act.

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

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

a. submit a written application in the form prescribed by the Board,
b. have attained the age of majority,
c. have a social work degree at the designation for which the applicant is seeking licensure,

d. possess, at the time of initial licensure as a social worker, the qualifications necessary to have been eligible for licensure in this state,
e. present to the Board a passing score on the designated licensure examination,
f. present to the Board proof that the transferring social work license is current and in good standing,
g. present to the Board proof that any social work or any other professional license or other credential granted to the applicant by any other state has not been suspended, revoked, or otherwise restricted for any reason except nonrenewal or for the failure to obtain the required continuing education credits in any jurisdiction where the applicant is or has been licensed, and
h. pay the fees specified by the Board.

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

Added by Laws 1982, c. 122, § 6, operative July 1, 1982. Amended by Laws 1987, c. 108, § 5, eff. July 1, 1987; Laws 2003, c. 85, § 10, eff. Nov. 1, 2003; Laws 2019, c. 363, § 44, eff. Nov. 1, 2019.

§59-1261.5. Provisional licenses.

Upon certification by the State Board of Licensed Social Workers, the Board shall authorize the issuance of provisional licenses to persons who have met all qualifications for licensure under provisions of the Social Worker's Licensing Act except passage of the required examination. Such persons shall, upon payment of the necessary fee and submission of documentation as required by the Board, be issued a provisional license subject to the following provisions:

1. If a person subsequently fails the examination, upon receipt and recording of the person's examination score by the Board, such person may retake the examination every ninety (90) days until the person passes, or until one (1) year from the date of issuance of the provisional license;

2. Upon receipt and recording of a person's passing score by the Board, the provisional license will be replaced by a permanent license; and

3. Upon a person's failure to pass the examination within one (1) year from the date the provisional license was issued, that license will be automatically revoked. A new application may be submitted by the individual who fails to pass the exam within one (1) year of their approval date, however, for the licensed clinical social worker (LCSW), licensed social worker with administration specialty (LSWAD), and licensed social worker (LSW), the applicant

must be under board approved supervision prior to the submission of a new application requesting license.

a. Those seeking to re-apply for licensure past their provisional year must remain under supervision until such time the Board office confirms a passing score for the appropriate licensure exam.

b. If an applicant is unable to pass the appropriate licensure exam during the provisional year or two subsequent approval years, the applicant may not apply for licensure again until they have completed an additional 4000 hours of supervised practice with a Board approved supervisor. If completed by the applicant, the Board may approve up to two additional years of examination testing.

c. For all licensure levels, any applicant who fails to pass the exam after a total of five approval years permanently loses their application eligibility status.

Added by Laws 1982, c. 122, § 7, operative July 1, 1982. Amended by Laws 2003, c. 85, § 11, eff. Nov. 1, 2003; Laws 2006, c. 100, § 1, eff. Nov. 1, 2006; Laws 2014, c. 95, § 4, eff. Nov. 1, 2014.

§59-1261.6. Information confidential - Disclosure.

No person licensed under the provisions of the Social Worker's Licensing Act or secretary, stenographer or clerk of such a licensed person or anyone who participates in delivery of social work services or anyone working under supervision of a person licensed under these provisions may disclose any information acquired from persons consulting the licensed social worker in his or her professional capacity or be compelled to disclose such information.

The confidential relations and communications between a person licensed under this act and the client are placed on the same basis as provided by law for those between an attorney and client. Nothing in the Social Worker's Licensing Act shall be construed to require such privileged communication to be disclosed except:

1. With the written consent of the client, or in the case of death or disability, of his or her personal representative, other person authorized to sue, or the beneficiary of any insurance policy on his or her life, health or physical condition;

2. That no information shall be treated as privileged and there shall be no privilege created by this act as to any information acquired by a person licensed under this act or a secretary, stenographer or clerk of such a licensed person or anyone who participates in delivery of social work services or anyone working under the supervision of such a licensed person when such information pertains to criminal acts or violations of any law;

3. When the person is a child under the age of eighteen (18) years and the information acquired by the licensed person indicated that the child was the victim or subject of a crime, the licensed person may be required to testify fully in relation thereto upon any examination, trial or other proceeding in which the commission of such a crime is a subject of inquiry; or

4. When the person waives the privilege by bringing charges against the licensed person.

Nothing in this act shall be construed to prohibit any licensed person from testifying in court hearings concerning matters of adoption, child abuse, child neglect, or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors on behalf of the client.

Added by Laws 1982, c. 122, § 8, operative July 1, 1982. Amended by Laws 2003, c. 85, § 12, eff. Nov. 1, 2003.

§59-1262. Licensure and identification as licensed social worker or licensed social worker associate.

The applicant shall receive a license when the State Board of Licensed Social Workers has determined that the applicant meets the requirements for licensure, and the Board shall provide the applicant with a license or other suitable device to identify the person to the public as a person licensed under this act.

Added by Laws 1965, c. 140, § 12. Amended by Laws 1980, c. 124, § 10, eff. Oct. 1, 1980; Laws 2003, c. 85, § 13, eff. Nov. 1, 2003.

§59-1263. Fees - Licensed Social Workers' Revolving Fund.

A. The State Board of Licensed Social Workers may assess such fees as it deems necessary to accomplish the purposes of the Social Worker's Licensing Act. Fees shall be assessed according to the fee schedule in the rules promulgated by the Board.

B. There is hereby created in the State Treasury a revolving fund for the State Board of Licensed Social Workers, to be designated the "Licensed Social Workers' Revolving Fund". The fund shall consist of monies received by the Board under statutory authority and such monies accruing to the credit of the fund may be expended by the Board for the purpose of carrying out the provisions of the Social Worker's Licensing Act. The fund shall be administered in accordance with standard revolving fund procedures. The Board shall pay into the General Revenue Fund of the state ten percent (10%) of the gross fees so collected and received as provided for in Section 211 of Title 62 of the Oklahoma Statutes.

Added by Laws 1965, c. 140, § 13. Amended by Laws 1980, c. 124, § 11, eff. Oct. 1, 1980; Laws 1987, c. 108, § 4, eff. July 1, 1987; Laws 1990, c. 86, § 1, emerg. eff. April 18, 1990; Laws 2003, c. 85, § 14, eff. Nov. 1, 2003; Laws 2011, c. 146, § 5, eff. Nov. 1, 2011.

§59-1264. Title and abbreviation as licensed social worker.

Any person who has received a license as a licensed social worker shall have the right to use the title, Licensed Social Worker, and the abbreviation, LSW. No other person shall assume such title, use such abbreviation, or any word or letters, signs, figures or devices to indicate that the person using the same is a licensed social worker.

Laws 1965, c. 140, § 14; Laws 1980, c. 124, § 12, eff. Oct. 1, 1980.

§59-1264.1. Licensed Clinical Social Worker - Use of Title.

Any person who has received a license as a licensed clinical social worker shall have the right to use the title, Licensed Clinical Social Worker, and the abbreviation, LCSW. No other person shall assume such title, use such abbreviation, or any word or letters, signs, figures or devices to indicate that the person using the same is a licensed social worker.

Added by Laws 2003, c. 85, § 15, eff. Nov. 1, 2003.

§59-1264.2. Licensed Master's Social Worker - Use of Title.

Any person who has received a license as a licensed master's social worker shall have the right to use the title, Licensed Master's Social Worker, and the abbreviation, LMSW. No other person shall assume such title, use such abbreviation, or any word or letters, signs, figures or devices to indicate that the person using the same is a licensed social worker.

Added by Laws 2003, c. 85, § 16, eff. Nov. 1, 2003.

§59-1264.3. Use of LSW-ADM title.

Any person who has received a license as a licensed social worker with administration specialty shall have the right to use the title licensed social worker with administration specialty, and the abbreviation LSW-ADM. No other person shall assume such title, use such abbreviation, or any word or letters, signs, figures or devices to indicate that the person using the same is a licensed social worker.

Added by Laws 2011, c. 146, § 6, eff. Nov. 1, 2011.

§59-1265. Title and abbreviation as Licensed Social Worker Associate.

Any person who has received a license as a licensed social work associate shall have the right to use the title Licensed Social Work Associate, and the abbreviation, LSWA. No other person shall assume such title, use such abbreviation, or any word or letters, signs, figures or devices to indicate that the person using the same is a licensed social work associate.

Laws 1965, c. 140, § 15; Laws 1980, c. 124, § 13, eff. Oct. 1, 1980.

§59-1266. Repealed by Laws 2003, c. 85, § 22, eff. Nov. 1, 2003.

§59-1266.1. Refusal to issue or renew, suspend, revoke, censure, reprimand, restrict or limit license – Fines - Judicial review – Definitions.

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

1. Unprofessional conduct as determined by the Board;

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

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

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

5. Conviction of or a plea of guilty or nolo contendere to a felony crime that substantially relates to the occupation of a social worker and poses a reasonable threat to public safety;

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

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

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

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

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

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

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

13. Being the subject of the revocation, suspension, surrender or other disciplinary sanction of a social worker or related license or of other adverse action related to a social worker or related license issued by this state, in another jurisdiction or country including the failure to report such adverse action to the Board; or

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

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

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

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

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

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

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

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

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

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

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

c. the licensee agrees that failure to satisfactorily progress in such treatment and monitoring program shall be reported to the Board by the treating professional who shall be immune from any liability for such reporting made in good faith, and

d. the licensee consents to the reports of the treating physician or professional of the approved treatment and monitoring program to the Board on the progress of licensee at such intervals as the Board deems necessary.

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

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

7. The impaired licensee who has enrolled in an approved treatment and monitoring program and entered into an agreement with the Board in accordance with this subsection shall have his or her license suspended or revoked but enforcement of this suspension or revocation shall be stayed by the length of time the licensee remains in the program and makes satisfactory progress, complies with the terms of the agreement, and adheres to any limitations on the practice imposed by the Board to protect the public. The licensee may petition the Board for reinstatement pursuant to subsection D of this section. Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment and monitoring program shall disqualify the licensee from the provisions of this section and the Board shall activate an immediate investigation and disciplinary proceedings.

C. Any social worker who has substantial evidence that a licensee has an active addiction for which the licensee is not receiving treatment under a program approved by the Board pursuant to an agreement entered into under this section, is diverting a controlled substance, or is mentally or physically incompetent to carry out the duties of the license, shall make or cause to be made a report to the Board. Any person who makes a report pursuant to this section in good faith and without malice shall be immune from any civil or criminal liability arising from such reports. Failure

to provide such a report within a reasonable time from receipt of knowledge may be considered grounds for disciplinary action against the licensee.

D. Any person whose license to practice social work in this state has been suspended or restricted pursuant to the Social Worker's Licensing Act, whether voluntarily or by action of the Board, shall have the right to petition the Board for reinstatement of such license. Such a petition shall be made in writing and in the form prescribed by the Board. Upon investigation and hearing, the Board may grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications. The Board may also require such person to pass an examination or examinations for reentry into the practice of social work.

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

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

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

H. 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.

Added by Laws 2003, c. 85, § 17, eff. Nov. 1, 2003. Amended by Laws 2011, c. 146, § 7, eff. Nov. 1, 2011; Laws 2015, c. 40, § 2, eff. Nov. 1, 2015; Laws 2019, c. 363, § 45, eff. Nov. 1, 2019.

§59-1267. Notice and hearing.

No license or specialty certification shall be suspended or revoked until notice is served upon the person licensed under the Social Worker’s Licensing Act and a hearing is held before the State Board of Licensed Social Workers. The notice shall be served by

registered mail and shall state the time and place of the hearing and shall set forth the ground or grounds constituting the charges against the person licensed under this act. The licensed person is entitled to be heard in his or her defense either in person or by counsel and may produce testimony and may testify in his or her own behalf. A record of the hearing shall be taken and preserved. The record shall contain the notice; all papers, documents and data filed in the proceedings and all statements of the Board pertinent thereto; the testimony and exhibits; and the findings of fact and orders of the Board in writing. The State of Oklahoma shall be a party in the prosecution of all such actions and hearings before the Board pertaining to the suspension or revocation of a license or specialty certification, and the Attorney General, or one of the Attorney General's assistants, is authorized and directed to appear in behalf thereof. The hearing may be adjourned from time to time. If the licensed person fails or refuses to appear, the Board may proceed to hear and determine the charges in his or her absence. If the licensed person pleads guilty, or if upon hearing of the charges a majority of the Board finds them true, the Board may enter an order suspending or revoking the license or specialty certification. Added by Laws 1965, c. 140, § 17. Amended by Laws 1980, c. 124, § 15, eff. Oct. 1, 1980; Laws 2003, c. 85, § 18, eff. Nov. 1, 2003.

§59-1268. Rules for proceedings - Subpoenas.

The Board shall adopt rules for its proceedings that will enable it, without undue delay, to competently determine the facts in each matter brought before it, and to render a decision in writing consistent with the intent of this law. The Board shall have the right to issue subpoenas where required. If the Board's subpoena is not honored, the Board shall petition a court of competent jurisdiction to have its subpoena honored. If, upon a hearing in the court, the demand of the Board is lawful, the court shall enter an order compelling compliance therewith. Disobedience of such an order shall be punished as contempt of court.
Laws 1965, c. 140, § 18.

§59-1269. Repealed by Laws 2003, c. 85, § 22, eff. Nov. 1, 2003.

§59-1270. Unlawful acts - Penalties.

A. It shall be a misdemeanor for any person to:

1. Use in connection with his or her name any designation tending to imply that he or she is licensed under the Social Worker's Licensing Act unless he or she is duly and respectively licensed under the provisions of this act;

2. Use in connection with his or her name any designation tending to imply that he or she is licensed under the provisions of

this act during the time his or her license shall be suspended or revoked; or

3. Otherwise violate any of the provisions of this act.

B. 1. Except as otherwise provided, it shall be unlawful for any individual to engage in the practice of social work unless duly licensed under this act.

2. Except as otherwise provided, it shall be unlawful for any individual to engage in the practice of Clinical Social Work unless duly licensed as a Clinical Social Worker under this act.

3. No individual shall offer social work services or use the designation social worker, licensed social work associate, licensed master's social worker, licensed social worker, licensed clinical social worker or the initials LSWA, LMSW, LSW, or LCSW or any other designation indicating licensure status or hold themselves out as licensed to practice social work unless duly licensed.

4. The provision of social work services to an individual in this state, through telephonic, electronic or other means, regardless of the location of the social worker, shall constitute the practice of social work and shall be subject to regulation.

5. Any individual who, after hearing, is found by the State Board of Licensed Social Workers to have unlawfully engaged in the practice of social work or to have violated other provisions of this act shall be subject to a fine to be imposed by the Board not to exceed Five Hundred Dollars ($500.00) for each offense. Each violation of this act or Board rules pertaining to unlawful practice of social work shall also constitute a misdemeanor.

6. Nothing in this act shall be construed to prevent members of other professions from performing functions for which they are duly licensed; provided, however, such professionals shall not hold themselves out or refer to themselves by any title or description stating or implying that they are engaged in the practice of social work or that they are licensed to engage in the practice of social work.

7. Students currently participating in an approved social work program are exempt from licensure under this act when enrolled in or participating in an internship, externship, or other social work experience requirements for such programs.

Added by Laws 1965, c. 140, § 20. Amended by Laws 1980, c. 124, § 17, eff. Oct. 1, 1980; Laws 2003, c. 85, § 19, eff. Nov. 1, 2003.

§59-1271. Repealed by Laws 2003, c. 85, § 22, eff. Nov. 1, 2003.

§59-1271.1. Temporary suspension of license.

Notwithstanding any provisions of the Administrative Procedures Act, the State Board of Licensed Social Workers may, without a hearing, temporarily suspend a license for not more than sixty (60) days if the Board finds that a person licensed under the Social

Worker's Licensing Act has violated a law or rule that the Board is empowered to enforce, and if continued practice by the licensed person would create an imminent risk of harm to the public. The suspension shall take effect upon written notice to the licensed person specifying the statute or rule violated. At the time it issues the suspension notice, the Board shall schedule a disciplinary hearing to be held pursuant to the Administrative Procedures Act within thirty (30) days and shall provide the licensed person with notice of the date of hearing.
Added by Laws 2003, c. 85, § 20, eff. Nov. 1, 2003.

§59-1272. Use of title.

A. No provision of the Social Worker's Licensing Act shall be construed as prohibiting any person, whether or not that person may be licensed under the provisions of this act, and who is in fact a member of the Academy of Certified Social Workers, from continuing to use the title, Member, Academy of Certified Social Workers, and the abbreviation, ACSW.

B. No provision of this act shall be construed as prohibiting any person, whether or not that person may be licensed under the provisions of this act, and who is in fact credentialed as a Qualified Clinical Social Worker, from continuing to use the title, Qualified Clinical Social Worker, and the abbreviation, QCSW.

C. No provision of this act shall be construed as prohibiting any person, whether or not that person may be licensed under the provisions of this act, and who is in fact credentialed as a Diplomat in Clinical Social Work, from continuing to use the title, Diplomat in Clinical Social Work, and the abbreviation, DCSW.
Added by Laws 1965, c. 140, § 22. Amended by Laws 1980, c. 124, § 18, eff. Oct. 1, 1980; Laws 2003, c. 85, § 21, eff. Nov. 1, 2003.

§59-1272.1. Repealed by Laws 2003, c. 85, § 22, eff. Nov. 1, 2003.

§59-1273. Enforcement of act - Surety for costs.

The Board shall enforce the provisions of this law and they shall be exempt from providing surety for the costs in connection with the commencement of any legal proceedings under this law.
Laws 1965, c. 140, § 23.

§59-1301. Definitions.

A. Sections 1301 through 1341 of this title shall only apply to the regulation of bail bonds for crimes, the punishment of which may be in excess of Twenty Dollars ($20.00) fine or twenty (20) days in jail, or both such fine and imprisonment.

B. As used in Sections 1301 through 1341 of this title:

1. "Commissioner" means the Insurance Commissioner of the State of Oklahoma;

2. "Clerk" means the district or municipal court clerk;

3. "Insurer" means any domestic, foreign or alien surety company which has qualified generally to transact surety business and specifically to transact bail bond business in this state and any professional bondsman or multicounty agent bondsman;

4. "Bail bondsman" means a surety bondsman, professional bondsman, multicounty agent bondsman, property bondsman, or a cash bondsman as hereinafter defined;

5. "Surety bondsman" means any person who has been approved by the Commissioner and appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings and charges and receives money for his or her services;

6. "Managing general agent" (M.G.A.) means any person acting in the capacity of supervisor or manager over a licensed bondsman, who has been granted the authority or responsibility by an insurer to conduct surety business on its behalf, and to oversee the activities and conduct of the appointed licensed bondsman agents of the insurer, and who generally functions as an intermediate manager between the insurer and its licensed bondsman agents. A managing general agent fulfilling these functions shall be a natural person, shall meet the qualifications of paragraph 5 of this subsection and shall be licensed as a bondsman;

7. "Professional bondsman" means any person who has been approved by the Commissioner and who pledges cash as security for a bail bond in connection with a judicial proceeding and charges and receives money for his or her services;

8. "Property bondsman" means any person who has been approved by the Commissioner and who pledges real property as security for a bail bond in a judicial proceeding and charges and receives money for his or her services;

9. "Cash bondsman" means any person who has been approved by the Commissioner and who deposits cash money as security for a bail bond in a judicial proceeding and charges and receives money for his or her services;

10. "Escrow deposit" means cash or valuable security deposited by an insurer to secure the face amount of forfeiture pending appeal;

11. "Solicitation" means to ask for earnestly, seek to obtain by persuasion or entreaty, implore, beseech, tempt or entice a person directly or through another person by personal, mechanical, printed or published means to purchase a bail bond. Solicitation shall not include mass communication advertising, which shall include, but not be limited to, television, newspapers, magazines and billboards;

12. "Bond" means an appearance bond for a specified monetary amount which is executed by the defendant and a licensed bondsman

pursuant to the provisions of Section 1301 et seq. of this title and which is issued to a court clerk as security for the subsequent court appearance of the defendant upon release from actual custody pending the appearance; and

13. "Multicounty agent bondsman" means a professional bondsman who has been approved by the Commissioner and who otherwise complies with the provisions of Section 1306.1 of this title.

Added by Laws 1965, c. 184, § 1, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 1, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 3, eff. Nov. 1, 1987; Laws 1989, c. 348, § 23, eff. Nov. 1, 1989; Laws 1990, c. 195, § 3, emerg. eff. May 10, 1990; Laws 1992, c. 98, § 2, eff. Sept. 1, 1992; Laws 1993, c. 170, § 1, eff. Sept. 1, 1993; Laws 2014, c. 53, § 1, eff. July 1, 2014; Laws 2016, c. 203, § 1, eff. Nov. 1, 2016.

§59-1302. Power of Commissioner - Written instruments as evidence - Investigative files confidential.

A. The Insurance Commissioner shall have full power and authority to administer the provisions of this act, which regulates bail bondsmen and to that end to adopt, and promulgate rules and regulations to enforce the purposes and provisions of this act. The Commissioner may employ and discharge such employees, examiners, counsel, and such other assistants as shall be deemed necessary, and he shall prescribe their duties and their compensation shall be the same as other state employees receive for similar services.

B. Any written instrument purporting to be a copy of any action, proceeding, or finding of fact by the Commissioner, or any record of the seal of his office shall be accepted by all the courts of this state as prima facie evidence of the contents thereof.

C. Investigative files shall not be open for review unless so ordered by a proper administrative order of the hearing examiner or Commissioner or by proper judicial order or legislative committee.

Added by Laws 1965, c. 184, § 2, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 2, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 4, eff. Nov. 1, 1987; Laws 2016, c. 203, § 2, eff. Nov. 1, 2016.

§59-1303. License required - Acts exempt - Individual license - Renewal - Corporations - Attorneys.

A. No person shall act in the capacity of a bail bondsman or perform any of the functions, duties or powers prescribed for bail bondsmen under the provisions of Section 1301 et seq. of this title, unless that person shall be qualified and licensed as provided in Section 1301 et seq. of this title or as authorized pursuant to the Bail Enforcement and Licensing Act. Provided, however, none of the provisions or terms of this section shall prohibit any individual or individuals from:

1. Pledging real or other property as security for a bail bond for himself, herself or another in judicial proceedings who does not receive, or is not promised, a fee or charge for his or her services provided such person shall not be permitted to make in excess of ten bonds per year; or

2. Executing any bail bond for an insurer, pursuant to a bail bond service agreement entered into between such insurer and any automobile club or association, financing institution, insurance company or other organization or association, on behalf of a person required to furnish bail in connection with any violation of law arising out of the use of a motor vehicle.

B. No license shall be issued except in compliance with Section 1301 et seq. of this title and none shall be issued except to an individual. License renewals shall be granted subject to all other provisions of Section 1301 et seq. of this title.

A corporation as such shall not be licensed. Nothing herein contained shall be construed as repealing Section 11 of Title 5 of the Oklahoma Statutes; and it is further provided that licensed attorneys are prohibited from signing any bonds as surety in any civil or criminal action pending or about to be filed in any court of this state.

Added by Laws 1965, c. 184, § 3. Amended by Laws 1982, c. 149, § 2, operative Oct. 1, 1982; Laws 1984, c. 225, § 3, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 5, eff. Nov. 1, 1987; Laws 1991, c. 139, § 1, emerg. eff. April 29, 1991; Laws 2013, c. 407, § 22, eff. Nov. 1, 2013.

§59-1304. Expiration date.

Each bail bondsman license issued shall expire biennially at 12:00 o'clock midnight on the last day of the birth month of the bondsman, unless revoked or suspended prior thereto by the Insurance Commissioner.

Added by Laws 1965, c. 184, § 4, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 4, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 6, eff. Nov. 1, 1987; Laws 2011, c. 242, § 11 **and** Laws 2011, c. 293, § 11, eff. June 20, 2011; Laws 2013, c. 150, § 1, eff. Nov. 1, 2013.

NOTE: Laws 2011, c. 242, § 11 and Laws 2011, c. 293, § 11 made identical changes to this section.

§59-1305. Applications - Contents - Interrogatories and investigation - Fee - Second and subsequent applications – Definitions.

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

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

2. Has not been previously convicted of, or pled guilty or nolo contendere to, any felony crime that substantially relates to the occupation of a bail bondsman and poses a reasonable threat to public safety;

3. Is a citizen of the United States;

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

5. Will actively engage in the bail bond business;

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

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

B. The applicant shall apply electronically on forms approved by the Insurance Commissioner, and the Commissioner may propound any reasonable interrogatories to an applicant for a license pursuant to Sections 1301 through 1341 of this title, or on any renewal thereof, relating to qualifications, residence, prospective place of business and any other matters which, in the opinion of the Commissioner, are deemed necessary or expedient in order to protect the public and ascertain the qualifications of the applicant. The Commissioner may also conduct any reasonable inquiry or investigation relative to the determination of the fitness of the applicant to be licensed or to continue to be licensed including, but not limited to, requiring a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes. The Commissioner may require any documents reasonably necessary to verify the information in the application.

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

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

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

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

G. 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.

Added by Laws 1965, c. 184, § 5, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 5, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 7, eff. Nov. 1, 1987; Laws 1992, c. 98, § 3, eff. Sept. 1, 1992; Laws 1995, c. 357, § 1, eff. Nov. 1, 1995; Laws 1997, c. 251, § 1, eff. Nov. 1, 1997; Laws 1997, c. 418, § 120, eff. Nov. 1, 1997; Laws 2003, c. 204, § 5, eff. Nov. 1, 2003; Laws 2010, c. 222, § 55, eff. Nov. 1, 2010; Laws 2011, c. 242, § 12 and Laws 2011, c. 293, § 12, eff. June 20, 2011; Laws 2012, c. 82, § 1, eff. Nov. 1, 2012; Laws 2014, c. 53, § 2, eff. July 1, 2014; Laws 2017, c. 161, § 1, eff. Nov. 1, 2017; Laws 2019, c. 363, § 46, eff. Nov. 1, 2019.

NOTE: Laws 2011, c. 242, § 12 and Laws 2011, c. 293, § 12 made identical changes to this section.

§59-1306. Cash bondsman - Professional bondsman.

A. 1. An applicant for a cash bondsman license shall meet all requirements set forth in Section 1305 of this title with exception of the one-year residence requirement. An applicant for a cash bondsman license shall affirmatively show that the applicant has been a bona fide resident of the state for six (6) months.

2. In addition to the requirements prescribed in Section 1305 of this title, an applicant for a professional bondsman license shall have been continually licensed as a surety, cash or property bondsman in the State of Oklahoma for a minimum of two (2) years immediately prior to the date of application and shall submit to the Insurance Commissioner an audited financial statement prepared by an accounting firm or individual holding a permit to practice public accounting in this state in accordance with the Statements on Auditing Standards promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants setting forth the total assets of the bondsman less liabilities and debts as follows: For all applications made prior to November 1, 2006, and the subsequent renewals of a license issued upon the application when continuously maintained in effect as required by law, the statement shall show a net worth of at least Fifty Thousand Dollars ($50,000.00). For all applications made on and after November 1, 2006, and the subsequent renewals of a license issued upon the

application when continuously maintained in effect as required by law, or for the renewal or reinstatement of any license that is expired pursuant to subsection D of Section 1309 of this title, suspended or revoked, the statement shall show a net worth of at least One Hundred Fifty Thousand Dollars ($150,000.00), the statements to be current as of a date not earlier than ninety (90) days prior to submission of the application and the statement shall be attested to by an unqualified opinion of the accountant.

3. Professional bondsman applicants shall make a deposit with the Insurance Commissioner in the same manner as required of domestic insurance companies of an amount to be determined by the Commissioner. For all applications made prior to November 1, 2006, and the subsequent renewals of a license issued upon the application when continuously maintained in effect as required by law, the deposit shall not be less than Twenty Thousand Dollars ($20,000.00). For all applications made on and after November 1, 2006, and the subsequent renewals of a license issued upon the application when continuously maintained in effect as required by law, or for the renewal or reinstatement of any license that is expired pursuant to subsection D of Section 1309 of this title, suspended or revoked, the deposit shall not be less than Fifty Thousand Dollars ($50,000.00). The deposits shall be subject to all laws, rules and regulations as deposits by domestic insurance companies but in no instance shall a professional bondsman write bonds which equal more than ten times the amount of the deposit which the bondsman has submitted to the Commissioner. Such deposit shall require the review and approval of the Insurance Commissioner prior to exceeding the maximum amount of Federal Deposit Insurance Corporation basic deposit coverage for any one bank or financial institution. In addition, a professional bondsman may make the deposit by purchasing an annuity through a licensed domestic insurance company in the State of Oklahoma. The annuity shall be in the name of the bondsman as owner with legal assignment to the Insurance Commissioner. The assignment form shall be approved by the Commissioner. If a bondsman exceeds the above limitation, the bondsman shall be notified by the Commissioner that the excess shall be reduced or the deposit increased within ten (10) days of notification, or the license of the bondsman shall be suspended immediately after the ten-day period, pending a hearing on the matter. The limitation may be exceeded with Commissioner approval when a state of emergency or disaster is declared by the Governor, the Oklahoma Legislature or by the United States Presidential Declaration of a Federal Emergency or Major Disaster.

4. The deposit provided for in this section shall constitute a reserve available to meet sums due on forfeiture of any bonds or recognizance executed by the bondsman.

5. Any deposit made by a professional bondsman pursuant to this section shall be released and returned by the Commissioner to the professional bondsman only upon extinguishment of all liability on outstanding bonds. Provided, however, the Commissioner shall have the authority to review specific financial circumstances and history of a professional bondsman, on a case-by-case basis, and may release a portion of the deposit if warranted. The Commissioner may promulgate rules to effectuate the provisions of this paragraph.

6. No release of deposits to a professional bondsman shall be made by the Commissioner except upon written application and the written order of the Commissioner. The Commissioner shall have no liability for any such release to a professional bondsman provided the release was made in good faith.

B. The deposit provided in this section shall be held in safekeeping by the Insurance Commissioner and shall only be used if a bondsman fails to pay an order and judgment of forfeiture after being properly notified or shall be used if the license of a professional bondsman has been revoked. The deposit shall be held in the name of the Insurance Commissioner and the bondsman. The bondsman shall execute an assignment or pledge of the deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.

C. Currently licensed professional bondsmen may maintain their aggregate liability limits upon presentation of documented proof that they have previously been granted a limitation greater than the requirements of subsection A of this section.

D. Notwithstanding any other provision of Sections 1301 through 1341 of this title, the license of a professional bondsman is transferable upon the death or legal or physical incapacitation of the bondsman to the spouse of the bondsman, or to such other transferee as the professional bondsman may designate in writing, and the transferee may elect to act as a professional bondsman for a period of one hundred eighty (180) days if the following conditions are met:

1. The transferee shall hold a valid license as a surety bondsman in this state; and

2. The asset and deposit requirements set forth in this section continue to be met.

Added by Laws 1965, c. 184, § 6, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 6, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 8, eff. Nov. 1, 1987; Laws 1988, c. 177, § 1, emerg. eff. May 26, 1988; Laws 1995, c. 120, § 1, emerg. eff. April 21, 1995; Laws 1997, c. 251, § 2, eff. Nov. 1, 1997; Laws 2000, c. 103, § 1, eff. Nov. 1, 2000; Laws 2002, c. 307, § 35, eff. Nov. 1, 2002; Laws 2006, c. 135, § 1, eff. Nov. 1, 2006; Laws 2009, c. 176, § 57, eff. Nov. 1, 2009; Laws 2010, c. 2, § 30, emerg. eff. March 3, 2010; Laws 2010, c. 222, § 56, eff. Nov. 1, 2010; Laws 2013, c. 150, § 2, eff. Nov. 1, 2013;

Laws 2015, c. 110, § 1, eff. Nov. 1, 2015; Laws 2016, c. 203, § 3, eff. Nov. 1, 2016; Laws 2021, c. 368, § 1, eff. Nov. 1, 2021.
NOTE: Laws 2009, c. 196, § 1 repealed by Laws 2010, c. 2, § 31, emerg. eff. March 3, 2010.

§59-1306.1. Multicounty agent bondsman – Application – Contents – Deposit – Transfer - Agents.

A. 1. An applicant for a multicounty agent bondsman license shall have been continually licensed as a professional bondsman in the State of Oklahoma for a minimum of two (2) years without suspension or having any unpaid forfeitures prior to the date of application.

2. In addition to the requirements prescribed in Sections 1305 and 1306 of this title, an applicant for a multicounty agent bondsman license shall submit to the Insurance Commissioner an annual audited financial statement prepared by an accounting firm or individual holding a permit to practice public accounting in this state in accordance with the Statements on Auditing Standards promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants setting forth the total assets of the bondsman less liabilities and debts. For initial applications and for subsequent renewals of the license, the statement shall show a net worth of at least Two Hundred Fifty Thousand Dollars ($250,000.00). The statement shall be current as of a date not earlier than ninety (90) days prior to submission of the application and the statement shall be attested to by an unqualified opinion of the accountant.

3. Multicounty agent bondsman applicants shall make a deposit with the Insurance Commissioner in the same manner as required of domestic insurance companies. The deposit shall not be less than One Hundred Thousand Dollars ($100,000.00). Provided however, any and all deposits made pursuant to paragraph 3 of subsection A of Section 1306 of this title shall count toward the fulfillment of any deposit amount required by this section. The deposit shall be subject to all laws, rules, and regulations as deposits by domestic insurance companies but in no instance, except as provided herein, shall a multicounty agent bondsman write bonds which equal more than twelve times the amount of the deposit which the bondsman has submitted to the Commissioner; provided however, any currently licensed professional bondsman in good standing with the Department and who, on the effective date of this act, meets the provisions of the grandfather clause set forth in Section 1306 of this title and who otherwise meets the requirements of this section shall be afforded the same liability ratio as that of such grandfathered professional bondsman. Such deposit shall require the review and approval of the Insurance Commissioner prior to exceeding the maximum amount of Federal Deposit Insurance Corporation basic

deposit coverage for any one bank or financial institution. In addition, a multicounty agent bondsman may make the deposit by purchasing an annuity through a licensed domestic insurance company in the State of Oklahoma. The annuity shall be in the name of the bondsman as owner with legal assignment to the Insurance Commissioner. The assignment form shall be approved by the Commissioner. If a bondsman exceeds the above limitation, the bondsman shall be notified by the Commissioner that the excess shall be reduced or the deposit increased within ten (10) days of notification, or the license of the bondsman shall be suspended immediately after the ten-day period, pending a hearing on the matter.

4. The deposit provided for in this section shall constitute a reserve available to meet sums due on forfeiture of any bonds or recognizance executed by the bondsman.

5. Any deposit made by a multicounty agent bondsman pursuant to this section shall be released and returned by the Commissioner to the multicounty agent bondsman only upon extinguishment of all liability on outstanding bonds. Provided, however, the Commissioner shall have the authority to review specific financial circumstances and history of a multicounty agent bondsman, on a case-by-case basis, and may release a portion of the deposit if warranted. The Commissioner may promulgate rules to effectuate the provisions of this paragraph.

6. No release of deposits to a multicounty agent bondsman shall be made by the Commissioner except upon written application and the written order of the Commissioner. The Commissioner shall have no liability for any such release to a multicounty agent bondsman provided the release was made in good faith.

B. The deposit provided in this section shall be held in safekeeping by the Insurance Commissioner and shall only be used if a bondsman fails to pay an order and judgment of forfeiture after being properly notified or shall be used if the license of a multicounty agent bondsman has been revoked. The deposit shall be held in the name of the Insurance Commissioner and the bondsman. The bondsman shall execute an assignment or pledge of the deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.

C. Notwithstanding any other provision of Sections 1301 through 1341 of this title, the license of a multicounty agent bondsman is transferable upon the death or legal or physical incapacitation of the bondsman to the spouse of the bondsman or to such other transferee as the multicounty agent bondsman may designate in writing, and the transferee may elect to act as a multicounty agent bondsman for a period of one hundred eighty (180) days if the following conditions are met:

1. The transferee shall hold a valid license as a surety bondsman in this state; and

2. The asset and deposit requirements set forth in this section continue to be met.

At the end of the one-hundred-eighty-day period, the transferee shall be allowed to apply for a license as a multicounty agent bondsman, provided he or she has been continually licensed as a surety bondsman for at least five (5) years immediately prior to the date of application, notwithstanding the requirements of paragraph 1 of subsection A of this section.

D. A multicounty agent bondsman may appoint by power of attorney a licensed surety bondsman as his or her agent to execute bail bonds within any county in the State of Oklahoma. The number of bail bonds a multicounty agent bondsman may insure in counties other than the county he or she registers his or her license, pursuant to subsection A of Section 1320 of this title, shall not be limited by subsection B of Section 1320 of this title.

Added by Laws 2014, c. 53, § 3, eff. July 1, 2014. Amended by Laws 2015, c. 110, § 2, eff. Nov. 1, 2015. Renumbered from § 1306A of this title by Laws 2015, c. 110, § 13, eff. Nov. 1, 2015. Amended by Laws 2016, c. 16, § 1, eff. Nov. 1, 2016; Laws 2016, c. 203, § 4, eff. Nov. 1, 2016.

§59-1306A. Renumbered as § 1306.1 of this title by Laws 2015, c. 110, § 13, eff. Nov. 1, 2015.

§59-1308. Examinations - Fees.

A. The applicant for bail bondsman licensure shall be required to take an examination prepared by the Insurance Commissioner, testing the applicant’s ability and qualifications to be a bail bondsman. Applications are valid for three (3) months after submission. If an applicant has not acted upon the application within that period, a new application and fees shall be submitted for the applicant to be considered for licensure. Bail bondsman licenses issued prior to the effective date of this act, as a result of a successful completion of a remote examination, shall be valid licenses from the time of issuance.

B. Each applicant shall become eligible for examination if the applicant has completed sixteen (16) hours of education as required by Section 1308.1 of this title prior to the examination. Examinations shall be held at times and places as designated by the Commissioner.

C. The fee for the examination shall be One Hundred Dollars ($100.00). Results will be provided after the applicant is examined.

D. The failure of an applicant to pass an examination shall not preclude the applicant from taking subsequent examinations;

provided, however, that at least thirty (30) days shall intervene between examinations; and provided further, after a third or subsequent examination failure, an applicant may not be examined for at least one (1) year after the last examination failure.
Added by Laws 1965, c. 184, § 8, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 8, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 9, eff. Nov. 1, 1987; Laws 1989, c. 257, § 2, eff. Nov. 1, 1989; Laws 1991, c. 139, § 2, emerg. eff. April 29, 1991; Laws 1992, c. 98, § 4, eff. Sept. 1, 1992; Laws 1995, c. 357, § 2, eff. Nov. 1, 1995; Laws 2011, c. 242, § 13 and Laws 2011, c. 293, § 13, eff. June 20, 2011; Laws 2017, c. 161, § 2, eff. Nov. 1, 2017; Laws 2023, c. 148, § 1, emerg. eff. May 1, 2023.
NOTE: Laws 2011, c. 242, § 13 and Laws 2011, c. 293, § 13 made identical changes to this section.

§59-1308.1. Examination - Educational requirements - Fee - Penalties.

A. In order to be eligible to take the examination required to be licensed as a bail bondsman, each person shall complete not less than sixteen (16) clock hours of education in subjects pertinent to the duties and responsibilities of a bail bondsman, including all laws and regulations related thereto. Further, each licensee shall complete biennially not less than sixteen (16) clock hours of continuing education in the subjects prior to renewal of the license. Such continuing education shall not include a written or oral examination.

Provided, any person licensed as a bail bondsman prior to November 1, 1989, shall not be required to complete sixteen (16) clock hours of education prior to licensure but shall be subject to the sixteen-hour continuing education requirement in order to renew the license, except that a licensed bail bondsman who is sixty-five (65) years of age or older and who has been licensed as a bail bondsman for fifteen (15) years or more shall be exempt from both the education and continuing education requirements of this section.

B. Education shall be provided for bail bondsman licensure as required by this section; provided that the Insurance Commissioner shall approve the courses offered and provided further such education meets the general standards for education established by the Insurance Commissioner.

The education provider shall submit biennially a fee of Two Hundred Dollars ($200.00), payable to the Insurance Commissioner which shall be deposited with the State Treasurer for the purposes of fulfilling and accomplishing the conditions and purposes of this section.

C. Any person who falsely represents to the Insurance Commissioner that compliance with this section has been met shall be

subject, after notice and hearing, to the penalties and fines set out in Section 1310 of this title.

D. The Commissioner shall adopt and promulgate such rules as are necessary for effective administration of this section.

Added by Laws 1989, c. 257, § 1, eff. Nov. 1, 1989. Amended by Laws 1994, c. 331, § 2, eff. Sept. 1, 1994; Laws 1998, c. 394, § 1, eff. July 1, 1998; Laws 2011, c. 242, § 14 and Laws 2011, c. 293, § 14, eff. June 20, 2011; Laws 2019, c. 259, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2011, c. 242, § 14 and Laws 2011, c. 293, § 14 made identical changes to this section.

§59-1309. Renewal licenses.

A. A renewal license shall be issued by the Insurance Commissioner to a licensee who has continuously maintained same in effect, without further examination, upon payment of a renewal fee of Two Hundred Dollars ($200.00) for a cash, property, surety, or professional bail bondsman or One Thousand Dollars ($1,000.00) for a multicounty agent bondsman, and proof of completion of sixteen (16) hours of continuing education as required by Section 1308.1 of this title. The renewal fee for licenses expiring September 15, 2012, shall be prorated to the birth month of the bondsman. Thereafter the renewal fee shall be submitted biennially by the last day of the birth month of the bondsman. Such licensee shall in all other respects be required to comply with and be subject to the provisions of Section 1301 et seq. of this title.

B. An individual holding a professional bondsman license or multicounty agent bondsman license shall also provide an annual audited financial statement prepared by an accounting firm or individual holding a permit to practice public accounting in this state in accordance with the Statements on Auditing Standards promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants showing assets, liabilities, and net worth, the annual statement to be as of a date not earlier than June 30. The statements shall be attested to by an unqualified opinion of the accounting firm or individual holding a permit to practice public accounting in this state that prepared the statement or statements. The statement shall be submitted annually by the last day of September.

C. An individual holding a property bondsman license shall also provide an annual county assessor's written statement stating the property's assessed value for each property used to post bonds and a written statement from any lien holder stating the current payoff amount on each lien for each property used to post bonds. The written statements shall be submitted annually by the last day of September.

D. If the license is not renewed or the renewal fee is not paid by the last day of the birth month of the bondsman, the license

shall expire automatically pursuant to Section 1304 of this title. After expiration, the license may be reinstated for up to one (1) year following the expiration date. If after the one-year date the license has not been reinstated, the licensee shall be required to apply for a license as a new applicant.

E. Reinstatement fees shall be double the original fee.

Added by Laws 1965, c. 184, § 9, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 9, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 10, eff. Nov. 1, 1987; Laws 1989, c. 257, § 3, eff. Nov. 1, 1989; Laws 1992, c. 98, § 5, eff. Sept. 1, 1992; Laws 1994, c. 331, § 3, eff. Sept. 1, 1994; Laws 1995, c. 1, § 20, emerg. eff. March 2, 1995; Laws 2011, c. 242, § 16 and Laws 2011, c. 293, § 16, eff. June 20, 2011; Laws 2012, c. 82, § 2, eff. Nov. 1, 2012; Laws 2013, c. 150, § 3, eff. Nov. 1, 2013; Laws 2014, c. 53, § 4, eff. July 1, 2014; Laws 2014, c. 385, § 1, eff. Nov. 1, 2014; Laws 2015, c. 110, § 3, eff. Nov. 1, 2015.

NOTE: Laws 1994, c. 186, § 1 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995.

NOTE: Laws 2011, c. 242, § 16 and Laws 2011, c. 293, § 16 made identical changes to this section.

§59-1310. Denial, censure, suspension, revocation or refusal to renew license - Grounds – Definitions.

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

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

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

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

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

5. Conviction of, or having entered a plea of guilty or nolo contendere to, any felony crime that substantially relates to the occupation of a bail bondsman and poses a reasonable threat to public safety;

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

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

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

9. When, in the judgment of the Commissioner, the licensee has, in the conduct of affairs under the license, demonstrated incompetency, or untrustworthiness, or conduct or practices rendering the licensee unfit to carry on the bail bond business or making continuance in the business detrimental to the public interest;

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

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

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

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

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

15. Cheating on an examination for licensure;

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

17. For paying a fee or rebate, or giving or promising anything of value to a jailer, trustee, police officer, law enforcement officer, or other officer of the law, or any other person who has power to arrest or hold in custody, or to any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment thereof, or to secure delay or other advantage. This shall not apply to a jailer, police officer, or officer of the law who is not on duty and who assists in the apprehension of a defendant;

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

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

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

21. Accepting anything of value from a principal, other than the premium; provided, the bondsman shall be permitted to accept collateral security or other indemnity from the principal which shall be returned immediately upon final termination of liability on the bond and upon satisfaction of all terms, conditions, and obligations contained within the indemnity agreement; provided,

however, a bondsman shall not refuse to return collateral or other indemnity because of nonpayment of premium. Collateral security or other indemnity required by the bondsman shall be reasonable in relation to the amount of the bond;

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

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

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

25. For filing a materially untrue monthly report;

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

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

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

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

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

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

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

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

B. In addition to any applicable denial, censure, suspension, or revocation of a license, any person violating any provision of Sections 1301 through 1341 of this title may be subject to a civil penalty of not less than Two Hundred Fifty Dollars ($250.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) for each occurrence. This fine may be enforced in the same manner in which civil judgments may be enforced. Any order for civil penalties

entered by the Commissioner or authorized decision-maker for the Insurance Department which has become final may be filed with the court clerk of Oklahoma County and shall then be enforced by the judges of Oklahoma County.

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

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

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

F. Any law enforcement agency, district attorney's office, court clerk's office, or insurer that is aware that a licensed bail bondsman has been convicted of or has pleaded guilty or nolo contendere to any crime shall notify the Insurance Commissioner of that fact.

G. 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.

Added by Laws 1965, c. 184, § 10, eff. Jan. 1, 1966. Amended by Laws 1973, c. 183, § 1, emerg. eff. May 16, 1973; Laws 1984, c. 225, § 10, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 11, eff. Nov. 1, 1987; Laws 1989, c. 257, § 4, eff. Nov. 1, 1989; Laws 1990, c. 195, § 4, emerg. eff. May 10, 1990; Laws 1995, c. 357, § 3, eff. Nov. 1, 1995; Laws 1997, c. 251, § 3, eff. Nov. 1, 1997; Laws 1997, c. 418, § 121, eff. Nov. 1, 1997; Laws 2010, c. 222, § 57, eff. Nov. 1, 2010; Laws 2013, c. 150, § 4, eff. Nov. 1, 2013; Laws 2015, c.

110, § 4, eff. Nov. 1, 2015; Laws 2016, c. 203, § 5, eff. Nov. 1, 2016; Laws 2019, c. 363, § 47, eff. Nov. 1, 2019.

§59-1311. Violation of laws or rules and regulations relating to bond - Notice - Temporary suspension of license.

If, after investigation, it shall appear to the satisfaction of the Insurance Commissioner that a bail bondsman or insurer has been guilty of violating any of the laws or rules or regulations of this state relating to bail bonds, the Commissioner shall provide notice in writing to the bail bondsman or to the insurer. Notice to the bail bondsman or insurer shall be by mail with return receipt requested at the last-known address of the bail bondsman or insurer, in a manner and pursuant to the procedures set forth in Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.

If the Commissioner determines that the conduct is such that it may be a detriment to the public, he may suspend the license of such bail bondsman or insurer pending hearing.

Added by Laws 1965, c. 184, § 11, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 11, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 12, eff. Nov. 1, 1987; Laws 1994, c. 186, § 2, eff. Sept. 1, 1994.

§59-1311.1. Hearings - Record.

A. Hearings shall be held in the Insurance Commissioner's offices or at such other place as the Commissioner may deem convenient.

B. The Commissioner shall appoint an independent hearing examiner to preside at the hearing to sit in the capacity of a quasi-judicial officer.

C. All hearings will be public and held in accordance with, and governed by, Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.

D. If at a hearing the person presiding determines that a license which was suspended prior to the hearing pursuant to Section 1311 of this title shall be revoked or suspended, the period of revocation or suspension shall be deemed to have begun on the date the license was suspended pending the hearing.

E. The Commissioner, upon written request reasonably made by the licensed bail bondsman affected by the hearing, and at such bail bondsman's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

F. The ordinary fees and costs of such hearing examiner may be assessed by the hearing examiner against the respondent, unless the respondent is the prevailing party.

Added by Laws 1984, c. 225, § 12, emerg. eff. May 23, 1984. Amended by Laws 1987, c. 211, § 13, eff. Nov. 1, 1987; Laws 1989, c. 257, §

5, eff. Nov. 1, 1989; Laws 1994, c. 186, § 3, eff. Sept. 1, 1994; Laws 2001, c. 363, § 29, eff. July 1, 2001.

§59-1311.2. Denial, suspension, revocation or refusal to renew license - Effect.

A. No individual operating under any license which has been revoked by the Insurance Commissioner shall have the right to apply for another license under this act within one (1) year from the effective date of such revocation, or, if judicial review of such revocation is sought, within one (1) year from the date of final court order or decree affirming the revocation. However, the Commissioner may authorize the application for another license under this act by such an individual prior to the end of the one-year period if the Commissioner finds that the individual meets the licensing requirements then in effect and if the Commissioner finds the circumstances for which the license was revoked no longer exists. The Commissioner shall not, however, grant a new license to any individual if he finds that the circumstances for which the previous license was revoked still exist or are likely to recur.

B. If a license as bail bondsman as to the same individual has been revoked at two separate times, the Commissioner may not thereafter grant or issue any license under this act as to such individual unless such individual can meet the licensing qualifications then in effect and if the Commissioner finds the circumstances for which the license was revoked no longer exists.

C. During the period of suspension, or after revocation of the license and prior to being issued a new license, the former licensee shall not engage in or attempt to profess to engage in any transaction or business for which a license is required under this act.

D. Upon suspension, revocation or refusal to renew or continue the license of a bail bondsman, the Commissioner may at the same time likewise suspend or revoke all other insurance agent licenses held by the licensee under the insurance laws of this state, if the Commissioner determines that such suspension or revocation is in the best interest of the public.

E. In case of the suspension or revocation of license of any bail bondsman, the license of any and all bail bondsmen who are members of a bail bond agency, whether incorporated or unincorporated, and who knowingly are parties to the act which formed the ground for the suspension or revocation may likewise be suspended or revoked for the same period as that of the offending bail bondsman; but this shall not prevent any bail bondsman, except the one whose license was first suspended or revoked or the bondsman member of the agency who was a knowing participant, from being licensed as a member of some other bail bond agency.

F. Though issued to a licensee, all certificates of licenses issued under this act are at all times the property of this state, and upon notice of any suspension, revocation, refusal to renew, expiration or other termination of the license, the licensee or other person having either the original or copy of the license shall promptly deliver the certificate of license or copy thereof to the Commissioner for cancellation.

G. As to any certificate of license lost, stolen or destroyed while in the possession of any such licensee or person, the Commissioner may accept in lieu of return of the certificate, the affidavit of the licensee or other person responsible for or involved in the safekeeping of such certificate, concerning the facts of such loss, theft or destruction. Willful falsification of any such affidavit shall, upon conviction, be subject to punishment as for perjury.

H. This section shall not be deemed to require the delivery to the Commissioner of any certificate of license which, as shown by specific date of expiration on the face of the license, has already expired, unless such delivery has been requested by the Commissioner.

Added by Laws 1984, c. 225, § 13, emerg. eff. May 23, 1984. Amended by Laws 1987, c. 211, § 14, eff. Nov. 1, 1987.

§59-1311.3. Unlawful acts.

A. It shall be unlawful for any person who is not licensed to act as a bail bondsman or whose license to act as a bail bondsman has been suspended, revoked, surrendered, or refused, to do or perform any of the acts of a bail bondsman. Any person convicted of violating the provisions of this subsection shall be guilty of a felony and shall be punished by a fine in an amount not exceeding Five Thousand Dollars ($5,000.00).

B. It shall be unlawful for any bail bondsman to assist, aid, or conspire with a person who is not licensed to act as a bail bondsman or whose license as a bail bondsman has been suspended, revoked, surrendered, or refused, to engage in any acts as a bail bondsman. Any person convicted of violating the provisions of this subsection shall be guilty of a felony and shall be punished by a fine in an amount not to exceed Five Thousand Dollars ($5,000.00).

C. The provisions of this section shall not apply to a suspended or formerly licensed bail bondsman who continues to submit monthly reports to the Insurance Department pursuant to subsection B of Section 1314 of this title or who contracts with a licensed bail enforcer pursuant to the Bail Enforcement and Licensing Act to cause the apprehension and surrender of his or her defendant clients to the appropriate authority. The defendant client must have a current undertaking or bail contract with the suspended or formerly licensed bail bondsman and such undertaking or bail contract must have been

made in this state by the suspended or formerly licensed bail bondsman. No acts other than those listed in this subsection shall be authorized or recognized after a bail bondsman is suspended or no longer licensed in this state.
Added by Laws 2011, c. 242, § 15 and Laws 2011, c. 293, § 15, eff. June 20, 2011. Amended by Laws 2014, c. 373, § 1, eff. July 1, 2014; Laws 2015, c. 110, § 5, eff. Nov. 1, 2015; Laws 2016, c. 203, § 6, eff. Nov. 1, 2016; Laws 2024, c. 327, § 1, eff. Nov. 1, 2024.
NOTE: Laws 2011, c. 242, § 15 and Laws 2011, c. 293, § 15 created identical new sections under the same number.

§59-1311.4. Assisting other licensed bondsmen.

Notwithstanding any provision of the Bail Enforcement and Licensing Act to the contrary, a licensed bondsman in this state, for purposes of apprehension and surrender of his or her defendant client whose undertaking or bail contract was written by the licensed bondsman, may seek assistance from, or provide assistance to, another licensed bondsman in this state or another state; provided, the assisting bondsman:

1. Has held a continuously valid bail bondsman license in this state for five (5) or more years immediately prior to providing such assistance; or

2. Is duly appointed by the same insurer as the licensed bondsman seeking assistance.

The bondsman licensed in this state who is seeking assistance shall be required to obtain and maintain proof of the valid license of the assisting bondsman and license duration requirement prior to permitting such assisting bondsman to engage in any act requiring a license in this state.
Added by Laws 2014, c. 373, § 13, eff. July 1, 2014. Amended by Laws 2016, c. 203, § 7, eff. Nov. 1, 2016.

§59-1312. Appeals.

Any applicant for license as a bail bondsman whose application has been denied or whose license shall have been censured, suspended or revoked, or renewal thereof denied or a fine levied, shall have the right of appeal from such final order of the Commissioner thereon by filing a petition in the district court of Oklahoma County. Such judicial review shall be as prescribed by Sections 318 through 323 of Title 75 of the Oklahoma Statutes.
Laws 1965, c. 184, § 12, eff. Jan. 1, 1966; Laws 1984, c. 225, § 14, emerg. eff. May 23, 1984; Laws 1992, c. 98, § 6, eff. Sept. 1, 1992.

§59-1314. Written receipt for collateral - Description of collateral - Fiduciary duties - Monthly reports - Records - Reviewal fee.

A. When a bail bondsman or managing general agent accepts collateral, the bail bondsman or managing general agent shall give a written receipt for same, and this receipt shall give in detail a full description of the collateral received. A description of the collateral shall be listed on the undertaking by affidavit. All property taken as collateral, whether personal, intangible or real, shall be receipted for and deemed, for all purposes, to be in the name of, and for the use and benefit of, the insurer. Every receipt, encumbrance, mortgage or other evidence of the custody, possession or claim shall facially indicate that it has been taken or made on behalf of the insurer through its authorized agent, the individual licensed bondsman or managing general agent who has transacted the undertaking with the bond principal. Any mortgage or other encumbrance against real property taken under the provisions of this section which does not indicate beneficial ownership of the claim to be in favor of the insurer shall be deemed to constitute a cloud on the title to real estate and shall subject the person filing, or causing same to be filed, in the real estate records of the county, to a penalty of treble damages or One Thousand Dollars ($1,000.00), whichever is greater, in an action brought by the person, organization or corporation injured thereby. For collateral taken, or liens or encumbrances taken or made pursuant to the provisions of this section, the individual bondsman or managing general agent taking possession of the property or making the lien, claim or encumbrance shall do so on behalf of the insurer, and the individual licensed bondsman shall be deemed to act in the capacity of fiduciary in relation to both:

1. The principal or other person from whom the property is taken or claimed against; and

2. The insurer whose agent is the licensed bondsman.

As fiduciary and bailee for hire, the individual bondsman shall be liable in criminal or civil actions at law for failure to properly receipt or account for, maintain or safeguard, release or deliver possession upon lawful demand, in addition to any other penalties set forth in this subsection. No person who takes possession of property as collateral pursuant to this section shall use or otherwise dissipate the asset, or do otherwise with the property than to safeguard and maintain its condition pending its return to its lawful owner, or deliver to the insurer, upon lawful demand pursuant to the terms of the bailment.

When collateral security is received in the form of cash or check or other negotiable instrument, the bondsman shall deposit the cash or instrument within two (2) business days after receipt in an established, separate non-interest-bearing trust account in any bank located in Oklahoma. The trust account funds required under this section shall not be commingled with other operating funds.

B. Every licensed bondsman shall file monthly electronically with the Insurance Commissioner and on forms approved by the Commissioner as follows:

1. A monthly report showing every bond written, amount of bond, whether released or revoked during each month, showing the court and county, and the style and number of the case, premiums charged and collateral received; and

2. Monthly reports showing total current liabilities, all bonds written during the month by the professional bondsman or multicounty agent bondsman and by any licensed bondsman who may countersign for the professional bondsman or multicounty agent bondsman, all bonds terminated during the month, and the total liability and a list of all bondsmen currently employed by the professional bondsman or multicounty agent bondsman.

Monthly reports shall be submitted electronically to the Insurance Commissioner by the fifteenth day of each month. The records shall be maintained by the Commissioner as public records.

C. Every licensee shall keep at the place of business of the licensee the usual and customary records pertaining to transactions authorized by the license. All of the records shall be available and open to the inspection of the Commissioner at any time during business hours during the three (3) years immediately following the date the liability of the bondsman on the bond is discharged by the court or the date collateral is returned by the bondsman to its lawful owner, whichever is later. If an appearance bond is never executed and filed with the court, then all records shall be maintained for three (3) years immediately following the date the documents were prepared. The Commissioner may require a financial examination or market conduct survey during any investigation of a licensee.

D. Each bail bondsman shall submit each month with the monthly report of the bondsman, a reviewal fee equal to two-tenths of one percent (2/10 of 1%) of the new liability written for that month. The fee shall be payable to the Insurance Commissioner who shall deposit same with the State Treasurer.

Added by Laws 1965, c. 184, § 14, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 15, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 15, eff. Nov. 1, 1987; Laws 1988, c. 177, § 2, emerg. eff. May 26, 1988; Laws 1989, c. 257, § 6, eff. Nov. 1, 1989; Laws 1990, c. 195, § 5, emerg. eff. May 10, 1990; Laws 1993, c. 170, § 2, eff. Sept. 1, 1993; Laws 1998, c. 394, § 2, eff. July 1, 1998; Laws 2009, c. 432, § 25, eff. July 1, 2009; Laws 2010, c. 222, § 58, eff. Nov. 1, 2010; Laws 2011, c. 242, § 17 and Laws 2011, c. 293, § 17, eff. June 20, 2011; Laws 2014, c. 53, § 5, eff. July 1, 2014; Laws 2015, c. 110, § 6, eff. Nov. 1, 2015; Laws 2016, c. 203, § 8, eff. Nov. 1, 2016; Laws 2021, c. 368, § 2, eff. Nov. 1, 2021.

NOTE: Laws 2011, c. 242, § 17 and Laws 2011, c. 293, § 17 made identical changes to this section.

§59-1315. Persons or classes prohibited as bondsmen – Exemptions.

A. The following persons or classes shall not be bail bondsmen, shall not perform the acts of a bail bondsman and shall not directly or indirectly receive any benefits from the execution of any bail bond:

1. Persons convicted of, or who have pled guilty or nolo contendere to, any felony or to a misdemeanor involving dishonesty or moral turpitude;

2. Jailers;

3. Police officers;

4. Committing judges;

5. Municipal or district court judges;

6. Prisoners;

7. Sheriffs, deputy sheriffs and any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners;

8. Any person who holds any license provided for in Section 2-101 of Title 37A of the Oklahoma Statutes or is an agent or officer of any such licensee, except for an individual holding an employee license pursuant to paragraph 22 of subsection A of Section 2-101 of Title 37A of the Oklahoma Statutes or as specifically authorized for a licensed bondsman in Section 1315.1 of this title;

9. Any person who holds any license or permit from any city, town, county, or other governmental subdivision for the operation of any private club at which alcoholic beverages are consumed or provided, except as specifically authorized for a licensed bondsman in Section 1315.1 of this title;

10. Any person or agent of a retail liquor package store; and

11. Any person whose bail bondsman license has been revoked by the Insurance Commissioner.

B. This section shall not apply to a sheriff, deputy sheriff, police officer, or officer of the law who is not on duty and who assists in the apprehension of a defendant.

C. The provisions of this section shall not apply to persons possessing permits or licenses pertaining to alcoholic beverages, as defined in Section 1-103 of Title 37A of the Oklahoma Statutes, which were issued prior to May 23, 1984. No one shall be permitted to maintain an office for conducting bail bonds business where alcoholic beverages are sold for on-premises consumption.

D. No person shall be permitted to maintain an office for conducting a bail bond business where persons disqualified pursuant to paragraph 1 of subsection A of this section are present, except as necessary for such persons to obtain a personal bail bond.

E. For purposes of this section, the marriage or cohabitation of a bail bond licensee or license applicant with a person disqualified pursuant to subsection A of this section does not, as a matter of fact, constitute the receipt of benefits from the execution of a bail bond. In such circumstances, the receipt of benefits from the execution of a bail bond shall be subject to a factual determination by the Commissioner.
Added by Laws 1965, c. 184, § 15, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 16, emerg. eff. May 23, 1984; Laws 1985, c. 114, § 1, emerg. eff. May 31, 1985; Laws 1987, c. 211, § 16, eff. Nov. 1, 1987; Laws 1995, c. 274, § 49, eff. Nov. 1, 1995; Laws 1997, c. 418, § 122, eff. Nov. 1, 1997; Laws 1998, c. 5, § 18, emerg. eff. March 4, 1998; Laws 2010, c. 222, § 59, eff. Nov. 1, 2010; Laws 2012, c. 82, § 3, eff. Nov. 1, 2012; Laws 2013, c. 150, § 5, eff. Nov. 1, 2013; Laws 2015, c. 212, § 2, eff. Nov. 1, 2015; Laws 2016, c. 210, § 33, emerg. eff. April 26, 2016; Laws 2017, c. 161, § 3, eff. Nov. 1, 2017; Laws 2018, c. 55, § 1, eff. Nov. 1, 2018.
NOTE: Laws 1997, c. 251, § 4 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998. Laws 2015, c. 110, § 7 repealed by Laws 2016, c. 210, § 34, emerg. eff. April 26, 2016.

§59-1315.1. Owners of certain restaurant establishments permitted to be bondsmen - ABLE Commission investigations.

A. On and after November 1, 2015, as an exception to the provisions in paragraph 8, 9, 10 or 11 of subsection A of Section 1315 of this title prohibiting a person from being a bail bondsman or receiving any benefit from the execution of any bail bond, a person who holds an ownership interest in a restaurant establishment where alcoholic beverages are lawfully sold or who is an officer, director or stockholder of a corporation that owns or operates a restaurant where alcoholic beverages are lawfully sold, may be a licensed bail bondsman.

B. No licensed bondsman who holds any license issued from the ABLE Commission or any permit issued from any governmental subdivision or who has any ownership interest, employment or interest in any business identified by the provisions of paragraph 8, 9, 10 or 11 of subsection A of Section 1315 of this title may execute the duties of a bondsman or have a bondsman office on the premises of such establishment.

C. No exception authorized in this section for a licensed bondsman to additionally hold a license issued by the ABLE Commission or a permit issued by a governmental subdivision pursuant to paragraph 8, 9, 10 or 11 of subsection A of Section 1315 of this title shall apply to or be construed as an exception for a bail enforcer.

D. The ABLE Commission shall be authorized to investigate all provisions authorized by this section and shall certify in writing

to the Insurance Commissioner, upon written request, that a person is eligible for an exception to the prohibitions of Section 1315 of this title. The ABLE Commission shall immediately notify the Insurance Commissioner, in writing, if a person becomes disqualified for an exception to the prohibitions of paragraph 8, 9, 10 or 11 of subsection A of Section 1315 of this title. If, after an investigation of a violation of the provisions of this section, the bail bondsman is found to be disqualified to be licensed as a bail bondsman, the ABLE Commission shall be entitled to reimbursement for all costs, expenses and attorney fees and in addition, the person shall have the bail bondsman license permanently revoked by the Insurance Commissioner.
Added by Laws 2015, c. 212, § 1, eff. Nov. 1, 2015. Amended by Laws 2021, c. 368, § 3, eff. Nov. 1, 2021.

§59-1316. Signing of bonds - Submission of agreements for approval - Suspension of bail agents - Receipt - Power of attorney.

A. 1. A bail bondsman shall neither sign nor countersign in blank any bond, nor shall the bondsman give a power of attorney to, or otherwise authorize, anyone to countersign the name of the bail bondsman to bonds unless the person so authorized is a licensed surety bondsman or managing general agent appointed by a licensed professional bondsman or multicounty agent bondsman giving the power of attorney. The professional bondsman or multicounty agent bondsman shall notify the Commissioner whenever any appointment is canceled. If the bondsman surrenders the professional or multicounty agent bondsman qualification, or the professional or multicounty agent bondsman qualification is suspended or revoked, or if a surety company authorized to write bail bond business surrenders their bail surety line of authority, or this line of authority is suspended or revoked, then the Commissioner shall suspend the appointment of all of the bail agents of the professional bondsman, multicounty agent bondsman or surety company. The Commissioner shall immediately notify any bail agent whose license is affected and the court clerk of the agent's resident county upon the suspension or revocation of the qualification of the professional bondsman or multicounty agent bondsman or surety company. If the professional or multicounty agent bondsman qualification or the bail surety line of authority is reinstated within twenty-four (24) hours, the Commissioner shall not be required to suspend the bail agent appointments. If the Commissioner reinstates the professional or multicounty agent bondsman qualification or the bail surety line of authority within twenty-four (24) hours, the Commissioner shall also reinstate the appointment of the bail agents of the professional bondsman, multicounty agent bondsman or surety company. If more than twenty-four (24) hours elapse following the suspension or revocation, then

the professional bondsman, multicounty agent bondsman or surety company shall submit new agent appointments to the Commissioner.

2. Bail bondsmen shall not allow other licensed bondsmen to present bonds that have previously been signed and completed. The bail bondsman that presents the bond shall sign the form in the presence of the official that receives the bond.

B. Premium charged shall be indicated on the appearance bond prior to the filing of the bond.

C. 1. At the time he or she receives payment for the issuance of an appearance bond, a bail bondsman shall provide the payor or indemnitors with a proper receipt and copies of any agreements executed relating to the appearance bond.

2. Any receipt provided by a bondsman shall be individually numbered and include:

a. the precise amount of the fees, premium, collateral, or other payments received by the bondsman,

b. the full name of the defendant,

c. the defendant's case number if it is available, and

d. full name of the individual(s) presenting the payment.

D. All surety bondsmen or managing general agents shall attach a completed power of attorney to the appearance bond that is filed with the court clerk on each bond written.

E. Any bond written in this state shall contain the name and last-known mailing address of the bondsman and, if applicable, of the insurer.

Added by Laws 1965, c. 184, § 16, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 17, emerg. eff. May 23, 1984; Laws 1989, c. 257, § 7, eff. Nov. 1, 1989; Laws 1990, c. 195, § 6, emerg. eff. May 10, 1990; Laws 1993, c. 170, § 3, eff. Sept. 1, 1993; Laws 2004, c. 550, § 1, eff. July 1, 2004; Laws 2005, c. 386, § 4, eff. Nov. 1, 2005; Laws 2008, c. 184, § 29, eff. July 1, 2008; Laws 2009, c. 176, § 58, eff. Nov. 1, 2009; Laws 2010, c. 222, § 60, eff. Nov. 1, 2010; Laws 2013, c. 150, § 6, eff. Nov. 1, 2013; Laws 2014, c. 385, § 2, eff. Nov. 1, 2014; Laws 2015, c. 110, § 8, eff. Nov. 1, 2015; Laws 2016, c. 203, § 9, eff. Nov. 1, 2016.

§59-1317. Insurers to give notice of appointment of bondsmen or managing general agent - Filing fee - Termination of appointment - Affidavit - Authority of bondsmen.

A. Every insurer who appoints a surety bondsman or managing general agent in the state shall give notice thereof to the Insurance Commissioner. The filing fee for appointment of each surety bondsman or managing general agent shall be Ten Dollars ($10.00), payable to the Commissioner and shall be submitted with the appointment. The appointment shall remain in effect until the insurer submits a notice of cancellation to the Commissioner, the license of the bail bondsman expires, or the Commissioner cancels

the appointment. The Commissioner may cancel a bail surety appointment if the license of the bondsman is suspended, revoked or nonrenewed. If there is a change in any information submitted by the insurer on the appointment form, the insurer shall submit an amended appointment form and a filing fee of Ten Dollars ($10.00) payable to the Commissioner.

B. An insurer terminating the appointment of a surety bondsman or managing general agent immediately shall file written notice thereof with the Commissioner, together with a statement that it has given or mailed notice to the surety bondsman or managing general agent. The notice filed with the Commissioner shall state the reasons, if any, for the termination.

C. Prior to issuance of a new appointment for a surety bondsman or managing general agent, the bondsman or agent shall file an affidavit with the Commissioner stating that no forfeitures are owed to any court, no fines or fees are owed to the Insurance Department, and no premiums or indemnification for forfeitures or fines are owed to any insurer, insureds, or others received in the conduct of business under the license. If any statement made on the affidavit is found by the Commissioner to be false, the Commissioner may deny the new appointment, apply the sanctions set forth in Section 1310 of this title or both. This provision shall not require that all outstanding liabilities have been exonerated, but may provide that the liabilities are still being monitored by the bondsman or agent.

D. Every bail bondsman who negotiates and posts a bond shall, in any controversy between the defendant, indemnitor, or guarantor and the bail bondsman or insurer, be regarded as representing the insurer. This provision shall not affect the apparent authority of a bail bondsman as an agent for the insurer.

Added by Laws 1965, c. 184, § 17, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 18, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 17, eff. Nov. 1, 1987; Laws 1989, c. 257, § 8, eff. Nov. 1, 1989; Laws 1990, c. 195, § 7, emerg. eff. May 10, 1990; Laws 1995, c. 357, § 4, eff. Nov. 1, 1995; Laws 2004, c. 167, § 1, eff. Nov. 1, 2004; Laws 2008, c. 184, § 30, eff. July 1, 2008; Laws 2010, c. 222, § 61, eff. Nov. 1, 2010; Laws 2013, c. 150, § 7, eff. Nov. 1, 2013; Laws 2014, c. 385, § 3, eff. Nov. 1, 2014; Laws 2015, c. 110, § 9, eff. Nov. 1, 2015; Laws 2016, c. 203, § 10, eff. Nov. 1, 2016.

§59-1318. Discontinuance of writing bail bonds.

A. Any bail bondsman who discontinues writing bail bonds during the period for which he is licensed shall notify the clerks of the district courts and the sheriffs with whom he is registered and return his license to the Commissioner for cancellation within thirty (30) days from such discontinuance. Prior to the discontinuance of licensure, the bail bondsman shall make and submit to the Commissioner a list of all outstanding bonds and obtain a

release for each bond that he has written from the court clerk or sheriff of each county in which a bond is written or an affidavit from another bondsman stating that such bonds have been transferred to his care.

B. Any person convicted of violating this section shall be guilty of a misdemeanor and upon conviction thereof, be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.

Amended by Laws 1984, c. 225, § 19, emerg. eff. May 23, 1984.

§59-1320. Registration of license and fee – County list of bondsmen – Certified copy of appointment.

A. No bail bondsman shall become a surety on an undertaking unless he or she has first registered his or her license in the office of the court clerk in any county in which the bondsman intends to write bonds. In any county in which a bondsman registers his or her license, the bondsman shall provide notice to the court clerk in writing of any change in residence or business address within five (5) business days after a change. The court clerk of the county shall provide a list of bondsmen permitted to write bail in that county to the judges and law enforcement offices of that county. Law enforcement shall post the list conspicuously near all telephones used by prisoners. The list shall be updated and distributed to law enforcement by the court clerk at least monthly, provided there has been a change to the list, and shall consist of professional, multicounty agent, property, cash and surety bail bondsmen. Any surety bondsman without a current surety appointment shall be removed from the list. In any county not having a licensed bondsman authorized to do business within the county, the court having jurisdiction shall allow and fix bail.

B. A surety bondsman shall also file with the court clerk a certified copy of his or her appointment by power of attorney from the insurer whom he or she represents as an agent.

C. A fee of Twenty Dollars ($20.00) shall be paid to the court clerk for each county in which the bail bondsman registers his or her license. The fee shall be payable biennially by the date of license renewal. The court clerk and the sheriff shall not permit the registration or filing of a bail bondsman unless such bondsman is currently licensed by the Insurance Commissioner under the provisions of Section 1301 et seq. of this title.

Added by Laws 1965, c. 184, § 20, eff. Jan. 1, 1966. Amended by Laws 1984, c. 225, § 21, emerg. eff. May 23, 1984; Laws 1987, c. 211, § 18, eff. Nov. 1, 1987; Laws 1989, c. 257, § 9, eff. Nov. 1, 1989; Laws 1992, c. 98, § 7, eff. Sept. 1, 1992; Laws 2013, c. 150, § 8, eff. Nov. 1, 2013; Laws 2014, c. 385, § 4, eff. Nov. 1, 2014;

Laws 2015, c. 110, § 10, eff. Nov. 1, 2015; Laws 2017, c. 161, § 4, eff. Nov. 1, 2017; Laws 2022, c. 170, § 1, eff. Nov. 1, 2022.

§59-1321. Qualifications of sureties.

Each and every surety for the release of a person on bail shall be qualified as:

1. An insurer and represented by a surety bondsman or bondsmen;

2. A professional bondsman properly qualified and approved by the Insurance Commissioner;

3. A cash bondsman;

4. A property bondsman;

5. A multicounty agent bondsman properly qualified and approved by the Insurance Commissioner; or

6. A natural person who has reached the age of twenty-one (21) years, a citizen of the United States and a bona fide resident of Oklahoma for a period of six (6) months immediately last past and who holds record title to property in Oklahoma, cash or other things of value, acceptable to the proper authority approving the bail bond.

Added by Laws 1965, c. 184, § 21, eff. Jan. 1, 1966. Amended by Laws 1987, c. 211, § 19, eff. Nov. 1, 1987; Laws 2015, c. 110, § 11, eff. Nov. 1, 2015.

§59-1322. Affidavit as to undertaking.

A. Every bondsman shall file with the undertaking an affidavit stating whether or not the bondsman or anyone for the use of the bondsman has been promised or has received any security or consideration for the undertaking, and if so, the nature and description of security and amount thereof, and the name of the person by whom the promise was made or from whom the security or consideration was received. Any willful misstatement in the affidavit relating to the security or consideration promised or given shall render the person making it subject to the same prosecution and penalty as one who commits the felony of perjury.

B. An action to enforce any indemnity agreement shall not lie in favor of the surety against the indemnitor, except with respect to agreements set forth in the affidavit. In an action by the indemnitor against the surety to recover any collateral or security given by the indemnitor, the surety shall have the right to retain only the security or collateral as it mentioned in the affidavit required by this section.

C. If security or consideration other than that reported on the original affidavit is received after the affidavit is filed with the court clerk, an amended affidavit shall be filed with the court clerk indicating the receipt of security or consideration.

D. If a bondsman accepts a mortgage on real property as collateral on a bond, the bondsman shall file a copy of the mortgage

with the bond within thirty (30) days of receipt of the mortgage. The Commissioner shall have the authority to extend or waive this requirement.
Added by Laws 1965, c. 184, § 22, eff. Jan. 1, 1966. Amended by Laws 1993, c. 170, § 4, eff. Sept. 1, 1993; Laws 1997, c. 133, § 510, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 371, eff. July 1, 1999; Laws 2010, c. 222, § 62, eff. Nov. 1, 2010.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 510 from July 1, 1998, to July 1, 1999.

§59-1323. Cash bond.

When the defendant has been admitted to bail, he, or another in his behalf, may make a cash bond by depositing with an official authorized to take bail, a sum of money, or nonregistered bonds of the United States, or of the state, or of any county, city or town within the state, equal in market value to the amount of such bail, together with his personal undertaking and an undertaking of such other person, if the money or bonds are deposited by another. Upon delivery to the official, in whose custody the defendant is, of a certificate of such deposit, he shall be discharged from custody in the cause.
Laws 1965, c. 184, § 23, eff. Jan. 1, 1966.

§59-1324. Property bond.

Where the undertaking is a property bond, whether posted by a bail bondsman, the defendant personally, or by any other person, said bond shall give the legal description of the property, the assessed valuation, the amount of encumbrances, if any, and the status of the legal title, all by affidavit. Any property located within the state wherein the bail is allowed, that is subject to execution shall be accepted for security on a property bond for the market value of the property. Market value is defined to be four times the assessed valuation of the property as recorded on the tax rolls, less any encumbrances thereon; provided, that homesteads may be accepted as security for appearance if the homestead exemption is waived in writing. Such waiver shall be verified and executed by the spouse, if any. The property listed upon any property bond or bonds will be security on said bonds up to the aggregate amounts as follows:

(A) In the event of bonds written by a licensed property bondsman; four times the market value of said property.

(B) All other property bonds; in the face amount of the market value of said property.

The court clerk, upon the approval of a property bond, shall forthwith file a certified copy of said bond in the office of the county clerk in which the property is located, transmitting to the county clerk the filing fee which will be paid by the person

executing said bond. The county clerk shall index said bond upon his tract index as a lien against said described property, and such bond shall be a lien upon the real estate described therein until a certificate discharging said bond shall be filed in the office of the county clerk. Said lien shall be superior to any conveyance, encumbrance or lien thereafter pertaining to said property. When said bond shall have been discharged, the clerk of said court shall issue to the surety a certificate of discharge describing the bond and the real property, which shall, upon filing with the county clerk and the payment of the filing fee, be recorded in the tract index. An abstract company preparing an abstract upon such real estate, shall be required to list in said abstract only the undischarged liens and shall not list any discharge liens.
Laws 1965, c. 184, § 24; Laws 1970, c. 191, § 1, emerg. eff. April 13, 1970.

§59-1325. Substitution of bail.

Bail may be substituted, without additional premium being charged, by the defendant or bondsman, at any time before a breach of the undertaking, by substituting any other proper and sufficient bond of like value as provided herein. The official taking the new bail shall make an order as follows:

1. Where money had been deposited, that the money be refunded to the person depositing the same; and

2. Where property had been pledged, that a certificate of discharge be issued and the lien previously filed be released .

The original undertakings of whatever nature shall be canceled and the new undertaking shall be substituted therefor.
Laws 1965, c. 184, § 25, eff. Jan. 1, 1966; Laws 1993, c. 170, § 5, eff. Sept. 1, 1993.

§59-1326. Defects, omissions, irregularities, etc.

A. No undertaking shall be invalid, nor shall any person be discharged from his undertaking, nor a forfeiture thereof be stayed nor shall judgment thereon be stayed, set aside or reversed, the collection of any such judgment be barred or defeated by reason of any defect of form, omission or recital or of condition, failure to note or record the default of any principal or surety, or because of any other irregularity, or because the undertaking was entered into on Sunday or other holiday, if it appears from the tenor of the undertaking before what judge or at what court the principal was bound to appear, and that the official before whom it was entered into was legally authorized to take it and the amount of bail is stated.

B. If no day is fixed for the appearance of the defendant, or an impossible day or a day in vacation, the undertaking, if for his appearance before a judge for a hearing, shall bind the defendant to

appear in ten (10) days from the receipt of notice thereof to the defendant, his counsel, and any surety or bondsman on the undertaking; and if for his appearance in a court for trial, shall bind the defendant so to appear on the first day of the next term of court which shall commence more than three (3) days after the giving of the undertaking.

C. The liability of a person on an undertaking shall not be affected by reason of the lack of any qualifications, sufficiency or competency provided in the criminal procedure law, or by reason of any other agreement that is expressed in the undertaking, or because the defendant has not joined in the undertaking.
Amended by Laws 1984, c. 225, § 22, emerg. eff. May 23, 1984.

§59-1327. Surrender of defendant prior to breach - Defendant in custody in another jurisdiction - Recommitment of defendant - Exoneration of bond in original court.

A. At any time before there has been a breach of the undertaking in any type of bail provided herein, the surety or bondsman or a licensed bail enforcer pursuant to a client contract authorized by the Bail Enforcement and Licensing Act may surrender the defendant, or the defendant may surrender himself or herself, to the official to whose custody the defendant was committed at the time bail was taken, or to the official into whose custody the defendant would have been given had he or she been committed. The defendant may be surrendered without the return of premium for the bond if he or she has been guilty of nonpayment of premium, changes address without notifying his or her bondsman, conceals himself or herself, leaves the jurisdiction of the court without the permission of his or her bondsman, or violates his or her contract with the bondsman in any way that does harm to the bondsman, or the surety, or violates his or her obligation to the court. When a bondsman or surety, or a licensed bail enforcer, surrenders a defendant pursuant to this subsection, the bondsman or surety shall file written notification of the surrender. After surrender, and upon filing of written notification of the surrender with the court clerk, the bond shall be exonerated and the clerk shall enter a minute in the case exonerating the bond.

B. 1. If the defendant has been placed in custody of another jurisdiction, the district attorney shall direct a hold order to the official, judge or law enforcement agency where the defendant is in custody. All reasonable expenses accrued in returning the defendant to the original court shall be borne by the bondsman who posted the bond with that court; provided, however, except for instances whereby the defendant is transported by a contracted transport company, reasonable expenses shall mean the actual miles traveled in transporting the defendant at a rate equal to the current Internal Revenue Service standard mileage rate. Upon application, the bond

in the original court shall be exonerated when the hold order is placed and upon proof of guarantee of payment of expenses by the bondsman.

2. Except as provided for in paragraph 3 of this subsection, the premium for a bail bond shall be considered earned by the bondsman or the insurer, as applicable, when the defendant on the bond is released from custody and is not incarcerated in any capacity. If the bond premium has not been earned pursuant to the terms of this section, the payor of the premium or the depositor of any collateral, as applicable, may request the return of the premium or collateral given to the bondsman for the bond. The bondsman shall return any premium and collateral without delay. If a bondsman returns the premium to the payor pursuant to this section, he or she may charge a usual, customary, and reasonable fee for his or her services provided in the transaction.

3. The premium for a bail bond shall be considered earned by the bondsman, regardless of whether the defendant on the bond is released from custody, if the bondsman and the payor of the bond premium have agreed in writing that the purpose of the bond is to secure the transfer of the defendant to another jurisdiction and the defendant is in fact transferred to that jurisdiction.

C. If the defendant has been arrested on new charges and is in the custody of the same jurisdiction in which the bondsman or surety has posted an appearance bond or bonds for the defendant, and the bond or bonds have not been exonerated, and certified copies of bonds are not reasonably available, the bondsman or surety may recommit the defendant to be held in custody on the charges for which the bondsman or surety has previously posted appearance bonds thereon, in accordance with the following procedure:

1. On a Recommitment of Defendant by Bondsman form approved by the Administrative Office of the Courts, the bondsman or surety shall personally affix his or her signature to an affidavit attesting to the following:

a. the defendant is presently in the custody of the jurisdiction in which the bondsman or surety has posted a bond or bonds,
b. the case number, if any, assigned to each bond,
c. that the bond or bonds have not been exonerated, and
d. the specific charges and bond amount or amounts;

2. The bondsman or surety shall present the Recommitment of Defendant by Bondsman form to the official in whose custody the defendant is being held, and the official shall detain the defendant in his or her custody, thereon, as upon a commitment, and by a certificate in writing acknowledging the surrender; and

3. When a bondsman or surety recommits a defendant pursuant to this subsection, the bondsman or surety shall file a written notification thereof to the court, and after such notification, the

bond or bonds shall be exonerated, and the clerk shall enter a minute in the case exonerating the bond or bonds.

D. 1. When a defendant does appear before the court as required by law and enters a plea of guilty or nolo contendere, is sentenced or a deferred sentence is granted as provided for in Section 991c of Title 22 of the Oklahoma Statutes, or deferred prosecution is granted as provided by law, in such event the undertaking and bondsman and insurer shall be exonerated from further liability.

2. A bond posted for a petition for revocation of a suspended sentence, a petition for acceleration of a deferred sentence or any violation of a probationary term shall be exonerated by operation of law when:

a. the defendant has confessed, stipulated or otherwise agreed to the factual basis of the violation of probation,
b. the suspended sentence is revoked in whole or part,
c. the deferred sentence is accelerated in whole or part, or
d. any additional sanction is imposed by the court.

E. The bond shall be exonerated by operation of law in any case in which the defendant has been arrested on new charges or on any warrant in the same jurisdiction in which the bondsman or insurer has posted the appearance bond or bonds for the defendant, and the defendant has been subsequently released on his or her own personal recognizance or a pretrial release has been authorized by the court.

F. The bond shall be exonerated by operation of law in any case in which the defendant has been arrested and there is an added charge to a case that would result in a higher fine or longer term of sentence if convicted, or an amendment to a charge that would result in a higher fine or longer term of sentence if convicted; provided, however, any premium paid by the defendant to the bondsman or insurer from the original charge shall be at the same premium rate and shall be credited to the defendant if the same bondsman or insurer posts the appearance bond or bonds on the added or amended charge.

G. For purposes of this section, a "usual, customary, and reasonable fee" means a charge to the payor that is based on the amount of time spent by the bondsman or his or her employees researching, drafting, and executing the bail bond. Such fee shall be detailed in a written document provided to the payor.

H. The court shall not issue an order modifying the terms of a previously set bond unless the order has also been signed by the bail bondsman, bail bondsman surety, or both acknowledging the changes made to the bond prior to the defendant's release. Failure to provide this notice shall exonerate the bond by operation of law.

Added by Laws 1965, c. 184, § 27, eff. Jan. 1, 1966. Amended by Laws 1991, c. 139, § 3, emerg. eff. April 29, 1991; Laws 1993, c. 170, § 6, eff. Sept. 1, 1993; Laws 1999, c. 386, § 4, eff. Nov. 1, 1999; Laws 2002, c. 390, § 19, emerg. eff. June 4, 2002; Laws 2003, c. 66, § 1, eff. Nov. 1, 2003; Laws 2005, c. 71, § 1, eff. Nov. 1, 2005; Laws 2013, c. 407, § 23, eff. Nov. 1, 2013; Laws 2016, c. 16, § 2, eff. Nov. 1, 2016; Laws 2019, c. 270, § 1, eff. Nov. 1, 2019; Laws 2021, c. 368, § 4, eff. Nov. 1, 2021; Laws 2022, c. 170, § 2, eff. Nov. 1, 2022; Laws 2023, c. 127, § 1, eff. Nov. 1, 2023; Laws 2024, c. 327, § 2, eff. Nov. 1, 2024.

§59-1328. Procedure for surrender of defendant - Recommitment procedure.

A. The bondsman or insurer, or a licensed bail enforcer pursuant to a client contract authorized by the Bail Enforcement and Licensing Act, desiring to make a surrender of the defendant shall procure or have in his or her possession a certified copy of the undertakings and deliver such documents together with the defendant to the official in whose custody the defendant was at the time bail was taken, or to the official into whose custody he or she would have been given had he or she been committed, who shall detain the defendant in custody thereon, as upon a commitment, and by a certificate in writing acknowledge the surrender.

Upon the presentation of a certified copy of the undertaking and the certificate of the official, the court before which the defendant has been held to answer, or the court in which the preliminary examination, indictment, information or appeal is pending, shall upon notice of three (3) days given by the person making the surrender to the prosecuting officer of the court having jurisdiction of the offense, together with a copy of the undertakings and certificate, order that the obligors be exonerated from liability on their undertakings, and, if money has been deposited as bail, that such money or bonds be refunded. If property pledged, a certificate of exoneration be issued and the lien previously filed be released and the undertakings of whatever nature be canceled.

If certified copies of bonds are not reasonably available, the bondsman or insurer may recommit the defendant to be held in custody on the charges for which the bondsman or insurer has previously posted appearance bonds thereon in accordance with the following procedure:

1. On a Recommitment of Defendant by Bondsman form approved by the Administrative Office of the Courts, the bondsman or insurer shall personally affix his or her signature to an affidavit attesting to the following:

a. the bondsman or insurer has posted a bond or bonds for the defendant and is hereby presented to the official

in whose custody the defendant was at the time bail was taken,

b. the case number, if any, assigned to each bond, and

c. the specific charges and bond amount or amounts;

2. The bondsman or insurer shall present the Recommitment of Defendant by Bondsman form to the official in whose custody the defendant is being surrendered, and the official shall detain the defendant in his or her custody thereon, as upon a commitment, and by a certificate in writing acknowledging the surrender; and

3. When a bondsman or insurer recommits a defendant pursuant to this subsection, the bondsman or insurer shall file a written notification thereof to the court clerk, and after such notification, the bond or bonds shall be exonerated and the clerk shall enter a minute in the case exonerating the bond or bonds.

B. Any bail bondsman engaged in the apprehension or surrender of his or her defendant client, and any bail bondsman assisting another bondsman pursuant to Section 1311.4 of this title, shall at all times while engaged in the apprehension or surrender of the defendant client have his or her bail bondsman license in his or her possession and shall present the license to any law enforcement officer immediately upon request.

Added by Laws 1965, c. 184, § 28, eff. Jan. 1, 1966. Amended by Laws 2005, c. 71, § 2, eff. Nov. 1, 2005; Laws 2013, c. 407, § 24, eff. Nov. 1, 2013; Laws 2016, c. 203, § 11, eff. Nov. 1, 2016; Laws 2021, c. 368, § 5, eff. Nov. 1, 2021.

§59-1329. Arrest - Commitment.

For the purpose of surrendering the defendant:

1. The surety may arrest the defendant before the forfeiture of the undertaking;

2. The surety, by written authority endorsed on a certified copy of the undertaking, may empower any peace officer to make an arrest of the defendant, first paying the lawful fees therefor; or

3. The bondsman or surety, by contract with a licensed bail enforcer pursuant to the Bail Enforcement and Licensing Act which contract has attached a certified copy of the undertaking, may authorize the bail enforcer to recover and surrender the person.

In addition, the bondsman may surrender the defendant by following the commitment procedures as set forth in subsection C of Section 1327 of this title.

Added by Laws 1965, c. 184, § 29, eff. Jan. 1, 1966. Amended by Laws 2005, c. 71, § 3, eff. Nov. 1, 2005; Laws 2013, c. 407, § 25, eff. Nov. 1, 2013.

§59-1331. Property bond - Forfeiture - Filing fee - Collection of forfeiture.

A. If the undertaking is a property bond, the clerk shall record the order and judgment of forfeiture in the proper records of said county. Any filing fees shall be paid by the party filing such property bond.

B. Collection of such property bond forfeiture shall be accomplished by the proper court authorities.

Amended by Laws 1984, c. 225, § 23, emerg. eff. May 23, 1984.

§59-1332. Forfeiture procedure.

A. If there is a breach of an undertaking, the court before which the cause is pending shall issue, within ten (10) days, an arrest warrant for the defendant and declare the undertaking and any money, property, or securities that have been deposited as bail, forfeited on the day the defendant failed to appear. Within fifteen (15) days from the date of the forfeiture, the order and judgment of forfeiture shall be filed with the clerk of the trial court. Failure to timely issue the arrest warrant or file the order and judgment of forfeiture as provided in this subsection shall exonerate the bond by operation of law. In the event of the forfeiture of a bail bond the clerk of the trial court shall, within thirty (30) days after the order and judgment of forfeiture is filed in the court, by mail with return receipt requested, mail a true and correct copy of the order and judgment of forfeiture to the bondsman, and if applicable, the insurer, whose risk it is, and keep at least one copy of the order and judgment of forfeiture on file; provided, the clerk shall not be required to mail the order and judgment of forfeiture to the bondsman or insurer if, within fifteen (15) days from the date of forfeiture, the defendant is returned to custody, the bond is reinstated by the court with the bondsman's approval, or the order of forfeiture is vacated or set aside by the court. Failure of the clerk of the trial court to comply with the thirty-day notice provision in this subsection shall exonerate the bond by operation of law.

B. The order and judgment of forfeiture shall be on forms prescribed by the Administrative Director of the Courts.

C. 1. The bail bondsman shall have ninety (90) days from receipt of the order and judgment of forfeiture from the court clerk or mailing of the notice if no receipt is made to return the defendant to custody.

2. The bondsman may contract with a licensed bail enforcer pursuant to the Bail Enforcement and Licensing Act to recover and return the defendant to custody within the ninety-day period, or as agreed, or notwithstanding the Bail Enforcement and Licensing Act if the bondsman is duly appointed in this state by an insurer operating in this state, the bondsman may seek the assistance of another licensed bondsman in this state who is appointed by the same insurer.

3. When the court record indicates that the defendant is returned to custody in the jurisdiction where forfeiture occurred, within the ninety-day period, the court clerk shall enter minutes vacating the forfeiture and exonerating the bond. If the defendant has been timely returned to custody, but this fact is not reflected by the court record, the court shall vacate the forfeiture and exonerate the bond.

4. For the purposes of this section, "return to custody" means:

a. the return of the defendant to the appropriate Oklahoma law enforcement agency by the bondsman,

b. an appearance of the defendant in open court in the court where charged,

c. arrest or incarceration within this state of the defendant by law enforcement personnel, provided the bondsman has requested that a hold be placed on the defendant in the jurisdiction wherein the forfeiture lies and has guaranteed reasonable travel expenses for the return of the defendant, or

d. arrest or incarceration of the defendant in any other jurisdiction, provided the bondsman has requested that a hold be placed on the defendant in the jurisdiction wherein the forfeiture lies and has guaranteed reasonable travel expenses for the return of the defendant.

5. In addition to the provisions set forth in paragraphs 3 and 4 of this subsection, the bond shall be exonerated by operation of law in any case in which:

a. the bondsman has requested in writing of the sheriff's department in the county where the forfeiture occurred that the defendant be entered into the computerized records of the National Crime Information Center (NCIC), and the request has not been honored within fourteen (14) business days of the receipt of the written request by the department,

b. the defendant has been arrested outside of this state and the court record shows the prosecuting attorney has declined to proceed with extradition,

c. the defendant's bondsman or insurer has requested in writing of the prosecuting attorney to file felony bond jumping charges against the defendant when the defendant fails to surrender within thirty (30) days from failing to appear in court and the prosecuting attorney has not filed such charges within thirty (30) business days of the receipt of the written request, or

d. the warrant issued by the court has not been entered into an active warrant database available to law

enforcement within five (5) business days after its issued date.

6. The court may, in its discretion, vacate the order of forfeiture and exonerate the bond where good cause has been shown for:

a. the defendant's failure to appear, or

b. the bondsman's failure to return the defendant to custody within ninety (90) days.

7. When a bondsman or insurer ("requestor") has guaranteed travel expenses to return a defendant to custody:

a. the law enforcement agency that placed the hold shall promptly advise the requestor of a hit confirmation,

b. prior to transporting the defendant, the law enforcement agency that placed the hold shall provide the requestor a good faith estimate of the reasonable return expenses to return the defendant to custody. The requestor may request to decline to pay travel expenses, and the law enforcement agency may release its hold and the defendant shall not be considered returned to custody. If the law enforcement agency cannot contact the requestor, the requestor's guarantee of travel expenses shall be honored by the requestor, and

c. a requestor may request to withdraw their NCIC request any time prior to a defendant's arrest.

D. 1. If, within ninety (90) days from receipt of the order and judgment of forfeiture from the court clerk, or mailing of the notice if no receipt is made, the defendant is not returned to custody, or the forfeiture has not been stayed, the bondsman and, if applicable, the insurer whose risk it is shall deposit cash or other valuable securities in the face amount of the bond with the court clerk ninety-one (91) days from receipt of the order and judgment of forfeiture from the court clerk, or mailing of the notice if no receipt is made; provided, this provision shall not apply if the defendant has been returned to custody within the ninety-day period and the court has failed to vacate the forfeiture pursuant to paragraphs 3 through 6 of subsection C of this section.

2. After the order and judgment has been paid within ninety-one (91) days from receipt of the order and judgment of forfeiture from the court clerk, or mailing of the notice if no receipt is made, as required in paragraph 1 of this subsection, the bondsman and, if applicable, the insurer whose risk it is shall have one (1) year from the date payment is due to return the defendant to custody as defined by paragraph 4 of subsection C of this section. In the event the defendant is returned to custody and all expenses for the defendant's return have been guaranteed by the bondsman or insurer, the bondsman's or insurer's property shall be returned; provided,

the request for remitter be made by motion filed within one (1) year from the date payment is due.

3. If the additional cash or securities are not deposited with the court clerk on or before the ninety-first day after the date of service of the order and judgment of forfeiture from the court clerk, or mailing of the notice if no receipt is made, then the court clerk shall notify the Insurance Commissioner by sending a certified copy of the order and judgment of forfeiture and proof that the bondsman and, if applicable, the insurer have been notified by mail with return receipt requested.

4. The Insurance Commissioner shall:

a. in the case of a surety bondsman, immediately cancel the license privilege and authorization of the insurer to do business within the State of Oklahoma and cancel the appointment of all surety bondsman agents of the insurer who are licensed by Section 1301 et seq. of this title, and

b. in the case of a professional bondsman, withdraw the face amount of the forfeiture from the deposit provided in Section 1306 of this title. The Commissioner shall then immediately direct the professional bondsman, by mail with return receipt requested, to make additional deposits to bring the original deposit to the required level. Should the professional bondsman, after being notified, fail to make an additional deposit within ten (10) days from the receipt of notice, or mailing of notice if no receipt is made, the license shall be revoked and all sums presently on deposit shall be held by the Commissioner to secure the face amounts of bonds outstanding. Upon release of the bonds, any amount of deposit in excess of the bonds shall be returned to the bondsman; provided, the bail bondsman shall have had notice as required by the court, at the place of the bondsman's business, of the trial or hearing of the defendant named in the bond. The notice shall have been at least ten (10) days before the required appearance of the defendant, unless the appearance is scheduled at the time of execution of the bond. Notwithstanding the foregoing, the bondsman shall be deemed to have had notice of the trial or hearing if the defendant named in the bond shall have been recognized back in open court to appear at a date certain for the trial or hearing.

5. If the actions of any bail bondsman force the Insurance Commissioner to withdraw monies, deposited pursuant to Section 1306 of this title, to pay past-due executions more than two (2) times in

a consecutive twelve-month period, then the license of the professional bondsman shall, in addition to other penalties, be suspended automatically for one (1) year or until a deposit equal to all outstanding forfeitures due is made. The deposit shall be maintained until the Commissioner deems it feasible to reduce the deposit. In no case shall an increased deposit exceed two (2) years unless there is a recurrence of withdrawals as stated herein.

E. 1. If the defendant's failure to appear was the result of the defendant's death or of being in the custody of a court other than the court in which the appearance was scheduled, forfeiture shall not lie. Upon proof to the court that the bondsman paid the order and judgment of forfeiture without knowledge that the defendant was deceased or in custody of another court on the day the defendant was due to appear, and all expenses for the defendant's return have been paid by the bondsman, the bondsman's property shall be returned.

2. Where the defendant is in the custody of another court, the district attorney or municipal attorney shall direct a hold order to the official, judge, court or law enforcement agent wherein the defendant is in custody; provided, that all expenses accrued as a result of returning the custody of the defendant shall be borne by the bondsman.

F. The district attorney or municipal attorney shall not receive any bonuses or other monies or property for or by reason of services or actions in connection with or collection of bond forfeitures under the provisions of Section 1301 et seq. of this title, except that the court may award a reasonable attorney fee in favor of the prevailing party for legal services in any civil action or proceeding to collect upon a judgment of forfeiture.

G. The above procedures shall be subject to the bondsman's rights of appeal. The bondsman or insurer may appeal an order and judgment of forfeiture pursuant to the procedures for appeal set forth in Section 951 et seq. of Title 12 of the Oklahoma Statutes. To stay the execution of the order and judgment of forfeiture, the bondsman or insurer shall comply with the provisions set forth in Section 990.4 of Title 12 of the Oklahoma Statutes.

H. For municipal courts of record, the above procedures are criminal in nature and ancillary to the criminal procedures before the trial court and shall be subject to the bondsman's right of appeal. The bondsman or insurer may appeal an order and judgment of forfeiture by the municipal courts of record to the Court of Criminal Appeals.

I. Upon a motion to the court, any person executing a bail bond as principal or as surety shall be exonerated after three (3) years have elapsed from the posting of the bond, unless a judgment has been entered against the surety or the principal for the forfeiture of the bond, or unless the court grants an extension of the three-

year time period for good cause shown, upon motion by the prosecuting attorney.
Added by Laws 1965, c. 184, § 32, eff. Jan. 1, 1966. Amended by Laws 1971, c. 108, §1, eff. Oct. 1, 1971; Laws 1976, c. 14, § 2; Laws 1982, c. 149, § 4, operative Oct. 1, 1982; Laws 1984, c. 225, § 24, emerg. eff. May 23, 1984; Laws 1987, c. 52, § 1, eff. Nov. 1, 1987; Laws 1987, c. 181, § 6, eff. July 1, 1987; Laws 1987, c. 211, § 20, eff. Nov. 1, 1987; Laws 1988, c. 177, § 3, emerg. eff. May 26, 1988; Laws 1990, c. 195, § 8, emerg. eff. May 10, 1990; Laws 1990, c. 332, § 3, emerg. eff. May 30, 1990; Laws 1991, c. 139, § 4, emerg. eff. April 29, 1991; Laws 1992, c. 98, § 8, eff. Sept. 1, 1992; Laws 1993, c. 170, § 7, eff. Sept. 1, 1993; Laws 1994, c. 331, § 4, eff. Sept. 1, 1994; Laws 1995, c. 357, § 5, eff. Nov. 1, 1995; Laws 1997, c. 251, § 5, eff. Nov. 1, 1997; Laws 1997, c. 418, § 123, eff. Nov. 1, 1997; Laws 1998, c. 182, § 1, emerg. eff. April 29, 1998; Laws 2001, c. 404, § 8, eff. Nov. 1, 2001; Laws 2002, c. 390, § 20, emerg. eff. June 4, 2002; Laws 2007, c. 97, § 1, eff. Nov. 1, 2007; Laws 2008, c. 32, § 1, eff. Nov. 1, 2008; Laws 2013, c. 150, § 9, eff. Nov. 1, 2013; Laws 2013, c. 407, § 26, eff. Nov. 1, 2013; Laws 2014, c. 385, § 5, eff. Nov. 1, 2014; Laws 2015, c. 187, § 1, eff. Nov. 1, 2015; Laws 2017, c. 161, § 5, eff. Nov. 1, 2017; Laws 2019, c. 270, § 2, eff. Nov. 1, 2019; Laws 2024, c. 252, § 1, eff. Nov. 1, 2024; Laws 2024, c. 327, § 3, eff. Nov. 1, 2024.

§59-1332.1. Persons permitted to return defendant to custody.

For the purpose of surrendering a defendant after a breach of the undertaking, the following persons may return the defendant to custody:

1. A bondsman or surety;

2. A licensed bail enforcer having authority under a client contract with a bondsman or surety pursuant to the Bail Enforcement and Licensing Act; or

3. A peace officer acting within the peace officer's jurisdiction.

Added by Laws 1998, c. 182, § 2, emerg. eff. April 29, 1998. Amended by Laws 2013, c. 407, § 27, eff. Nov. 1, 2013.

§59-1333. Enforcement of liability.

All liability of the bondsman may be enforced on motion without necessity of an independent action if conformance with the foregoing is shown.

Laws 1965, c. 184, § 33, eff. Jan. 1, 1966.

§59-1334. Bail on personal recognizance.

A. Any person in custody before a court or magistrate of the State of Oklahoma subject to discretion of the court may be admitted to bail on his personal recognizance subject to such conditions as

the court or magistrate may reasonably prescribe to assure his appearance when required.

B. When a person is admitted to bail on his personal recognizance, the court or magistrate may determine an amount of money, property, or securities which shall be paid or forfeited as a penalty by the defendant for failure to comply with the terms of his admission to bail on personal recognizance. This penalty shall be in addition to the penalties provided for in Section 1335 of this title.

C. Any person admitted to bail as herein provided shall be fully appraised by the court or magistrate of the penalties provided for failure to comply with the terms of his recognizance and, upon a failure of compliance, a warrant for the arrest of such person shall be issued forthwith.

Added by Laws 1965, c. 184, § 34. Amended by Laws 1994, c. 331, § 5, eff. Sept. 1, 1994.

§59-1335. Penalty for incurring forfeiture or failing to comply with personal recognizance.

Whoever, having been admitted to bail for appearance before any district court in the State of Oklahoma, (1) incurs a forfeiture of the bail and willfully fails to surrender himself within thirty (30) days following the date of such forfeiture, or (2) willfully fails to comply with the terms of his personal recognizance, shall be guilty of a felony and shall be fined not more than Five Thousand Dollars ($5,000.00) or imprisoned not more than two (2) years, or both.

Added by Laws 1965, c. 184, § 35, eff. Jan. 1, 1966. Amended by Laws 1970, c. 72, § 1, emerg. eff. March 20, 1970; Laws 1997, c. 133, § 511, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 372, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 511 from July 1, 1998, to July 1, 1999.

§59-1335.1. Penalty for providing false information on undertaking or indemnification agreement.

It shall be unlawful for any principal, person in custody or defendant, or indemnitor to provide false information, including identity and physical address, on any undertaking or indemnification agreement. Violation of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such imprisonment and fine.

Added by Laws 2006, c. 135, § 2, eff. Nov. 1, 2006.

§59-1336. Penalty.

Any person violating any of the provisions of this act relating to bondsman shall, upon conviction, be fined not more than Five Thousand Dollars ($5,000.00) for each offense, or imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Any person acting as a bondsman without a license shall be subject to the penalties provided in this section.

Laws 1965, c. 184, § 36, eff. Jan. 1, 1966; Laws 1984, c. 225, § 25, emerg. eff. May 23, 1984; Laws 1992, c. 98, § 9, eff. Sept. 1, 1992.

§59-1337. Issuance of receipt for funds payable.

Any funds payable to the court clerk or other officer pursuant to this act, by any licensed bondsman, managing general agent, surety company or professional bondsman shall be issued a receipt in the name of the surety company or professional bondsman, as the case may be, and when such funds are refunded or otherwise disbursed, they shall be made payable to such surety company or professional bondsman, as the case may be.

Added by Laws 1965, c. 184, § 37, eff. Jan. 1, 1966. Amended by Laws 1979, c. 47, § 40, emerg. eff. April 9, 1979; Laws 1984, c. 215, § 9, operative June 30, 1984; Laws 1990, c. 195, § 9, emerg. eff. May 10, 1990; Laws 1997, c. 268, § 1, eff. Sept. 1, 1997; Laws 2009, c. 432, § 26, eff. July 1, 2009.

§59-1338. Use of telephone.

Each person arrested shall have an opportunity to use the telephone to call his attorney and bondsman before being placed in jail, or within six (6) hours thereafter.

Laws 1965, c. 184, § 38, eff. Jan. 1, 1966.

§59-1339. Access to jails.

Every person who holds a valid bail bondsman's license issued by the Insurance Commissioner and registered as required in Section 20 of this act shall be entitled to equal access to the jails of this state for the purpose of making bond, subject to the provisions of this act and the rules and regulations adopted and promulgated in the manner provided by law.

Laws 1965, c. 184, § 39, eff. Jan. 1, 1966.

§59-1340. Persons excluded.

This act shall not apply to a person who writes only one bond within each calendar year and who does not charge a fee for his services.

Laws 1965, c. 184, § 40, eff. Jan. 1, 1966.

§59-1341. Electronic filing.

Notwithstanding any other provision of law that requires a particular form and associated payment to be filed with the Insurance Department in paper form or mailed or hand-delivered to the Insurance Department, the Insurance Commissioner may, by appropriate order, require that all filings or payments of that specific type be filed or delivered in an electronic format.
Added by Laws 2015, c. 110, § 12, eff. Nov. 1, 2015.

§59-1350. Short title - Bail Enforcement and Licensing Act.
This act shall be known and may be cited as the "Bail Enforcement and Licensing Act".
Added by Laws 2013, c. 407, § 1, eff. Nov. 1, 2013.

§59-1350.1. Definitions.
As used in the Bail Enforcement and Licensing Act:
1. "Armed bail enforcer" means a bail enforcer having a valid license issued by the Council on Law Enforcement Education and Training authorizing the holder to carry an approved firearm or weapon in the recovery of a defendant pursuant to the Bail Enforcement and Licensing Act;
2. "Bail enforcer" means a person who acts, engages in, solicits or offers services to:
a. execute a prior to breach recovery of a defendant on an undertaking or bail bond contract, or
b. execute a recovery of a defendant for failure to appear on an undertaking or bail bond contract issued in this state, another state or the United States.
The term "bail enforcer" does not include any law enforcement officer actively employed by a law enforcement agency recognized in this state, or any of its political subdivisions, another state or the United States, while such officer is engaged in the lawful performance of duties authorized by his or her employing law enforcement agency, a bondsman licensed in this state and acting under the authority of his or her undertaking or bail contract or a licensed bondsman appointed by an insurer in this state with regard to a defendant on a bond posted by that insurer;
3. "Bail recovery contract" or "client contract" means an agreement to perform the services of a bail enforcer for a client. Only a bail enforcer licensed by the Council may enter into a client contract to perform the services of a bail enforcer. A bail enforcer is liable for his or her acts and omissions while executing a recovery of a defendant pursuant to a client contract;
4. "Client" means a bondsman or surety on an undertaking or bail bond contract issued in this state, another state or the United States that enters into a contract for the services of a bail enforcer;

5. "Council" or "CLEET" means the Council on Law Enforcement Education and Training;

6. "Defendant" means the principal on an undertaking or bail bond contract;

7. "License" means authorization issued by the Council pursuant to the Bail Enforcement and Licensing Act permitting the holder to perform functions and services as a bail enforcer;

8. "Weapon" means taser, stun gun, baton, night stick or any other device used to subdue a defendant, or any noxious substances as defined in paragraph 10 of this subsection;

9. "Recovery" or "surrender" means the presentation of a defendant to the public officer competent to receive the defendant into custody; and

10. "Noxious substance" means OC spray, pepper spray, mace or any substance used as a physiological irritant.

Added by Laws 2013, c. 407, § 2, eff. Nov. 1, 2013. Amended by Laws 2024, c. 157, § 1, eff. Nov. 1, 2024.

§59-1350.2. Bail enforcement license requirement.

A. On and after February 1, 2015, no person shall act or engage in, solicit or offer services, or represent himself or herself, as a bail enforcer as defined by the Bail Enforcement and Licensing Act without first having been issued a valid license by the Council on Law Enforcement Education and Training.

B. On or after February 1, 2015, any person who shall act or engage in, solicit or offer services, or represent himself or herself, as a bail enforcer without a valid license issued by the Council shall be guilty of a felony, upon conviction, punishable by a fine in an amount not exceeding Ten Thousand Dollars ($10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than three (3) years, or by both such fine and imprisonment.

C. Any person violating the provisions of subsection B of this section while having in his or her possession or under his or her control any firearm or weapon, including a firearm under the authority of the Oklahoma Self-Defense Act, shall be punished, upon conviction, by an additional fine in an amount not exceeding Five Thousand Dollars ($5,000.00), or by an additional term of imprisonment up to three (3) years, or by both such fine and imprisonment. In addition, the authority to carry the firearm may be permanently revoked by the issuing authority.

Added by Laws 2013, c. 407, § 3, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 2, eff. July 1, 2014.

§59-1350.3. Persons or classes prohibited as enforcers.

A. To prevent a conflict of interest or the appearance of any conflict of interest, and in addition to the qualifications for a

bail enforcer pursuant to Section 10 of this act, a person whose employment prohibits such person from being licensed as a bail bondsman as provided in subsection A of Section 1315 of Title 59 of the Oklahoma Statutes shall be prohibited from being licensed as a bail enforcer pursuant to the Bail Enforcement and Licensing Act. In addition, a district attorney, or any employee of an office of a district attorney, or any employee of the Department of Corrections shall be prohibited from being licensed as a bail enforcer or bail recovery agency while employed in such capacity.

B. Nothing in the Bail Enforcement and Licensing Act shall be construed to prohibit a bail bondsman, private investigator or security guard licensed in this state from being dual-licensed pursuant to the Bail Enforcement and Licensing Act.

Added by Laws 2013, c. 407, § 4, eff. Nov. 1, 2013.

§59-1350.4. Unlicensed bond enforcement

A. It shall be unlawful for any person whose license as a bail enforcer has been suspended, revoked, surrendered or denied, to perform, or assist in the performance of, any function or service as a bail enforcer.

B. Except as provided in paragraph C of Section 1311.3 of this title, it shall be unlawful for a bail enforcer licensed in this state to assist, aid or conspire with an unlicensed person, or a person whose license as a bail enforcer or bail bondsman has been suspended, revoked, surrendered or denied, to engage in any function or service as a bail enforcer. Provided, however, a commissioned Oklahoma peace officer or reserve peace officer who is off-duty may assist a bail enforcer without having been issued a bail enforcer license. Any such peace officer engaged in a recovery and surrender shall wear clothing clearly marked "bail enforcer" or "bail enforcement" and shall not wear any clothing marked "police" or use any other words or phrases that imply that such person is associated with law enforcement or a government agency; or use any vehicle marked "police" or with any other words or phrases that imply that such a person is associated with law enforcement or a government agency; or display an official peace officer badge, except when the policies of the officer's employing law enforcement agency, and the agency in whose jurisdiction the officer is engaged in a recovery and surrender, allows the officer to do so.

C. Any violation of this section shall be a violation of the Bail Enforcement and Licensing Act which is punishable as provided in Section 1350.2 of this title.

Added by Laws 2013, c. 407, § 5, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 3, eff. July 1, 2014; Laws 2016, c. 138, § 1, eff. Nov. 1, 2016.

§59-1350.5. Prohibition of unnecessary force - Training.

A. Notwithstanding any provision in Section 643 of Title 21 of the Oklahoma Statutes, the use or attempt to use force by a bail enforcer in the recovery of a defendant as defined in the Bail Enforcement and Licensing Act is prohibited when unnecessarily committed or when the force is excessive or unreasonable in manner, degree or duration.

B. Every bail enforcer shall be trained on the use of force and the rules for use of force promulgated for the Bail Enforcement and Licensing Act.

C. No force shall be authorized which is more than sufficient to temporarily restrain a defendant who has refused to obey a lawful command to surrender to the bail enforcer. The duration and manner of any force used by a bail enforcer shall be only that reasonably necessary to surrender the defendant to the public officer competent to receive such person into custody.

D. Any force used by a bail enforcer in self-defense while recovering a defendant or to defend another from injury or threat of injury while recovering a defendant shall be not more than sufficient to prevent an offense.

E. Any force deemed by the district attorney to be unnecessarily committed or excessive or unreasonable in manner, degree or duration may be prosecuted as a crime committed without justification or excusable cause under an existing provision of law. Added by Laws 2013, c. 407, § 6, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 4, eff. July 1, 2014.

§59-1350.6. Prohibition of breaking and entering.

A. Notwithstanding any other provision of law, it shall be unlawful for a bail enforcer to break into and enter the dwelling house of any defendant or third-party for purposes of recovery or attempted recovery of a defendant either:

1. By forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house or the lock or bolts of such door, or the fastening of such window or shutter;

2. By breaking in any other manner, being armed with a weapon or being assisted or aided by one or more persons then actually present; or

3. By unlocking an outer door by means of false keys or by picking the lock thereof, or by lifting a latch or opening a window.

B. A person violating the provisions of this section shall be guilty of burglary in the first degree and, upon conviction, punished as provided in Section 1436 of Title 21 of the Oklahoma Statutes. Provided, however, the offense and penalty stated in this section shall not apply to a licensed bail enforcer during an active attempt at recovery of a felony defendant under the following conditions:

a. the bail enforcer has first-hand or eyes-on knowledge that the defendant entered the dwelling house during an attempt to recover the defendant and the defendant after reasonable request is refusing to surrender,
b. the bail enforcer has first-hand or eyes-on knowledge that the defendant is actually within the dwelling house and after reasonable request is refusing to surrender, or
c. the bail enforcer has obtained knowledge confirming beyond a reasonable doubt that the defendant is actually within the dwelling house and after reasonable request refuses to surrender.

For purposes of this subsection, "first-hand knowledge" means information received from direct eye-witness testimony, actual visual contact with and confirmed identification of the defendant by a person who knows the defendant or resides at the dwelling house, or other factual evidence provided directly to the licensed bail enforcer that confirms the identity and presence of the defendant within the dwelling house.

The exceptions to the offense and penalty in this section shall not limit or restrict another person within or without the dwelling house, or owning the dwelling house, from taking any action in response to or to defend a forced entry into such dwelling house, including use of a firearm as may be authorized by law. The use of an exception provided in this subsection by a licensed bail enforcer shall be a fact to be determined by the district attorney in considering whether to prosecute an offense under this section. Any person exercising his or her right to respond or protect the dwelling house or its occupants shall not be liable for injury to another who was forcing entry into such dwelling house. An owner or occupant of a dwelling house may seek damages to his or her property in a civil action if such damage resulted from a forced entry by a licensed bail enforcer.

Added by Laws 2013, c. 407, § 7, eff. Nov. 1, 2013.

§59-1350.7. Enforcement of act.

A. The Director of the Council on Law Enforcement Education and Training, and any staff member designated by the Director, shall have all the powers and authority of peace officers of this state for the purposes of enforcing the provisions of the Bail Enforcement and Licensing Act, and all other duties which are or may be conferred upon the Council by the Bail Enforcement and Licensing Act. The powers and duties conferred on the Director or any staff member appointed by the Director as a peace officer shall not limit the powers and duties of other peace officers of this state or any political subdivision thereof. Nothing in the Bail Enforcement and Licensing Act shall be construed to restrict the Director from

appointing the same staff members as peace officers to enforce both the Oklahoma Security Guard and Private Investigator Act and the Bail Enforcement and Licensing Act.

B. The Council shall have the following powers and duties:

1. To promulgate rules and forms to implement, enforce and carry out the purposes of the Bail Enforcement and Licensing Act;

2. To establish and enforce standards governing the training of persons required to be licensed pursuant to the Bail Enforcement and Licensing Act with respect to:

a. issuing, denying, or revoking certificates of approval to bail enforcement training schools, and programs administered by the state, a county, a municipality, a private corporation, or an individual,

b. certifying instructors at approved bail enforcement training schools,

c. establishing minimum requirements for bail enforcement training schools and periodically reviewing these standards, and

d. providing for periodic inspection of all bail enforcement training schools or programs;

3. To establish minimum curriculum requirements for training as the Council may require for bail enforcers and armed bail enforcers. Training requirements for unarmed bail enforcers shall be not less than forty (40) hours of instruction which shall be in addition to the Phase I, II, and III training requirements. Training requirements for armed bail enforcers shall be the same as for unarmed bail enforcers plus Phase IV firearm and weapons training;

4. To establish minimum requirements for a mandatory continuing education program for all licensed bail enforcers which shall include, but not be limited to:

a. establishing a designated minimum number of clock hours of required attendance, not less than twenty-four (24) clock hours during the licensing period, at accredited educational functions,

b. establishing the penalties to be imposed upon a licensee for failure to comply with the continuing education requirements, and

c. providing that the expense of such continuing education shall be paid by the licensee participating therein;

5. To grant a waiver of any training requirement, except firearms training and weapons training which shall be required for an armed bail enforcer license, unless the applicant has completed at least one (1) year of full-time employment as an armed security guard, armed private investigator, or CLEET-certified law enforcement officer within the three-year period immediately

preceding the date of application and the applicant provides sufficient documentation thereof as may be required by the Council;

6. To grant an applicant credit for fulfilling any prescribed course or courses of training, including firearms training, upon submission of acceptable documentation of comparable training. The Council may grant or refuse any such credit at its discretion;

7. To issue the licenses and identification cards provided for in the Bail Enforcement and Licensing Act;

8. To investigate alleged violations of the Bail Enforcement and Licensing Act, or rules promulgated pursuant thereto, and to deny, suspend, or revoke licenses and identification cards if necessary, or to issue notices of reprimand to licensees with or without probation under the rules promulgated by the Council;

9. To investigate alleged violations of the Bail Enforcement and Licensing Act by persons not licensed in this state as bail enforcers and to impose administrative sanctions pursuant to rule, to seek injunctions pursuant to Section 1750.2A of Title 59 of the Oklahoma Statutes, or seek criminal prosecution, or any and all of the foregoing;

10. To provide all forms for applications, identification cards, badges, and licenses required by the Bail Enforcement and Licensing Act;

11. To immediately suspend a license if a licensee's actions present a danger to the licensee or to the public; and

12. To require additional testing for continuation or reinstatement of a license if a licensee exhibits an inability to exercise reasonable judgment, skill, or safety.

C. The Council may use staff and resources established for the Oklahoma Security Guard and Private Investigator Act to implement, administer and enforce the Bail Enforcement and Licensing Act and shall use funds available from the CLEET Bail Enforcement Revolving Fund created pursuant to Section 21 of this act for necessary financial support for the Bail Enforcement and Licensing Act.

D. Nothing in the Bail Enforcement and Licensing Act or the Oklahoma Security Guard and Private Investigator Act shall be construed to prohibit the Council from authorizing approved training schools or individuals to conduct combined education or training for security guards, private investigators and bail enforcers, including Phases I, II, III and IV training.

Added by Laws 2013, c. 407, § 8, eff. Nov. 1, 2013.

§59-1350.8. Psychological evaluation.

A. Each applicant for a bail enforcer license shall be administered any current standard form of the Minnesota Multiphasic Personality Inventory (MMPI), or other psychological evaluation instrument approved by the Council on Law Enforcement Education and Training, which shall be administered in conjunction with training

in Phase I required by the Bail Enforcement and Licensing Act. The bail enforcer training school administering such instrument shall forward the response data to a psychologist licensed by the State Board of Examiners of Psychologists for evaluation. The licensed psychologist shall be of the applicant's choice. It shall be the responsibility of the applicant to bear the cost of the psychological evaluation. No bail enforcer license shall be issued unless the applicant meets the standards established by the Council for psychological evaluation.

B. If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, after evaluating the data, the psychologist shall employ whatever other psychological measuring instruments or techniques deemed necessary to form a professional opinion. The use of any psychological measuring instruments or techniques shall require a full and complete written explanation to the Council.

C. The psychologist shall forward a written psychological evaluation, on a form prescribed by the Council, to the Council within fifteen (15) days of the evaluation, even if the applicant is found to be psychologically at risk. The Council may utilize the results of the psychological evaluation for up to six (6) months from the date of the evaluation after which the applicant shall be reexamined. No person who has been found psychologically at risk in the exercise of appropriate judgment, restraint, or self-control shall reapply for certification until one (1) year from the date of being found psychologically at risk.

D. 1. Retired peace officers who have been certified by the Council shall be exempt from the provisions of this section for a period of one (1) year from retirement; provided there is no evidence of an inability to exercise appropriate judgment, restraint, and self-control during prior active duty as a law enforcement officer and upon subsequent retirement.

2. Retired peace officers who are not exempt from this section and who have previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision, as defined by paragraph 7 of Section 1290.10 of Title 21 of the Oklahoma Statutes, shall not be eligible to apply for a bail enforcer license except upon presentation of a certified statement from a licensed physician stating that the person is no longer disabled by any mental or psychiatric illness, condition, or disorder.

Added by Laws 2013, c. 407, § 9, eff. Nov. 1, 2013.

§59-1350.9. Qualifications - Publication of address - Liability insurance.

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

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

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

3. Have a high school diploma or GED, or offer proof sufficient to CLEET of equivalent GED qualifications, and have successfully completed the training and psychological evaluation requirements for the license applied for, as prescribed by the Council on Law Enforcement Education and Training;

4. Have no final victim protection orders issued in any state as a defendant;

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

6. Have no record of conviction for assault or battery, aggravated assault or battery, larceny, theft, false pretense, fraud, embezzlement, false personation of an officer, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense of driving while intoxicated or driving under the influence of intoxicating substance, any offense involving a firearm, or any other offense as prescribed by the Council.

   a. If any conviction which disqualifies an applicant occurred more than five (5) years prior to the application date and the Council is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the Council may, in its discretion, waive the conviction disqualification as provided for in this paragraph and issue an unarmed bail enforcer license, but shall not issue an armed bail enforcer license if the offense involved the use of a firearm, was violent in nature, or was a felony offense other than a driving offense.

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

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

d. If upon completion of the required background investigation it is discovered that a disqualifying conviction exists, the Council shall immediately revoke or deny the bail enforcer license of the applicant;

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

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

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

10. Provide a statement of self-employment as a sole proprietor bail enforcer.

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

2. A licensed bail enforcer shall be required to maintain complete records of all clients, defendants and apprehensions, and

agree such records shall be available to CLEET for inspection at any time during regular business hours.

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

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

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

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

Added by Laws 2013, c. 407, § 10, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 5, eff. July 1, 2014; Laws 2019, c. 363, § 48, eff. Nov. 1, 2019.

§59-1350.10. Application.

A. 1. Application for a bail enforcer license shall be made on forms provided by the Council on Law Enforcement Education and Training and shall be submitted in writing by the applicant under oath. The application shall require the applicant to furnish information reasonably required by the Council to implement the provisions of the Bail Enforcement and Licensing Act, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record, including, but not limited to, a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

2. Upon request of the Council, the Oklahoma State Bureau of Investigation and other state and local law enforcement agencies shall furnish a copy of any existent criminal history data relating to an applicant to enable the Council to determine the qualifications and fitness of such applicant for a license.

B. 1. On and after February 1, 2015, the original application and any license renewal shall be accompanied by a fee of:

a. Three Hundred Dollars ($300.00) for an unarmed bail enforcer license, or

b. Four Hundred Dollars ($400.00) for an armed bail enforcer license.

If an individual does not qualify for the type of license or renewal license requested, the Council shall retain twenty percent (20%) of the licensing fee as a processing fee and refund the remaining amount to the individual or agency submitting payment. In addition to the fees provided in this subsection, the original application for a bail enforcer license shall be accompanied by a nonrefundable fee for a national criminal history record check with fingerprint analysis, as provided in Section 150.9 of Title 74 of the Oklahoma Statutes.

2. A licensee whose license has been suspended may apply for reinstatement of license after the term of the suspension has passed, if otherwise qualified. Any application for reinstatement following a suspension of licensure shall be accompanied by a nonrefundable fee of:

a. One Hundred Dollars ($100.00) for the reinstatement of an unarmed bail enforcer license, or

b. One Hundred Fifty Dollars ($150.00) for an armed bail enforcer license.

A revoked license shall not be reinstated.

3. Any renewal application of a license received after the expiration date of the license shall be accompanied by a nonrefundable late fee of Fifty Dollars ($50.00) for an unarmed bail enforcer license and a late fee of One Hundred Dollars ($100.00) for an armed bail enforcer license. A license application received more than thirty (30) days after the expiration date is not renewable and the applicant must complete a new application.

4. The fees charged and collected, including portions of fees retained as processing fees, pursuant to the provisions of this section shall be deposited to the credit of the CLEET Bail Enforcement Revolving Fund created pursuant to Section 1350.20 of this title.

C. On and after February 1, 2015, a bail enforcer license or armed bail enforcer license shall be valid for a period of three (3) years and may be renewed for additional three-year terms.

D. The Council shall devise a system for issuance of licenses for the purpose of evenly distributing the expiration dates of the licenses.

E. Pursuant to rule, the Council may issue a duplicate license to a person licensed pursuant to the provisions of the Bail Enforcement and Licensing Act. On and after February 1, 2015, the Council may assess a fee of Twenty-five Dollars ($25.00) for the issuance of a duplicate license. The fee shall accompany the request for a duplicate license. All duplicate license fees shall be deposited to the credit of the CLEET Bail Enforcement Revolving Fund created pursuant to Section 1350.20 of this title.

Added by Laws 2013, c. 407, § 11, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 6, eff. July 1, 2014; Laws 2019, c. 246, § 1, eff. Nov. 1, 2019.

§59-1350.11. Denial, suspension, or revocation and disciplinary action.

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

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

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

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

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

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

6. Knowingly impersonating a law enforcement officer;

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

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

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

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

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

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

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

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

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

B. Upon the effective date of suspension or revocation of any license pursuant to the Bail Enforcement and Licensing Act, the licensee shall have the duty to surrender the license and any identification card issued pursuant thereto to the Council.

Added by Laws 2013, c. 407, § 12, eff. Nov. 1, 2013. Amended by Laws 2016, c. 138, § 2, eff. Nov. 1, 2016; Laws 2019, c. 363, § 49, eff. Nov. 1, 2019.

§59-1350.12. Impersonation of a government official or a bail enforcer

A. It shall be unlawful for any person engaged in a recovery and surrender to mark any vehicle, wear any apparel, or display any badge or identification card bearing the words "police", "deputy", "detective", "officer", "agent", "investigator", "fugitive agent", "recovery agent", "enforcement officer", "bounty hunter", "bail agent", or "recovery detective" or use any other words or phrases that imply that such person is associated with law enforcement or a government agency except as provided in paragraph B of Section 1350.4 of this title.

B. It shall be unlawful for any person not duly licensed or not authorized to engage in a recovery and surrender pursuant to the Bail Enforcement and Licensing Act to mark any vehicle, wear any apparel, or display any badge or identification card bearing the words "bail enforcer", "bail enforcement" or "bail enforcement agency" or use any other words or phrases that imply that such person is licensed or authorized to act under the Bail Enforcement and Licensing Act or state or federal laws.

C. Any person duly licensed, or authorized to engage in a recovery and surrender pursuant to the Bail Enforcement and Licensing Act, shall wear apparel bearing the words "bail enforcer" or "bail enforcement" during the recovery and surrender as provided in paragraph B of Section 1350.4 of this title.

D. Any violation shall be a violation of the Bail Enforcement and Licensing Act which is punishable as provided in Section 1350.2 of this title, or the violator may be prosecuted for false impersonation of an officer.
Added by Laws 2013, c. 407, § 13, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 7, eff. July 1, 2014; Laws 2016, c. 138, § 3, eff. Nov. 1, 2016.

§59-1350.13. Restrictions on bail enforcers.

No person licensed as a bail enforcer shall:

1. Invade the privacy of a defendant without lawful authority or divulge any information gained by him or her in the course of employment except as the client may direct as permitted by law, or as may be required by law to be disclosed;

2. Willfully make a false report to any person;

3. Attempt any location, recovery or surrender of a defendant without having in his or her possession a written client contract;

4. Attempt any location, recovery or surrender of a defendant without having in his or her possession a certified copy of the undertaking or bail bond contract;

5. Wear any apparel, badges, shields, ballistic vest or helmet during the recovery of a defendant unless such item is clearly marked "Bail Enforcer" or "Bail Enforcement";

6. Carry any firearm or weapon in the recovery of a defendant without a valid armed bail enforcer license, or carry any firearm or weapon when wearing bail enforcer apparel and not actively engaged in the recovery of a defendant;

7. Point, display or discharge a firearm or weapon or administer a noxious substance as defined by the Bail Enforcement and Licensing Act in the recovery of a defendant without lawful authority and training as provided by the rules promulgated by the Council on Law Enforcement Education and Training;

8. Wear any uniform or use any title, insignia, badge or identification card or make any statements that would lead a person to believe that he or she is connected in any way with the federal government, a state government, or any political subdivision of a state government, or law enforcement agency, or to permit another person assisting in a recovery of a defendant to do such prohibited acts;

9. Unlawfully enter into the dwelling house, structure, property or vehicle of a defendant or third party;

10. Improperly use force against a defendant or third party;

11. Disobey any local ordinance, state or federal law, including traffic laws, in attempting to locate, recover or surrender a defendant;

12. Use a fictitious name in the recovery of a defendant;

13. Use or modify any vehicle for purposes of bail enforcement that resembles or bears markings or exterior equipment similar to those markings or equipment of an authorized law enforcement agency in this state, or any of its political subdivisions, or that bear any fictitious name, emblems, stickers, seals or design that would imply to the public that the vehicle is a law enforcement vehicle from this state, another state, any political subdivision of a state, the United States, or another country or territory; or

14. Disobey any rules promulgated for the Bail Enforcement and Licensing Act.

A violation of any provision of this subsection shall be punishable as provided in Section 1350.2 of this title. In addition, the Council may suspend or revoke the license of the bail enforcer as provided by the rules promulgated pursuant to the Bail Enforcement and Licensing Act.

Added by Laws 2013, c. 407, § 14, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 8, eff. July 1, 2014.

§59-1350.14. Disclosure of application information.

The Council on Law Enforcement Education and Training (CLEET) or its employees shall not disclose application information pertaining to applicants or persons licensed pursuant to the Bail Enforcement and Licensing Act, except:

1. To verify the current license status of an applicant or licensee to the public;

2. As may be necessary to perform duties or comply with rules or law pursuant to the Bail Enforcement and Licensing Act;

3. To a bona fide law enforcement agency or judicial authority, upon request;

4. To an insurance company licensed in this state for purposes of issuing a bond for licensure or for claims purposes;

5. To provide the published name, address and phone number, upon request by the public; provided, however, CLEET may withhold the physical residence address of an applicant or licensee from the public when the applicant or licensee has so requested and has provided CLEET a business or alternative address for public dissemination;

6. As required by court order;

7. To provide final orders where an applicant or licensee was the respondent in or was the subject of an administrative proceeding initiated by CLEET; or

8. To provide information regarding application information to the agency employing a licensee including, but not limited to, information and/or documentation requested by CLEET from the applicant or licensee to complete the application process.

Added by Laws 2013, c. 407, § 15, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 9, eff. July 1, 2014; Laws 2019, c. 246, § 2, eff. Nov. 1, 2019.

§59-1350.15. Identification requirement - Discharge of firearm.

A. Each bail enforcer licensed pursuant to the Bail Enforcer and Licensing Act shall carry a valid driver license or state-issued photo identification card and the bail enforcer badge authorized or issued by the Council on Law Enforcement Education and Training at all times while performing the functions and services of a bail enforcer in this state.

B. 1. Each discharge of a firearm by any person during the recovery or surrender of a defendant pursuant to the Bail Enforcement and Licensing Act shall be immediately reported to the law enforcement agency having jurisdiction where such firearm was discharged.

2. Each discharge of or use of a firearm or weapon or any noxious substance as defined in the Bail Enforcement and Licensing Act shall be reported to the Council who shall keep records of all such occurrences.

Added by Laws 2013, c. 407, § 16, eff. Nov. 1, 2013.

§59-1350.16. Identifying markings on clothing and vehicles.

A. The words "Bail Enforcer" or "Bail Enforcement" shall be displayed in bold letters on all clothing worn during the recovery of a defendant and such words together with the person's valid state-issued license number shall be on the badge authorized by or issued by CLEET, which badge shall be in the possession of and visibly displayed by the bail enforcer during the recovery of a defendant.

B. Vehicles used by a bail enforcer, if marked, must bear the words "Bail Enforcer" or "Bail Enforcement". No such vehicle shall be equipped with a siren, a lamp with a red or blue lens, or an overhead light or lights with red or blue lens.

C. Any violation of provisions of this section shall be punishable as provided in Section 1350.2 of this title. In addition, the Council on Law Enforcement Education and Training may suspend or revoke the license pursuant to the rules promulgated for such prohibited conduct.

Added by Laws 2013, c. 407, § 17, eff. Nov. 1, 2013. Amended by Laws 2014, c. 373, § 10, eff. July 1, 2014.

§59-1350.17. Bail enforcement training schools.

A. On and after the effective date of this act, private schools desiring to conduct any or all phases of bail enforcement training shall submit an application for a certificate of approval to the Council on Law Enforcement Education and Training. The application

shall be accompanied by a fee of Three Hundred Dollars ($300.00). The certificate shall be renewed annually by July 1. The renewal fee shall be Three Hundred Dollars ($300.00). If the school does not qualify for a certificate or renewal certificate, the Council shall retain twenty percent (20%) of the fee as a processing fee and refund the balance to the school. The processing fee shall be credited and deposited in the CLEET Bail Enforcement Revolving Fund created pursuant to Section 21 of this act.

B. A listing of qualified and certified bail enforcement training schools shall be available from the Council. Any certified school may conduct continuing education courses on subjects approved by the Council.

Added by Laws 2013, c. 407, § 18, eff. Nov. 1, 2013.

§59-1350.18. Firearm training.

A. The firearm training for armed bail enforcers may include the reduction targets for weapons fired at fifty (50) feet to simulate weapons fired at seventy-five (75) feet in indoor ranges. All indoor ranges for this training shall have a minimum of three firing lanes and be approved by the Council on Law Enforcement Education and Training.

B. The Council shall approve the standards and curriculum for approved training schools on training and use of tasers, stun guns and other approved weapons and the administration of noxious substances as defined in the Bail Enforcement and Licensing Act. No bail enforcer shall be permitted to carry a weapon or administer noxious substances in the recovery of a defendant without successful completion of the training requirement established by the Council for bail enforcers.

Added by Laws 2013, c. 407, § 19, eff. Nov. 1, 2013.

§59-1350.19. Jail access.

Every bail enforcer who holds a valid license in this state shall have access to the jails of this state for the purpose of surrendering persons recovered pursuant to the Bail Enforcement and Licensing Act, and the rules adopted by the Council on Law Enforcement Education and Training. Each surrender of a person to jail by a licensed bail enforcer shall require presentation of a copy of the bail undertaking, contract for recovery of the defendant by the bail enforcer, or a copy of the warrant for arrest and surrender to custody for failure to appear.

Added by Laws 2013, c. 407, § 20, eff. Nov. 1, 2013.

§59-1350.20. CLEET Bail Enforcement Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Council on Law Enforcement Education and Training to be designated the "CLEET Bail Enforcement Revolving Fund". The fund

shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all application fees, license fees, renewal fees, late fees, administrative fines, and other funds assessed or collected pursuant to the Bail Enforcement and Licensing Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Council for the implementation, administration and enforcement of the Bail Enforcement and Licensing 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 State Finance for approval and payment.
Added by Laws 2013, c. 407, § 21, eff. Nov. 1, 2013.

§59-1351. Citation.
This act may be cited as the "Psychologists Licensing Act."
Laws 1965, c. 347, § 1, emerg. eff. June 28, 1965.

§59-1352. Definitions.
In the Psychologists Licensing Act, unless the context otherwise requires:
1. "Board" means the Oklahoma State Board of Examiners of Psychologists;
2. "Psychologist" means a person who represents himself or herself to be a psychologist by using any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or by offering to the public or rendering to individuals or to groups of individuals services defined as the practice of psychology. A psychologist shall not be entitled to use the term "physician" in any title or designation or in any description of services performed by the psychologist unless such psychologist is otherwise authorized to use such designation by Section 725.2 of this title;
3. "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology, a branch of the healing arts, includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the

psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered;

4. "Health service" means the delivery of direct, preventive, assessment and therapeutic intervention services to individuals whose growth, adjustment, or functioning is actually impaired or may be at risk of impairment; and

5. "Health service psychologist" means an individual licensed as a psychologist under the Psychologists Licensing Act to provide health services to the public and who engages in the direct practice of psychology and evidences two (2) years of formal supervised experience conducting psychological intervention services as defined by the rules and regulations of the Board. Effective September 1, 1993, "clinical psychologist" and "licensed clinical psychologist" shall mean "health service psychologist". Wherever in the Oklahoma Statutes or in rules promulgated pursuant thereto reference is made to clinical psychologist or licensed clinical psychologist, it shall mean health service psychologist.

Laws 1965, c. 347, § 2, emerg. eff. June 28, 1965; Laws 1991, c. 144, § 1, eff. July 1, 1991; Laws 1993, c. 168, § 4, eff. Sept. 1, 1993.

§59-1352.1. Powers and duties of State Board of Examiners of Psychologists.

The State Board of Examiners of Psychologists, in addition to the other powers and duties prescribed by the Psychologists Licensing Act, shall have the power and duty to:

1. Regulate the practice of psychology in this state; and

2. Examine and issue the appropriate licenses pursuant to the provisions of the Psychologists Licensing Act to applicants qualified in the practice of psychology; and

3. Continue in effect, suspend, revoke, modify, or deny, pursuant to the provisions of the Psychologists Licensing Act and such conditions as the Board may prescribe, licenses for the practice of psychology in this state; and

4. Investigate complaints, and hold hearings pursuant to the provisions of Sections 301 through 326 of Title 75 of the Oklahoma Statutes; and

5. Initiate prosecution; and

6. Reprimand or place on probation or both any holder of a license pursuant to the provisions of the Psychologists Licensing Act; and

7. Adopt and promulgate standards of professional conduct for psychologists; and

8. Develop and promulgate the rules and regulations and establish fees, not otherwise provided in the Psychologist Licensing Act, necessary to effectuate the provisions of the Psychologists Licensing Act; and

9. Enforce the standards and rules and regulations promulgated pursuant to the provisions of the Psychologists Licensing Act; and

10. Exercise all incidental powers and duties which are necessary and proper to effectuate the provisions of the Psychologists Licensing Act.

Added by Laws 1984, c. 34, § 1, operative July 1, 1984. Amended by Laws 2016, c. 169, § 1, eff. Nov. 1, 2016.

§59-1353. License required - Activities exempt.

No person shall represent himself or herself as a psychologist or engage in the practice of psychology unless the person is licensed pursuant to the provisions of the Psychologists Licensing Act. The provisions of the Psychologists Licensing Act shall not apply to:

1. The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions; provided, that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of the services, without regard to the source or extent of payment for services rendered. Nothing in the Psychologists Licensing Act shall prevent the provision of expert testimony by psychologists who are otherwise exempt from the provisions of Section 1351 et seq. of this title. Persons holding an earned doctoral degree in psychology from an institution of higher education may use the title "psychologist" in conjunction with the activities permitted by this subsection;

2. Qualified members of other professions, including, but not limited to, physicians, licensed social workers, licensed professional counselors, licensed marital and family therapists, or pastoral counselors, doing work of a psychological nature consistent with their training and consistent with the code of ethics of their respective professions provided they do not hold themselves out to the public by any title or description incorporating the word psychological, psychologist, or psychology, or derivatives thereof, excluding psychotherapy;

3. The activities, services, and use of an official title by a person in the employ of a state agency, if such activities, services, and use are a part of the duties of the office or position of such person within an agency or institution;

4. The activities and services of a person in the employ of a private, nonprofit behavioral services provider contracting with the

state to provide behavioral services to the state if such activities and services are a part of the official duties of such person with the private nonprofit agency.

a. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions or derivatives thereof:
   (1) psychologist, psychology or psychological,
   (2) licensed social worker,
   (3) clinical social worker,
   (4) certified rehabilitation specialist,
   (5) licensed professional counselor,
   (6) psychoanalyst, or
   (7) marital and family therapist.

b. Such exemption to the provisions of the Psychologists Licensing Act shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the nonprofit agency contracting with the state. Such exemption will not be applicable to any other setting.

c. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this act shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public;

5. The activities and services of a person in the employ of a private, for-profit behavioral services provider contracting with the state to provide behavioral services to youth and families in the care and custody of the Office of Juvenile Affairs or the Department of Human Services on March 14, 1997, if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

a. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions or derivatives thereof:
   (1) psychologist, psychology or psychological,
   (2) licensed social worker,
   (3) clinical social worker,
   (4) certified rehabilitation specialist,
   (5) licensed professional counselor,

(6) psychoanalyst, or
(7) marital and family therapist.

b. Such exemption to the provisions of this act shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the for-profit agency contracting with the state. Such exemption shall only be available for ongoing contracts and contract renewals with the same state agency and will not be applicable to any other setting.

c. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this act shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public;

6. The activities and services of a student, intern, or resident in psychology, pursuing a course of study at a university or college that is regionally accredited by an organization recognized by the United States Department of Education, or working in a training center recognized by that university or college, if the activities and services constitute a part of the supervised course of study for the student, intern, or resident;

7. Individuals who have been certified as school psychologists by the State Department of Education. They shall be permitted to use the term "certified school psychologist". Such persons shall be restricted in their practice to employment within those settings under the purview of the State Board of Education;

8. The activities and services of a person who performs psychological services pursuant to the direct supervision of a licensed psychologist or psychiatrist or an applicant for licensure who is engaged in the applicant's postdoctoral year of supervision. Such person shall be subject to approval by the Board and to such rules as the Board may prescribe pursuant to the provisions of the Psychologists Licensing Act;

9. The activities and services of a nonresident of this state who renders consulting or other psychological services if such activities and services are rendered for a period which does not exceed in the aggregate more than five (5) days during any year and if the nonresident is authorized pursuant to the laws of the state

or country of the person's residence to perform these activities and services. Such person shall inform the Board prior to initiation of services;

10. The activities and services of a nonresident of this state who renders consulting or other psychological services if such activities and services are rendered in cooperation with the American Red Cross or as a member of the Disaster Response Network of the American Psychological Association. The Board shall be informed prior to initiation of services; or

11. For one (1) year, the activities and services of a person who has recently become a resident of this state and has had his or her application for licensing accepted by the Board, and if the person was authorized by the laws of the state or country of his or her former residence to perform such activities and services.

Added by Laws 1965, c. 347, § 3, emerg. eff. June 28, 1965. Amended by Laws 1984, c. 34, § 2, operative July 1, 1984; Laws 1991, c. 144, § 2, eff. July 1, 1991; Laws 1993, c. 168, § 5, eff. Sept. 1, 1993; Laws 1998, c. 291, § 1; Laws 1999, c. 1, § 17, emerg. eff. Feb. 24, 1999; Laws 2016, c. 169, § 2, eff. Nov. 1, 2016; Laws 2019, c. 267, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1998, c. 153, § 2 repealed by Laws 1999, c. 1, § 45, emerg. eff. Feb. 24, 1999.

§59-1354. Board of Examiners of Psychologists - Membership - Tenure - Oath.

There is hereby re-created, to continue until July 1, 2025, pursuant to the provisions of the Oklahoma Sunset Law, the State Board of Examiners of Psychologists. The Board shall administer the provisions of the Psychologists Licensing Act. The Board shall consist of seven (7) members appointed by the Governor. Five members shall be psychologists from various areas in psychology and two members shall be lay persons. At the expiration of the term of each Board member who is a psychologist, the Governor shall appoint a successor from a list of ten licensed psychologists which is provided by the Oklahoma State Psychological Association. Members shall serve for a term of four (4) years and until a successor is appointed and qualified. Before entering upon the duties of office, each member of the Board shall take the constitutional oath of office and file it with the Secretary of State.

Added by Laws 1965, c. 347, § 4, emerg. eff. June 28, 1965. Amended by Laws 1979, c. 121, § 5, emerg. eff. May 1, 1979; Laws 1983, c. 55, § 1, operative July 1, 1983; Laws 1985, c. 24, § 1, operative July 1, 1985; Laws 1991, c. 144, § 3, eff. July 1, 1991; Laws 1997, c. 35, § 1; Laws 2003, c. 14, § 1; Laws 2009, c. 18, § 1; Laws 2013, c. 345, § 1; Laws 2019, c. 467, § 1; Laws 2023, c. 66, § 1.

NOTE: Laws 1991, c. 4, § 1 repealed by Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991.

§59-1355. Qualifications of examiners.

Each member of the State Board of Examiners of Psychologists shall be a citizen of the United States and a resident of this state. The members of the Board who are psychologists shall be licensed pursuant to the provisions of the Psychologists Licensing Act. Members of the Board may be reappointed for one four-year term. However, following the termination of a term of service on the Board a former member may be reappointed only after a period of years equal to or greater than the number of years of his or her previous service.

Added by Laws 1965, c. 347, § 5, emerg. eff. June 28, 1965. Amended by Laws 1983, c. 55, § 2, operative July 1, 1983; Laws 1991, c. 144, § 4, eff. July 1, 1991; Laws 2004, c. 313, § 18, emerg. eff. May 19, 2004.

§59-1357. Removal from Board - Vacancies.

After giving the member a written statement of the charges and an opportunity to be heard thereon, the Governor may remove any member of the Board for misconduct, incompetency, or neglect of duty. Any vacancy in the membership of the Board shall be filled by the Governor for the unexpired term. If there is a vacancy in the psychologist membership of the Board, the Governor shall fill it from a list of ten (10) psychologists which is provided by the Oklahoma State Psychological Association.

Amended by Laws 1983, c. 55, § 3, operative July 1, 1983; Laws 1991, c. 144, § 5, eff. July 1, 1991.

§59-1358. Meetings - Officers - Employees - Office space - Seal.

The Board shall hold a regular meeting at which it shall annually select from its membership a chair and a vice-chair. Other regular meetings shall be held at such times as the rules of the Board may provide. Special meetings may be held at such times as may be deemed necessary by the Board or a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the rules of the Board. Four members of the Board shall constitute a quorum. The secretary of the Board shall be appointed by the Board and shall hold office at the pleasure of the Board. The secretary may be a member of the Board. The Board may employ such other persons and may rent or purchase such office space and office equipment as it deems necessary to implement the provisions of the Psychologists Licensing Act. The Board shall adopt an official seal.

Amended by Laws 1983, c. 55, § 4, operative July 1, 1983; Laws 1991, c. 144, § 6, eff. July 1, 1991.

§59-1360. Psychologists Licensing Fund.

The secretary of the Board shall receive and account for all monies derived under this act. The secretary shall pay these monies monthly to the State Treasurer who shall keep them in a separate fund to be known as the "Psychologists Licensing Fund". All monies received in said fund are hereby appropriated to the Board. Expenditures from the Psychologist Licensing 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. It is further provided that all monies in the Psychologists Licensing Fund at the end of each fiscal year, being the unexpended balance of such fund, shall be carried forward and placed to the credit of the Psychologists Licensing Fund for the succeeding fiscal year. The Board may make expenditures from this fund for any purpose which is reasonably necessary to carry out the provisions of this act; provided that all reimbursement for expenses shall be paid only from the Psychologists Licensing Fund. No money shall ever be paid from the General Revenue Fund for the administration of this act and any expenses or liabilities incurred by said Board shall not constitute a charge on any state funds other than said Psychologists Licensing Fund.
Added by Laws 1965, c. 347, § 10, emerg. eff. June 28, 1965. Amended by Laws 1980, c. 159, § 15, emerg. eff. April 2, 1980; Laws 1991, c. 144, § 7, eff. July 1, 1991; Laws 2016, c. 169, § 3, eff. Nov. 1, 2016.

§59-1361. Code of ethics.

The State Board of Examiners of Psychologists shall publish a code of ethics. The code shall take into account the professional character of psychological service and shall be designed to protect the interest of the client and the public. In developing and revising this code, the Board shall hold hearings where interested persons may be heard on the subject and the Board may take into account the Ethical Principles of Psychologists and Code of Conduct promulgated by the American Psychological Association and the Code of Conduct promulgated by the Association of State and Provincial Psychology Boards.
Added by Laws 1965, c. 347, § 11, emerg. eff. June 28, 1965. Amended by Laws 2004, c. 313, § 19, emerg. eff. May 19, 2004.

§59-1362. Qualifications of applicants for examination.

An applicant is qualified to take the examination to be licensed when the applicant has met the following criteria:

1. Applicants for licensure shall possess a doctoral degree in psychology from an institution of higher education. The degree shall be obtained from a recognized program of graduate study in psychology as defined by the rules and regulations of the Board.

Applicants for licensure who graduated before January 1, 1997, shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board. Applicants for licensure who graduated on or after January 1, 1997, shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA). In areas where no accreditation exists, applicants for licensure shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board. When a new specialty of professional psychology is recognized as being within the accreditation scope of the APA, doctoral programs within that specialty will be afforded a transition period of eight (8) years from their first class of students to the time of their accreditation. During that transition period, graduates of such programs may sit for licensure examination whether or not the program has been accredited. This also applies to new doctoral programs of specialties previously recognized within the scope of APA accreditation. Applicants trained in institutions outside the United States shall meet requirements established by the Board;

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

3. Applicants shall be required to show that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed. Each applicant shall submit to a national criminal history record check, as defined in Section 150.9 of Title 74 of the Oklahoma Statutes. The costs associated with the national criminal history record check shall be paid by the applicant.

Added by Laws 1965, c. 347, § 12, emerg. eff. June 28, 1965. Amended by Laws 1984, c. 34, § 3, operative July 1, 1984; Laws 1991, c. 144, § 8, eff. July 1, 1991; Laws 2016, c. 169, § 4, eff. Nov. 1, 2016; Laws 2019, c. 363, § 50, eff. Nov. 1, 2019.

§59-1362.1. Health service psychologists - Certification - Demonstration of prior service - Conditions.

A. Any licensed psychologist who independently provides or offers to provide health services to the public shall be certified as a Health Service Psychologist by the State Board of Examiners of Psychologists. The Board shall certify as a Health Service Psychologist an applicant who demonstrates that the applicant has at least two (2) years of full-time supervised health service experience as defined by the rules and regulations of the Board.

B. Notwithstanding the provisions of Section 1362 of this title, the applicant shall be certified by the Board as a Health Service Psychologist if the applicant meets one of the following conditions:

1. The psychologist is Board certified by the American Board of Professional Psychology; or

2. The psychologist has the equivalent of two (2) years of full-time experience satisfactory to the Board, one year of which was a doctoral internship, and one year of which was postdoctoral, at a site where health services are provided.

Added by Laws 1991, c. 144, § 9, eff. July 1, 1991. Amended by Laws 2004, c. 313, § 20, emerg. eff. May 19, 2004.

§59-1363. Application form.

Application for examination for a license as a psychologist or for a license without examination shall be upon the forms prescribed by the Board. The Board may require that the application be verified. The fee for the license shall accompany the application.

Laws 1965, c. 347, § 13, emerg. eff. June 28, 1965.

§59-1363.1. Reciprocity agreements.

The Oklahoma State Board of Examiners of Psychologists may enter into and implement agreements with other jurisdictions for the issuance of a license by reciprocity if the other jurisdiction's requirements for licensure are substantially equal to the requirements of the Psychologists Licensing Act.

Added by Laws 2024, c. 137, § 1.

§59-1364. Documentary evidence as to experience.

In determining the acceptability of the applicant's professional experience, the Board may require such documentary evidence of the quality, scope, and nature of the applicant's experience as it deems necessary.

Laws 1965, c. 347, § 14, emerg. eff. June 28, 1965.

§59-1365. Examinations - Time - Scope - Reexaminations.

The Board shall administer examinations to qualified applicants at least once a year. The Board shall determine the subject and scope of the examinations. Written examinations may be supplemented by such oral examinations as the Board shall determine. An

applicant who fails his or her examination may be reexamined at a subsequent examination upon payment of a reexamination fee.
Added by Laws 1965, c. 347, § 15, emerg. eff. June 28, 1965. Amended by Laws 2019, c. 267, § 2, eff. Nov. 1, 2019.

§59-1366. Issuance of license - License without examination.

The Oklahoma State Board of Examiners of Psychologists may issue a license pursuant to the provisions of the Psychologists Licensing Act:

1. To a qualified applicant who has successfully passed the examination prescribed by the Board and who has paid the fee required by the rules promulgated pursuant to the provisions of the Psychologists Licensing Act; or

2. Upon application to the Board and payment of the fees required by the Board by rules of the Board promulgated pursuant to the provisions of the Psychologists Licensing Act, to any person who is a diplomate of the American Board of Professional Psychology, or who holds a current Certificate of Professional Qualification in Psychology from the Association of State and Provincial Psychology Boards, or who is licensed as a psychologist by a state with whom the Board has established a formal written agreement of reciprocity.
Added by Laws 1965, c. 347, § 16, emerg. eff. June 28, 1965. Amended by Laws 1984, c. 34, § 4, operative July 1, 1984; Laws 1991, c. 144, § 10, eff. July 1, 1991; Laws 1998, c. 291, § 2; Laws 2016, c. 169, § 5, eff. Nov. 1, 2016; Laws 2024, c. 137, § 2.

§59-1367. Amount of fees.

The application fee and the annual renewal fee shall be amounts fixed by the Oklahoma State Board of Examiners of Psychologists. 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 Psychologists Licensing Act and so there are no unnecessary surpluses in the "Psychologists Licensing Fund".
Added by Laws 1965, c. 347, § 17, emerg. eff. June 28, 1965. Amended by Laws 1974, c. 176, § 1, operative July 1, 1974; Laws 1977, c. 65, § 1; Laws 1983, c. 55, § 5, operative July 1, 1983; Laws 1993, c. 168, § 6, eff. Sept. 1, 1993; Laws 2004, c. 313, § 21, emerg. eff. May 19, 2004.

§59-1368. Licenses - Contents - Renewals - Inactive status.

A. The State Board of Examiners of Psychologists shall issue a license to each person that it registers as a psychologist. The license shall show the full name of the psychologist and shall bear a serial number. The license shall be signed by the chairman and secretary of the Board under the seal of the Board.

B. Licenses expire on the thirty-first day of December following their issuance or renewal and are invalid thereafter unless renewed.

C. The Board shall notify every person licensed under this act of the date of expiration and the amount of the renewal fee. Notice shall be provided at least one (1) month before the expiration of the license. Renewal may be made at any time during the months of November or December upon application therefor by payment of the renewal fee. Failure on the part of any person licensed to pay his or her renewal fee before the first day of January does not deprive such person of the right to renew his or her license, but the fee to be paid for renewal after December shall be increased ten percent (10%) for each month or fraction thereof that the payment of the renewal fee is delayed. However, the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. A psychologist who wishes to place his or her license on inactive status may do so upon application by payment of a fee as fixed by the Board; such a psychologist shall not accrue any penalty for late payment of the renewal fee.

D. The Oklahoma Tax Commission shall notify any psychologist who is not in compliance with the income tax laws of this state. Such notification shall include:

1. A statement that the Tax Commission shall proceed by garnishment to collect any delinquent tax and to collect any penalty or interest due and owing as a result of a tax delinquency until the psychologist is deemed by the Commission to be in compliance with the income tax laws of this state;

2. The reasons that the psychologist is considered to be out of compliance with the income tax laws of this state, including a statement of the amount of any tax, penalties and interest due or a list of the tax years for which income tax returns have not been filed as required by law;

3. An explanation of the rights of the psychologist and the procedures which must be followed by the psychologist in order to come into compliance with the income tax laws of this state; and

4. Such other information as may be deemed necessary by the Tax Commission.

Added by Laws 1965, c. 347, § 18, emerg. eff. June 28, 1965. Amended by Laws 1974, c. 305, § 1, emerg. eff. May 29, 1974; Laws 1977, c. 65, § 2; Laws 2004, c. 313, § 22, emerg. eff. May 19, 2004; Laws 2019, c. 267, § 3, eff. Nov. 1, 2019.

§59-1368.1. Continuing education.

The Board is hereby authorized to establish requirements of continuing education as a condition for the renewal of licensure of psychologists; however, rules and regulations concerning accreditation of continuing education programs and other educational

experience, and the assignment of credit for participation therein must be promulgated by the board at least one (1) year prior to implementation of continuing education.
Added by Laws 1987, c. 206, § 67, operative July 1, 1987; Laws 1987, c. 236, § 35, emerg. eff. July 20, 1987.

§59-1369. List of licensed psychologists.

The State Board of Examiners of Psychologists shall maintain and publish an up-to-date list of all psychologists licensed under this act on the website of the Board. The list shall contain the name and address of the psychologist and such other information that the Board deems desirable.
Added by Laws 1965, c. 347, § 19, emerg. eff. June 28, 1965. Amended by Laws 2004, c. 313, § 23, emerg. eff. May 19, 2004; Laws 2016, c. 169, § 6, eff. Nov. 1, 2016.

§59-1370. Standards of conduct - Suspension, probation, remediation, revocation of license - Notice of hearing - Orders - Service - Restoration of license, reduction of suspension or probation period, withdrawal of reprimand – Definitions.

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, revoke any license to practice psychology, impose an administrative fine not to exceed Five Thousand Dollars ($5,000.00) per incident, or assess reasonable costs 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 crime that substantially relates to the business practices of psychology or poses a reasonable threat to public safety;

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

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

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;

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

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;

10. Conviction of or pleading guilty or nolo 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;

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;

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;

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;

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

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

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.

K. The Board may keep confidential its investigative files.

L. The forfeiture, nonrenewal, surrender or voluntary relinquishment of a license by a licensee shall not bar jurisdiction by the Board to proceed with any investigation, action or proceeding to revoke, suspend, condition or limit the licensee's license or fine the licensee.

Added by Laws 1965, c. 347, § 20, emerg. eff. June 28, 1965. Amended by Laws 1974, c. 64, § 1, emerg. eff. April 13, 1974; Laws 1984, c. 34, § 5, operative July 1, 1984; Laws 1991, c. 144, § 11, eff. July 1, 1991; Laws 1998, c. 291, § 3; Laws 2004, c. 313, § 24, emerg. eff. May 19, 2004; Laws 2015, c. 183, § 8, eff. Nov. 1, 2015; Laws 2016, c. 169, § 7, eff. Nov. 1, 2016; Laws 2019, c. 267, § 4, eff. Nov. 1, 2019.

§59-1370.1. Hearing on suspension or revocation of license.

A. The hearings provided for by Section 1370 of Title 59 of the Oklahoma Statutes shall be conducted by the Board itself at a regular or special meeting of the Board. Such hearings shall be conducted in conformity with and records made thereof as provided by the provisions of Sections 301 through 326 of Title 75 of the Oklahoma Statutes.

B. It shall continue to be the duty of the Attorney General to issue his official opinion to the Board and to prosecute and defend actions for the Board, if requested to do so.

Added by Laws 1984, c. 34, § 6, operative July 1, 1984.

§59-1370.2. Temporary suspension of license.

The chair of the State Board of Examiners of Psychologists, upon concurrence of the vice-chair of the Board that an emergency exists for which the immediate suspension of a license is imperative for the public health, safety, and welfare, may conduct a hearing as provided by Section 314 of Title 75 of the Oklahoma Statutes to temporarily suspend the license of any person under the jurisdiction of the Board.

Added by Laws 2012, c. 211, § 1, eff. Nov. 1, 2012.

§59-1370.3. Duty to report psychologist suspected of practicing while impaired or incapacitated.

A. A licensed psychologist shall report to the Board information regarding a psychologist suspected of practicing psychology while being impaired or incapacitated by misuse of drugs,

narcotics, alcohol, chemicals, or as a result of any mental or physical condition. Any person making a report to the Board under this section shall be immune from any civil or criminal liability resulting from such reports, provided such reports are made in good faith.

B. The Board may defer disciplinary action under Section 1370 of this title for an impaired psychologist who voluntarily signs an agreement, in a form satisfactory to the Board, agreeing to enter a Board-approved treatment and monitoring program for impaired practitioners. The impaired psychologist shall consent, in accordance with applicable law, to the release of any treatment information to the Board from anyone within the approved treatment program.

C. In the event the psychologist fails to comply with the agreement terms and make satisfactory progress in the treatment and monitoring program, the Board shall suspend the license immediately and assign a hearing date for the matter to be presented to the Board.

D. Any person who enters into an agreement under this section shall be responsible for any and all costs associated with participation in the treatment program.

E. A psychologist's participation in a treatment program does not prevent the Board from conducting additional proceedings for acts or omissions of acts not specifically related to the impairment.

Added by Laws 2016, c. 169, § 9, eff. Nov. 1, 2016.

§59-1371. Repealed by Laws 1991, c. 144, § 13, eff. July 1, 1991.

§59-1373. Injunction.

The Board, the Attorney General, or the local district attorney may apply to the district court in the county in which a violation of this act is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts complained of. Thereupon, the court has jurisdiction of the proceedings and may grant such temporary or permanent injunction or restraining order, without bond, as it deems just and proper. The remedy provided by this section is in addition to, and independent of, any other remedies available for the enforcement of this act.

Laws 1965, c. 347, § 23, emerg. eff. June 28, 1965.

§59-1374. Violations and penalties.

Any person who, after the first day of January, 1966, represents himself to be a psychologist or engages in the practice of psychology within this state without being licensed or exempted in accordance with the provisions of this act is guilty of a misdemeanor and, upon conviction, shall be fined not more than Five

Hundred Dollars ($500.00) or be confined in jail for not more than six (6) months, or both. Each day of violation is a separate offense.
Laws 1965, c. 347, § 24, emerg. eff. June 28, 1965.

§59-1375. Annual reports.

The Board shall make an annual report to the Governor, not later than the 15th day of November of each year, which report shall contain an account of all monies received, licenses issued, suspended, or revoked and all expenditures made by said Board in the previous fiscal year prior to said date.
Added by Laws 1965, c. 347, § 25, emerg. eff. June 28, 1965.
Amended by Laws 2016, c. 169, § 8, eff. Nov. 1, 2016.

§59-1376. Confidential communications - Disclosure - Exceptions - Threats of patient to self or others - Patient in custody of Department of Corrections - Law enforcement purposes.

All communications between a licensed psychologist and the individual with whom the psychologist engages in the practice of psychology are confidential. At the initiation of the professional relationship the psychologist shall inform the patient of the following limitations to the confidentiality of their communications. No psychologist, colleague, agent or employee of any psychologist, whether professional, clerical, academic or therapeutic, shall disclose any information acquired or revealed in the course of or in connection with the performance of the psychologist's professional services, including the fact, circumstances, findings or records of such services, except under the following circumstances:

1. Pursuant to the provisions of Section 2503 of Title 12 of the Oklahoma Statutes or where otherwise provided by law;

2. Upon express, written consent of the patient;

3. Upon the need to disclose information to protect the rights and safety of self or others if:

   a. the patient presents a clear and present danger to himself and refuses explicitly or by behavior to voluntarily accept further appropriate treatment. In such circumstances, where the psychologist has a reasonable basis to believe that a patient can be committed to a hospital pursuant to Section 5-401 of Title 43A of the Oklahoma Statutes, the psychologist shall have a duty to seek commitment. The psychologist may also contact members of the patient's family, or other individuals if in the opinion of the psychologist, such contact would assist in protecting the safety of the patient,

b. the patient has communicated to the psychologist an explicit threat to kill or inflict serious bodily injury upon a reasonably identified person and the patient has the apparent intent and ability to carry out the threat. In such circumstances the psychologist shall have a duty to take reasonable precautions. A psychologist shall be deemed to have taken reasonable precautions if the psychologist makes reasonable efforts to take one or more of the following actions:
   (1) communicates a threat of death or serious bodily injury to the reasonably identified person,
   (2) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides,
   (3) arranges for the patient to be hospitalized voluntarily, or
   (4) takes appropriate steps to initiate proceedings for involuntary hospitalization pursuant to law,

c. the patient has a history of physical violence which is known to the psychologist and the psychologist has a reasonable basis to believe that there is a clear and imminent danger that the patient will attempt to kill or inflict serious bodily injury upon a reasonably identified person. In such circumstances the psychologist shall have a duty to take reasonable precaution. A psychologist shall be deemed to have taken reasonable precautions if the psychologist makes reasonable efforts to take one or more of the following actions:
   (1) communicates a threat of death or serious bodily injury to the reasonably identified person,
   (2) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides,
   (3) arranges for the patient to be hospitalized voluntarily,
   (4) takes appropriate steps to initiate proceedings for involuntary hospitalization pursuant to law,

d. nothing contained in subparagraph b of this paragraph shall require a psychologist to take any action which, in the exercise of reasonable professional judgment, would endanger the psychologist or increase the danger to a potential victim or victims, or

e. the psychologist shall only disclose that information which is essential in order to protect the rights and safety of others;

4. In order to collect amounts owed by the patient for professional services rendered by the psychologist or employees of the psychologist. Provided, the psychologist may only disclose the nature of services provided, the dates of services, the amount due for services and other relevant financial information. If the patient raises as a defense to said action, a substantive assertion concerning the competence of the psychologist or the quality of the services provided, the psychologist may disclose whatever information is necessary to rebut such assertion;

5. In any proceeding brought by the patient against the psychologist and in any malpractice, criminal or license revocation proceeding in which disclosure is necessary or relevant to the claim or defense of the psychologist;

6. In such other situations as shall be defined by the rules and regulations of the Board; or

7. When the patient is an inmate in the custody of the Department of Corrections or a private prison or facility under contract with the Department of Corrections, and the release of the information is necessary:

a. to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and it is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat, or

b. for law enforcement authorities to identify or apprehend an individual where it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody.

Added by Laws 1991, c. 144, § 12, eff. July 1, 1991. Amended by Laws 2004, c. 168, § 14, emerg. eff. April 27, 2004.

§59-1377. Short title - Psychology Interjurisdictional Compact.

This act shall be known and may be cited as the "Psychology Interjurisdictional Compact".

Added by Laws 2019, c. 187, § 1, eff. Nov. 1, 2019.

§59-1378. Legislative findings.

The Oklahoma Legislature makes the following findings:

States license psychologists in order to protect the public through verification of education, training and experience and ensure accountability for professional practice.

This Compact is intended to regulate the day-to-day practice of telepsychology, which is the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority.

This Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty (30) days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority.

This Compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state.

This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect the public health and safety.

This Compact does not apply when a psychologist is licensed in both the home and receiving states.

This Compact does not apply to permanent in-person, face-to-face practice, but it does allow for the authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines, as well as temporary in-person, face-to-face services, into a state in which the psychologist is not licensed to practice psychology;

2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

3. Encourage the cooperation of the compact states in the areas of psychology licensure and regulation;

4. Facilitate the exchange of information between the compact states regarding psychologist licensure, adverse actions and disciplinary history;

5. Promote compliance with the laws governing psychological practice in each compact state; and

6. Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

Added by Laws 2019, c. 187, § 2, eff. Nov. 1, 2019.

§59-1379. Definitions.

As used in this act:

1. "Adverse action" means any action taken by a state psychology regulatory authority, which is identified by that authority as discipline, which action is taken upon the finding of a violation and is a matter of public record;

2. "Association of State and Provincial Psychology Boards (ASPPB)" means the recognized membership organization composed of

state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

3. "Authority to practice interjurisdictional telepsychology" means a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another compact state;

4. "Bylaws" means those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Section 11 of this act for its governance, or for directing and controlling its actions and conduct;

5. "Client/patient" means the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision and/or consulting services;

6. "Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to Section 11 of this act;

7. "Compact state" means a state, the District of Columbia or United States territory that has enacted this Compact and which has not withdrawn pursuant to Section 14 of this act or been terminated pursuant to Section 13 of this act;

8. "Coordinated Licensure Information System" or "Coordinated Database" means an integrated process for collecting, storing and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of the state psychology regulatory authorities;

9. "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes;

10. "Day" means any part of a day in which psychological work is performed;

11. "Distant state" means the compact state where a psychologist is physically present, not through using telecommunications technologies, to provide temporary in-person, face-to-face psychological services;

12. "E-Passport" means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

13. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission;

14. "Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist was physically present when the telepsychological services were delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;

15. "Identity history summary" means a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization or military service;

16. "In-person, face-to-face" means interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

17. "Interjurisdictional practice certificate (IPC)" means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of the intention to practice temporarily, and verification of one's qualifications for such practice;

18. "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

19. "Noncompact state" means any state which is not at the time a compact state;

20. "Psychologist" means an individual licensed for the independent practice of psychology;

21. "Psychology Interjurisdictional Compact Commission" or "Commission" means the national administration of which all compact states are members;

22. "Receiving state" means a compact state where the client/patient is physically located when the telepsychological services are delivered;

23. "Rule" means a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Section 12 of this act that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural or practice requirement of the Commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;

24. "Significant investigatory information" means:

a. investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than a minor infraction, or

b. investigative information that indicates that the psychologist represents an immediate threat to the public health and safety, regardless of whether the psychologist has been notified or had an opportunity to respond;

25. "State" means a state, commonwealth, territory or possession of the United States or the District of Columbia;

26. "State psychology regulatory authority" means the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

27. "Telepsychology" means the provision of psychological services using telecommunication technologies;

28. "Temporary authorization to practice" means a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another compact state; and

29. "Temporary in-person, face-to-face practice" means where a psychologist is physically present, not through using telecommunications technologies, in the distant state to provide for the practice of psychology for thirty (30) days within a calendar year and based on notification to the distant state.

Added by Laws 2019, c. 187, § 3, eff. Nov. 1, 2019.

§59-1380. Home state licensure.

A. The home state shall be a compact state where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist was physically present when the services were delivered, as authorized by the authority to practice interjurisdictional telepsychology under the terms of this Compact.

C. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this Compact.

D. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state

under circumstances not authorized by the temporary authorization to practice under the terms of this Compact.

E. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

1. Currently requires the psychologist to hold an active E-Passport;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, not later than ten (10) years after activation of the Compact; and

5. Complies with the bylaws and rules of the Commission.

F. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

1. Currently requires the psychologist to hold an active interjurisdictional practice certificate (IPC);

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten (10) years after activation of the Compact; and

5. Complies with the bylaws and rules of the Commission.

Added by Laws 2019, c. 187, § 4, eff. Nov. 1, 2019.

§59-1381. Right to practice telepsychology.

A. Compact states shall recognize the right of a psychologist licensed in a compact state in conformance with Section 4 of this act to practice telepsychology in other compact states, in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the Compact.

B. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees, or

b. a foreign college or university deemed to be equivalent to subparagraph a of this paragraph by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

2. Hold a graduate degree in psychology that meets the following criteria:

a. the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program and such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists,

b. the psychology program must stand as a recognizable, coherent organizational entity within the institution,

c. there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines,

d. the program must consist of an integrated, organized sequence of study,

e. there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities,

f. the designated director of the program must be a psychologist and a member of the core faculty,

g. the program must have an identifiable body of students who are matriculated in that program for a degree,

h. the program must include supervised practicum, internship or field training appropriate to the practice of psychology,

i. the curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for a master's degree, and

j. the program must include an acceptable residency as defined by the rules of the Commission;

3. Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

4. Have no history of adverse action that violates the rules of the Commission;

5. Have no criminal record history reported on an identity history summary that violates the rules of the Commission;

6. Possess a current, active E-Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the rules of the Commission.

C. The home state maintains authority over the license of any psychologist practicing in a receiving state under the authority to practice interjurisdictional telepsychology.

D. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the Commission.

E. If a psychologist's license in any home state or another compact state or any authority to practice interjurisdictional telepsychology in any receiving state is restricted, suspended or otherwise limited, the E-Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

Added by Laws 2019, c. 187, § 5, eff. Nov. 1, 2019.

§59-1382. Right to temporarily practice in other compact states.

A. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with Section 4 of this act, to practice temporarily in other compact states, or distant states, in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the temporary authorization to practice under the terms and provisions of this Compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees, or

b. a foreign college or university deemed to be equivalent to subparagraph a of this paragraph by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

2. Hold a graduate degree in psychology that meets the following criteria:

a. the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program and must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists,

b. the psychology program must stand as a recognizable, coherent organizational entity within the institution,

c. there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines,

d. the program must consist of an integrated, organized sequence of study,

e. there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities,

f. the designated director of the program must be a psychologist and a member of the core faculty,

g. the program must have an identifiable body of students who are matriculated in that program for a degree,

h. the program must include supervised practicum, internship or field training appropriate to the practice of psychology,

i. the curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees, and

j. the program must include an acceptable residency as defined by the rules of the Commission;

3. Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

4. No history of adverse action that violates the rules of the Commission;

5. No criminal record history that violates the rules of the Commission;

6. Possess a current, active interjurisdictional practice certificate (IPC);

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the rules of the Commission.

C. A psychologist practicing in a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

D. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the Commission.

E. If a psychologist's license in any home state or another compact state or any temporary authorization to practice in any distant state is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

Added by Laws 2019, c. 187, § 6, eff. Nov. 1, 2019.

§59-1383. Scope of telepsychology practice.

A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the Commission, and under the following circumstances:

1. The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state; or

2. Other conditions regarding telepsychology as determined by rules promulgated by the Commission.

Added by Laws 2019, c. 187, § 7, eff. Nov. 1, 2019.

§59-1384. Adverse actions against psychologists.

A. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

B. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

C. If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E-Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the interjurisdictional practice certificate (IPC) is revoked.

1. All home state disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the rules promulgated by the Commission. A compact state shall report adverse actions in accordance with the rules of the Commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the Commission.

3. Other actions may be imposed as determined by the rules promulgated by the Commission.

D. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

E. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under the temporary authorization to practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, the distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

F. Nothing in this Compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the compact state's law. Compact states must require psychologists who enter

any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection C of this section.

Added by Laws 2019, c. 187, § 8, eff. Nov. 1, 2019.

§59-1385. Regulatory authority.

A. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses and/or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence is located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.

B. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The Commission shall promptly notify the new home state of any such decisions as provided in the rules of the Commission. All information provided to the Commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by compact states.

Added by Laws 2019, c. 187, § 9, eff. Nov. 1, 2019.

§59-1386. Coordinated Licensure Information System/Coordinated Database.

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System/Coordinated Database and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this Compact is applicable in all compact states as defined by the rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the Coordinated Database on all licensees as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Significant investigatory information;

4. Adverse actions against a psychologist's license;

5. An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;

6. Nonconfidential information related to alternative program participation information;

7. Any denial of application for licensure, and the reasons for such denial; and

8. Other information which may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The Coordinated Database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

D. Compact states reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the Coordinated Database.

Added by Laws 2019, c. 187, § 10, eff. Nov. 1, 2019.

§59-1387. Psychology Interjurisdictional Compact Commission.

A. The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission as follows:

1. The Commission is a body politic and an instrumentality of the compact states;

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of

competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings; and

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings.

1. The Commission shall consist of one voting representative appointed by each compact state who shall serve as that state's Commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

a. an executive director, executive secretary or similar executive,

b. a current member of the state psychology regulatory authority of a compact state, or

c. a designee empowered with the appropriate delegate authority to act on behalf of the compact state.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

3. Each Commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12 of this act.

6. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

a. noncompliance of a compact state with its obligations under the Compact,

b. the employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures,

c. current, threatened or reasonably anticipated litigation against the Commission,

d. negotiation of contracts for the purchase or sale of goods, services or real estate,
e. accusation against any person of a crime or formally censuring any person,
f. disclosure of trade secrets or commercial or financial information which is privileged or confidential,
g. disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,
h. disclosure of investigatory records compiled for law enforcement purposes,
i. disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact, or
j. matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including, but not limited to:

1. Establishing the fiscal year of the Commission;
2. Providing reasonable standards and procedures:
   a. for the establishment and meetings of other committees, and
   b. governing any general or specific delegation of any authority or function of the Commission;
3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of

the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;

4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;

7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and reserving of all of its debts and obligations;

8. The Commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the compact states;

9. The Commission shall maintain its financial records in accordance with the bylaws; and

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact which shall have the force and effect of law and shall be binding in all compact states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission; provided, that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided, that at all times the

Commission shall strive to avoid any appearance of impropriety or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided, that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

E. The Executive Board.

The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of six (6) members:
   a. five voting members who are elected from the current membership of the Commission by the Commission, and
   b. one ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

2. The ex officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

3. The Commission may remove any member of the Executive Board as provided in the bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following duties and responsibilities:
   a. recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by compact states, such as annual dues, and any other applicable fees,
   b. ensure compact administration services are appropriately provided, contractual or otherwise,
   c. prepare and recommend the budget,

d. maintain financial records on behalf of the Commission,
e. monitor compact compliance of member states and provide compliance reports to the Commission,
f. establish additional committees as necessary, and
g. other duties as provided in the rules or bylaws.

F. Financing of the Commission.

1. The Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The Commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all compact states.

4. The Commission shall not incur obligations of any kind before securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense and Indemnification.

1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing in this subsection shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil

action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

Added by Laws 2019, c. 187, § 11, eff. Nov. 1, 2019.

§59-1388. Commission rulemaking powers.

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any compact state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

1. On the website of the Commission; and

2. On the website of the compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons who submit comments independently of each other;

2. A government subdivision or agency; or

3. A duly appointed person in an association that has at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing and:

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing;

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing;

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses; and

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to the public health, safety, or welfare;

2. Prevent a loss of Commission or compact state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect the public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the Internet website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Chair of the Commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission. Added by Laws 2019, c. 187, § 12, eff. Nov. 1, 2019.

§59-1389. Compact oversight – Dispute resolution - Enforcement.

A. Oversight.

1. The executive, legislative and judicial branches of state government in each compact state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service

of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

B. Default, Technical Assistance and Termination.

1. If the Commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default and any other action to be taken by the Commission, and

b. provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of the majority of the compact states, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

4. A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

C. Dispute Resolution.

1. Upon request by a compact state, the Commission shall attempt to resolve disputes related to the Compact which arise among compact states and between compact and noncompact states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the Commission.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices against a compact state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

Added by Laws 2019, c. 187, § 13, eff. Nov. 1, 2019. Amended by Laws 2021, c. 165, § 1, eff. Nov. 1, 2021.

§59-1390. Effective date – Withdrawal - Amendments.

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any compact state may withdraw from this Compact by enacting a statute repealing the same:

1. A compact state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute; and

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the compact states. No amendment to this Compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

Added by Laws 2019, c. 187, § 14, eff. Nov. 1, 2019.

§59-1391. Injunction.

The Oklahoma State Board of Examiners of Psychologists (OSBEP) through the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing psychology without a license or authorization to practice psychology in this state.

Such an injunction:

1. May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure; and

2. Does not relieve any person from criminal prosecution for practicing without a license.

Added by Laws 2019, c. 187, § 15, eff. Nov. 1, 2019.

§59-1392. Misrepresentation – Consulting – Teaching - Students.

Except as authorized by the Psychology Interjurisdictional Compact:

1. A person shall not represent himself or herself as a psychologist within the meaning of this chapter or engage in the practice of psychology unless he or she is licensed under the provisions of this chapter, except that any psychological scientist employed by an accredited educational institution or public agency that has set explicit standards may represent himself or herself by the title conferred upon him or her by such institution or agency;

2. This Compact does not grant approval for any person to offer services as a psychologist to any other person as a consultant, and to accept remuneration for such psychological services, other than that of an institutional salary, unless the psychologist has been licensed under the provisions of this chapter;

3. This Compact does not prevent the teaching of psychology or psychological research, unless the teaching or research involves the delivery or supervision of direct psychological services to a person. Persons who have earned a doctoral degree in psychology from an accredited educational institution may use the title "psychologist" in conjunction with the activities permitted by this section;

4. A graduate student in psychology whose activities are part of the course of study for a graduate degree in psychology at an accredited educational institution or a person pursuing postdoctoral training or experience in psychology to fulfill the requirements for licensure under the provisions of this chapter may use the terms "psychological trainee", "psychological intern", "psychological resident" or "psychological assistant" if the activities are performed under the supervision of a licensed psychologist in

accordance with the regulations adopted by the Oklahoma State Board of Examiners of Psychologists; and

5. A person who is certified as a school psychologist licensed under the statutes of the State of Oklahoma may use the title "school psychologist" in connection with activities relating to school psychologists.

Added by Laws 2019, c. 187, § 16, eff. Nov. 1, 2019.

§59-1393. Construction and severability.

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining compact states.

Added by Laws 2019, c. 187, § 17, eff. Nov. 1, 2019.

§59-1401. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1402. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1403. Renumbered as § 1426 of this title by Laws 2008, c. 391, § 10, eff. Nov. 1, 2008.

§59-1404. Repealed by Laws 1997, c. 205, § 7, eff. Nov. 1, 1997.

§59-1405. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1406. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1406A. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1407. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1408. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1410. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1411. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1412. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

NOTE: Prior to repeal this section was amended by Laws 2008, c. 103, § 1, emerg. eff. May 2, 2008 to read as follows:

A. A junk dealer or salvage dealer licensed or permitted to do business in this state shall not purchase any of the following items without obtaining proof that the seller owns the property, either by receipt, bill of sale or other proof of ownership, or proof that the seller is an employee, agent, or contractor of a governmental entity, utility company, cemetery, railroad, manufacturer, or other person, business or entity owning the property and the seller is authorized to sell the item on behalf of the person, business or entity owning the property:

1. A manhole cover;

2. An electric light pole and its fixtures and hardware or any other hardware associated with the electric utility system;

3. A guard rail;

4. A street sign, traffic sign or traffic signal and its fixtures or hardware;
5. Communications, transmission and service wire;
6. A funeral marker or funeral vase;
7. A historical marker;
8. Railroad equipment, including, but not limited to, a tie plate, switch plate, E clip or rail tie junction;
9. Any metal item that is marked with any form of the name, initials or logo of a governmental entity, utility company, cemetery or railroad;
10. A copper or aluminum condensing or evaporating coil from a heating or air conditioning unit;
11. An aluminum or stainless steel container or bottle designed to hold propane for fueling fork lifts;
12. Metal bleachers or other seating facilities used in recreational areas or sporting arenas;
13. Automotive catalytic converters;
14. Plumbing or electrical fixtures;
15. Tools;
16. Machinery or supplies commonly used in the drilling, completing, operating or repairing of oil or gas wells; and
17. Metal beer kegs that are clearly marked as being the property of the beer manufacturer.

B. Any person convicted of a violation of this section shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00). A second or subsequent violation of this section shall be punishable by a fine of not more than Five Thousand Dollars ($5,000.00). A third violation of this section shall be punishable by a fine of Ten Thousand Dollars ($10,000.00) and forfeiture of the junk dealer's or salvage dealer's license or permit.

§59-1413. Repealed by Laws 2008, c. 391, § 9, eff. Nov. 1, 2008.

§59-1421. Renumbered as § 11-90 of Title 2 by Laws 2014, c. 18, § 3, eff. Nov. 1, 2014.

§59-1422. Renumbered as § 11-91 of Title 2 by Laws 2014, c. 18, § 4, eff. Nov. 1, 2014.

§59-1423. Renumbered as § 11-92 of Title 2 by Laws 2014, c. 18, § 5, eff. Nov. 1, 2014.

§59-1424. Renumbered as § 11-93 of Title 2 by Laws 2014, c. 18, § 6, eff. Nov. 1, 2014.

§59-1425. Renumbered as § 11-94 of Title 2 by Laws 2014, c. 18, § 7, eff. Nov. 1, 2014.

§59-1426. Renumbered as § 11-95 of Title 2 by Laws 2014, c. 18, § 8, eff. Nov. 1, 2014.

§59-1427. Renumbered as § 11-96 of Title 2 by Laws 2014, c. 18, § 9, eff. Nov. 1, 2014.

§59-1428. Renumbered as § 11-97 of Title 2 by Laws 2014, c. 18, § 10, eff. Nov. 1, 2014.

§59-1429. Renumbered as § 11-98 of Title 2 by Laws 2014, c. 18, § 11, eff. Nov. 1, 2014.

§59-1430. Renumbered as § 11-99 of Title 2 by Laws 2014, c. 18, § 12, eff. Nov. 1, 2014.

§59-1451. Short title.

This act shall be known, and may be cited, as the Polygraph Examiners Act.

Laws 1971, c. 140, § 1, emerg. eff. May 17, 1971.

§59-1452. Purpose.

It is the purpose of this act to regulate all persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation (as lie detectors, polygraphs, deceptographs, and/or similar or related devices and instruments without regard to the nomenclature applied thereto) and this act shall be liberally construed to regulate all such persons and instruments. No person who purports to be able to detect deception or to verify truth of statements through instrumentation shall be held exempt from the provisions of this act because of the terminology which he may use to refer to himself, to his instrument, or to his services.

Laws 1971, c. 140, § 2, emerg. eff. May 17, 1971.

§59-1453. Definitions.

In the Polygraph Examiners Act, unless the context requires a different definition,

1. "Board" means the Polygraph Examiners Board,

2. "Secretary" means that member of the Polygraph Examiners Board selected by the Board to act as secretary,

3. "Internship" means the study of polygraph examination and of the administration of polygraph examinations by a trainee under the personal supervision and control of a polygraph examiner in accordance with a course of study prescribed by the Board at the commencement of such internship,

4. "Person" means any natural person, firm, association, copartnership or corporation,

5. "Polygraph examiner" means any person who purports to be able to detect deception or verify truth of statements through instrumentation or the use of a mechanical device, and

6. "Council" means the Council on Law Enforcement Education and Training.

Amended by Laws 1985, c. 189, § 2, operative July 1, 1985.

§59-1454. Minimum instrumentation requirements.

Any instrument used to test or question individuals for the purpose of detecting deception or verifying truth of statements shall record visually, permanently and simultaneously:

1. a subject's cardiovascular pattern,

2. a subject's respiratory pattern, and

3. galvanic skin response pattern.

Patterns of other physiological changes in addition to 1, 2 and 3 may also be recorded. The use of any instrument or device to detect deception or to verify truth of statements which does not meet these minimum instrumentation requirements is hereby prohibited and the operation or use of such equipment shall be subject to penalties and may be enjoined in the manner hereinafter provided.
Amended by Laws 1985, c. 189, § 3, operative July 1, 1985.

§59-1455. Polygraph Examiners Board.

A. There is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, the Polygraph Examiners Board.

B. 1. The persons serving on the Board on June 30, 1988, shall continue to serve the full terms for which they were originally appointed until their successors have been duly appointed and approved with the advice and consent of the Senate. All future Boards shall continue the staggered terms of office established for the Polygraph Examiners Board prior to July 1, 1988.

2. Any actions taken by any state agency on behalf of the Polygraph Examiners Board or in an attempt to enforce the provisions of the Polygraph Examiners Act shall be subject to review by the Board. Any such acts may be rescinded or modified as deemed appropriate by the Board, provided that such action shall not affect any accrued right, or penalty incurred, or proceeding begun between July 1, 1988, and October 12, 1988.

3. All funds collected after June 30, 1988, equipment, files, fixtures, furniture, and supplies of the Board which were transferred to the Office of Management and Enterprise Services or State Treasury pursuant to Section 3909 of Title 74 of the Oklahoma Statutes shall be returned to the care and custody of the Board.

4. All orders, determinations, rules, regulations, permits, certificates, licenses, contracts, rates, and privileges which have been issued, made, granted, or allowed by the Board and are in effect on June 30, 1988, shall continue in effect according to their terms until further action is taken by the Board or as modified by law.

C. The Board shall consist of five (5) members who shall be citizens of the United States and residents of the state for at least two (2) years prior to appointment, all of whom shall have been engaged for a period of two (2) consecutive years as polygraph examiners prior to appointment to the Board, and at the time of appointment active polygraph examiners. No two Board members may be employed by the same person or agency. No more than two members may be appointed from one congressional district. 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. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. At least two members must be qualified examiners of a governmental law enforcement agency and at least two members must be qualified polygraph examiners in the commercial field. The members shall be appointed by the Governor of the State of Oklahoma, with the advice and consent of the Senate, for terms of six (6) years. Any vacancy in an unexpired term shall be filled by appointment of the Governor, with the advice and consent of the Senate, for the unexpired term. Except as authorized by the Polygraph Examiners Act, members of the Board shall be paid no fee, expense reimbursement, wage or other compensation for their services.

D. The vote of a majority of the Board members is sufficient for passage of any business or proposal which comes before the Board. The Board shall elect a chair, vice-chair, and secretary from among its members.

Added by Laws 1971, c. 140, § 5, emerg. eff. May 17, 1971. Amended by Laws 1973, c. 88, § 1, emerg. eff. May 1, 1973; Laws 1981, c. 321, § 1; Laws 1985, c. 189, § 4, operative July 1, 1985; Laws 1988, c. 225, § 15; Laws 1993, c. 89, § 1, emerg. eff. April 18, 1993; Laws 1999, c. 18, § 1; Laws 2002, c. 375, § 11, eff. Nov. 5, 2002; Laws 2003, c. 229, § 3, emerg. eff. May 20, 2003; Laws 2005, c. 23, § 1; Laws 2011, c. 43, § 1; Laws 2012, c. 304, § 280; Laws 2015, c. 233, § 1; Laws 2019, c. 192, § 1; Laws 2020, c. 116, § 4, eff. July 1, 2020; Laws 2023, c. 87, § 1.

§59-1456. Regulations and orders - Disposition of fees collected - Expenses.

A. The Board shall issue regulations consistent with the provisions of this act for the administration and enforcement of this act and shall prescribe forms which shall be issued in connection therewith.

B. An order or a certified copy thereof, over the Board seal and purporting to be signed by the Board members, shall be prima facie proof that the signatures are the genuine signatures of the Board members, and that the Board members are fully qualified to act.

C. All fees collected under the provisions of this act shall be deposited in the State Treasury to the credit of the General Revenue Fund.

D. The Council may reimburse in accordance with the State Travel Reimbursement Act, upon submission of proper claim, each Board member for any actual expense incurred while in the performance of his duties pursuant to the Polygraph Examiners Act.

Amended by Laws 1985, c. 189, § 5, operative July 1, 1985; Laws 1985, c. 264, § 5, emerg. eff. July 15, 1985.

§59-1457. License required.

It shall be unlawful for any person, including a city, county or state employee, to administer polygraph or other examinations utilizing instrumentation for the purpose of detecting deception or verifying truth of statements or to attempt to hold himself out as a polygraph examiner or to refer to himself by any other title which would indicate or which is intended to indicate or calculated to mislead members of the public into believing that he is qualified to apply instrumentation to detect deception or to verify truth of statements without first securing a license as herein provided. Added by Laws 1971, c. 140, § 7, emerg. eff. May 17, 1971. Amended by Laws 1981, c. 321, § 2; Laws 1996, c. 23, § 1, eff. July 1, 1996.

§59-1458. Minimum qualifications for registration – Definitions.

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

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

2. Citizenship of the United States;

3. Never having been convicted of a felony crime that substantially relates to the occupation of a polygraph examiner and poses a reasonable threat to public safety; and

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

   b. be a graduate of a polygraph examiners course approved by the Board and have satisfactorily completed not less than six (6) months of internship training, and

   c. have passed an examination conducted by and to the satisfaction of the Board, or under its supervision, to determine his competency to obtain a license to practice as an examiner.

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

C. As used in this section:

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

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

Added by Laws 1971, c. 140, § 8, emerg. eff. May 17, 1971. Amended by Laws 1973, c. 88, § 2, emerg. eff. May 1, 1973; Laws 1985, c. 189, § 6, operative July 1, 1985; Laws 1996, c. 23, § 2, eff. July 1, 1996; Laws 2019, c. 363, § 51, eff. Nov. 1, 2019.

§59-1460. Applications.

Applications for original licenses shall be made to the Council in writing under oath on forms prescribed by the Board and shall be accompanied by the required fee, which is not refundable. Any such applications shall require such information as in the judgment of the Board will enable it to pass on the qualifications of the applicant for a license.

Amended by Laws 1985, c. 189, § 7, operative July 1, 1985.

§59-1461. Nonresident applicants - Consent to suit.

A. Each nonresident applicant for an original license or a renewal license shall file with the Council an irrevocable consent that actions against said applicants may be filed in any appropriate court of any county or municipality of this state in which plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process on any such action may be served on the applicant by leaving two copies thereof with the Council. Such consent shall stipulate and agree that such service or process shall be taken and held to be valid and binding for all purposes. The Council shall send forthwith one copy of the process to the applicant at the address shown on the records of the Council by registered or certified mail.

B. Nonresident applicants must satisfy the requirements of Section 1458 of this title.

Added Laws 1971, c. 140, § 11, emerg. eff. May 17, 1971. Amended by Laws 1985, c. 189, § 8, operative July 1, 1985.

§59-1462. Reciprocity.

An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a license without examination by the Board, in its discretion, upon payment of a fee of One Hundred Dollars ($100.00) and the production of satisfactory proof that:

1. He is at least twenty-one (21) years of age;
2. He is a citizen of the United States;
3. He is of good moral character;
4. The requirements for the licensing of polygraph examiner in such particular state or territory of the United States were at the date of the applicant's licensing therein substantially equivalent to the requirements now in force in this state;
5. The applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state or territory for at least two (2) years prior to his application for license hereunder;
6. Such other state or territory grants similar reciprocity to license holders of this state; and
7. He has complied with Section 1461 of this title.
Amended by Laws 1985, c. 189, § 9, operative July 1, 1985.

§59-1463. Internship license.

A. Upon approval by the Board, the Council shall issue an internship license to a trainee provided he applies for such license and pays the required fee prior to the commencement of his internship. The application shall contain such information as may be required by the Board.

B. An internship license shall be valid for the term of twelve (12) months from the date of issue. Such license may be extended or renewed for any term not to exceed six (6) months upon good cause shown to the Board.

C. A trainee shall not be entitled to hold an internship license after the expiration of the original twelve-month period and six-month extension, if such extension is granted by the Board, until twelve (12) months after the date of expiration of the last internship license held by the said trainee.
Amended by Laws 1985, c. 189, § 10, operative July 1, 1985.

§59-1464. Fees.

A. The fee to be paid by the applicant for an initial examination to determine if the applicant is qualified to receive a polygraph examiner's license is Fifty Dollars ($50.00), which is not to be credited as payment against the license fee. The fee for subsequent examinations shall be the same as for the initial examination.

B. The fee to be paid for an initial polygraph examiner's license is One Hundred Dollars ($100.00).

C. The fee to be paid for an internship license is One Hundred Dollars ($100.00).

D. The fee to be paid for the issuance of a duplicate polygraph examiner's license is Twenty Dollars ($20.00).

E. The fee to be paid for a polygraph examiner's renewal license is One Hundred Dollars ($100.00).

F. The fee to be paid for the extension or renewal of an internship license is Fifty Dollars ($50.00).

G. The fee to be paid for a duplicate internship license is Twenty Dollars ($20.00).

Amended by Laws 1984, c. 145, § 1, emerg. eff. April 17, 1984.

§59-1465. Display of license - Signatures and seal.

A license or duplicate license must be prominently displayed at the place of business of the polygraph examiner or at the place of internship. Each license shall be signed by the Board members and shall be issued under the seal of the Board.

Laws 1971, c. 140, § 15, emerg. eff. May 17, 1971.

§59-1466. Change of business location.

Notice in writing shall be given to the Council by the licensed examiner of any change of principal business location within thirty (30) days of the time he changes location. A change of business location without notification to the Council shall automatically suspend the license theretofore issued.

Amended by Laws 1985, c. 189, § 11, operative July 1, 1985.

§59-1467. Term of license - Renewal - Expired licenses.

Each polygraph examiner's license shall be issued for the term of one (1) year and shall, unless suspended or revoked, be renewed annually as prescribed by the Board. A polygraph examiner whose license has expired may at any time within two (2) years after the expiration thereof obtain a renewal license without examination by making a renewal application therefor and satisfying Section 8, subsections 2, 3 and 4. However, any polygraph examiner whose license expired while he was in the federal service on active duty with the armed forces of the United States, or the national guard called into service or training, or in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed without examination if within two (2) years after termination of such service, training or education except under conditions other than honorable, he furnishes the Board with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. Section 8, subsections 2, 3 and 4 of this act must also be satisfied.

Laws 1971, c. 140, § 17, emerg. eff. May 17, 1971.

§59-1468. Suspension or revocation of license – Definitions.

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

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

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

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

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

5. If the holder of any license has been adjudged guilty of the commission of a felony crime that substantially relates to the occupation of a polygraph examiner and poses a reasonable threat to public safety;

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

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

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

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

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

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

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

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.

Added by Laws 1971, c. 140, § 18, emerg. eff. May 17, 1971. Amended by Laws 1985, c. 189, § 12, operative July 1, 1985; Laws 2019, c. 363, § 52, eff. Nov. 1, 2019.

§59-1469. Violations on part of polygraph examiner or trainee - Effect on employer.

Any unlawful act or violation of any of the provisions of this act on the part of any polygraph examiner or trainee shall not be cause for revocation of the license of any other polygraph examiner for whom the offending examiner or trainee may have been employed, unless it shall appear to the satisfaction of the Board that the polygraph examiner-employer has willfully or negligently aided or abetted the illegal actions or activities of the offending polygraph examiner or trainee.

Laws 1971, c. 140, § 19, emerg. eff. May 17, 1971.

§59-1470. Administrative hearing.

When there is a cause to refuse an application or to suspend or revoke the license of any polygraph examiner, the Council shall, not less than thirty (30) days before refusal, suspension or revocation action is taken, notify such person in writing, in person or by certified mail at the last address supplied to the Council by such person, of such impending refusal, suspension or revocation, the reasons therefor and of his right to an administrative hearing for the purpose of determining whether or not the evidence is sufficient to warrant the refusal, suspension or revocation action proposed to be taken by the Board. If, within twenty (20) days after the personal service of such notice or such notice has been deposited in the United States mail, such person has not made a written request to the Board for this administrative hearing, the Board is authorized to suspend or revoke the polygraph examiner's license of such person without a hearing. Upon receipt by the Council of such written request of such person within the twenty-day period as set out above, an opportunity for an administrative hearing shall be afforded as early as is practicable. In no case shall the hearing be held less than ten (10) days after written notification thereof, accompanied by a copy of the charges, shall have been given the person by personal service or by certified mail sent to the last address supplied to the Council by the applicant or licensee. The administrative hearing in such cases shall be before the Board.

Amended by Laws 1985, c. 189, § 13, operative July 1, 1985.

§59-1471. Appeal to district court.

Any person dissatisfied with the action of the Board in refusing his application or suspending or revoking his license, or any other action of the Board, may appeal the action of the Board by filing a

petition within thirty (30) days thereafter in the district court of Oklahoma County, Oklahoma, and the court is vested with jurisdiction and it shall be the duty of the court to set the matter for hearing upon ten (10) days' written notice to the Council and the attorney representing the Board. The court in which the petition of appeal is filed shall determine whether or not a cancellation or suspension of a license shall be abated until the hearing shall have been consummated with final judgment thereon or whether any other action of the Board should be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the Board, and the court shall provide the attorney representing the Board with a copy of the petition and order. The Board and Council shall be represented in such appeals by the Attorney General or any of his assistants. The Board shall initially determine all facts, but the court upon appeal may set aside the determination of the Board if the Board's determination:

1. is not based upon substantial evidence determinable upon the entire record;
2. is arbitrary or capricious;
3. is in violation of statutory requirements; or
4. was made without affording to licensee or applicant due process of law.

Amended by Laws 1985, c. 189, § 14, operative July 1, 1985.

§59-1472. Surrender of license - Restoration.

Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license or licenses to the Council; failure of a licensee to do so shall be a violation of this act and, upon conviction, shall be subject to the penalties hereinafter set forth. At any time after the suspension or revocation of any license, the Council shall restore it to the former licensee, upon the written recommendations of the Board.

Amended by Laws 1985, c. 189, § 15, operative July 1, 1985.

§59-1473. Injunction.

If any person violates any provisions of this act, the Council shall, upon direction of a majority of the Board, or the Board in the name of the State of Oklahoma, through the Attorney General of the State of Oklahoma, apply in any district court of competent jurisdiction for an order enjoining such violation or for an order enforcing compliance with this act. Upon the filing of a verified petition in the court, the court or any judge thereof, if satisfied by affidavit or otherwise that the person has violated this act, may issue a temporary injunction, without notice or bond, enjoining such continued violation and if it is established that the person has violated or is violating this act, the court, or any judge thereof, may enter a decree perpetually enjoining the violation or enforcing

compliance with this act. In case of violation of any order or decree issued under the provisions of this section, the court, or any judge thereof, may try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this act.
Amended by Laws 1985, c. 189, § 16, operative July 1, 1985.

§59-1474. Penalties.

A. Any person who violates any provision of this act or any person who falsely states or represents that he has been or is a polygraph examiner or trainee or that he is qualified to apply instrumentation to the detection of deception or verification of truth of statements shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the county jail for a term of not to exceed six (6) months, or both such fine and imprisonment.

B. 1. In addition to the penalties authorized by this section, any person who has been determined by the Board to have violated any provision of the Polygraph Examiners Act or any rule, regulation, or order issued pursuant thereto may also be liable for a penalty assessed by the Board of not more than Five Thousand Dollars ($5,000.00) for any related series of violations.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of paragraph 1 of this subsection, after notice and hearing pursuant to Sections 310 through 326 of Title 75 of the Oklahoma Statutes. In determining the amount of the penalty, the Board shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with state laws.

3. Any person aggrieved by a final order or other final determination of the Board may petition for a judicial review for rehearing, reopening or reconsideration of the matter as provided for in Title 75 of the Oklahoma Statutes. If an appeal is not made by the person to whom such an order is directed within thirty (30) days after notice has been sent to the parties, the order of the Board shall become final and binding on all parties and shall be docketed with the district court in the county of the residence of the violator, or the district court in the county in which the violation occurred. The order shall be enforced in the same manner as an order of the district court.

C. Except as otherwise expressly provided by law, any notice, order or other instrument issued by or pursuant to authority of the

Board may be served on any person affected thereby personally, by publication, or by mailing a copy of the notice, order, or other instrument by certified mail, return receipt requested, directed to the person affected at his last-known post office address as shown by the files or records of the Council. Proof of service shall be made as in the case of service of a summons or by publication in a civil action or may be made by the affidavit of the person who did the mailing. Such proof of service shall be filed in the office of the Council.

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

D. Any penalty assessed under the provisions of this section shall constitute a lien upon all the property of said violator within this state except the homestead of the violator. Before any such penalty becomes a lien upon such property as against third persons, a copy of the order of the Board assessing the penalty shall be filed in the office of the county clerk of the county wherein the property is located. The copy of the order shall be filed and may be enforced as provided by the provisions of Section 143.1 and Sections 171 through 178 of Title 42 of the Oklahoma Statutes.

E. Any penalties collected by the Board pursuant to this section shall be deposited in the State Treasury to the credit of the Polygraph Examiners Fund.

Amended by Laws 1985, c. 189, § 17, operative July 1, 1985.

§59-1475. Administrative Procedures Act.

This act is subject in all respects to the provisions of the Administrative Procedures Act as now existing or hereafter amended.

Laws 1971, c. 140, § 25, emerg. eff. May 17, 1971.

§59-1501. Short title.

This act shall be known and may be cited as the "Oklahoma Pawnshop Act".

Laws 1972, c. 255, § 1.

§59-1502. Definitions.

As used in this act:

1. "Administrator" means the Administrator of Consumer Affairs defined in the Uniform Consumer Credit Code.

2. "Month" means that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month, and when computations are made for a fraction of a month, a day shall be one-thirtieth (1/30) of a month.

3. "Pawnbroker" means a person engaged in the business of making pawn transactions.

4. "Pawn finance charge" means the sum of all charges, payable directly or indirectly by the customer and imposed directly or indirectly by the pawnbroker as an incident to the pawn transaction.

5. "Pawnshop" means the location at which or premises in which a pawnbroker regularly conducts business.

6. "Pawn transaction" means the act of lending money on the security of pledged goods or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

7. "Person" means an individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

8. "Pledged goods" means tangible personal property other than choses in action, securities or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

Added by Laws 1972, c. 255, § 2.

§59-1503. License required.

No person shall engage in business as a pawnbroker without first obtaining a license from the Administrator specifically authorizing engagement in such business.

Added by Laws 1972, c. 255, § 3.

§59-1503A. Eligibility for license - Felons - Verifying net assets requirement – Definitions.

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

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

2. Show that the pawnshop will be operated lawfully and fairly within the purpose of the Oklahoma Pawnshop Act.

B. The Administrator shall find ineligible an applicant who has a conviction for a felony crime that substantially relates to 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.

Added by Laws 1988, c. 191, § 7, eff. Nov. 1, 1988. Amended by Laws 2015, c. 183, § 9, eff. Nov. 1, 2015; Laws 2019, c. 363, § 53, eff. Nov. 1, 2019.

§59-1504. Applications - Contents - Bonds - Statutory agent.

A. Applications for a pawnshop license shall be under oath and shall state the full name and place of residence of the applicant. If the applicant is a partnership, the full name and place of residence of each member thereof shall be stated. If the applicant is a corporation, the full name and place of residence of each officer or major stockholder thereof shall be stated. The application shall give the approximate location from which the business is to be conducted, and shall contain such relevant information as the Administrator may require.

B. Each applicant for a pawnshop license at the time of filing application shall file with the Administrator a bond satisfactory to him and in the amount of Five Thousand Dollars ($5,000.00) for each license with a surety company qualified to do business in this state. The said bond shall run to the state for the use of the state and of any person or persons who may have cause of action against the obligor of said bond under the provisions of this act. Such bond shall be conditioned that the obligor will comply with the provisions of this act and of all rules and regulations lawfully made by the Administrator hereunder, and will pay to the state and to any such person or persons any and all amounts of money that may become due or owing to the state or to such person or persons from said obligor under and by virtue of the provisions of this act during the time such bond is in effect.

C. Each licensee shall maintain on file with the Administrator a written appointment of a resident of this state as his agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this state. In case of noncompliance, such service may be made on the Administrator.

Laws 1972, c. 255, § 4.

§59-1505. Issuance or denial of license - Fees.

A. Upon the filing of an application and bond and payment of an annual license fee and an investigation fee, the Administrator of

Consumer Credit shall conduct an investigation. If the Administrator finds that the financial responsibility, experience, character and general fitness of the applicant are such as to warrant belief that the business will be operated lawfully and fairly, within the purposes of the Oklahoma Pawnshop Act, and the applicant meets the eligibility requirements of Section 1503A of this title, the Administrator shall grant the application and issue to the applicant a license which will evidence the applicant's authority to do business under the provisions of the Oklahoma Pawnshop Act.

B. If the Administrator does not so find facts sufficient to warrant issuance of a license, the Administrator shall notify the applicant. If within thirty (30) days of such notification the applicant requests a hearing on the application, a hearing shall be held within sixty (60) days after the date of the request. In the event of the denial of a license, the investigation fee shall be retained by the Administrator, but the annual license fee shall be returned to the applicant.

C. The Administrator shall grant or deny each application for license within sixty (60) days from its filing with the required fees, or from the hearing thereon, if any, unless the period is extended by written agreement between the applicant and the Administrator.

D. No license to engage in the business of a pawnbroker shall be issued for any location where a license has been issued and is in effect under the provisions of Section 3-501 et seq. of Title 14A of the Oklahoma Statutes. The word "location" as used in this subsection means the entire space in which a Title 14A licensee conducts business. No pawnshop may be connected with any location in which a Title 14A licensee conducts business, except by a passageway to which the public is not admitted.

Added by Laws 1972, c. 255, § 5. Amended by Laws 1987, c. 208, § 44, operative July 1, 1987; Laws 1987, c. 236, § 70, emerg. eff. July 20, 1987; Laws 1988, c. 191, § 1, eff. Nov. 1, 1988; Laws 2009, c. 431, § 3, eff. July 1, 2009; Laws 2010, c. 415, § 14, eff. July 1, 2010.

§59-1506. Effect of license - Annual fee.

A. Each license shall state the name of the licensee and the address at which the business is to be conducted. The license shall be displayed at the place of business named in the license. The license shall not be transferable or assignable except upon approval by the Administrator of Consumer Credit.

B. A separate license shall be required for each pawnshop operated under the Oklahoma Pawnshop Act.

The Administrator may issue more than one license to any one person upon compliance with the provisions of the Oklahoma Pawnshop

Act as to each license. When a licensee wishes to move the licensee's pawnshop to another location, the licensee shall give thirty (30) days' written notice to the Administrator, who shall amend the license accordingly.

C. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each December 1, shall pay the Administrator an annual fee for the succeeding calendar year. The license shall expire December 31 of any year for which an annual fee has not been paid.

D. No licensing requirement or license fee shall be required, levied or collected by any municipal corporation of this state; provided that municipal corporations may require the payment of regulatory fees not in excess of Fifty Dollars ($50.00) per annum. Added by Laws 1972, c. 255, § 6. Amended by Laws 1988, c. 191, § 2, eff. Nov. 1, 1988; Laws 2009, c. 431, § 4, eff. July 1, 2009; Laws 2010, c. 415, § 15, eff. July 1, 2010; Laws 2015, c. 152, § 3, eff. Nov. 1, 2015.

§59-1507. Administrative hearings - Revocation, suspension, reinstatement and surrender of license.

A. The Administrator of Consumer Credit shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Oklahoma Pawnshop Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. The independent hearing examiner shall have authority to recommend penalties authorized by the Oklahoma Pawnshop Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. A final agency order issued by the Administrator shall be appealable by all parties to the district court as provided in Article II of the Administrative Procedures Act. The costs of the hearing examiner may be assessed by the hearing examiner against the respondent, unless the respondent is the prevailing party.

B. The Administrator may, after notice and hearing, decline to renew a license, suspend or revoke any license, or in addition to or in lieu of suspension or revocation, order refunds for any unlawful

charges or enter a cease and desist order if the Administrator finds that:

1. The licensee or any entity or individual subject to the Oklahoma Pawnshop Act has failed to pay any fee or charge properly imposed by the Administrator under the authority of the Oklahoma Pawnshop Act;

2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Oklahoma Pawnshop Act or any rule or order lawfully made pursuant to and within the authority of the Oklahoma Pawnshop Act; or

3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for a license, clearly would have justified the Administrator in refusing the license.

C. Any licensee may surrender any license by delivering it to the Administrator with written notice of its surrender, but such surrender shall not affect the licensee's civil or criminal liability for acts committed prior thereto.

D. No revocation, suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any customer.

E. The Administrator may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the Administrator in refusing originally to issue such license under the Oklahoma Pawnshop Act.

F. On application of any person and payment of the cost thereof, the Administrator shall furnish under the Administrator's seal and signature a certificate of good standing or a certified copy of any license.

G. The Commission on Consumer Credit shall prescribe by rule a fee for each license change, duplicate license, or returned check.

H. A licensee shall pay a late fee as prescribed by rule of the Commission on Consumer Credit if a license is not renewed by December 1.

I. Any entity or individual offering to engage or engaged in making pawn transactions in this state without a license shall be subject to a civil penalty not to exceed Five Thousand Dollars ($5,000.00).

J. The Administrator may impose a civil penalty as prescribed in subsection I of this section, after notice and hearing in accordance with Article II of the Administrative Procedures Act. Any administrative order or settlement agreement imposing a civil penalty pursuant to this section may be enforced in the same manner as civil judgments in this state. The Administrator may file an application to enforce an administrative order or settlement

agreement imposing a civil penalty in the district court of Oklahoma County.
Added by Laws 1972, c. 255, § 7. Amended by Laws 2010, c. 415, § 16, eff. July 1, 2010.

§59-1508. Examination, investigations and access to records.

A. At such times as the Administrator of Consumer Credit may deem necessary, the Administrator or a duly authorized representative of the Administrator may make an examination of the place of business of each licensee and may inquire into and examine the transactions, books, accounts, papers, correspondence and records of such licensee insofar as they pertain to the business regulated by the Oklahoma Pawnshop Act. Such books, accounts, papers, correspondence, records and property taken, purchased or received shall also be open for inspection at any reasonable time to federal law enforcement officials and the chief of police, district attorney, sheriff or written designee of the law enforcement body in whose jurisdiction the pawnshop is located, without any need of judicial writ or other process. In the course of an examination, the Administrator or duly authorized representative or any authorized peace officer shall have free access to the office, place of business, files, safes and vaults of such licensee, and shall have the right to make copies of any books, accounts, papers, correspondence and records insofar as they pertain to the business regulated by the Oklahoma Pawnshop Act. The Administrator or duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the Administrator is authorized or required by the Oklahoma Pawnshop Act to consider, investigate or secure information. Any licensee who fails or refuses to permit the Administrator or duly authorized representative or any authorized peace officer to examine or make copies of such books or other relevant documents shall thereby be deemed in violation of the Oklahoma Pawnshop Act and such failure or refusal shall constitute grounds for the suspension or revocation of such license. The information obtained in the course of any examination or inspection shall be confidential, except in civil or administrative proceedings conducted by the Administrator, or criminal proceedings instituted by the state. Each licensee shall pay to the Administrator an examination fee. The Administrator may require payment of an examination fee either at the time of initial application, renewal of the license, or after an examination has been conducted.

B. Whenever a peace officer has probable cause to believe that property in possession of a licensed pawnbroker is stolen or embezzled, the peace officer of the local law enforcement agency of the municipality or other political subdivision in which the

pawnshop resides may place a written hold order on the property. The initial term of the written hold order shall not exceed thirty (30) days. However, the holding period may be extended in successive thirty (30) day increments upon written notification prior to the expiration of the initial holding period. If the holding period has expired and has not been extended, the hold order shall be considered expired and no longer in effect, and title shall vest in the pawnbroker subject to any restrictions contained in the pawn contract. The initial written hold order shall contain the following information:

1. Signature of the pawnbroker or designee;

2. Name, title and identification number of the peace officer placing the hold order;

3. Name and address of the agency to which the peace officer is attached and the offense number;

4. Complete description of the property to be held, including model number, serial number and transaction number;

5. Name of agency reporting the property to be stolen or embezzled;

6. Mailing address of the pawnshop where the property is held; and

7. Expiration date of the holding period.

C. While a hold order is in effect, the pawnbroker may consent to release, upon written receipt, the stolen or embezzled property to the custody of the local law enforcement agency to which the peace officer placing the hold order is attached. The consent to release the stolen or embezzled property to the custody of law enforcement is not a waiver or release of the pawnbroker's property rights or interest in the property. Otherwise, the pawnbroker shall not release or dispose of the property except pursuant to a court order or the expiration of the holding period including all extensions. The district attorney's office shall notify the pawnbroker in writing in cases where criminal charges have been filed that the property may be needed as evidence. The notice shall contain the case number, the style of the case, and a description of the property. The pawnbroker shall hold such property until receiving notice of the disposition of the case from the district attorney's office. The district attorney's office shall notify the pawnbroker in writing within fifteen (15) days of the disposition of the case. Willful noncompliance of a pawnbroker to a written hold order shall be cause for the pawnbroker's license to either be suspended or revoked pursuant to paragraph 2 of subsection B of Section 1507 of this title. A hold order may be released prior to the expiration of any thirty-day holding period by written release from the agency placing the initial hold order.

D. For the purpose of discovering violations of the Oklahoma Pawnshop Act or of securing information required hereunder, the

Administrator or duly authorized representative may investigate the books, accounts, papers, correspondence and records of any licensee or other person who the Administrator has reasonable cause to believe is violating any provision of the Oklahoma Pawnshop Act whether or not such person shall claim to be within the authority or scope of the Oklahoma Pawnshop Act. For the purpose of this section, any person who advertises for, solicits or holds himself out as willing to make pawn transactions shall be presumed to be a pawnbroker.

E. Each licensee shall keep or make available in this state such books and records relating to pawn transactions made under the Oklahoma Pawnshop Act as are necessary to enable the Administrator to determine whether the licensee is complying with the Oklahoma Pawnshop Act. Such books and records shall be consistent with accepted accounting practices.

F. Each licensee shall preserve or make available such books and records in this state relating to each of its pawn transactions for four (4) years from the date of the transaction, or two (2) years from the date of the final entry made thereon, whichever is later. Each licensee's system of records shall be accepted if it discloses such information as may be reasonably required under the Oklahoma Pawnshop Act. All agreements signed by customers shall be kept at an office in this state designated by the licensee, except when transferred under an agreement which gives the Administrator access thereto. All credit sales made by a pawnbroker, other than those sales defined in paragraph 6 of Section 1502 of this title as a pawn transaction, shall be made in accordance with and subject to the provisions of Title 14A of the Oklahoma Statutes.

G. Each licensee shall, annually on or before the first day of May or other date thereafter fixed by the Administrator, file a report with the Administrator setting forth such relevant information as the Administrator may reasonably require concerning the business and operations during the preceding calendar year for each licensed place of business conducted by such licensee within the state. Such report shall be made under oath and shall be in the form prescribed by the Administrator, who may make and publish annually a consolidated analysis and recapitulation of such reports, but the individual reports shall be held confidential. There shall be a late fee of Fifty Dollars ($50.00) if such report is not filed on or before the date fixed by the Administrator.

H. The Administrator may promulgate rules necessary for the enforcement of the Oklahoma Pawnshop Act consistent with all its provisions. Before making such a rule relating to the licensees subject to the Oklahoma Pawnshop Act, the Administrator shall give each licensee at least thirty (30) days' written notice of a public hearing, stating the time and place thereof and the terms or substance of the proposed regulation. At the hearing, any licensee

or other person may be heard and may introduce evidence, data or arguments or place the same on file. The Administrator, after consideration of all relevant matters presented, shall adopt and promulgate every rule in written form, stating the date of adoption and date of promulgation. Each such rule shall be entered in a permanent record book which shall be public record and be kept in the Administrator's office. A copy of every rule shall be mailed to each licensee, and no such rule shall become effective until the expiration of at least twenty (20) days after such mailing. On the application of any person and payment of the cost thereof, the Administrator shall furnish such person a certified copy of such rule.

I. Except as otherwise expressly provided in the Oklahoma Pawnshop Act, the Administrative Procedures Act, Sections 250 et seq. and 250.3 et seq. of Title 75 of the Oklahoma Statutes, applies to and governs all administrative actions and civil proceedings taken by the Administrator pursuant to the Oklahoma Pawnshop Act. Added by Laws 1972, c. 255, § 8. Amended by Laws 1988, c. 191, § 3, eff. Nov. 1, 1988; Laws 1992, c. 280, § 3, eff. Sept. 1, 1992; Laws 2010, c. 415, § 17, eff. July 1, 2010; Laws 2019, c. 107, § 2, eff. Nov. 1, 2019.

§59-1509. Disclosure and advertising.

A. General Disclosure Requirements. 1. All disclosures required by this act shall be made in accordance with the regulations of the Administrator and, in addition, such disclosures as applicable:

a. shall be made clearly and conspicuously;

b. shall be in writing, a copy of which shall be delivered to the customer;

c. may be supplemented by additional information or explanations supplied by the pawnbroker;

d. need be made only to the extent applicable and only as to those items for which the pawnbroker makes a separate charge to the customer; and

e. shall comply with this section although rendered inaccurate by any act, occurrence or agreement subsequent to the required disclosure.

2. The disclosures required by this section shall be made before credit is extended, but may be made in the pawn transaction, refinancing or consolidation agreement, or other evidence of the pawn transaction agreement to be signed by the customer if set forth conspicuously therein, and need be made only to one customer if there is more than one.

3. If any evidence of the pawn transaction agreement is signed by the customer, the pawnbroker shall give him a copy when the writing is signed.

4. Except as provided with respect to civil liability for violations of disclosure provisions, written acknowledgment of receipt by a customer to whom a statement is required to be given pursuant to this section:

a. in an action or proceeding by or against the original pawnbroker, creates a presumption that the statement was given; and

b. in an action or proceeding by or against an assignee without knowledge to the contrary when he acquires the obligation, is conclusive proof of the delivery of the statement and, unless the violation is apparent on the face of the statement, of compliance with this act.

5. Where the terms "finance charge" and "annual percentage rate" are required to be used, they shall be printed more conspicuously than other terminology required by this act. All numerical amounts and percentages shall be stated in figures and shall be printed in not less than the equivalent of ten point type, .075-inch computer type, or elite size typewritten numerals, or shall be legibly handwritten.

B. Calculation of Rate to be Disclosed. 1. If a pawnbroker is required to give to a customer a statement of the rate of the pawn finance charge, he shall state the rate in terms of an annual percentage rate calculated according to the actuarial method designated as "annual percentage rate" with respect to a pawn transaction, which is the quotient expressed as a percentage of the total pawn finance charge for the period to which it relates divided by the amount financed, multiplied by the number of these periods in a year.

2. A statement of rate complies with this act if it does not vary from the accurately computed rate by more than one quarter of one percent (1/4 of 1%) for a pawn transaction.

C. Overstatement. The disclosure of an amount or percentage which is greater than the amount or percentage required to be disclosed under this act does not in itself constitute a violation of this act if the overstatement is not materially misleading and is not used to avoid meaningful disclosure.

D. Specific Disclosure Provisions. 1. The pawnbroker shall give the customer the following information:

a. the name and address of the pawnbroker;

b. the name and address of the customer and the customer's description or the distinctive number from customer's driver's license or military identification;

c. the date of the transaction;

d. the net amount paid to, receivable by, or paid or payable for the account of the customer, designated as "amount financed";

e. the amount of the pawn finance charge, designated as "finance charge";

f. the rate of the pawn finance charge as applied to the amount financed, in accordance with the provisions on calculation of rate in Section 9, subsection B, of this act designated as "annual percentage rate";

g. the total amount which must be paid to redeem the pledged goods on the maturity date, designated as the "total of payments";

h. an identification of the property to which any security interest held or to be retained or acquired relates, and shall include serial numbers if reasonably available;

i. the maturity date of the pawn transaction; and

j. a statement to the effect that the customer is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker thirty (30) days after the specified maturity date, provided that the pledged goods may be redeemed by the customer within thirty (30) days following the maturity date of the pawn transaction by payment of the originally agreed redemption price and the payment of an additional pawn finance charge equal to one-thirtieth (1/30) of the original monthly pawn finance charge for each day following the original maturity date including the day on which the pledged goods are finally redeemed.

E. Consolidation. If the parties to a pawn transaction or consumer credit sale agree to a consolidation, the pawnbroker shall give to the customer the information required with respect to pawn transaction provisions. That portion of the pawn finance charge earned at the time of consolidation shall be no greater than one-thirtieth (1/30) of the pawn finance charge for each elapsed day from the date of the transaction. The amount with respect to the previous transaction or sale to be consolidated shall be separately stated and shall be added to the net amount paid to, receivable by, or paid or payable for the account of the customer in connection with the subsequent transaction.

F. Advertising. 1. No pawnbroker shall engage in this state in false or misleading advertising concerning the terms or conditions of credit with respect to a pawn transaction.

2. Without limiting the generality of subsection 1 of this section an advertisement with respect to a pawn transaction made by the posting of a public sign, or by catalog, magazine, newspaper, radio, television or similar mass media, is misleading if:

a. it states the rate of the pawn finance charge and the rate is not stated in the form required by the provisions on calculation of rate to be disclosed; or

b. it states the dollar amounts of the pawn finance charge and does not also state the rate of any pawn finance charge.

3. In this section a catalog or other multiple-page advertisement is considered a single advertisement if it clearly and conspicuously displays a credit terms table setting forth the information required by this section.

4. This section imposes no liability on the owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

5. Advertising which complies with the Federal Consumer Credit Protection Act does not violate subsection 2 of this section. Laws 1972, c. 255, § 9.

§59-1510. Pawn finance charge.

A. Except as provided in subsection F of Section 1511 of this title, no pawnbroker may contract for, charge or receive any amount as a charge in connection with a pawn transaction other than a pawn finance charge, and no pawn finance charge calculated according to the actuarial method shall exceed an amount equal to twenty percent (20%) of the amount financed which does not exceed Two Hundred Fifty Dollars ($250.00), financed for one (1) month; fifteen percent (15%) of that amount financed which is more than Two Hundred Fifty Dollars ($250.00) but does not exceed Five Hundred Dollars ($500.00), financed for one (1) month; ten percent (10%) of that amount financed which is more than Five Hundred Dollars ($500.00) but does not exceed One Thousand Dollars ($1,000.00), financed for one (1) month; and five percent (5%) of that amount financed which is more than One Thousand Dollars ($1,000.00), but does not exceed Five Thousand Dollars ($5,000.00), financed for one (1) month; three percent (3%) of that amount financed which is more than Five Thousand Dollars ($5,000.00) but does not exceed Twenty-five Thousand Dollars ($25,000.00), financed for one (1) month. Provided, however, a minimum pawn finance charge not to exceed One Dollar ($1.00) may be charged in lieu of the rates stated herein without regard to the amount financed. In no case shall the amount financed exceed Twenty-five Thousand Dollars ($25,000.00).

B. Refinancing of Pawn Transaction. The maturity date of any pawn transaction may be changed to a subsequent date, one or more times, by agreement between the customer and the pawnbroker, evidenced by a writing as for a new transaction and all disclosures shall be made to the customer as in the case of a new pawn transaction in accordance with Section 1501 et seq. of this title, and in such case the pawnbroker may contract for and receive a pawn finance charge computed in accordance with this section as for a new transaction.

C. Limitation on Charges. Except as otherwise expressly provided for in the Oklahoma Pawnshop Act, no pawnbroker may contract for or receive any amount as a charge in connection with a pawn transaction.

D. Additional Pawn Finance Charges. Pledged goods not redeemed by the customer on or before the date fixed as the maturity date for the transaction in the pawn agreement or disclosure statement delivered, shall be held by the pawnbroker for at least thirty (30) days following such date, and may be redeemed by the customer within such period by the payment of the originally agreed redemption price and the payment of an additional pawn finance charge equal to one-thirtieth (1/30) of the original monthly pawn finance charge for each day following the original maturity date including the day on which the pledged goods are finally redeemed.

E. Refunds. The pawn finance charges authorized in this section shall be deemed to be earned at the time the pawn transaction is made and shall not be subject to refund, except as otherwise provided for in subsection E of Section 1509 of this title.

Added by Laws 1972, c. 255, § 10. Amended by Laws 1988, c. 191, § 4, eff. Nov. 1, 1988; Laws 1993, c. 35, § 2, eff. Sept. 1, 1993; Laws 2021, c. 361, § 1, eff. Nov. 1, 2021.

§59-1511. Limitation on agreements and practices.

A. Multiple Agreements. No pawnbroker shall separate or divide a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn finance charge in excess of that authorized for an amount equal to the total of the amounts financed in the resulting transactions.

B. Customer's Personal Liabilities Prohibited. Even though a pawn transaction subject to Section 1501 et seq. of this title creates a debtor-creditor relationship, no pawnbroker shall make any agreement requiring the personal liability of a customer in connection with a pawn transaction, and no customer shall have an obligation to redeem pledged goods or make any payment on a pawn transaction. The only recourse of a pawnbroker where the customer has pledged goods shall be to the pledged goods themselves, unless the pledged goods are found to be stolen, embezzled, mortgaged or otherwise pledged or encumbered. Upon the customer being officially notified by a peace officer that the goods he pledged or sold to a pawnbroker were stolen or embezzled, the customer shall be liable to repay the pawnbroker the full amount the customer received from the pawn or buy transaction. Any pledged goods not redeemed within thirty (30) days following the last fixed maturity date may thereafter, at the option of the pawnbroker, be forfeited and become the property of the pawnbroker.

C. Prohibited Practices. A pawnbroker shall not:

1. Accept a pledge or purchase property from a person, male or female, under the age of eighteen (18) years;

2. Accept any waiver, in writing or otherwise, of any right or protection accorded a customer under this act;

3. Fail to exercise reasonable care to protect pledged goods from loss or damage;

4. Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker on the pawn transaction, unless a hold order has been placed on the pledged goods by an authorized peace officer or the pledged goods are in the custody of law enforcement;

5. Make any charge for insurance in connection with a pawn transaction, except as provided in subsection F of this section;

6. Enter any pawn transaction which has a maturity date more than one (1) month after the date of the transaction; or

7. Accept collateral or buy merchandise from a person unable to supply verification of identity by photo I.D. by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record.

D. Presumption. Except as otherwise provided by this act, any person properly identifying himself as the original customer in the pawn transaction or as the assignee thereof, and presenting a pawn transaction agreement to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.

E. Lost or Destroyed Transaction Agreement. If the pawn transaction agreement is lost, destroyed or stolen, the customer may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn transaction agreement, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn transaction agreement, the pawnbroker may require the customer to make affidavit of the loss, destruction or theft of the agreement.

F. Insurance. 1. A pawnbroker may offer insurance to a customer at the time of the pawn transaction to provide coverage during the pawn contract period for the declared value of the items pawned. The purchase of insurance shall be at the option of the customer.

2. A pawnbroker may not offer insurance coverage unless the pawnbroker:

a. is licensed as a limited insurance representative for the purpose of providing insurance coverage for pawned merchandise, as required by Section 1424 of Title 36 of the Oklahoma Statutes,

b. has filed with the Administrator of the Department of Consumer Credit a copy of the insurance policy which shall have been issued by an insurer authorized by the Insurance Commissioner to transact insurance in this state, and

c. has posted a copy of the policy in a conspicuous place which is readily available to the customer.

Added by Laws 1972, c. 255, § 11. Amended by Laws 1988, c. 191, § 5, eff. Nov. 1, 1988; Laws 1989, c. 217, § 1, eff. Nov. 1, 1989; Laws 1992, c. 280, § 4, eff. Sept. 1, 1992; Laws 1993, c. 35, § 3, eff. Sept. 1, 1993.

§59-1512. See the following versions:
OS 59-1512v1 (HB 3070, Laws 2018, c. 79, § 1).
OS 59-1512v2 (HB 2281, Laws 2018, c. 116, § 19).

§59-1512v1. Administration and enforcement.

A. Rule Making Power. The Administrator shall have the same authority to adopt, amend and repeal rules as is conferred upon him by paragraph (e) of subsection (1), and subsections (2) and (3) of Section 6-104 of Title 14A of the Oklahoma Statutes, as applicable, and such rules shall have the same effect as provided in subsection (4) of Section 6-104 thereunder. In addition, the Administrator may adopt, amend and repeal such other rules as are necessary for the enforcement of the provisions of Section 1501 et seq. of this title and consistent with all its provisions.

B. Administrative Enforcement. Compliance with the provisions of this act may be enforced by the Administrator who may exercise, for such purpose, all the powers enumerated in Part 1 of Article 6, Title 14A of the Oklahoma Statutes, in the same manner as in relation to consumer credit transactions under that act, as well as those powers conferred in this act.

C. Criminal Penalties. 1. Any person who engages in the business of operating a pawn shop without first securing the license prescribed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars ($1,000.00), by confinement in the county jail for not more than six (6) months or by both.

2. Any person selling or pledging property to a pawnbroker who uses false or altered identification or a false declaration of ownership as related to the provisions of Section 1515 of this title shall, if the value of the property is One Thousand Dollars ($1,000.00) or more, be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine. If the value of the property received is less than One Thousand Dollars ($1,000.00), the person shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment. However, if the property is one or more

firearms, or was acquired by means of robbery or burglary, the person shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine, without regard to the value of the property.

3. Any person who fails to repay a pawnbroker the full amount received from a pawn or buy transaction after being officially notified by a peace officer that the goods he pledged or sold in that transaction were stolen or embezzled shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

D. Private Enforcement. 1. If any person engages in the business of operating a pawnshop without first securing the license prescribed by this act, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this act, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction, and upon the customer's demand, the pawnbroker shall be obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make the refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of the action together with attorney fees as determined by the court shall be awarded to the customer.

2. A pawnbroker who fails to disclose information to a customer entitled to the information under this act is liable to that person in an amount equal to the sum of:

a. twice the amount of the pawn finance charge in connection with the transaction, or One Hundred Dollars ($100.00), whichever is greater~~.~~<u>,</u> and

b. in the case of a successful action to enforce the liability under paragraph 1 of this subsection, the costs of the action together with reasonable attorney fees as determined by the court.

Added by Laws 1972, c. 255, § 12. Amended by Laws 1988, c. 191, § 6, eff. Nov. 1, 1988; Laws 1992, c. 280, § 5, eff. Sept. 1, 1992; Laws 1997, c. 133, § 512, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 373, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 16, adopted at election held on

November 8, 2016, eff. July 1, 2017; Laws 2018, c. 79, § 1, eff. Nov. 1, 2018.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 512 from July 1, 1998, to July 1, 1999.

§59-1512v2. Administration and enforcement.

A. Rule Making Power. The Administrator shall have the same authority to adopt, amend and repeal rules as is conferred upon him by paragraph (e) of subsection (1), and subsections (2) and (3) of Section 6-104 of Title 14A of the Oklahoma Statutes, as applicable, and such rules shall have the same effect as provided in subsection (4) of Section 6-104 thereunder. In addition, the Administrator may adopt, amend and repeal such other rules as are necessary for the enforcement of the provisions of Section 1501 et seq. of this title and consistent with all its provisions.

B. Administrative Enforcement. Compliance with the provisions of this act may be enforced by the Administrator who may exercise, for such purpose, all the powers enumerated in Part 1 of Article 6, Title 14A of the Oklahoma Statutes, in the same manner as in relation to consumer credit transactions under that act, as well as those powers conferred in this act.

C. Criminal Penalties. 1. Any person who engages in the business of operating a pawn shop without first securing the license prescribed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars ($1,000.00), by confinement in the county jail for not more than six (6) months or by both.

2. Any person selling or pledging property to a pawnbroker who uses false or altered identification or a false declaration of ownership as related to the provisions of Section 1515 of this title shall be punished as follows:

a. if the value of the property is less than One Thousand Dollars ($1,000.00), the person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine,

b. if the value of the property is One Thousand Dollars ($1,000.00) or more but less than Two Thousand Five Hundred Dollars ($2,500.00), the person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed two (2) years or in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine,

c. if the value of the personal property is Two Thousand Five Hundred Dollars ($2,500.00) or more but less than Fifteen Thousand Dollars ($15,000.00), the person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed five (5) years or in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine, or

d. if the value of the personal property is Fifteen Thousand Dollars ($15,000.00) or more, the person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed eight (8) years, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

3. Any person who fails to repay a pawnbroker the full amount received from a pawn or buy transaction after being officially notified by a peace officer that the goods he or she pledged or sold in that transaction were stolen or embezzled shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

D. Private Enforcement. 1. If any person engages in the business of operating a pawnshop without first securing the license prescribed by this act, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this act, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction, and upon the customer's demand, the pawnbroker shall be obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make the refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of the action together with attorney fees as determined by the court shall be awarded to the customer.

2. A pawnbroker who fails to disclose information to a customer entitled to the information under this act is liable to that person in an amount equal to the sum of:

a. twice the amount of the pawn finance charge in connection with the transaction, or One Hundred Dollars ($100.00), whichever is greater, and
b. in the case of a successful action to enforce the liability under paragraph 1 of this subsection, the costs of the action together with reasonable attorney fees as determined by the court.

Added by Laws 1972, c. 255, § 12. Amended by Laws 1988, c. 191, § 6, eff. Nov. 1, 1988; Laws 1992, c. 280, § 5, eff. Sept. 1, 1992; Laws 1997, c. 133, § 512, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 373, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 16, adopted at election held on November 8, 2016, eff. July 1, 2017; Laws 2018, c. 116, § 19, eff. Nov. 1, 2018.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 512 from July 1, 1998, to July 1, 1999.

§59-1514. Municipal regulation.

Municipalities may enact ordinances which are in compliance with but not more restrictive than the provisions of the Oklahoma Pawnshop Act, Section 1501 et seq. of Title 59 of the Oklahoma Statutes. Any existing or future order, ordinance or regulation which conflicts with this provision shall be null and void.

Added by Laws 1988, c. 191, § 8, eff. Nov. 1, 1988.

§59-1515. Copy or report of buy transaction or pawn transaction to be made available to local law enforcement officials - Items bought to be held for specified time - Written declaration of ownership required of seller or pledgor.

A. Any pawnbroker shall make available a copy or report within two (2) days of any buy or pawn transaction to the local law enforcement agency of the municipality or other political subdivision in which the pawnshop is located; provided, merchandise bought on invoice from a manufacturer or wholesaler with an established place of business is exempt from this reporting requirement. However, such invoice shall be shown upon request to the Administrator or his duly authorized representative or any authorized peace officer. The pawnbroker may provide the transaction report to the local law enforcement agency by either electronically reporting the information in the transaction report to an electronic database accessible only by law enforcement agencies or by reporting a physical copy of the transaction report directly to the law enforcement agency. The transaction report shall include:

1. The name and address of the pawnshop;

2. The name, address, race, sex, weight, height, date of birth and either identification number of the seller or pledger as

verified by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record;

3. The transaction number for the buy or pawn transaction;

4. The date and time of the transaction;

5. The manufacturer of the item;

6. A description of the item; and

7. The serial number and model number where available and any other identifying markings.

B. Items bought, except on invoice from a manufacturer or wholesaler with an established place of business, shall be held for ten (10) days before being disposed of or sold.

C. The pawnbroker shall obtain a written declaration of ownership from the seller or pledgor on all buy and pawn transactions, except refinance pawn transactions or merchandise bought from a manufacturer or wholesaler with an established place of business. The seller or pledgor shall be required to state how long he has owned the property described in the transaction. The declaration of ownership shall appear on the bill of sale or pawn ticket, to be completed by the seller or the pledgor at the time of the transaction.

Added by Laws 1988, c. 191, § 10, eff. Nov. 1, 1988. Amended by Laws 1989, c. 217, § 2, eff. Nov. 1, 1989; Laws 1992, c. 280, § 6, eff. Sept. 1, 1992; Laws 2016, c. 35, § 1, eff. Nov. 1, 2016.

§59-1521. Short title.

This act shall be known and may be cited as the "Precious Metal and Gem Dealer Licensing Act".

Laws 1981, c. 213, § 1, operative July 1, 1981.

§59-1522. Definitions.

As used in this act:

1. "Administrator" means the Administrator of the Department of Consumer Credit;

2. "Dealer" means any person, partnership, sole proprietorship, corporation or association which, in the regular course of business, takes, receives, pays for or transfers used precious metals or gems excluding any supervised financial institution as defined by the Consumer Credit Code, pawnbrokers licensed pursuant to Section 1501 et seq. of this title, and jewelers whose principal business is the sale of items purchased directly from the original manufacturer, wholesaler or their authorized representative and who in the regular course of such business, accept trade-in of items defined in this act as precious metals or gems, so long as the item or items to be traded are not greater in value than the item or items to be

purchased. For purposes of this exception, retail jewelers may not buy used precious metals or gems for cash consideration only;

3. "Employee" means any person working for a dealer, whether or not the person is in the direct employment of the dealer or works full time or part time, who handles used precious metals or gems for the dealer. Employee shall not mean a person employed by a bank, armored car company or other business entity acting in the sole capacity of bailee-for-hire relationship with a dealer;

4. "Gem" means any precious or semiprecious stone or item containing a precious or semiprecious stone customarily used in jewelry or ornamentation;

5. "Precious metal" means platinum, gold or silver, but shall not mean any ingot or bar manufactured by a commercial mint nor shall it mean any or all coins; and

6. "Used" means previously sold or traded.

Amended by Laws 1982, c. 72, § 1; Laws 1988, c. 191, § 9, eff. Nov. 1, 1988.

§59-1523. License required.

No person, unless exempt by this act, shall operate as a dealer or employee as defined in this act without first obtaining a license from the Administrator specifically authorizing the person to act in such capacity.

Laws 1981, c. 213, § 3, operative July 1, 1981.

§59-1524. Application for license - Bond - Fingerprints and photograph - Agent for service of process.

A. An application for a license pursuant to the provisions of the Precious Metal and Gem Dealer Licensing Act shall be under oath and state:

1. If the applicant is an individual, the full name and place of residence of the applicant;

2. If the applicant is a partnership, the full name and place of residence of each member of the partnership; and

3. If the applicant is a corporation, the full name and place of residence of each officer or major stockholder of the corporation.

B. The application shall state the location where the business is to be conducted and contain such additional relevant information as the Administrator may require. The Administrator shall require documentation to verify the location where the business is to be conducted or will be utilized by the applicant, including, but not limited to, a deed, bill of sale, lease, or rental agreement. The Administrator shall also require the name, contact person and telephone number of the business location if the applicant is not the owner of the business location.

C. In addition to the application provided for in subsection A of this section, every applicant shall file with the Administrator a bond satisfactory to said Administrator and in the amount of Ten Thousand Dollars ($10,000.00) for each license sought, with a surety company qualified to do business in this state as surety. The bond shall be furnished to the state for the use of the state and of any person or persons who may have a cause of action against the obligor of the bond pursuant to the provisions of the Precious Metal and Gem Dealer Licensing Act. The bond shall be conditional that the obligor will comply with the provisions of the Precious Metal and Gem Dealer Licensing Act and all rules and regulations made pursuant to the Precious Metal and Gem Dealer Licensing Act, and will pay all amounts of money that may be due to the state or any individual from the obligor during the time such bond is in effect.

D. Each applicant shall submit a full set of fingerprints and a photograph with each application for an original license. The fingerprints may be used for a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes.

E. Each licensee shall maintain on file with the Administrator a written appointment of a resident of this state as his or her agent for service of all judicial or other process or legal notice, unless the licensee has appointed such an agent pursuant to the provisions of another statute of this state.

Added by Laws 1981, c. 213, § 4, operative July 1, 1981. Amended by Laws 1984, c. 95, § 1, operative July 1, 1984; Laws 2003, c. 204, § 6, eff. Nov. 1, 2003; Laws 2013, c. 153, § 1, eff. Nov. 1, 2013.

§59-1525. Fees - Investigations - Grant or denial of license - Exemptions.

A. Upon the filing of an application, bond and the payment of an annual license fee and a one-time investigation fee by a dealer, the Administrator of Consumer Credit shall conduct an investigation of the applicant prior to issuance of a dealer license.

B. Upon the filing of an application, and payment of the fee as provided for in subsection A of Section 1526 of this title, and payment of a fee by an employee of a licensed dealer, the Administrator shall conduct an investigation of the applicant prior to issuance of an employee license.

C. Upon renewal of a license for either a dealer or an employee, the Administrator may conduct an investigation at the Administrator’s discretion or at the request of a district attorney for any county in which the applicant has a permanent place of business.

D. If the Administrator finds that the financial responsibility, experience and character of the dealer are such as to warrant belief that the business will be operated lawfully and

fairly, within the purposes of the Precious Metal and Gem Dealer Licensing Act, the dealer shall be issued a license.

E. A separate license shall be required for each location, place or premises used by a dealer for the conducting of business pursuant to the provisions of the Precious Metal and Gem Dealer Licensing Act and each license shall designate the location, place, or premises to which it applies. The business of the dealer shall not be conducted in any place other than that designated by the license. The license shall not be transferable.

F. If the Administrator does not find facts sufficient to warrant issuance of a license, the Administrator shall notify the applicant. If within thirty (30) days of such notification the applicant requests a hearing on the application, a hearing shall be held within sixty (60) days after the day of the request. In the event of the denial of a license, the investigation fee shall be retained by the Administrator, but the annual license fee shall be returned to the applicant.

G. The Administrator shall grant or deny an application for license within sixty (60) days from the day of filing or from the last day of a hearing as provided in subsection F of this section, unless the period is extended by written agreement between the applicant and the Administrator.

H. The Administrator may issue more than one license to any one person upon compliance with the provisions of the Precious Metal and Gem Dealer Licensing Act as to each license. When a dealer wishes to move the dealer’s business to another location, the dealer shall give thirty (30) days' written notice to the Administrator, who shall amend the license accordingly.

I. Licensed pawnbrokers shall not be subject to any of the fees provided for in this section.

Added by Laws 1981, c. 213, § 5, operative July 1, 1981. Amended by Laws 1982, c. 72, § 2; Laws 2009, c. 431, § 5, eff. July 1, 2009; Laws 2010, c. 415, § 18, eff. July 1, 2010.

§59-1526. Annual license renewal fee.

A. Each year, every dealer, on or before each December 1, shall pay the Administrator of Consumer Credit a fee for each license held by the dealer as the annual fee for the succeeding calendar year. If not renewed, expiration shall occur on December 31 of the year in which the annual fee has been paid.

B. Each year, every employee, on or before December 1, shall pay the Administrator a fee for the license held by the employee as the annual fee for the succeeding calendar year. If not renewed, expiration shall occur on December 31 of the year in which the annual fee has been paid.

C. There shall be a fee for a late application for renewal of a license received after December 1, which will be placed in the

Consumer Credit Administrative Expenses Revolving Fund created in Section 6-301 of Title 14A of the Oklahoma Statutes.
Added by Laws 1981, c. 213, § 6, operative July 1, 1981. Amended by Laws 2009, c. 431, § 6, eff. July 1, 2009; Laws 2010, c. 415, § 19, eff. July 1, 2010.

§59-1527. Municipalities - Additional license requirements or fees prohibited - Ordinances.

No additional licensing requirement or license fee shall be required by any municipal corporation of this state. This act shall not annul or supersede any existing municipal ordinances, nor prevent the enactment of such ordinances, unless such ordinances specifically conflict with the provisions of this act or regulations issued by the Administrator pursuant to the provisions of this act. Laws 1981, c. 213, § 7, operative July 1, 1981.

§59-1528. Denial, suspension or revocation of license - Hearing.

A. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Precious Metal and Gem Dealer Licensing Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. The independent hearing examiner shall have authority to recommend penalties authorized by the Precious Metal and Gem Dealer Licensing Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. Any person aggrieved by a final agency order of the Administrator may obtain judicial review in accordance with the Oklahoma Administrative Procedures Act. The jurisdiction and venue of any such action shall be in the district court of Oklahoma County.

The costs of the hearing examiner may be assessed against the respondent, unless the respondent is the prevailing party.

B. The Administrator may, after notice and hearing, deny, decline to renew a license, suspend or revoke any license , order a cease and desist order, impose an administrative fine in an amount not to exceed Five Thousand Dollars ($5,000.00) or impose a combination of such penalties if it is found that:

1. The applicant has been convicted of a felony or crime involving fraud, theft, receiving or possession of stolen property in the five (5) years preceding the submission of the application;

2. The licensee has failed to pay any fee or charge properly imposed by the Administrator under the authority of the Precious Metal and Gem Dealer Licensing Act;

3. The licensee or any entity or individual subject to the Precious Metal and Gem Dealer Licensing Act has violated any provision of the Precious Metal and Gem Dealer Licensing Act or any rule promulgated or order made pursuant to and within the authority of the Precious Metal and Gem Dealer Licensing Act; or

4. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for a license, clearly would have justified the Administrator in refusing the license.

C. Any licensee may surrender any license by delivering it to the Administrator with written notice of its surrender. Such surrender shall not affect the administrative penalty or criminal liability of the licensee for acts committed prior to the surrender of the license.

D. No revocation, suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any customer.

E. The Commission on Consumer Credit shall prescribe by rule an inspection fee, fee for each license change, duplicate license, or returned check. The inspection fee shall be the same amount as the examination fee for pawnbrokers and shall be payable at the time of license application or license renewal.

F. Any entity or individual offering to engage or engaged as a precious metal and gem dealer in this state without a license shall be subject to an administrative fine in an amount not to exceed Five Thousand Dollars ($5,000.00).

G. The Administrator may impose an administrative fine as prescribed in subsections B and F of this section, after notice and hearing in accordance with Article II of the Administrative Procedures Act.

H. Any administrative order or settlement agreement imposing an administrative fine pursuant to this section may be enforced in the same manner as civil judgments in this state. The Administrator may file an application to enforce an administrative order or settlement agreement in the district court of Oklahoma County.

Added by Laws 1981, c. 213, § 8, operative July 1, 1981. Amended by Laws 2010, c. 415, § 20, eff. July 1, 2010; Laws 2013, c. 153, § 2, eff. Nov. 1, 2013.

§59-1529. Violations.

Willful violation of any of the provisions of this act shall be a misdemeanor upon first conviction punishable by not more than thirty (30) days in the county jail or by a fine not to exceed Five Hundred Dollars ($500.00) or both. Subsequent convictions of a willful violation of this act shall be a felony punishable by not more than three (3) years in the State Penitentiary.

Added by Laws 1981, c. 213, § 9, operative July 1, 1981. Amended by Laws 1997, c. 133, § 513, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 374, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 513 from July 1, 1998, to July 1, 1999.

§59-1530. Records.

A. Every dealer shall keep a record of any transaction with any person involving the purchasing of any used item made, or containing in whole or in part, any precious metal or gem. The following information shall be recorded for precious metals or gems:

1. An account and detailed description or photograph of the item purchased, including, if applicable, the manufacturer's name, the model, the model number, the serial number and any engraved marking;

2. The amount of money involved in the transaction;

3. The date;

4. The name, address and driver license number of the person involved in the transaction with the dealer; if the person has no driver license, then the date of birth and general physical description, including hair color and approximate height and weight of that person; and

5. The signature of the seller.

For purposes of describing the item or items in the transaction pursuant to paragraph 1 of this subsection, it shall be a violation for the dealer to state only the number of grams and type of precious metal or type of gem as a description. The description shall clearly and accurately describe each item containing any precious metals or gems presented to the dealer for purposes of the transaction.

B. The record required by this section shall be kept for a period of four (4) years. Such record shall be made available during regular business hours for inspection by the Department of Consumer Credit and any law enforcement officer authorized by a law enforcement agency to inspect such record.

C. No dealer shall be required to furnish the description of any new property purchased from manufacturers or wholesale dealers at an established place of business or of any goods purchased from any bankrupt stock. Such goods shall be accompanied by a bill of sale or other evidence of open and legitimate purchase. The bill of

sale shall also be available for inspection during regular business hours.

D. No dealer shall be required to furnish a description of property purchased from another licensed dealer or to meet the holding period provided for in Section 1531 of this title if that dealer has met the requirements provided for in subsection A of this section and Section 1531 of this title upon the initial purchase of the property; provided, that each shall record the license number of the other dealer and the amount of the transaction.

Added by Laws 1981, c. 213, § 10, operative July 1, 1981. Amended by Laws 2013, c. 153, § 3, eff. Nov. 1, 2013; Laws 2015, c. 322, § 1, eff. Nov. 1, 2015.

§59-1531. Certain goods to be kept by dealer - Stolen or embezzled property - Time period - Procedure.

A. Every dealer must keep at the business location designated in the license application, all used articles made, in whole or in part, of precious metals or gems, for inspection by any law enforcement officer and the Department of Consumer Credit at reasonable times for a period of ten (10) days or until the articles have been released by written authorization of any law enforcement officer authorized by the law enforcement agency or its designee, except as provided for in subsection C of Section 1525 of this title. During this period, the appearance of such articles shall not be altered in any way. A dealer is not prohibited from selling or arranging to sell such articles during the ten-day period as long as such articles remain in his or her possession as required by this section.

B. Whenever a peace officer has probable cause to believe that property in possession of a licensed dealer is stolen or embezzled, the peace officer of the local law enforcement agency of the municipality or other political subdivision in which the dealer is located may place a written hold order on the property. The initial term of the written hold order shall not exceed thirty (30) days. However, the holding period may be extended in successive thirty-day increments upon written notification prior to the expiration of the initial holding period. If the holding period has expired and has not been extended, the hold order shall be considered expired and no longer in effect, and title shall vest in the dealer subject to any restrictions contained in a sale contract. The initial written hold order shall contain the following information:

1. Signature of the dealer or designee;

2. Name, title and identification number of the peace officer placing the hold order;

3. Name and address of the agency to which the peace officer is attached and the offense number;

4. Complete description of the property to be held, including model number, serial number and transaction number;

5. Name of agency reporting the property stolen or embezzled;

6. Mailing address of the dealer where the property is held; and

7. Expiration date of the holding period.

C. While a hold order is in effect, the dealer may consent to release, upon written receipt, the stolen or embezzled property to the custody of the local law enforcement agency to which the peace officer placing the hold order is attached. The consent to release the stolen or embezzled property to the custody of law enforcement is not a waiver or release of the dealer's property rights or interest in the property. Otherwise, the dealer shall not release or dispose of the property except pursuant to a court order or the expiration of the holding period including all extensions. The district attorney's office shall notify the dealer in writing in cases where criminal charges have been filed that the property may be needed as evidence. The notice shall contain the case number, the style of the case and a description of the property. The dealer shall hold such property until receiving notice of the disposition of the case from the district attorney's office. The district attorney's office shall notify the dealer in writing within fifteen (15) days of the disposition of the case. Willful noncompliance of a dealer to a written hold order shall be cause for the dealer's license to either be suspended or revoked. A hold order may be released prior to the expiration of any thirty-day holding period by written release from the agency placing the initial hold order.

D. Upon approval of the Administrator, a dealer may also designate an additional location for storage of items required to be held under the provisions of the Precious Metal and Gem Dealer Industry Act. This location shall be either a vault or a bank. The

address of the designated additional location shall be filed with the Administrator. The Administrator shall require documentation to verify that the additional storage location will be utilized by the dealer, including, but not limited to, a lease or rental agreement between the dealer and the owner of the additional storage location. The Administrator shall also require the name, contact person and telephone number of the additional storage location. The Administrator shall release the designated location only to law enforcement agencies. The designated additional location shall be available for inspection by the Department of Consumer Credit or any law enforcement officer of this state authorized by the law enforcement agency to inspect the same. A dealer shall provide written notice to the Administrator at least thirty (30) days prior to terminating a lease or rental agreement for an additional storage location.
Added by Laws 1981, c. 213, § 11, operative July 1, 1981. Amended by Laws 2013, c. 153, § 4, eff. Nov. 1, 2013; Laws 2015, c. 322, § 2, eff. Nov. 1, 2015.

§59-1532. Reports of theft of precious metal.

Upon receiving a reported theft of precious metals, all law enforcement agencies shall transmit such reports to the Oklahoma State Bureau of Investigation. The reporting law enforcement agencies shall include any municipality, city, or town or county law enforcement agencies.
Laws 1981, c. 213, § 12, operative July 1, 1981.

§59-1533. Advertisements.

Any advertisement in which a dealer offers to engage as a precious metal and gem dealer in the State of Oklahoma shall include the precious metal and gem dealer license number of the dealer that is issued by the Administrator for the business location at which the dealer is offering to engage as a precious metal and gem dealer.
Added by Laws 2013, c. 153, § 5, eff. Nov. 1, 2013.

§59-1534. Implementation.

The Administrator, upon approval by the Commission on Consumer Credit, may promulgate administrative rules to implement the provisions of the Precious Metal and Gem Dealer Licensing Act.
Added by Laws 2013, c. 153, § 6, eff. Nov. 1, 2013.

§59-1575. Purpose of Compact.

The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient, client or student is located

at the time of the patient, client or student encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This Compact is designed to achieve the following objectives:

1. Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;

2. Enhance the states' ability to protect the public's health and safety;

3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;

4. Support spouses of relocating active duty military personnel;

5. Enhance the exchange of licensure, investigative and disciplinary information between member states;

6. Allow a remote state to hold a provider of services with a Compact privilege in that state accountable to that state's practice standards; and

7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

Added by Laws 2020, c. 42, § 1, eff. Nov. 1, 2020.

§59-1576. Definitions.

As used in this Compact:

1. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C., Sections 1209 and 1211;

2. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice;

3. "Alternative program" means a nondisciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners;

4. "Audiologist" means an individual who is licensed by a state to practice audiology;

5. "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules;

6. "Audiology and Speech-Language Pathology Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact;

7. "Audiology and speech-language pathology licensing board", "audiology licensing board", "speech-language pathology licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists;

8. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient, client or student is located at the time of the patient, client, or student encounter;

9. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction;

10. "Data system" means a repository of information about licensees including, but not limited to, continuing education, examination, licensure, investigative, Compact privilege and adverse action;

11. "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB);

12. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission;

13. "Home state" means the member state that is the licensee's primary state of residence;

14. "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction or other health-related conditions;

15. "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist;

16. "Member state" means a state that has enacted the Compact;

17. "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state;

18. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the Compact privilege;

19. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law;

20. "Single-state license" means an audiology or speech language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state;

21. "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology;

22. "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules;

23. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology;

24. "State practice laws" means a member state's laws, rules and regulations that govern the practice of audiology or speech language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline; and

25. "Telehealth" means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.

Added by Laws 2020, c. 42, § 2, eff. Nov. 1, 2020.

§59-1577. State participation in the Compact.

A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

B. A state shall implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

1. A member state shall fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.

2. Communication between a member state, the Commission and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information

received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

C. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, whether any adverse action has been taken against any license or privilege to practice held by the applicant.

D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

E. An audiologist applicant shall:

1. Meet one of the following educational requirements:

a. on or before, December 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board,

b. on or after, January 1, 2008, has graduated with a doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board, or

c. has graduated from an audiology program that is housed in an institution of higher education outside of the United States:

(1) for which the program and institution have been approved by the authorized accrediting body in the applicable country, and

(2) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

2. Have completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the board;

3. Have successfully passed a national examination approved by the Commission;

4. Hold an active, unencumbered license;

5. Have not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law; and

6. Have a valid United States Social Security or National Practitioner Identification number.

F. A speech-language pathologist applicant shall:

1. Meet one of the following educational requirements:

a. has graduated with a master's degree from a speech language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board, or

b. has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States:

(1) for which the program and institution have been approved by the authorized accrediting body in the applicable country, and

(2) the degree program has been verified by an independent credentials review agency to be comparable to a state-licensing-board-approved program;

2. Have completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;

3. Have completed a supervised postgraduate professional experience as required by the Commission;

4. Have successfully passed a national examination approved by the Commission;

5. Hold an active, unencumbered license;

6. Have not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law; and

7. Have a valid United States Social Security or National Practitioner Identification number.

G. The privilege to practice is derived from the home state license.

H. An audiologist or speech-language pathologist practicing in a member state shall comply with the state practice laws of the

state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a Compact privilege.

K. Member states shall comply with the bylaws and rules and regulations of the Commission.

Added by Laws 2020, c. 42, § 3, eff. Nov. 1, 2020.

§59-1578. Compact privilege.

A. To exercise the Compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:

1. Hold an active license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with Section 3 of this act;

4. Have not had any adverse action against any license or Compact privilege within the previous two (2) years from date of application;

5. Notify the Commission that the licensee is seeking the Compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the Compact privilege; and

7. Report to the Commission adverse action taken by any nonmember state within thirty (30) days from the date the adverse action is taken.

B. For the purposes of the Compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.

C. Except as provided in Section 6 of this act, if an audiologist or speech-language pathologist changes primary state of

residence by moving between two member states, the audiologist or speech-language pathologist shall apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

G. The compact privilege is valid until the expiration date of the home state license. The licensee shall comply with the requirements of subsection A of this section to maintain the Compact privilege in the remote state.

H. A licensee providing audiology or speech-language pathology services in a remote state under the Compact privilege shall function within the laws and regulations of the remote state.

I. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's Compact privilege in the remote state for a specific period of time, impose fines and/or take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the Compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and

2. Two (2) years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee shall meet the requirements of subsection A of this section to obtain a Compact privilege in any remote state.

L. Once the requirements of subsection J of this section have been met, the licensee shall meet the requirements in subsection A of this section to obtain a Compact privilege in a remote state.
Added by Laws 2020, c. 42, § 4, eff. Nov. 1, 2020.

§59-1579. Privilege to practice via telehealth.

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 of this act and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission. Added by Laws 2020, c. 42, § 5, eff. Nov. 1, 2020.

§59-1580. Active duty military personnel.

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state. Added by Laws 2020, c. 42, § 6, eff. Nov. 1, 2020.

§59-1581. Adverse actions.

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against an audiologist's or speech language pathologist's privilege to practice within that member state;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located; and

3. Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate

action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

D. If otherwise permitted by state law, the home state shall recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

E. The home state shall take adverse action based on the factual findings of the remote state; provided, that the home state follows its own procedures for taking the adverse action.

F. Joint Investigations.

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

I. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

Added by Laws 2020, c. 42, § 7, eff. Nov. 1, 2020.

§59-1582. Audiology and Speech-Language Pathology Compact Commission.

A. The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission.

1. The Commission is an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of

competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings.

1. Each member state shall have two delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

2. An additional five delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at large.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring on the Commission, within ninety (90) days.

5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Establish a Code of Ethics;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take actions as are consistent with the provisions of this Compact and the bylaws;

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept or contract for services of personnel including, but not limited to, employees of a member state;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the Compact and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided, that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided, that at all times the Commission shall avoid any appearance of impropriety;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

D. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The Executive Committee shall be composed of ten (10) members:

1. Seven voting members who are elected by the Commission from the current membership of the Commission;

2. Two ex officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association; and

3. One ex officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

E. The ex officio members shall be selected by their respective organizations.

1. The Commission may remove any member of the Executive Committee as provided in bylaws.

2. The Executive Committee shall meet at least annually.

3. The Executive Committee shall have the following duties and responsibilities:

a. recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege,

b. ensure Compact administration services are appropriately provided, contractual or otherwise,

c. prepare and recommend the budget,

d. maintain financial records on behalf of the Commission,

e. monitor Compact compliance of member states and provide compliance reports to the Commission,

f. establish additional committees as necessary, and

g. other duties as provided in rules or bylaws.

4. Meetings of the Commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10 of this act.

5. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, nonpublic meeting if the Commission or Executive Committee or other committees of the Commission shall discuss:

a. noncompliance of a member state with its obligations under the Compact,

b. the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures,

c. current, threatened or reasonably anticipated litigation,

d. negotiation of contracts for the purchase, lease or sale of goods, services or real estate,

e. accusing any person of a crime or formally censuring any person,

f. disclosure of trade secrets or commercial or financial information that is privileged or confidential,

g. disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,

h. disclosure of investigative records compiled for law enforcement purposes,

i. disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with

responsibility of investigation or determination of compliance issues pursuant to the Compact, or

j. matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

7. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

8. Financing of the Commission:

a. the Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities,

b. the Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services, and

c. the Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

9. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

10. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

F. Qualified Immunity, Defense, and Indemnification:

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

Added by Laws 2020, c. 42, § 8, eff. Nov. 1, 2020.

§59-1583. Coordinated database and reporting system.

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or Compact privilege;

4. Nonconfidential information related to alternative program participation;

5. Any denial of application for licensure, and the reason(s) for denial; and

6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that shall not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system. Added by Laws 2020, c. 42, § 9, eff. Nov. 1, 2020.

§59-1584. Rulemaking.

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each member state audiology or speech language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule shall be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons;

2. A state or federal governmental subdivision or agency; or

3. An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording shall be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

K. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice,

opportunity for comment or hearing; provided, that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;

2. Prevent a loss of Commission or member state funds; or

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Added by Laws 2020, c. 42, § 10, eff. Nov. 1, 2020.

§59-1585. Dispute resolution - Enforcement.

A. Dispute Resolution.

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

B. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.
Added by Laws 2020, c. 42, § 11, eff. Nov. 1, 2020.

§59-1586. Effective date of Compact – Withdrawal - Amendment.

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.
Added by Laws 2020, c. 42, § 12, eff. Nov. 1, 2020.

§59-1587. Construction and severability.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability

thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.
Added by Laws 2020, c. 42, § 13, eff. Nov. 1, 2020.

§59-1588. Binding effect of Compact – Relation to other laws.

A. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

B. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

C. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

D. All agreements between the Commission and the member states are binding in accordance with their terms.

E. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.
Added by Laws 2020, c. 42, § 14, eff. Nov. 1, 2020.

§59-1601. Short title.

Chapter 39 of this title shall be known and may be cited as the "Speech-Language Pathology and Audiology Licensing Act".
Added by Laws 1973, c. 203, § 1, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 1, eff. July 1, 1998.

§59-1602. Purpose.

It is hereby declared to be a policy of this state that, in order to safeguard the public health, safety and welfare, and to protect the public from being misled by incompetent, unscrupulous and unqualified persons, it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.
Added by Laws 1973, c. 203, § 2, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 2, eff. July 1, 1998.

§59-1603. Definitions.

A. As used in the Speech-Language Pathology and Audiology Licensing Act:

1. "Board" means the Board of Examiners for Speech-Language Pathology and Audiology;

2. "Person" means any individual, partnership, organization or corporation, except that only individuals may be licensed under the Speech-Language Pathology and Audiology Licensing Act;

3. "Licensed speech-language pathologist", "licensed speech-language pathology fellow", "licensed speech-language pathology assistant" or "licensed audiologist" means an individual to whom a license has been issued pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act, which license has not expired or has not been suspended or revoked;

4. "Speech-language pathologist" (SLP) means any person who represents himself or herself to be a speech-language pathologist and who meets the qualifications set forth in Section 1605 of this title and provides or offers to provide services defined as the practice of speech-language pathology;

5. "Speech-language pathology assistant" (SLPA) means any person who, after acquiring academic coursework, fieldwork, and on-the-job training as set forth by rules promulgated by the Board, performs tasks prescribed, directed, and supervised by licensed speech-language pathologists. The speech-language pathology assistant may implement prescribed therapies in children and adults in specific treatment areas in which he or she has academic and clinical training as prescribed by the Board of Examiners for Speech-Language Pathology and Audiology and under the license of a speech-language pathologist;

6. "Clinical fellow" means an individual who is currently in the process of completing the supervised postgraduate professional paid experience in speech-language pathology as set forth in paragraph 3 of subsection A of Section 1605 of this title;

7. "Speech, voice, swallowing or language disorders" include, but are not limited to, any and all conditions that impede the normal process of human vocal communication;

8. "Feeding or swallowing disorders", also called dysphagia, include difficulty with any step of the feeding or swallowing process. This may include losing food or liquids from the mouth, difficulty chewing or sucking, difficulty protecting the airway, or impaired sensation in the mouth or throat. These impairments may result in a decreased liquid or food intake, choking on food or liquid during eating or drinking, failure to thrive, pneumonia, dehydration, malnutrition, or death. Assessment may include a clinical evaluation of swallowing function or an instrumental evaluation of swallowing function to determine the nature and severity of the swallowing impairment, determine the safest and most efficient food and liquid to be swallowed, and establish a treatment plan to improve swallowing function. Treatment may include exercise regimes to rehabilitate muscles or neurological function involved in swallowing, training compensatory strategies or training techniques to improve swallowing safety and function. Treatment may also

include the provision of education to individuals, parents, care providers, and others related to feeding/swallowing function;

9. "Practice of speech-language pathology" means the rendering or offering to render to any person or the public any speech, voice, social communication, cognitive communication, feeding or swallowing or language evaluation, examination, counseling or habitation and rehabilitation of or for persons who have or are suspected of having a speech, voice, feeding or swallowing or language disorder, or representing oneself to be a speech-language pathologist or speech-language pathology assistant who meets the qualifications set forth in Section 1605 of this title. Services may also be provided for persons who want to learn how to communicate more effectively including, but not limited to, accent modification and other forms of communication enhancement. A speech-language pathologist is permitted to perform such basic audiometric tests and hearing therapy procedures as are consistent with such training. A speech-language pathology assistant will only perform duties as defined in paragraph 3 of subsection A of Section 1605 of this title and under the supervision of a licensed speech-language pathologist;

10. "Audiologist" means any person who represents himself or herself to be an audiologist and who meets the qualifications set forth in Section 1605 of this title and provides or offers to provide services defined as the practice of audiology;

11. "Hearing disorders" include, but are not limited to, any or all conditions of decreased or impaired auditory function;

12. "Vestibular or balance disorders" include, but are not limited to, any or all conditions of the decreased or impaired vestibular function;

13. "Practice of audiology" means the rendering, or offering to render, to any person or the public, the prevention, identification, assessment, or rehabilitation of or for persons who have or are suspected of having a hearing or balance disorder, or representing oneself to be an audiologist. An audiologist may perform vestibular assessments for those individuals of any age suspected of having a balance disorder and then provide appropriate rehabilitation once diagnosed by a physician. An audiologist may also select, fit and dispense hearing aids and hearing-assistive technology. The audiologist may perform assessments to assist in determining candidacy for special hearing technology such as cochlear implants or bone conduction systems, and provide follow-up services. An audiologist may provide consultation regarding noise control and participate in noise-conservation programs which may include fitting of hearing-protection devices. Audiologists may participate in research related to all of these. An audiologist must meet the qualifications set forth in paragraph 3 of subsection A of Section 1605 of this title;

14. "Hearing screening" means one or more procedures used to identify individuals who may have a hearing loss. Measurements of auditory thresholds are not included in hearing screening programs;

15. "Telepractice" means the practice of health care delivery, diagnosis, consultation, evaluation and treatment, transfer of medical data or exchange of medical education, information by means of a two-way, real-time interactive communication, not to exclude store-and-forward technologies, between a patient and a speech-language pathologist or audiologist with access to and reviewing the patient's relevant clinical information prior to the teletherapy visit; and

16. "Store-and-forward technologies" means the transmission of a patient's medical information from an originating site to the speech-language pathologist or audiologist at the distant site; provided, photographs visualized by a telecommunications system shall be specific to the patient's medical condition and adequate for furnishing or confirming a diagnosis or treatment plan. "Telepractice" and "store-and-forward technologies" shall not include consultations provided by telephone, audio-only communication, electronic mail, text message, instant messaging conversation, website questionnaire, nonsecure video conference or facsimile machine.

B. A person represents himself or herself to be a speech-language pathologist when such person holds himself or herself out to the public by any title or description of services incorporating the words "speech-language pathology", "speech-language pathologist", "speech pathology", "speech pathologist", "speech therapy", "speech therapist", "speech correction", "speech correctionist", "language therapy", "language therapist", "voice pathology", "voice pathologist", "voice therapy", "voice therapist", "logopedics", "logopedist", "communicology", "communicologist", "aphasiologist", "phoniatrist", "speech clinician", "speech clinic", "speech center" or any similar or related term or terms.

C. A person represents himself or herself to be a speech-language pathology assistant when such person holds himself or herself out to the public by any title or description of services as listed for speech-language pathologist and is working under the license of a speech-language pathologist. Anyone not holding credentials for independent practice shall hold the designation of assistant and be required to work under supervision.

D. A person represents himself or herself to be an audiologist when such person holds himself or herself out to the public by any title or description of services incorporating the terms "audiology", "audiologist", "audiometry", "audiometrist", "hearing therapy", "hearing therapist", "hearing conservation", "hearing conservationist", "hearing clinician", "hearing clinic", "hearing

center", "audiological", "audiometrics", or any similar or related term or terms.

E. The provision of speech-language pathology or audiology services in this state through telepractice, electronic or other means, regardless of the location of the speech-language pathologist shall constitute the practice of speech-language pathology or audiology and shall require licensure in this state.

Added by Laws 1973, c. 203, § 3, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 3, eff. July 1, 1998; Laws 2004, c. 280, § 1, eff. July 1, 2004; Laws 2018, c. 230, § 1, emerg. eff. May 7, 2018.

§59-1604. License required - Exceptions and exemptions.

A. Except as otherwise provided by this section, no person shall practice speech-language pathology or audiology unless such person is licensed pursuant to the Speech-Language Pathology and Audiology Licensing Act.

B. The Speech-Language Pathology and Audiology Licensing Act shall not be construed to prevent:

1. A person licensed under any other law of this state from engaging in the profession or occupation for which such person is licensed, provided such person does not represent himself or herself to be a speech-language pathologist or audiologist;

2. An employee of the federal government, state, county or municipal government, or an agency or political subdivision thereof, from engaging in such employee's duties of employment;

3. The hearing testing or any other act conducted by licensed physicians within the scope of their licensed profession or by persons conducting hearing tests or other acts under the direct supervision of the physician;

4. The activities and services of a hearing-aid dealer or fitter so long as the activities and services of such dealer or fitter are limited to the selection, adaptation, distribution or sale of hearing aids, and the testing, instruction, and counseling pertaining thereto, as long as such hearing-aid dealer or fitter does not represent himself or herself to be an audiologist;

5. A teacher of the deaf and hard of hearing, certified by the Oklahoma State Department of Education, or certified nationally by the Council on Education of the Deaf, from engaging in the profession for which such teacher is trained. The services of a teacher of the deaf and hard-of-hearing shall be directed solely to those persons having or suspected of having a hearing disorder;

6. Any person not a resident of this state and who has not established offices in this state, from engaging in the practice of speech-language pathology or audiology in this state for a period that, in the aggregate, does not exceed seven (7) days in any calendar year, if such a person's education and experience is the

substantial equivalent to that of a licensed speech-language pathologist or audiologist as described in Section 1605 of this title; and

7. The activities of hearing screening programs which are conducted by employees or trained volunteers who are providing these services under the auspices of public or private charitable agencies.

C. Notwithstanding any other provision of this section, a person licensed in this state to perform speech-language pathology or audiology services is hereby designated to be a practitioner of the healing art for purposes of making a referral for speech-language pathology or audiology services pursuant to the provisions of the Individuals with Disabilities Education Act, Public Law 105-17, as amended, and Section 504 of the Rehabilitation Act of 1973. Added by Laws 1973, c. 203, § 4, emerg. eff. May 17, 1973. Amended by Laws 1982, c. 56, § 1, operative Oct. 1, 1982; Laws 1998, c. 202, § 4, eff. July 1, 1998; Laws 2004, c. 543, § 8, eff. July 1, 2004; Laws 2018, c. 230, § 2, emerg. eff. May 7, 2018.

§59-1605. Qualifications for licensure.

A. To be eligible for licensure by the Board of Examiners for Speech-Language Pathology and Audiology as a speech-language pathologist, the applicant must:

1. Hold not less than a master's degree, or the equivalent, with a major emphasis in speech-language pathology or audiology from a regionally accredited academic institution offering a graduate program in speech-language pathology or audiology that meets or exceeds prevailing national standards;

2. Submit evidence of completion of supervised clinical practicum experience that meets or exceeds prevailing national standards from a regionally accredited educational institution or its cooperating programs, the content of which shall be approved by the Board and delineated in the rules;

3. Submit evidence of completion of supervised postgraduate professional experience as approved by the Board and described in the rules;

4. Obtain a passing score on examinations approved by the Board. The Board shall determine the score required to pass an examination. An applicant who fails the examination may retake the examination in accordance with the timeline and procedures of the approved testing organization, and the rules promulgated by the Board;

5. Attest to their status as either a United States citizen, a United States noncitizen national or a qualified alien;

6. Have not committed any acts described in Section 1619 of this title for which disciplinary action may be justified; and

7. Make application to the Board upon a form prescribed by the Board and pay to the Board the application fee.

B. To be eligible for initial licensure by the Board as an audiologist, the applicant must:

1. Hold not less than a post-baccalaureate residential or post-masters' distance education professional Doctor of Audiology (AuD) degree, a Doctor of Philosophy (PhD) degree with an emphasis in audiology or its equivalent as determined by the Board;

2. If applying with a Doctor of Audiology (AuD) professional degree, demonstrate preparation that includes three (3) years of didactic coursework and clinical education equivalent to a twelve-month full-time rotation or externship;

3. Submit to the Board a copy of the Doctor of Audiology (AuD) diploma and a transcript demonstrating clinical experience equivalent to a twelve-month full-time clinical rotation or externship; a copy of the Doctor of Philosophy (PhD) diploma with an emphasis in audiology and a transcript reflecting a twelve-month full-time clinical rotation or externship, or their equivalents as determined by the Board; provided, such equivalents shall be from an accredited academic institution in order to demonstrate completion of the clinical rotation or externship requirements;

4. Obtain a passing score on examinations approved by the Board. The Board shall determine the score required to pass an examination. An applicant who fails the examination may retake the examination in accordance with the timeline and procedures of the approved testing organization, and the rules promulgated by the Board;

5. Attest to their status as either a United States citizen, a United States noncitizen national or a qualified alien;

6. Have not committed any acts described in Section 1619 of this title for which disciplinary action may be justified; and

7. Make application to the Board upon a form prescribed by the Board and pay to the Board the application fee.

C. To be eligible for licensure by the Board as a speech-language pathology clinical fellow, the applicant must currently be in the process of fulfilling the supervised clinical fellowship required by this section and possess a designation of the title "Clinical Fellow" indicating the status appropriate to the applicant's level of training. To be eligible for licensure as a clinical fellow, the applicant shall meet all requirements specified by paragraphs 1, 2, 5, 6 and 7 of subsection A of this section. Speech-language pathologist applicants completing the supervised postgraduate professional experience in this state shall possess a license issued by the Board.

D. To be eligible for licensure by the Board as a speech-language pathology or audiology assistant, the applicant must be assisting in the practice of speech-language pathology or audiology

while under the supervision of a licensed speech-language pathologist or audiologist, subject to the rules of the Board. The licensed speech-language pathologist or audiologist is legally and ethically responsible for the professional activities of such licensees.

E. To be eligible for licensure by the Board as a speech-language pathologist, audiologist, speech-language clinical fellow or speech-language pathology assistant, the applicant must meet all the requirements specified in this section. The Board may authorize the executive secretary to issue a temporary license upon verification that the applicant meets all applicable requirements of licensure. A temporary license shall authorize the applicant to practice speech-language pathology or audiology for the time period between the submission of the application and the applicant's approval for licensure by the Board. A temporary license shall expire upon the Board's approval of a permanent license, or ten (10) calendar days following the Board's denial of an application for a permanent license.

Added by Laws 1973, c. 203, § 5, emerg. eff. May 17, 1973. Amended by Laws 1982, c. 56, § 2, operative Oct. 1, 1982; Laws 1994, c. 197, § 1, eff. July 1, 1994; Laws 1998, c. 202, § 5, eff. July 1, 1998; Laws 2004, c. 280, § 2, eff. July 1, 2004; Laws 2018, c. 230, § 3, emerg. eff. May 7, 2018; Laws 2019, c. 363, § 54, eff. Nov. 1, 2019.

§59-1606. Waiver of examination requirement.

A. The Board of Examiners for Speech-Language Pathology and Audiology shall waive the examination and grant a license to applicants who present proof of current licensure in a state or country whose requirements for licensure are substantially equivalent to those of the Speech-Language Pathology and Audiology Licensing Act.

B. The Board shall waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech-Language-Hearing Association or its current equivalent in the area for which they are applying for licensure, provided the requirements for such certification are equivalent to or greater than those for licensure.

Added by Laws 1973, c. 203, § 6, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 6, eff. July 1, 1998; Laws 2004, c. 280, § 3, eff. July 1, 2004; Laws 2018, c. 230, § 4, emerg. eff. May 7, 2018.

§59-1607. Board of Examiners for Speech-Language Pathology and Audiology – Members – Duties - Reimbursement.

A. There is hereby re-created, to continue until July 1, 2027, in accordance with the provisions of the Oklahoma Sunset Law, the Board of Examiners for Speech-Language Pathology and Audiology whose

duty it is to administer the provisions of the Speech-Language Pathology and Audiology Licensing Act. The members of the Board shall be residents of this state and shall be appointed by the Governor with the advice and consent of the Senate. The Board shall be composed of five (5) members consisting of three licensed speech-language pathologists or audiologists, provided that at least one of the three shall be a licensed speech-language pathologist and at least one, a licensed audiologist; one otolaryngologist who is certified by the American Board of Otolaryngology and one lay member.

B. The members of the original Board shall serve the following terms: one member for one (1) year, two members for two (2) years, and two members for three (3) years. Thereafter, at the expiration of the term, or termination of the member's service for any reason, the Governor shall appoint each successor for a term of three (3) years, or for the remainder of an unexpired term. The successor for any of the three speech-language pathologists or audiologists will be selected from a list of five licensed speech-language pathologists or audiologists, furnished by the Oklahoma Speech-Language-Hearing Association. The re-creation of the Board shall not affect the staggered terms of office for Board members established with the original Board.

C. Before entering upon the duties of the member's office, each member of the Board shall take the constitutional oath of office and file it with the Secretary of State.

D. Board members may be reappointed to serve one additional three-year term. Three (3) years after the termination of a previous appointment to the Board, a member may be reappointed for one additional three-year term.

E. Board members shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

Added by Laws 1973, c. 203, § 7, emerg. eff. May 17, 1973. Amended by Laws 1982, c. 56, § 3, operative Oct. 1, 1982; Laws 1988, c. 225, § 16; Laws 1994, c. 197, § 2, eff. July 1, 1994; Laws 1998, c. 202, § 7, eff. July 1, 1998; Laws 2000, c. 88, § 1; Laws 2004, c. 280, § 4, eff. July 1, 2004; Laws 2006, c. 49, § 1; Laws 2012, c. 59, § 1; Laws 2015, c. 236, § 1; Laws 2019, c. 463, § 1; Laws 2021, c. 558, § 7, eff. July 1, 2021; Laws 2024, c. 26, § 1, eff. July 1, 2024.

§59-1608. Removal of Board members.

The Governor may remove any member of the Board of Examiners for Speech-Language Pathology and Audiology for misconduct, incompetence or neglect of duty, after giving the member a written statement of charges, and opportunity for a hearing.

Added by Laws 1973, c. 203, § 8, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 8, eff. July 1, 1998; Laws 2004, c. 280, § 5, eff. July 1, 2004.

§59-1609. Meetings - Quorum - Executive secretary - Employees - Space.

A. The Board of Examiners for Speech-Language Pathology and Audiology shall hold a regular annual meeting at its last meeting of the fiscal year at which it shall elect from its membership a chairman, a vice-chairman, and a secretary. Other regular meetings shall be held at such times as the rules of the Board may provide. Special meetings may be held at such times as may be deemed necessary or advisable by a majority of the Board members. At least one (1) week's notice of all meetings shall be given in a manner prescribed by the rules of the Board.

B. All meetings of the Board shall be in accordance with the Oklahoma Open Meeting Act.

C. Three members of the Board shall constitute a quorum.

D. An executive secretary shall be appointed by the Board, and shall hold office at the pleasure of the Board. The Board may employ such other persons and may rent or purchase such space and equipment as it deems necessary or desirable to carry out the provisions of Section 1601 et seq. of this title.

Added by Laws 1973, c. 203, § 9, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 9, eff. July 1, 1998; Laws 2018, c. 230, § 5, emerg. eff. May 7, 2018.

§59-1610. Powers and duties of Board.

A. The Board of Examiners for Speech-Language Pathology and Audiology, in addition to the other powers and duties prescribed by the Speech-Language Pathology and Audiology Licensing Act, shall have the power and duty to:

1. Regulate the practice of speech-language pathology and audiology in this state;

2. Examine the applicants and issue the appropriate licenses pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act to applicants qualified in the practice of speech-language pathology and audiology;

3. Continue in effect, suspend, revoke, modify or deny, pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act and such conditions as the Board may prescribe, licenses for the practice of speech-language pathology and audiology in this state;

4. Investigate complaints and hold hearings pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act and the Administrative Procedures Act;

5. Initiate prosecutions against licensees in violation of the provisions of the Speech-Language Pathology and Audiology Licensing Act;

6. Reprimand or place on probation, or both, any holder of a license pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act;

7. Adopt and promulgate standards of conduct for speech-language pathologists and audiologists consistent with accepted national standards;

8. Develop and promulgate rules necessary to effectuate the provisions of the Speech-Language Pathology and Audiology Licensing Act;

9. Enforce rules promulgated pursuant to the provisions of the Speech-Language Pathology and Audiology Licensing Act;

10. Communicate disciplinary actions to relevant state and federal authorities, to other state speech-language pathology and audiology licensing authorities requesting such information, and to other state and national professional associations requesting such information; and

11. Exercise all incidental powers and duties which are necessary and proper to effectuate the provisions of the Speech-Language Pathology and Audiology Licensing Act.

B. The conferral or enumeration of specific powers elsewhere in the Speech-Language Pathology and Audiology Licensing Act shall not be construed as a limitation of the general functions conferred by this section.

C. No member of the Board shall be liable for civil action for any act performed in good faith in the performance of the member's duties as prescribed by law.

Added by Laws 1973, c. 203, § 10, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 10, eff. July 1, 1998.

§59-1611. Code of ethics.

A. The Board of Examiners for Speech-Language Pathology and Audiology shall publish a code of ethics. The code shall take into account the professional character of speech-language and hearing services, and shall be designed to protect the interests of the client and the public.

B. In developing and revising the code of ethics, the Board shall hold hearings where interested persons may be heard on the subject. In addition, the Board will take into account the ethical standards promulgated by the American Speech-Language-Hearing Association.

Added by Laws 1973, c. 203, § 11, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 11, eff. July 1, 1998; Laws 2004, c. 280, § 6, eff. July 1, 2004.

§59-1612. Seal - Official records as prima facie evidence.

The Board of Examiners for Speech-Language Pathology and Audiology shall adopt a seal by which it shall authenticate the Board's proceedings. Copies of the proceedings, records and acts of the Board, and certificates purporting to relate the facts concerning such proceedings, records and acts, signed by the executive secretary and authenticated by said seal, shall be prima facie evidence in all courts of this state.

Added by Laws 1973, c. 203, § 12, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 12, eff. July 1, 1998.

§59-1613. Rules.

In addition to the powers and duties granted to the Board of Examiners for Speech-Language Pathology and Audiology by other provisions of the Speech-Language Pathology and Audiology Licensing Act, the Board shall promulgate rules, not inconsistent with the Constitution and laws of this state, that are reasonably necessary to the conduct of its duties and proceedings.

Added by Laws 1973, c. 203, § 13, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 13, eff. July 1, 1998.

§59-1614. Speech-Language Pathology and Audiology Licensing Fund.

A. The executive secretary of the Board of Examiners for Speech-Language Pathology and Audiology shall receive and account for all monies derived from the Speech-Language Pathology and Audiology Licensing Act. The executive secretary of the Board shall pay these monies monthly to the State Treasurer who shall keep them in a separate fund to be known as the "Speech-Language Pathology and Audiology Licensing Fund".

B. All monies received in the fund are hereby appropriated to the Board. Monies may be paid out of the fund upon proper voucher approved by the chair of the Board, and attested by the executive secretary of the Board.

C. All monies in the Speech-Language Pathology and Audiology Licensing Fund at the end of each fiscal year, being the unexpended balance of such fund, shall be carried forward and placed to the credit of the fund for the succeeding fiscal year.

D. Only the Board shall make expenditures from the fund for any purpose that is reasonably necessary to carry out the provisions of the Speech-Language Pathology and Audiology Licensing Act.

E. No money shall ever be paid from the General Revenue Fund for the administration of the Speech-Language Pathology and Audiology Licensing Act.

F. Any expenses or liabilities incurred by the Board shall not constitute a charge on any state funds other than the Speech-Language Pathology and Audiology Licensing Fund.

Added by Laws 1973, c. 203, § 14, emerg. eff. May 17, 1973. Amended by Laws 1980, c. 159, § 16, emerg. eff. April 2, 1980; Laws 1998, c. 202, § 14, eff. July 1, 1998; Laws 2004, c. 280, § 7, eff. July 1, 2004.

§59-1615. Repealed by Laws 1998, c. 202, § 24, eff. July 1, 1998.

§59-1615.1. Fees.

A. All licensing fees, renewal fees, and replacement fees shall be amounts fixed by the Board of Examiners for Speech-Language Pathology and Audiology. 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 Speech-Language Pathology and Audiology Licensing Act, and so there are no unnecessary surpluses in the Speech-Language Pathology and Audiology Licensing Fund.

B. The Board shall not fix a license fee at an amount in excess of One Hundred Dollars ($100.00), a renewal fee at an amount in excess of One Hundred Dollars ($100.00), or a fee for the issuance of a license to replace a license which was lost, destroyed, mutilated, or revoked at an amount in excess of Twenty-five Dollars ($25.00). The fees shall accompany the respective application. Added by Laws 1998, c. 202, § 15, eff. July 1, 1998.

§59-1616. License certificates - Renewals - Inactive status.

A. The Board of Examiners for Speech-Language Pathology and Audiology shall issue a license certificate to each person whom it registers as a speech-language pathologist and/or audiologist. Licensure shall be granted in either speech-language pathology or audiology independently. Qualified applicants may be independently licensed in both. The certificate shall show the full legal name of the licensee and shall bear a serial number. The serial number is exclusive and not transferable. The certificate shall be signed by the chair and executive secretary of the Board under the seal of the Board.

B. Licenses for independent practitioners expire on the 31st day of December following their issuance or renewal, and are invalid thereafter unless renewed. The Board shall notify every person licensed pursuant to the Speech-Language Pathology and Audiology Licensing Act of the date of expiration and the amount of the renewal fee. This notice shall be mailed at least one (1) month before the expiration of the license. Renewal may be made at any time during the months of November or December upon application therefore, and by payment of the renewal fee. Failure on the part of any licensed person to pay such person’s renewal fee before the first day in January does not deprive the person of the person’s right to renew the person’s license, but the fee to be paid for

renewal after December shall be increased by fifty percent (50%) for each month or fraction thereof that the payment is delayed, up to a maximum of three times the current renewal fee.

C. A licensed speech-language pathologist or audiologist may place such person's license on inactive status if, prior to expiration of the person's license, the person makes written application to the Board for such status and pays a fee of Twenty-five Dollars ($25.00). Thereafter, the person may renew such person's license upon payment of a renewal fee equal to one and one-half (1 1/2) times the then current license fee. During the period of time the person's license is in an inactive status, the person shall not engage in the practice of speech-language pathology or audiology in the State of Oklahoma.

Added by Laws 1973, c. 203, § 16, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 16, eff. July 1, 1998; Laws 2004, c. 280, § 8, eff. July 1, 2004.

§59-1616.1. Continuing education programs.

The Board of Examiners for Speech-Language Pathology and Audiology is hereby authorized to establish requirements of continuing education as a condition for the renewal of licensure of speech-language pathologists and audiologists. The Board may assess a reasonable fee to be paid by entities sponsoring continuing education programs. Rules concerning accreditation of continuing education programs and other educational experience, and the assignment of credit for participation therein must be promulgated by the Board at least one (1) year prior to implementation of continuing education.

Added by Laws 1998, c. 202, § 17, eff. July 1, 1998.

§59-1617. List of licensees - Publication - Distribution.

The Board of Examiners for Speech-Language Pathology and Audiology shall publish a list of all licensees, including the name and business address of each licensee, the area in which the person is licensed, and such other information as the Board deems appropriate. This list will be published on the web site for the Board of Examiners for Speech-Language Pathology and Audiology in printable format and updated quarterly. A copy of the list will be placed on file with the Secretary of State annually. Copies will be furnished to licensees and the public upon request.

Added by Laws 1973, c. 203, § 17, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 18, eff. July 1, 1998; Laws 2004, c. 280, § 9, eff. July 1, 2004; Laws 2018, c. 230, § 6, emerg. eff. May 7, 2018.

§59-1618. Fees as exclusive.

The fees promulgated by the Board of Examiners for Speech-Language Pathology and Audiology shall be exclusive and no municipality shall have the right to require any person licensed under the provisions of the Speech-Language Pathology and Audiology Licensing Act to furnish any bond, pass any examination or pay any license fee or occupational tax.
Added by Laws 1973, c. 203, § 18, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 19, eff. July 1, 1998.

§59-1619. Disciplinary actions - Grounds - Notice and hearing - Appeal - Restoration – Definitions.

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 licensee's speech-language pathology or audiology services;

2. Has aided or abetted a person who is not a licensed speech-language pathologist or audiologist and who is 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 and poses a reasonable threat to public safety.

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 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 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.

Added by Laws 1973, c. 203, § 19, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 20, eff. July 1, 1998; Laws 2015, c. 183, § 10, eff. Nov. 1, 2015; Laws 2018, c. 230, § 7, emerg. eff. May 7, 2018; Laws 2019, c. 363, § 55, eff. Nov. 1, 2019.

§59-1620. Jurisdiction of district court.

A. The Board of Examiners for Speech-Language Pathology and Audiology, the Attorney General or the local district attorney may apply to the district court in the county in which a violation of the Speech-Language Pathology and Audiology Licensing Act is alleged to have occurred for an order enjoining or restraining the commission or continuance of such alleged violations. Thereupon, the court has jurisdiction over the proceedings, and may grant such temporary or permanent injunction or restraining order, without bond, as it deems just and proper.

B. The remedy provided by this section is in addition to, and independent of, any other remedies available for the enforcement of the Speech-Language Pathology and Audiology Licensing Act.

Added by Laws 1973, c. 203, § 20, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 21, eff. July 1, 1998.

§59-1621. Penalties.

Any person who represents himself or herself to be a speech-language pathologist and/or audiologist or engages in the practice of speech-language pathology and/or audiology within this state without being licensed or exempted in accordance with the provisions of the Speech-Language Pathology and Audiology Licensing Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Hundred Dollars ($500.00) or be confined to jail for not more than six (6) months, or both such fine or confinement. Each day of violation is a separate offense.

Added by Laws 1973, c. 203, § 21, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 22, eff. July 1, 1998.

§59-1622. Annual reports.

The Board of Examiners for Speech-Language Pathology and Audiology shall make an annual report to the Governor, not later than the fifteenth day of November of each year. The report shall contain an account of all monies received, licenses issued, suspended or revoked, and all expenditures made by the Board in the twelve (12) months prior to said date.

Added by Laws 1973, c. 203, § 22, emerg. eff. May 17, 1973. Amended by Laws 1998, c. 202, § 23, eff. July 1, 1998.

§59-1624. Citation.

This act shall be known and may be cited as the "Oklahoma Welding Act."

Laws 1978, c. 104, § 1, eff. Oct. 1, 1978.

§59-1625. Description and legislative intent.

A. This act describes the welding inspector's basic technical functions, the requirements by which welding personnel may become qualified, and the principles of conduct and practice by which certification may be maintained. The certification procedure shall apply to personnel who inspect weldments.

B. This act is intended to supplement any requirements of an employer, code, standard or specification and shall not be construed as a preemption of the employer's responsibility for the work or for the performance of such work.

Laws 1978, c. 104, § 2, eff. Oct. 1, 1978.

§59-1626. Definitions.

As used in this act:

1. "Certificate" means the document issued to an applicant upon successful examination;

2. "Certification" means the testimony of qualifications;

3. "Code" means United States of America National Standard Institute Code;

4. "Committee" means the Oklahoma State Labor Department, Boiler Inspection Department, Chief Boiler Inspector;

5. "Qualification" means the successful completion of all parts of the requirements set out by the Oklahoma Department of Labor;

6. "Welding inspector" means a person who has met the requirements of this act;

7. "Weld-testing facility" means a qualified and approved testing facility approved by the Oklahoma Department of Labor;

8. "Weldment" means a welded assembly in which the bulk of the component parts are prepared and joined by any combination of the cutting and welding processes covered by Section 1628 of this title;

9. "Work" means that portion of the product or weldment that specifically involves or affects the use of welding;

10. "Welder" means a person who has met the requirements of this act; and

11. "Structural steel or steel deck welding" has the same meaning as defined in American Welding Society D1.1 and D1.3. Added by Laws 1978, c. 104, § 3, eff. Oct. 1, 1978. Amended by Laws 1979, c. 171, § 1, emerg. eff. May 15, 1979; Laws 2008, c. 312, § 11, eff. Nov. 1, 2008.

§59-1627. Welding inspectors - Powers and duties.

A welding inspector shall have the following powers and duties:1. Verify

2. Verify that the base materials and consumable welding materials conform to the specification requirements and that the specified welding filler metals are used on each base metal or combination of base metals;

3. Verify that the welding equipment to be used for the work is that which is specified in the welding procedure and has the capability to produce the specified welds;

4. Verify that the welding procedures are as specified, qualified and available to the welders for reference;

5. Verify that the welders have been properly qualified in accordance with the applicable codes and standards, and that their qualification authorizes them to use the welding procedures specified for the work. If there is evidence that the welder's work does not conform to the requirements of the applicable code, standard or specification, the welding inspector may require requalification of a welder, if that person's qualification is not current by the requirements of the applicable codes, standards or specifications;

6. When qualifying welders, the welding inspector shall observe the qualification tests;

7. Verify that only specified and properly qualified welding procedures are used for the work;

8. Verify that the joint preparation and fit-up meets the requirements of the welding procedure and drawings;

9. Verify that the specified filler metals are used and that the filler metals are maintained in proper condition for use as specified;

10. Observe the technique and performance of each welder;

11. Examine the work for conformance to the requirements of the applicable codes, standards, specifications and drawings;

12. Identify the work he inspects with specified marking methods or appropriate records;

13. Perform the necessary visual inspections;

14. Verify that the required visual and other nondestructive examinations have been performed by qualified personnel in the specified manner. He shall review the resulting information to assure that the results are complete. The welding inspector may perform nondestructive examinations that are specified, providing he is qualified in accordance with the specified requirements; and

15. Prepare clear and concise reports and keep necessary records of the welding procedure, the welding procedure qualifications, the welding qualifications, the control of welding materials and the results of inspections and tests. It shall be the duty of the welding inspector to see that all test results are forwarded to the Department of Labor for issuance of welder certification cards.

Laws 1978, c. 104, § 4, eff. Oct. 1, 1978.

§59-1628. Applicants for certification - Qualifications.

Each applicant for certification as a welding inspector shall have the following qualifications:

1. Maintenance experience involving the detection and measurement of weld inadequacies or discontinuities in accordance with specified procedures;

2. Repair experience involving the repair or replacement of welds that were determined inadequate or defective by reference to a code, standard, specification or drawing;

3. Familiarity with and understanding of the fundamentals of the following processes:

a. shielded metal arc welding,
b. stud arc welding,
c. submerged arc welding,
d. flux cored arc welding,
e. gas metal arc welding,
f. gas tungsten arc welding,
g. electroslag welding,
h. oxyfuel gas welding,
i. brazing,
j. thermal cutting, and
k. mechanical cutting.

Cutting processes refer only to those processes that are applied to the fabrication and repair of weldments;

4. Capability in writing clear and concise reports and maintaining records; and

5. Competency in the use of tools, gauges and instruments pertaining to weld inspection.

Laws 1978, c. 104, § 5, eff. Oct. 1, 1978.

§59-1629. Certification of applicants.

The Oklahoma State Labor Department shall issue to each applicant successfully meeting the qualifications requirements provided in Section 1628 of this title a certificate stating that the applicant has met the certification requirements. The certificate shall be valid for one (1) year unless revoked pursuant to Section 1631 of this title.
Added by Laws 1978, c. 104, § 6, eff. Oct. 1, 1978. Amended by Laws 2008, c. 312, § 12, eff. Nov. 1, 2008.

§59-1630. Standards of skills, practice and conduct of welding inspectors.

A. In order to safeguard the public health and well-being and to maintain integrity and high standards of skills, practice and conduct in the occupation of welding inspection, the certified welding inspector shall be cognizant of the principles provided in this section and the scope to which they apply with the understanding that any unauthorized practice is subject to the Committee's review and may result in suspension or revocation of certification.

B. The welding inspector shall act with complete integrity in professional matters and be forthright and candid to the representatives on matters pertaining to this act.

C. The welding inspector shall preserve the health and well-being of the public by performing the duties required of welding inspectors in a conscientious and impartial manner to the full extent of his moral and civic responsibilities and qualifications. Accordingly, the welding inspector shall:

1. Undertake and perform assignments only when qualified by training, experience and capability; and

2. Be completely objective, thorough and factual in any written report, statement or testimony of the work and include all relevant or pertinent information in such communiques or testimonials.

D. With regard to public statements, the welding inspector shall:

1. Issue no statements, criticisms or arguments on weld inspection matters connected with public policy which are inspired or paid for by one or more interested parties without first identifying the party and speaker, and disclosing any possible pecuniary interest; and

2. Publicly express no opinion on a weld inspection subject unless it is founded upon an adequate knowledge of the facts in issue, upon a background of technical competence pertinent to the subject, and upon honest conviction of the accuracy and propriety of the statement.

E. With regard to conflicts of interest, the welding inspector shall:

1. Conscientiously avoid conflict of interest with his client and shall disclose any business association, interests or circumstances that might be so considered;

2. Not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties or their authorized agents;

3. Not solicit or accept gratuities, directly or indirectly, from one or more parties dealing with the client or employer in connection with the welding inspector's work; and

4. Neither inspect, review nor approve any work on behalf of one or more parties, while serving in the capacity of an elected, retained or employed public official.

F. With regard to solicitation of employment, the welding inspector shall:

1. Neither pay, solicit nor offer, directly or indirectly, any bribe or commission for professional employment with the exception of the usual commission or fees required; and

2. Neither falsify, exaggerate nor indulge in the misrepresentation of personal academic and professional qualifications, past assignments, accomplishments and responsibilities, or those of his associates.

Laws 1978, c. 104, § 7, eff. Oct. 1, 1978.

§59-1631. Unauthorized practive - Suspension, refused renewal or revocation of certification.

The Oklahoma Commissioner of Labor shall have the power to suspend, refuse renewal of or revoke the welding inspector's certification, and the power to place on probation or to reprimand the holder, if he is found guilty of an unauthorized practice. The Commissioner of Labor may apply to any court of competent jurisdiction for an enforcement of its administrative decisions and rulings.

Laws 1978, c. 104, § 8, eff. Oct. 1, 1978.

§59-1632. Reinstatement.

Reinstatement of a revoked certification shall be allowed with no penalty or prejudice to the individual, provided the reason for such revocation has been rectified to the Commissioner of Labor's satisfaction.

Laws 1978, c. 104, § 9, eff. Oct. 1, 1978.

§59-1633. Recertification.

A. The welding inspector shall be recertified upon payment of the current fee and successful reexamination of complete facilities every year. However, renewal applicants who attest to continual or

uninterrupted activity in the practice of welding inspection and who recomply with the provisions of Sections 141.1 through 141.20 of Title 40 of the Oklahoma Statutes and 380:25-13-3 of the Oklahoma Administrative Code shall be recertified upon payment of the current certification fee without reexamination.

B. Application for renewal of a certification that has expired shall be considered a new application.

C. The welding inspector shall be responsible for maintaining a current address with the State Department of Labor, Boiler Inspector Department, for mailing of renewal notices.

Added by Laws 1978, c. 104, § 10, eff. Oct. 1, 1978. Amended by Laws 2003, c. 101, § 2, eff. Nov. 1, 2003.

§59-1634. Adoption of American Society of Mechanical Engineers Codes - Certification of welders - Penalties.

A. The following American Society of Mechanical Engineers Codes, based upon the latest edition, shall be the piping codes for this state:

1. The power piping code, ASME B31.1;

2. The fuel gas piping code, ASME B31.2;

3. The gas transmission and distribution piping system code, ASME B31.8;

4. The process piping code, ASME B31.3; and

5. The liquid transportation systems for hydrocarbons, liquid petroleum gas, anhydrous ammonia and alcohols code, ASME 31.4.

B. The American Welding Society D1.1 and D1.3 shall be the structural steel welding codes for this state.

C. The provisions of this act shall apply only to weldments required by the above codes.

D. All welders prior to performing weldments within this state on any piping enumerated in subsection A of this section or structural steel welding enumerated in subsection B of this section shall be tested, qualified and certified by the Commissioner of Labor pursuant to this act.

E. It shall be mandatory upon the owner, or a contractor to whom a contract is awarded and upon any welders wherein welders are to perform weldments on any piping enumerated in subsection A, upon any subcontractor under the owner or a contractor, to ensure that all welders performing weldments within this state shall be certified by the Commissioner of Labor before any weldments are fabricated.

F. Penalties:

1. Any welder who violates or omits to comply with any of the provisions of this section, and any officer, agent or representative of any owner or any contractor or subcontractor who violates or omits to comply with any of the provisions of this section shall be subjected to the penalties provided in this title.

2. The Commissioner of Labor is empowered to issue cease and desist orders against violations of this act until such time as compliance of the law is met. If an owner, welder, contractor and/or subcontractor fails to obey the orders issued by the Commissioner of Labor, the Attorney General shall review the case and initiate necessary proceedings for contempt of the Commissioner's order and/or ask for an injunction in the district court as deemed appropriate to the facts of the case.

3. No person, firm or corporation or agent thereof shall in any manner interfere with the performance of the duties of any inspector or representative of the Commissioner of Labor for the implementation of this act.

Added by Laws 1978, c. 104, § 11, eff. Oct. 1, 1978. Amended by Laws 1979, c. 171, § 2, emerg. eff. May 15, 1979; Laws 2003, c. 101, § 3, eff. Nov. 1, 2003; Laws 2008, c. 312, § 13, eff. Nov. 1, 2008.

§59-1634.1. Weldments subject to certain codes.

Notwithstanding any other provision of law, weldments subject to the provisions of Section 1624 et seq. of this title and performed on and after the effective date of this act shall meet the standards of the following codes: American Society of Mechanical Engineers (ASME) Section IX and American Petroleum Institute (API) 1104, 1107 and American Welding Society D1.1 and D1.3.

Added by Laws 1997, c. 353, § 3, eff. Nov. 1, 1997. Amended by Laws 2008, c. 312, § 14, eff. Nov. 1, 2008.

§59-1635. Commission of Labor - Additional power and duties.

The Commissioner of Labor shall have the following duties in addition to any other duties prescribed by law:

1. Examine, certify and renew the certification of qualified applicants and keep a record of all such proceedings;

2. Promulgate rules concerning the quality of welds and qualification of welders;

3. Designate and approve persons qualified to administer welding tests; and

4. Designate and approve shops, testing facilities or other establishments qualified for testing coupons and weldments.

Added by Laws 1978, c. 104, § 12, eff. Oct. 1, 1978. Amended by Laws 1998, c. 364, § 15, emerg. eff. June 8, 1998.

§59-1636. Fees and certificates.

A. The certification fee for each welder shall be Twenty-five Dollars ($25.00). An additional fee of Ten Dollars ($10.00) shall be paid if the welder's certification has expired prior to renewal. The certification fee for each welding inspector shall be One Hundred Dollars ($100.00). The certification fee for each testing facility shall be Two Hundred Fifty Dollars ($250.00).

B. Certificates for welders and testing facilities and welding inspectors shall be issued for a period of one (1) year, and shall be renewed by January 1 of each year for testing facility applicants and welding inspectors, and on the last day of the welder applicant's birth month; provided, however, that no welder applicant shall be required to renew his license more than once during any twelve-month period. Failure to renew the certificates within one (1) year of expiration shall require recertification.
Amended by Laws 1984, c. 296, § 74, operative July 1, 1984.

§59-1637. Disposition of revenues.

All revenues collected under the provisions of this act shall be paid by the Department of Labor to the State Treasurer and by him placed to the credit of the General Revenue Fund of the state, to be used for governmental functions and to be paid out only pursuant to direct appropriation by the Legislature of the State of Oklahoma.
Laws 1978, c. 104, § 14, eff. Oct. 1, 1978.

§59-1638. Exemptions.

A. Upon the effective date of this act, owner-user inspectors following weldment procedures which conform to the applicable code for qualifying welders and testing weldments by nondestructive or destructive methods shall be exempt from this act. Any inspector who has been certified by the American Welding Society shall be exempt.

B. Any weld-test facility, which has been approved and certified under this title by the Oklahoma Department of Labor on or before January 1, 1979, to test and qualify welder operators and which has as its primary function the testing and qualifying of welder operators, shall be approved to continue as authorized and may operate using inspectors who have documentation of a minimum of seven (7) years of the last ten (10) years of experience in the inspection field.

C. The Commissioner of Labor shall, upon proper application and the payment of fees within ninety (90) days after the effective date of this act, and annually thereafter upon payment of the fees provided herein shall issue certification without examination to those persons who test and qualify welder operators, upon producing proof satisfactory to the Commissioner, that they meet the requirements of this section, and who have otherwise complied with the provisions of this act.

D. For one (1) year from the effective date of this act, structural steel welders with five (5) or more years of experience, as verified by the Department of Labor, shall not be required to pass a welding test, but must otherwise comply with the provisions of this act and the rules promulgated by the Department of Labor to implement the Oklahoma Welding Act.

Added by Laws 1978, c. 104, § 15, eff. Oct. 1, 1978. Amended by Laws 1979, c. 171, § 3, emerg. eff. May 15, 1979; Laws 2008, c. 312, § 15, eff. Nov. 1, 2008.

§59-1639. Owner may require welder to qualify with appropriate code - Exempt equipment.

If a welder holds a state certificate, the owner may require the welder to qualify in accordance with the appropriate code whenever deemed necessary, and reject the welder if qualifying test is failed. Any equipment fabricated in compliance with existing codes is exempt from this act.
Laws 1978, c. 104, § 16, eff. Oct. 1, 1978.

§59-1640. Violations - Misdemeanor - Penalties.

Any person who violates the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by payment of a fine of Five Hundred Dollars ($500.00).
Laws 1978, c. 104, § 17, eff. Oct. 1, 1978.

§59-1641. Construction of act.

Nothing in this act shall be construed to affect or modify any unexpired welder certification issued prior to the adoption hereof. Holders of unexpired welder certifications issued by the Commissioner of Labor shall be entitled to renew said certificates as herein provided.
Laws 1978, c. 104, § 18, eff. Oct. 1, 1978.

§59-1680. Short title.

Sections 1680 through 1697 of this title shall be known and may be cited as the "Electrical License Act".
Added by Laws 1982, c. 337, § 1. Amended by Laws 2001, c. 394, § 37, eff. Jan. 1, 2002.

§59-1681. Rules.

A. The Construction Industries Board is hereby authorized to administer the Electrical License Act and exercise all incidental powers necessary and proper to implement and enforce the provisions of the Electrical License Act and the rules promulgated pursuant thereto.

B. The Construction Industries Board is hereby authorized to adopt, amend and repeal rules governing the examination and licensing of electrical contractors and journeymen electricians, the defining of categories and limitations for such licenses, the establishment of continuing education requirements and procedures as determined by the Committee of Electrical Examiners, the establishment and levying of administrative fines, the initiation of disciplinary proceedings, the requesting of prosecution of and

initiation of injunctive proceedings against any person who violates any of the provisions of the Electrical License Act or any rule promulgated pursuant to the Electrical License Act, the establishment of bonding and insurance requirements precluding municipal requirements, the requirement of proof of possession of a Federal Tax ID Number and a State of Oklahoma Employment Security Board identification number, the registration of electrical apprentices, the establishment of a poultry house contractor license, and the standard of electrical installations.
Added by Laws 1982, c. 337, § 2. Amended by Laws 1985, c. 256, § 1, eff. Nov. 1, 1985; Laws 1987, c. 200, § 1, eff. Nov. 1, 1987; Laws 1991, c. 90, § 1, emerg. eff. April 22, 1991; Laws 1993, c. 236, § 4, eff. Sept. 1, 1993; Laws 1994, c. 155, § 1, eff. July 1, 1994; Laws 2001, c. 394, § 38, eff. Jan. 1, 2002; Laws 2009, c. 439, § 15, emerg. eff. June 2, 2009; Laws 2015, c. 313, § 21, eff. July 1, 2015.

§59-1681.1. Voluntary review of project plans and specifications.

The Construction Industries Board shall establish by rule a process for the formal review of the plans and specifications for a project prior to bid dates for the project to ensure that the project plans and specifications are in conformance with applicable plumbing, electrical and mechanical installation codes. The rule adopted by the Board shall provide that the review shall be completed in a timely manner, not to exceed fourteen (14) calendar days from the date of the submission of a completed application for review which shall be accompanied by the plans and specifications and a review fee not to exceed Two Hundred Dollars ($200.00) to be established by the rule. Upon completion of the review, the plans and specifications shall be returned to the applicant with documentation indicating either approval of plans and specifications when in compliance with the applicable codes, or modifications which must be made to bring the plans and specifications into conformance with applicable codes. Submission of the plans and specifications for review by the Board shall be voluntary.
Added by Laws 1994, c. 293, § 4, eff. July 1, 1994. Amended by Laws 2001, c. 394, § 39, eff. Jan. 1, 2002; Laws 2010, c. 338, § 1, eff. July 1, 2010.

§59-1682. Definitions.

A. As used in the Electrical License Act:

1. "Board" means the Construction Industries Board;

2. "Committee" means the Committee of Electrical Examiners appointed by the Board;

3. "Electrical apprentice" means any person sixteen (16) years of age or older whose principal occupation is the learning of and assisting in the installation of electrical work under the direct

supervision of a licensed journeyman electrician or electrical contractor;

4. "Journeyman electrician" means any person other than an electrical contractor who engages in the actual installation, alteration, repair or renovation of electrical facilities or electrical construction work unless specifically exempted by the provisions of the Electrical License Act;

5. "Electrical contractor" means any person skilled in the planning, superintending and practical installation of electrical facilities who is familiar with the laws, rules and regulations governing such work. Electrical contractor also means any individual, firm, partnership, corporation, limited liability company or business performing skills of an electrical contractor or an electrician or the business of contracting, or furnishing labor or labor and materials for the installation, repair, maintenance or renovation of electrical facilities or electrical construction work according to the provisions of the Electrical License Act;

6. "Electrical facilities" means all wiring, fixtures, appurtenances and appliances for, and in connection with, a supply of electricity within or adjacent to any building, structure or conveyance on the premises but not including the connection with a power supply meter or other power supply source;

7. "Category" means the classification by which licenses and electrical work may be limited. Such categories shall include but shall not be limited to installation, maintenance, repair, alteration, residential, oilfield and commercial;

8. "Temporary journeyman electrician" means any person other than a person permanently licensed as a journeyman electrician or electrical contractor in this state who meets the temporary licensure requirements of Section 1685.1 of this title;

9. "Variance and Appeals Board" means the Oklahoma State Electrical Installation Code Variance and Appeals Board;

10. "Electrical construction work" means installation, fabrication or assembly of equipment or systems included in "premises wiring" as defined in the National Electrical Code (reference 158:40-1-4. Standard of Installation), and which is hereby adopted and incorporated by reference. Electrical construction work includes but is not limited to installation of raceway systems used for any electrical purposes, and installation of field-assembled systems such as ice and snow melting, pipe-tracing and manufactured wiring systems. Electrical construction work shall not include in-plant work performed by employees of the company owning the plant, work performed by telecommunications employees for telecommunications companies or installation of factory-assembled appliances or machinery which is not part of the premises wiring unless wiring interconnections external to the equipment are required in the field;

11. "Electrical work" means work consisting primarily of the layout, installation, maintenance, repair, testing or replacement of all or part of electrical wires, conduits, apparatus, fixtures, appliances or equipment for transmitting, carrying, controlling or using electricity in, on, outside or attached to a building, structure, property or premises. Electrical work shall not mean work that is related to or facilitates the construction, installation or maintenance of all or part of an electrical system, but which does not involve actual work with any of the electrical components provided in this definition; and

12. "Student apprentice" means any person sixteen (16) years of age or older who complies with the requirements for registration under Section 1686 of this title.

B. Class 2 and Class 3 circuits shall be exempt from the requirements of electrical licensing of either an electrical contractor or a journeyman electrician, provided the work is performed in accordance with the National Fire Protection Association 70 requirements for Class 2 and Class 3 circuits. Added by Laws 1982, c. 337, § 3. Amended by Laws 1985, c. 256, § 2, eff. Nov. 1, 1985; Laws 1994, c. 155, § 2, eff. July 1, 1994; Laws 1994, c. 293, § 5, eff. July 1, 1994; Laws 1998, c. 320, § 1, emerg. eff. May 28, 1998; Laws 1999, c. 405, § 5, emerg. eff. June 10, 1999; Laws 2001, c. 394, § 40, eff. Jan. 1, 2002; Laws 2003, c. 318, § 11, eff. Nov. 1, 2003; Laws 2010, c. 338, § 2, eff. July 1, 2010; Laws 2018, c. 17, § 1, eff. Nov. 1, 2018; Laws 2021, c. 175, § 1, eff. Nov. 1, 2021; Laws 2024, c. 355, § 1, eff. Nov. 1, 2024.

§59-1683. Committee of Electrical Examiners - Membership - Term - Vacancies - Rules, regulations and examinations - Compensation - Quorum.

A. There is hereby established the Committee of Electrical Examiners which shall consist of seven (7) members. All members of the Committee shall be residents of this state.

B. Beginning January 1, 2002, as the terms of members serving on the Committee expire, six voting members of the Committee shall be appointed by the Construction Industries Board as follows:

1. One member shall be an electrical inspector selected from a list of names submitted by a statewide organization of electrical inspectors;

2. One member shall be selected from a list of names submitted by a statewide organization of electrical contractors representing union contractors;

3. One member shall be selected from a list of names submitted by a statewide organization representing builders and contractors;

4. One member shall be a journeyman wireman selected from a list of names submitted by a statewide organization of union journeymen wiremen;

5. One member shall be a journeyman wireman selected from lists of names submitted from the electrical construction industry; and

6. One member shall be selected from a list of names submitted by a statewide organization of electrical contractors representing nonunion contractors. The term of the initial appointee shall be for two (2) years.

All members shall each have at least ten (10) years of active experience as licensed electrical contractors, journeyman electricians or as an electrical inspector. No member shall be employed by the same person or firm as any other member of the Committee. The terms of members so appointed shall be staggered and shall be for two (2) years, or until their successors are appointed and qualified.

The nonvoting member shall be designated by the Board from its staff to serve on the Committee at the will of the Board.

C. Vacancies which may occur in the membership of the Committee shall be filled by appointment of the Board. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member he or she succeeds was appointed and until his or her successor has been appointed and has qualified. Members of the Committee may be removed from office by the Board for cause in the manner provided by law for the removal of officers not subject to impeachment.

D. The Committee shall assist and advise the Board on all matters relating to the formulation of rules and standards in accordance with the Electrical License Act. The Committee shall administer the examinations of applicants for licenses as electrical contractors or journeyman electricians provided that such examinations shall be in accordance with the provisions of the Electrical License Act. The Committee may authorize the Board to conduct tests on their behalf as the Committee deems necessary.

E. All members of the Committee shall be reimbursed for expenses incurred while in the performance of their duties in accordance with the State Travel Reimbursement Act.

F. A majority of the total membership of the Committee shall constitute a quorum for the transaction of business.

G. The Committee shall elect from among its membership a chair, vice-chair and secretary to serve terms of not more than one (1) year ending on June 30 of the year designated as the end of the officer's term. The chair or vice-chair shall preside at all meetings. The chair, vice-chair and secretary shall perform such duties as may be directed by the Committee. The Committee shall meet at such times as the chair or presiding officer deems necessary to carry out the responsibilities of the Board.

Added by Laws 1982, c. 337, § 4. Amended by Laws 1987, c. 200, § 2, eff. Nov. 1, 1987; Laws 1994, c. 155, § 3, eff. July 1, 1994; Laws 1996, c. 318, § 3, eff. July 1, 1996; Laws 2001, c. 394, § 41, eff.

Jan. 1, 2002; Laws 2002, c. 457, § 7, eff. July 1, 2002; Laws 2008, c. 4, § 6, eff. Nov. 1, 2008.

§59-1684. Examinations for licenses.

A. Examinations for licenses as electrical contractors or journeyman electricians shall be uniform and practical in nature for each respective license and shall be sufficiently strict to test the qualifications and fitness of the applicants for licenses. Examinations shall be in whole or in part in writing. The Committee shall conduct examinations twice a year and at such other times as it deems necessary.

B. The maximum grade value of each part of any such examination shall be one hundred (100) points. A passing score shall be seventy percent (70%) or higher on each part. Any applicant failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days.

Added by Laws 1982, c. 337, § 5. Amended by Laws 2024, c. 269, § 1, eff. Nov. 1, 2024.

§59-1685. Issuance of license - Qualification - Transferability and use.

A. The Construction Industries Board shall issue a license as journeyman electrician or electrical contractor to any person who:

1. Has been certified by the Committee of Electrical Examiners as either having successfully passed the appropriate examination or having a valid license issued by another governmental entity with licensing requirements similar to those provided in the Electrical License Act;

2. Has paid the license fee and otherwise complied with the provisions of the Electrical License Act; and

3. Has, when required by the Board, provided such documents, statements or other information as may be necessary to submit to a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

B. All licenses shall be nontransferable and it shall be a misdemeanor for any person licensed under the provisions of the Electrical License Act to loan or allow the use of such license by any other person, firm or corporation, except as specifically provided in the Electrical License Act.

Added by Laws 1982, c. 337, § 6. Amended by Laws 2001, c. 394, § 42, eff. Jan. 1, 2002; Laws 2008, c. 4, § 7, eff. Nov. 1, 2008.

§59-1685.1. Temporary licenses.

A. Within one (1) year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the Construction Industries Board shall issue a distinctively colored, nonrenewable, temporary

journeyman electrician license which shall expire one (1) year after the date of declaration to any person who is currently licensed as a journeyman electrician by another state and who:

1. Submits, within ten (10) days of beginning journeyman electrician's work in this state, an application and fee for a journeyman electrician's examination;

2. Takes and passes the examination at the first opportunity thereafter offered by the Board; and

3. Pays a temporary journeyman electrician's license fee to be established by rule by the Board pursuant to Section 1000.5 of this title.

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

Added by Laws 1999, c. 405, § 6, emerg. eff. June 10, 1999. Amended by Laws 2001, c. 394, § 43, eff. Jan. 1, 2002; Laws 2002, c. 457, § 8, eff. July 1, 2002.

§59-1686. Registration as electrical apprentice - Qualifications - Applications - Fee.

A. The Construction Industries Board shall, upon proper application and payment of fee, register as an electrical apprentice and issue a certificate of such registration to any person who furnishes satisfactory proof to the Board that the applicant is:

1. Sixteen (16) years of age or older; or

2. Enrolled in a school or federal training program for electrical apprentices recognized by the Board or employed as an electrical apprentice with an active licensed electrical contractor.

B. The Construction Industries Board shall, upon proper application and payment of fee, register as a student apprentice and issue a certificate of such registration to any person who furnishes satisfactory proof to the Board that the applicant is:

1. Sixteen (16) years of age or older;

2. Enrolled in high school and enrolled in a work-ready or similar program; and

3. Employed with an active licensed electrical contractor.

A student apprentice may not apply more than five hundred (500) hours per school year toward his or her journeyman requirements.

C. All applications for examination, license or renewal of license shall be made in writing to the Board on forms provided, if necessary, by the Board. All applications shall be accompanied by the appropriate fee.

D. Apprentices and student apprentices, when required by the Board, shall provide such documents, statements or other information as may be necessary to submit to a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

Added by Laws 1982, c. 337, § 7. Amended by Laws 2001, c. 394, § 44, eff. Jan. 1, 2002; Laws 2008, c. 4, § 8, eff. Nov. 1, 2008; Laws 2021, c. 175, § 2, eff. Nov. 1, 2021; Laws 2024, c. 355, § 2, eff. Nov. 1, 2024.

§59-1686.1. Poultry house contractor license.

A. The Construction Industries Board is hereby authorized to establish a license category for contractors who solely perform poultry house premise wiring for environmentally controlled poultry house systems, and the insured poultry house wiring to connect the premise wiring, and who do not perform any wiring for a structure or electrical facility that is not directly involved in the operation of the environmentally controlled poultry house wiring system. In addition to other statutory authority, the Construction Industries Board shall have the power to exercise all incidental powers and duties necessary to effectuate the provisions of the poultry house contractor license, conduct investigations involving compliance with the licensing requirements, and enforce the licensing provisions of this section. However, the Construction Industries Board is not authorized to conduct an electrical code inspection of an environmentally controlled poultry house premise wiring system for purposes of compliance with electrical code installation standards established for the Electrical License Act or to issue administrative citations or fines concerning electrical code installation standards at an environmentally controlled poultry house.

1. With a valid poultry house contractor license, no further registration or license is required under this act in order to solely perform poultry house wiring for environmentally controlled poultry houses. This license allows contracting only for wiring of environmentally controlled poultry house systems and is not intended to disallow or exclude unlimited electrical contractors from performing poultry house wiring work under an unlimited electrical contractor license without a poultry house contractor license.

2. Experience under the poultry house contractor license shall not be considered qualifying electrical experience for purposes of experience requirements for application of any other electrical license category pursuant to the Electrical License Act.

3. The Board may rely upon proof of a valid construction license or registration issued by another state to expedite the processing of the required information for a poultry house contractor license; provided, the insurance and workers' compensation requirements demonstrate compliance with the required coverage for work performed in this state.

4. All licenses shall be nontransferable, and it shall be a misdemeanor for any business entity holding a poultry house contractor license under the provisions of the Electrical License

Act to loan or allow the use of such license by any other person, firm or corporation, except as specifically provided in the Electrical License Act or to engage in poultry house contractor license work without a valid license pursuant to this act.

B. A nonrefundable fee in the amount of Three Hundred Dollars ($300.00) for the annual poultry house contractor license shall be paid at the time of license application to the Construction Industries Board. The annual license shall expire one (1) year from the date of issuance. A poultry house contractor license shall be issued for one year, at which time it may be renewed upon meeting the requirements of this section, making application, and paying the nonrefundable license renewal fee in the amount of Two Hundred Dollars ($200.00).

C. The Construction Industries Board shall, upon proper application and payment of fee, license and issue a certificate of poultry house contractor license to any person who furnishes satisfactory proof to the Board that the applicant:

1. Is eighteen (18) years of age or over;

2. Is the party performing, overseeing or otherwise responsible for the poultry house contractor work performed and who meets all requirements of this act and resulting rules required to obtain such license; and

3. Has provided all necessary information and documentation required under this act, the resulting rules, and as requested by the Board.

D. The Construction Industries Board shall require the following for a poultry house contractor license:

1. The applicant's full legal name, physical address, mailing address, business name, telephone number of business and applicant, address and place of incorporation, if any, and address of legal registered service agent in this state;

2. Proof of lawful presence in the United States for the applicant and all employees and laborers working under the applicant in this state who will be involved in wiring a poultry house for environmentally controlled poultry houses;

3. A listing of the names and social security numbers of all employees and laborers working in this state who will be involved in wiring a poultry house for environmentally controlled poultry houses. The social security number information shall remain with the Board as confidential and privileged except for necessary disclosures to state agencies to verify compliance with requirements of this act or upon request by law enforcement;

4. The business entity's federal tax ID number or the employer's or owner's social security number. The employer's account number assigned by the Employment Security Commission. The social security number information shall remain with the Board as confidential and privileged except for necessary disclosures to

state agencies to verify compliance with requirements of this act or upon request by law enforcement;

5. A letter of good standing from the Secretary of State in the state the contractor is domiciled and other documentation of valid license or registration from the domicile state licensing or registration board, commission or agency;

6. Disclosure of resident or nonresident contractor status, and state of residence and domicile;

7. A copy of the applicant's certificate of liability insurance shall be filed with the application and shall be not less than Five Hundred Thousand Dollars ($500,000.00). Any insurance company issuing a liability policy to an applicant pursuant to the provisions of the poultry house contractor license under this act shall be required to notify the Construction Industries Board in the event such liability policy is cancelled for any reason or lapses for nonpayment of premiums. All licenses granted under this act shall be suspended on the date of the policy cancellation. The Board must receive proof of insurance prior to reinstating the license;

8. The applicant shall submit proof of satisfactory workers' compensation coverage under the Workers' Compensation Act or an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act;

9. Disclosure of any felony convictions; and

10. Applicants for poultry house contractor license shall provide such additional documents, statements or other information as may be deemed appropriate or necessary and required by the Board.

E. The Construction Industries Board shall refuse to license any person if the Board determines:

1. The application contains false, misleading or incomplete information;

2. The applicant or any member of the business entity fails or refuses to provide any information requested by the Board;

3. The applicant fails or refuses to pay the required fees;

4. The applicant or owner or officer or managing member of the legal entity is ineligible for license due to a suspended or revoked license or registration in this state;

5. The nonresident applicant has a revoked or suspended registration or license required by law for contractors in another state; or

6. The applicant or legal entity has failed or refuses to submit any taxes due in this state.

F. The Board shall suspend the poultry house contractor license when the licensee fails to:

1. Maintain liability insurance coverage;

2. Maintain satisfactory workers' compensation coverage under the Workers' Compensation Act or provide an affidavit of exemption

or self-insurance as authorized pursuant to the Workers' Compensation Act;

3. Comply with provisions of the Electrical License Act or any rule or order issued pursuant thereto;

4. Perform normal business obligations without justifiable cause;

5. Notify the Board of a change in name, address, legal business entity, legal service agent, adverse finding by a licensing entity in this state or another state or adjudication by a court of competent jurisdiction for any act or omission that is a violation of the Electrical License Act;

6. Maintain a registration or license as required by law in another state while licensed in this state as a nonresident contractor; or

7. File and pay all taxes of the contractor or legal entity when due in this state.

Added by Laws 2015, c. 313, § 22, eff. July 1, 2015.

§59-1687. Repealed by Laws 2002, c. 457, § 12, eff. July 1, 2002.

§59-1688. See the following versions:

OS 59-1688v1 (HB 3215, Laws 2024, c. 269, § 2).

OS 59-1688v2 (SB 1572, Laws 2024, c. 355, § 3).

§59-1688.1. Continuing education requirements.

A. 1. Effective January 1, 2026, no contractor or journeyman license shall be renewed unless the licensee has completed twelve (12) hours of continuing education every three (3) years or thirty-six (36) months preceding the expiration date of the license or registration certificate. The continuing education course and instructor shall be approved in advance by the Committee of Electrical Examiners. Exceptions to advance approval, or post-course approval, may be allowed by the Committee, or its designee, for substitute instructors in emergency situations when written notice of the emergency is provided to the Committee, or its designee, within seven (7) days of the course. The location of continuing education courses shall be at the discretion of the course provider and may be scheduled during the workday at the discretion of the course provider. The continuing education material shall cover six (6) hours of codes and revisions adopted by the Oklahoma Uniform Building Code Commission (OUBCC). The remaining six (6) hours may include the study of: electrical circuit theory and calculations, wiring methods, grounding and bonding, transformer and motor theory, electrical circuits and devices, control systems, alternative energy systems including energy storage, safety related to the electrical industry as defined by NFPA 70E, manufacturers' installation of equipment or parts, the

Electrical License Act, the trade regulations as set forth in this act as well as the rules of the Construction Industries Board, and other trade subject matters approved by the Committee.

2. Effective January 1, 2026, no apprentice shall be permitted to reregister unless the apprentice registrant has completed three (3) hours of continuing education every year preceding the expiration date of the registration certificate. The continuing education course and instructor shall be approved in advance by the Committee. Exceptions to advance approval, or post-course approval, may be allowed by the Committee, or its designee, for substitute instructors in emergency situations when written notice of the emergency is provided to the Committee, or its designee, within seven (7) days of the course. The location of continuing education courses shall be at the discretion of the course provider and may be scheduled during the workday at the discretion of the course provider. The continuing education material shall cover a combination of the codes and revisions adopted by the OUBCC, Oklahoma electrical industry regulations as well as the rules of the Construction Industries Board, and "electrical safety" as defined by NFPA 70E, other trade subject matters approved by the Committee, or approved continuing education for the contractor or journeyman. Notwithstanding the provisions of this subsection, if an apprentice is a student apprentice or is enrolled and attending an approved course, the continuing education shall not be required.

B. The Construction Industries Board shall amend its rules, wherever applicable, to conform to the provisions of the Electrical License Act.

Added by Laws 2024, c. 269, § 3, eff. Nov. 1, 2024.

§59-1688v1. Term of license and apprentice or student intern registration certificates — Renewal — Late penalty.

A. No license shall be issued for longer than one (1) year, and all licenses shall expire on the last day in the birth month of the licensee. A license may be renewed upon application and payment of fees thirty (30) days preceding or following the date the license is due. Licenses renewed more than thirty (30) days following the date of expiration may be renewed only upon application and payment of all required fees and payment of any penalty for late renewal established by the Board and upon compliance with any applicable continuing education requirements established by the Board and the Electrical License Act. No penalty for late renewal shall be charged to any holder of a license which expires while the holder is in military service, if an application for renewal is made within one (1) year following the service discharge of the holder.

B. No journeyman or contractor license shall be renewed unless the licensee has completed the required hours of continuing

education, as determined and approved by the Committee of Electrical Examiners and approved by the Construction Industries Board.
Added by Laws 1982, c. 337, § 9. Amended by Laws 1994, c. 155, § 5, eff. July 1, 1994; Laws 1999, c. 405, § 8, emerg. eff. June 10, 1999; Laws 2001, c. 394, § 45, eff. Jan. 1, 2002; Laws 2002, c. 457, § 9, eff. July 1, 2002; Laws 2003, c. 318, § 12, eff. Nov. 1, 2003; Laws 2008, c. 4, § 9, eff. Nov. 1, 2008; Laws 2021, c. 175, § 3, eff. Nov. 1, 2021; Laws 2024, c. 269, § 2, eff. Nov. 1, 2024.

§59-1688v2. Term of license and apprentice registration certificates — Renewal and reregistration — Late penalty.

A. No license shall be issued for longer than one (1) year, and all licenses shall expire on the last day in the birth month of the licensee. A license may be renewed upon application and payment of fees thirty (30) days preceding or following the date the license is due. Licenses renewed more than thirty (30) days following the date of expiration may be renewed only upon application and payment of all required fees and payment of any penalty for late renewal established by the Construction Industries Board and upon compliance with any applicable continuing education requirements established by the Board and the Electrical License Act. No penalty for late renewal shall be charged to any holder of a license which expires while the holder is in military service, if an application for renewal is made within one (1) year following the service discharge of the holder.

B. No journeyman or contractor license shall be renewed unless the licensee has completed the required hours of continuing education, as determined and approved by the Committee of Electrical Examiners and approved by the Construction Industries Board.

C. An apprentice registration certificate shall be issued for one (1) year, at which time the apprentice may reregister upon meeting the requirements of the Construction Industries Board and paying the renewal fee.

D. A student apprentice registration certificate shall be issued for the registrant's school year. A student apprentice registration expires on the last day of the registrant's school year, at which time the apprentice may reregister upon meeting the requirements of the Construction Industries Board and paying the renewal fee.
Added by Laws 1982, c. 337, § 9. Amended by Laws 1994, c. 155, § 5, eff. July 1, 1994; Laws 1999, c. 405, § 8, emerg. eff. June 10, 1999; Laws 2001, c. 394, § 45, eff. Jan. 1, 2002; Laws 2002, c. 457, § 9, eff. July 1, 2002; Laws 2003, c. 318, § 12, eff. Nov. 1, 2003; Laws 2008, c. 4, § 9, eff. Nov. 1, 2008; Laws 2021, c. 175, § 3, eff. Nov. 1, 2021; Laws 2024, c. 355, § 3, eff. Nov. 1, 2024.

§59-1689. Electrical Hearing Board - Investigations - Revocation or suspension of licenses - Jurisdiction of political subdivisions.

A. The Construction Industries Board or its designee and the Committee of Electrical Examiners shall act as the Electrical Hearing Board and shall comply with the provisions of Article II of the Administrative Procedures Act, Section 308a et seq. of Title 75 of the Oklahoma Statutes.

B. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Board. The hearing examiner's decision shall be a final decision which may be appealed to a district court in accordance with the Administrative Procedures Act.

C. The Electrical Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any electrical contractor, journeyman electrician, electrical apprentice, student apprentice or poultry house contractor license. Upon a finding by clear and convincing evidence, the Board shall suspend or revoke any license or registration obtained by false or fraudulent representation. Upon a finding by clear and convincing evidence, the Board shall also suspend or revoke any license or registration for any of the following:

1. Making a material misstatement in the application for a license or registration, or the renewal of a license or registration;

2. Loaning or illegally using a license;

3. Demonstrating incompetence to act as a journeyman electrician or electrical contractor;

4. Violating any provisions of the Electrical License Act, or any rule or order prescribed by the Board or any ordinance for the installation of electrical facilities made or enacted by a city or town by authority of the Electrical License Act;

5. Willfully failing to perform normal business obligations without justifiable cause; or

6. Failing to maintain a registration or license as required by law in another state while registered in this state as a nonresident contractor.

D. Any person whose license or registration has been revoked by the Electrical Hearing Board may apply for a new license one (1) year from the date of such revocation.

E. Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 of this title or pursuant to the provisions of the Oklahoma Inspectors Act for such work shall have jurisdiction over the interpretation of the code and the installation of all electrical work done in that political

subdivision, subject to the provisions of the Oklahoma Inspectors Act. Provided, a state inspector may work directly with an electrical contractor, journeyman electrician, electrical apprentice or student apprentice in such a locality if a violation of the code creates an immediate threat to life or health.

F. In the case of a complaint about, investigation of or inspection of any license, registration, permit or electrical work in any political subdivision of this state which has not adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 of this title or pursuant to the provisions of the Oklahoma Inspectors Act for such work, the Construction Industries Board shall have jurisdiction over such matters.

G. 1. No individual, business, company, corporation, association or other entity subject to the provisions of the Electrical License Act shall install, modify or alter electrical facilities in any incorporated area of this state which has not adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 of this title or pursuant to the provisions of the Oklahoma Inspectors Act for such work without providing notice of such electrical work to the Construction Industries Board. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the Construction Industries Board upon request.

2. Notice to the Construction Industries Board pursuant to this subsection shall not be required for electrical maintenance or replacement of existing electrical appliances or fixtures or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to the Electrical License Act, or under authority granted to the Construction Industries Board.

Added by Laws 1982, c. 337, § 10. Amended by Laws 1993, c. 251, § 2, eff. Sept. 1, 1993; Laws 1994, c. 155, § 6, eff. July 1, 1994; Laws 1994, c. 293, § 6, eff. July 1, 1994; Laws 1997, c. 353, § 4, eff. Nov. 1, 1997; Laws 2001, c. 394, § 46, eff. Jan. 1, 2002; Laws 2008, c. 4, § 10, eff. Nov. 1, 2008; Laws 2015, c. 313, § 23, eff. July 1, 2015; Laws 2021, c. 175, § 4, eff. Nov. 1, 2021; Laws 2024, c. 355, § 4, eff. Nov. 1, 2024.

§59-1690. License required - Violation - Penalty.

A. Ninety (90) days from and after July 1, 1982, it shall be a misdemeanor for any person to perform the work of a journeyman electrician until such person has qualified and is licensed as a journeyman electrician or electrical contractor.

B. Ninety (90) days from and after July 1, 1982, it shall be a misdemeanor for any person to act as an electrical contractor or to engage in or offer to engage in, by advertisement or otherwise, the

business of an electrical contractor until the person, or a member of the partnership, or an officer of the firm, association or corporation, shall have qualified and is licensed as an electrical contractor.
Added by Laws 1982, c. 337, § 11.

§59-1691. Change of address - Notice.

Any holder of a license or registration issued in accordance with the provisions of the Electrical License Act shall promptly notify the Construction Industries Board of any change in address.
Added by Laws 1982, c. 337, § 12. Amended by Laws 2001, c. 394, § 47, eff. Jan. 1, 2002.

§59-1692. Application and construction.

A. The provisions of the Electrical License Act shall not apply to:

1. Minor repairs, consisting of repairing or replacing outlets or minor working parts of electrical fixtures;

2. Maintenance work for state and federal institutions;

3. The construction, installation, maintenance, repair and renovation by a public utility regulated by the Corporation Commission;

4. Public service corporations, telephone and telegraph companies, rural electric associations or municipal utilities;

5. The construction, installation, maintenance, repair and renovation of telephone equipment or computer systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve work exclusively for communication of data, voice, or for other signaling purposes; except fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system; or

6. The installation, maintenance, repair or replacement of water supply pumps, provided such work is performed from the output side of a fused disconnect or breaker box.

B. Nothing in the Electrical License Act shall be construed to require:

1. Employment of a licensed electrical contractor, journeyman electrician or electrical apprentice except as required by local ordinances and resolutions;

2. Any regular employee of any firm or corporation to hold a license before doing any electrical work on the property of the firm or corporation whether or not the property is owned, leased or rented except as may be required by local ordinances and resolutions; or

3. An individual to hold a license before doing electrical work on his own property or residence except as may be required by local ordinances and resolutions.

Added by Laws 1982, c. 337, § 13. Amended by Laws 1984, c. 145, § 2, emerg. eff. April 17, 1984; Laws 1997, c. 67, § 1, eff. Nov. 1, 1997.

§59-1693. Municipal regulation of electrical work - Electrical inspector - Combined electrical and plumbing inspector.

A. Any city or town in this state may prescribe rules, regulations and standards for the materials used and the construction, installation and inspection of all electrical work in connection with any building, structure or conveyance in such city or town provided that no electrical work shall be done without a permit first being obtained from such city or town. This permit may be issued upon such terms and conditions as the city or town may prescribe.

B. Any city or town in this state may create an office of electrical inspector whose duty it shall be to inspect all electrical installations under the jurisdiction of such city or town and to issue a certificate upon the completion of each inspection. This inspector shall have at least three (3) years of active experience in the electrical industry and shall have no interest, direct or indirect, in any firm or corporation engaged in the electrical industry.

C. Any city or town in this state, with a population in excess of four thousand (4,000) but not exceeding thirty thousand (30,000), may create an office which combines the powers and duties of the plumbing inspector and the electrical inspector. Except as otherwise provided in this subsection, the holder of such office must have at least three (3) years' practical experience in the plumbing industry and three (3) years' practical experience in the electrical industry. Any such city or town may, in its discretion, appoint some other person deemed qualified for such office if such person, within two (2) years after the date of appointment, successfully passes the examination for a license as a plumbing inspector and the examination for a license as an electrical inspector conducted by a recognized national building code or standard service.

D. Any city or town with a population of four thousand (4,000) or less may, in its discretion, appoint some other person deemed qualified for this office.

E. The electrical inspector may hold more than one office in the city or town appointing such person and the salary of the person shall be as determined by such city or town.

Added by Laws 1982, c. 337, § 14. Amended by Laws 1991, c. 324, § 2, emerg. eff. June 14, 1991; Laws 1995, c. 9, § 3, eff. Nov. 1, 1995.

§59-1694. Electrical Revolving Fund.

All monies received by the Construction Industries Board under the Electrical License Act, including the administrative fines authorized by Section 1695 of this title, shall be deposited with the State Treasurer and credited to the "Electrical Revolving Fund". The revolving fund shall be a continuing fund not subject to fiscal year limitations and may be budgeted and expended by the Construction Industries Board. Expenditures from this fund shall be made pursuant to the purposes of the Electrical License Act and shall include, but not be limited to, payment of operating costs and the costs of programs designed to promote public awareness of the electrical industry, and expenditures for the preparation and printing of regulations, bulletins or other documents and the furnishing of copies of such documents to those persons engaged in the electrical industry or the public, and the fully adjudicated fine revenue received into this fund may be transferred to the Skilled Trade Education and Workforce Development Fund created in subsection E of Section 1 of this 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.
Added by Laws 1982, c. 337, § 15. Amended by Laws 1993, c. 236, § 5, eff. Sept. 1, 1993; Laws 1994, c. 155, § 7, eff. July 1, 1994; Laws 2001, c. 394, § 48, eff. Jan. 1, 2002; Laws 2004, c. 163, § 6, emerg. eff. April 26, 2004; Laws 2010, c. 413, § 21, eff. July 1, 2010; Laws 2012, c. 304, § 281; Laws 2018, c. 244, § 4, eff. Nov. 1, 2018.

§59-1695. Violations - Fines - Injunctions.

A. Any person who violates any of the provisions of the Electrical License Act or any provision of an ordinance or regulation enacted by a city or town by authority of the Electrical License Act, in addition to suffering possible suspension or revocation of a license or registration, shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than One Thousand Dollars ($1,000.00), together with the costs of prosecution.

B. In addition to other penalties provided by law, if after a hearing in accordance with the provisions of Section 1689 of this title, the Electrical Hearing Board shall find any person to be in violation of any of the provisions of this act, such person may be subject to an administrative fine of not more than Five Hundred Dollars ($500.00) for each violation. Each day a person is in

violation of this act may constitute a separate violation. The maximum fine will not exceed One Thousand Dollars ($1,000.00). All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Electrical Revolving Fund. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

C. The Electrical Hearing Board may make application to the appropriate court for an order enjoining the acts or practices prohibited by this act, and upon a showing by the Electrical Hearing Board that the person has engaged in any of the prohibited acts or practices, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

D. If any electrical facilities as defined in the Electrical License Act are in violation of the National Electrical Code set forth in the National Fire Code (Electrical) issued by the National Fire Protection Association, NFPA number 70, current edition, as amended, or any ordinance or other regulation of a city or town, the proper authorities of the state or political subdivision of the state, in addition to other remedies, may institute appropriate action or proceedings to prevent any illegal installation or use of such facilities, to restrain, correct or abate any violation, or to prevent illegal occupancy of a building or structure.

Added by Laws 1982, c. 337, § 16. Amended by Laws 1993, c. 236, § 6, eff. Sept 1, 1993; Laws 1994, c. 155, § 8, eff. July 1, 1994; Laws 2008, c. 142, § 2, eff. Nov. 1, 2008.

§59-1696. Municipal supervision and inspection of electrical facilities.

Nothing in the Electrical License Act shall prohibit cities and towns from having full authority to provide supervision and inspection of electrical facilities by the enactment of codes, ordinances, bylaws, and rules in such form as they may determine and prescribe for their jurisdiction; provided, that no such codes, ordinances, bylaws, and rules shall be inconsistent with the Electrical License Act, or any rule adopted or prescribed by the Construction Industries Board as authorized by the Electrical License Act. Each state licensed electrical contractor shall be required to register with any city or town in whose jurisdiction the licensee operates. Each such city or town is authorized to register such electrical contractor, to revoke the registration, to charge fees for the registration and for permits and inspections of electrical work. No electrical contractor shall be permitted to do business or work in any city or town where the local registration of the electrical contractor has been revoked.

Added by Laws 1982, c. 337, § 17. Amended by Laws 1994, c. 155, § 9, eff. July 1, 1994; Laws 2001, c. 394, § 49, eff. Jan. 1, 2002; Laws 2003, c. 318, § 13, eff. Nov. 1, 2003.

§59-1697. Oklahoma State Electrical Installation Code Variance and Appeals Board.

A. 1. There is hereby created the Oklahoma State Electrical Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices, where no ordinance or regulation of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the Construction Industries Board for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars ($50.00), as set by rule of the Construction Industries Board.

2. The Variance and Appeals Board shall also hear appeals from contractors licensed by the Construction Industries Board, and any party who has an ownership interest in or is in responsible charge of the design of or work on the installation, who contest the Construction Industries Board's interpretation of the state's model electrical installation code as applied to a particular installation. Such appeals shall be based on a claim that:

a. the true intent of the installation code has been incorrectly interpreted,

b. the provisions of the code do not fully apply, or

c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the Construction Industries Board within fourteen (14) days after a code interpretation or receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the designated representative of the Construction Industries Board and the following members who, except for the State Fire Marshal or designee, shall be appointed by the Construction Industries Board from a list of names submitted by the professional organizations of the professions represented on the Variance and Appeals Board and who shall serve at the pleasure of the Construction Industries Board:

1. Two members shall be appointed from the Committee of Electrical Examiners; one shall be a contractor with five (5) years

of experience and one shall be a journeyman with five (5) years of experience;

2. One member shall be a registered design professional who is a registered architect with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with at least ten (10) years of structural engineering or architectural experience, five (5) of which shall have been in responsible charge of work;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work; and

6. One member shall be the State Fire Marshal or a designee of the State Fire Marshal.

Any member serving on the Variance and Appeals Board on January 1, 2002, may continue to serve on the Variance and Appeals Board until a replacement is appointed by the Construction Industries Board.

C. Members, except the designee of the Construction Industries Board and the State Fire Marshal or the designated representative of the State Fire Marshal, and employees of the Construction Industries Board, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act from the revolving fund created pursuant to Section 1694 of this title.

D. The Variance and Appeals Board shall meet after the Construction Industries Board receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The designated representative of the Construction Industries Board shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of the business.

Added by Laws 1994, c. 293, § 7, eff. July 1, 1994. Amended by Laws 2001, c. 394, § 50, eff. Jan. 1, 2002.

§59-1698. Limit on apprentice electricians working under a journeyman or contractor.

No more than three apprentice electricians shall work under the supervision of a single journeyman or contractor.

Added by Laws 2018, c. 17, § 2, eff. Nov. 1, 2018.

§59-1699. Limit on student apprentices working under a journeyman or contractor.

One student apprentice is allowed to work per physical job site with direct supervision under a single journeyman or electrical contractor; provided, however, that no such student apprentice shall be counted against the maximum number of apprentices who are allowed by law or regulation to work under the supervision of a single journeyman or contractor. A student apprentice is not allowed to work on high voltage systems defined by the National Electrical Code.

Added by Laws 2021, c. 175, § 5, eff. Nov. 1, 2021. Amended by Laws 2024, c. 355, § 5, eff. Nov. 1, 2024.

§59-1701. Minimum prices and fess - Establishing.

No profession or occupation, other than the cleaning, dyeing and/or pressing business, regulated or licensed under the provisions of the Oklahoma Statutes shall set, impose, suggest or in any other manner provide for the charging of minimum prices or fees for any services or products provided for by any such profession or occupation.

Laws 1978, c. 237, § 2, emerg. eff. April 26, 1978.

§59-1721. Short title.

The provisions of Sections 1 through 19 of this act shall be known and may be cited as the "Licensed Dietitian Act".

Added by Laws 1984, c. 144, § 1, eff. Nov. 1, 1984.

§59-1722. Definitions

As used in the Licensed Dietitian Act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Committee" means the Advisory Committee on Dietetic Registration of the State Board of Medical Examiners;

3. "Dietetics" means the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, behavioral and social sciences to provide nutrition services that include:

   a. nutrition assessment,
   b. the establishment of priorities, goals and objectives that meet nutritional needs,
   c. the provisions of nutrition counseling in health and disease,
   d. the development, implementation and management of nutrition care plans, and
   e. the evaluation and maintenance of appropriate standards of quality in food and nutrition;

4. "Licensed dietitian" means a person licensed pursuant to the provisions of the Licensed Dietitian Act;

5. "Provisional licensed dietitian" means a person who has a limited license pursuant to the provisions of the Licensed Dietitian Act;

6. "Degree" means a degree from an accredited college or university;

7. "Nutrition assessment" means the evaluation of the nutritional needs of individuals and groups based upon appropriate biochemical, physical and dietary data to determine nutrient needs and recommend appropriate nutrition intake including enteral and parenteral nutrition; and

8. "Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from a nutrition assessment.

Added by Laws 1984, c. 144, § 2, eff. Nov. 1, 1984. Amended by Laws 1987, c. 118, § 48, operative July 1, 1987; Laws 2016, c. 368, § 1 eff. Nov. 1, 2016.

§59-1723. Advisory Committee on Dietetic Registration.

A. There is hereby created the Advisory Committee on Dietetic Registration of the State Board of Medical Licensure and Supervision. The Committee shall assist the Board in conducting examinations for applicants and shall advise the Board on all matters pertaining to the licensure of dietitians.

B. The Committee shall be composed of three members, who are licensed dietitians. A fourth member shall be an ex officio member of the Board designated from their membership. A fifth member shall be a health care consumer appointed by the Governor. Committee members shall serve staggered terms of three (3) years with two terms beginning September 1 of each odd-numbered year.

C. The Board shall appoint the Committee members from a list of five persons submitted by the Oklahoma Dietetic Association. All members shall be residents of this state.

D. The Board shall attempt to accomplish a continuing balance of representation among the primary areas of expertise of the professional discipline of dietetics in making the three appointments to the Committee. These areas of expertise are: clinical, educational, management, consultation, and community. On and after November 1, 1988, a licensee eligible for appointment as a Committee member shall have been a licensed dietitian for a least three (3) years prior to appointment to the Committee.

E. Appointments to the Committee shall be made without discrimination based on race, creed, sex, religion, national origin, or geographical distribution of the appointees.

F. A member or employee of the Committee may not be an officer, employee, or paid consultant of a trade association in the field of health care.

G. A person who is required to register as a lobbyist pursuant to the laws of this state in a health-related area shall not serve as a member of the Committee.

H. A majority of the members of the Committee constitutes a quorum.

I. Each member of the Committee shall receive Thirty-five Dollars ($35.00) for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed for their reasonable and necessary expenses as provided for in the State Travel Reimbursement Act.

Added by Laws 1984, c. 144, § 3, eff. Nov. 1, 1984. Amended by Laws 1987, c. 118, § 49, operative July 1, 1987.

§59-1724. Initial appointments to Committee.

A. In making the initial appointments to the Committee, the Board shall designate two members for terms expiring August 31, 1987, one member for a term expiring August 31, 1986.

B. In making the initial appointments to the Committee, the Board shall appoint three persons otherwise qualified pursuant to the provisions of the Licensed Dietitian Act who also have been for sixty (60) months immediately preceding their appointment and who presently are registered as registered dietitians by the Commission on Dietetic Registration.

Added by Laws 1984, c. 144, § 4, eff. Nov. 1, 1984.

§59-1725. Removal from Committee - Grounds.

A. It shall be a ground for removal from the Committee if a member:

1. does not have at the time of appointment the qualifications required for appointment to the Committee;

2. does not maintain during service on the Committee the qualifications required for appointment to the Committee; or

3. violates any provision of the Licensed Dietitian Act.

B. If a ground for removal of a member from the Committee exists, the Committee's actions taken during the existence of the ground for removal are valid.

Added by Laws 1984, c. 144, § 5, eff. Nov. 1, 1984.

§59-1726. Committee - Chairman - Meetings.

A. Within thirty (30) days after the members of the Committee are appointed by the Board, the Committee shall meet to elect a chairman who shall hold office according to rules adopted by the Board.

B. The Committee shall hold at least two regular meetings each year. The rules may not be inconsistent with present rules of the Board relating to meetings of the Board.
Added by Laws 1984, c. 144, § 6, eff. Nov. 1, 1984.

§59-1727. Board - Powers and duties.

A. The Board may adopt rules which may be necessary for the performance of its duties pursuant to the provisions of the Licensed Dietitian Act.

B. It shall be the duty of the Board, aided by the Committee, to pass upon the qualifications of applicants for licensure, to conduct all examinations and to determine which applicants successfully pass such examinations.

C. The Board shall:

1. adopt an official seal;

2. establish the qualifications and fitness of applicants for licenses, renewal of licenses, and reciprocal licenses;

3. revoke, suspend, or deny a license, probate a license suspension, or reprimand a licensee for a violation of the Licensed Dietitian Act, or the rules of the Board;

4. spend funds necessary for the proper administration of its assigned duties;

5. establish reasonable and necessary fees for the administration and implementation of the Licensed Dietitian Act;

6. maintain a record listing the name of every licensed dietitian in this state, his or her last-known place of business and last-known place of residence, and the date and number of his or her license. The Board shall compile a list of dietitians licensed to practice in this state and such list shall be available to any person upon application to the Board and the payment of such charge as may be fixed by the Board for such list;

7. comply with the Oklahoma Open Meeting Law.

D. The Board shall not adopt rules restricting competitive bidding or advertising by a person regulated by the Board except to prohibit false, misleading, or deceptive practices. The Board shall not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the Board a rule that:

1. restricts the person's use of any medium for advertising; or

2. restricts the person's personal appearance or use of his personal voice in an advertisement; or

3. relates to the size or duration of any advertisement by the person; or

4. restricts the person's advertisement under a trade name.
Added by Laws 1984, c. 144, § 7, eff. Nov. 1, 1984.

§59-1728. Personnel and facilities - Executive secretary.

A. The basic personnel and necessary facilities that are required to administer the Licensed Dietitian Act shall be the personnel and facilities of the Board. The Board personnel shall act as the agents of the Board. If necessary for the administration or implementation of the Licensed Dietitian Act, the Board by agreement may secure and provide for compensation for services that the Board considers necessary and may employ and compensate within available appropriations professional consultants, technical assistants, and employees on a full-time or part-time basis.

B. The chairman of the Board shall designate an employee to serve as executive secretary of the Committee. The executive secretary must be an employee of the Board. The executive secretary shall be the administrator of the dietitian licensing activities for the Board.

C. In addition to other duties prescribed by law and by the Board, the executive secretary shall:

1. keep full accurate minutes of the transactions and proceedings of the Committee;

2. be the custodian of the files and records of the Committee;3. prepar proposals on administrative procedures consistent with this act;

4. exercise general supervision over persons employed by the Board in the administration of this act;

5. be responsible for the investigation of complaints and for the presentation of formal complaints;

6. attend all meetings of the Committee as a nonvoting participant;

7. handle the correspondence of the Committee and obtain, assemble, or prepare the reports and information that the Board may direct or authorize.

Added by Laws 1984, c. 144, § 8, eff. Nov. 1, 1984.

§59-1729. Fees.

After consultation with the Committee, the Board shall set the fees imposed by the provisions of the Licensed Dietitian Act in amounts that are adequate to collect sufficient revenue to meet the expenses necessary to perform their duties without accumulating an unnecessary surplus.

Added by Laws 1984, c. 144, § 9, eff. Nov. 1, 1984.

§59-1730. Application for license - Fee - Form - Filing date - Qualifications for licensing examination - Notice of receipt.

A. An applicant for a dietitian license shall submit a sworn application, accompanied by the application fee.

B. The Committee shall prescribe the form of the application and may by rule establish dates by which applications and fees shall be received. These rules shall not be inconsistent with rules of the Board related to application dates of other licenses.

C. To qualify for the licensing examination the applicant shall:

1. possess a baccalaureate or post baccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management or an equivalent major course of study approved by the Committee; and

2. have completed an internship or preplanned professional experience program approved by the Committee.

D. Not later than the 45th day after the receipt of a properly submitted and timely application and not later than the 30th day before the next examination date, the Board shall notify an applicant in writing that his or her application and any other relevant evidence pertaining to applicant qualifications established by the Board by rule has been received and investigated. The notice shall state whether the application and other evidence submitted have qualified the applicant for examination. If the applicant has not qualified for examination, the notice shall state the reasons for the lack of qualifications.

Added by Laws 1984, c. 144, § 10, eff. Nov. 1, 1984.

§59-1731. Examinations.

A. To qualify for a license, an applicant shall pass a competency examination. Examinations shall be prepared or approved by the Board and administered to qualified applicants at least once each calendar year.

B. An examination prescribed by the Board may be or may include an examination given by the Commission on Dietetic Registration of the American Dietetic Association or by a national or state testing service in lieu of examination prepared by the Board.

C. If requested in writing by a person who fails the licensing examination, the Board shall furnish the person with an analysis of the person's performance on the examination.

D. If an applicant fails the examination three times, the applicant shall furnish evidence to the Board of completed course work taken for credit with a passing grade in the areas of weakness before the applicant may again apply for examination.

Added by Laws 1984, c. 144, § 11, eff. Nov. 1, 1984.

§59-1732. Issuance of license - Duties of licensee - Surrender of license.

A. A person who meets the licensing qualifications is entitled to receive a license certificate as a licensed dietitian.

B. The licensee shall:

1. display the license certificate in an appropriate and public manner; and

2. keep the Board informed of his or her current address.

C. A license certificate issued by the Board is the property of the Board and must be surrendered on demand.
Added by Laws 1984, c. 144, § 12, eff. Nov. 1, 1984.

§59-1733. Renewal of license.

A. Licenses shall be renewed annually by paying the required renewal fee to the State Board of Medical Licensure and Supervision on or before the renewal date specified by the Board. The Board shall promulgate rules setting forth fees for initial licensure and license renewal and may adopt a renewal system requiring all renewals to occur in a specified month of the year regardless of the date of initial licensure.

B. If a person's license has been expired for not more than ninety (90) days, the person may renew the license by paying to the Board the required renewal fee and a penalty fee that is one-half (1/2) the renewal fee.

C. If a license has been expired for more than ninety (90) days but less than one (1) year, the person may renew the license by paying to the Board all unpaid renewal fees and a penalty fee that is equal to the renewal fee.

D. If a license has been expired one (1) year or more, the license may not be renewed. A new license may be obtained by submitting to reexamination and complying with the current requirements and procedures for obtaining a license.
Added by Laws 1984, c. 144, § 13, eff. Nov. 1, 1984. Amended by Laws 1999, c. 103, § 1, emerg. eff. April 19, 1999.

§59-1734. Provisional license.

A. A license to use the title of provisional licensed dietitian may be issued by the Board on the filing of an application, payment of an application fee, and the submission of evidence of the successful completion of the educational requirement pursuant to the provisions of Section 10 of the Licensed Dietitian Act. The initial application shall be signed by the supervising licensed dietitian.

B. A provisional licensed dietitian shall be subject to the personal and direct supervision of a licensed dietitian.

C. A person qualified for a provisional license is entitled to receive a license certificate as a provisional licensed dietitian. A provisional licensed dietitian shall comply with the provisions of subsections B and C of Section 12 of the Licensed Dietitian Act.

D. A provisional license is valid for one (1) year from the date it is issued and may be renewed annually not to exceed two (2) additional years by the same procedures established for renewal pursuant to the provisions of Section 13 of the Licensed Dietitian Act if the application for renewal is signed by the supervising licensed dietitian.
Laws 1965, c. 347, § 24, emerg. eff. June 28, 1965.

§59-1735. Waiver of examination requirement.

On receipt of an application and application fee, the Board may upon the recommendation of the Committee waive the examination requirement for an applicant who, at the time of application:

1. is registered by the Commission on Dietetic Registration as a registered dietitian; or

2. holds a valid license or certificate as a licensed or registered dietitian issued by another state with which this state has a reciprocity agreement.

Added by Laws 1984, c. 144, § 15, eff. Nov. 1, 1984.

§59-1736. Titles and abbreviations.

A. A person may not use the title or represent or imply that he or she has the title of licensed dietitian or provisional licensed dietitian or use the letters LD or PLD and may not use any facsimile of those titles in any manner to indicate or imply that the person is a licensed dietitian or provisional licensed dietitian, unless that person holds an appropriate license.

B. A person shall not use the title or represent or imply that he has the title of registered dietitian or the letters RD and shall not use any facsimile of the title in any manner to indicate or imply that the person is registered as a registered dietitian by the Commission on Dietetic Registration, unless the person is registered as a registered dietitian by the Commission on Dietetic Registration.

C. Any person convicted of knowingly or intentionally violating the provisions of subsection A or B of this section shall be guilty of a misdemeanor.

Added by Laws 1984, c. 144, § 16, eff. Nov. 1, 1984.

§59-1737. Complaints - Information file - Notice of status.

A. The Board shall keep an information file about each complaint filed with the Board related to a licensee.

B. If a written complaint is filed with the Board relating to a licensee, the Board, at least as frequently as quarterly, shall notify the parties to the complaint of the status of the complaint until final disposition of the complaint.

Added by Laws 1984, c. 144, § 17, eff. Nov. 1, 1984.

§59-1738. Probation, reprimand, suspension or revocation of license – Definitions.

A. The State Board of Medical Licensure and Supervision shall revoke or suspend a license, probate a license suspension, or reprimand a licensee on proof of:

1. Any violation of the provisions of the Licensed Dietitian Act;

2. Any violation of a rule adopted by the Advisory Committee on Dietetic Registration of the State Board of Medical Examiners;

3. Failure to refer patients to other health care providers 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 Licensed Dietitian Act;

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

5. Conviction of a felony crime that substantially relates to the occupation of a licensed dietitian and poses a reasonable threat to public safety;

6. Obtaining or attempting to obtain a license as a dietitian by fraud or deception;

7. Gross negligence in the practice of nutrition;

8. A finding of mental incompetence by a court of competent jurisdiction and the licensee has not subsequently been lawfully declared sane;

9. Engagement in conduct contrary to the Standards of Professional Conduct established by the Board, whether in the course of his or her professional capacity or otherwise, which conduct would reasonably be found to bring discredit to the profession of dietetics;

10. Engagement in any act in conflict with the Code of Ethics established by the Board; or

11. A license suspended or revoked in another state.

B. If the Board proposes to suspend or revoke a person's license, the person is entitled to a hearing before the Board.

C. Proceedings for the suspension or revocation of a license are governed by rules and regulations of the Board.

D. Conviction in a criminal proceeding shall not be a condition precedent to the imposition of discipline.

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.

Added by Laws 1984, c. 144, § 18, eff. Nov. 1, 1984. Amended by Laws 2016, c. 368, § 2, eff. Nov. 1, 2016; Laws 2019, c. 363, § 56, eff. Nov. 1, 2019.

§59-1739. Currently registered dietitions exempted from examination requirement.

For one (1) year beginning on November 1, 1984, the Board shall waive the examination requirement and grant a license to any person who is registered by the Commission on Dietetic Registration as a registered dietitian on November 1, 1984, or who becomes so registered before November 1, 1985.
Added by Laws 1984, c. 144, § 19, eff. Nov. 1, 1984.

§59-1741. Violation of provisions - Penalties and fines

A. Any person who holds himself or herself out as a licensed dietician, or any licensed dietician who violates any provision of the Licensed Dietician Act shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00). Each day a violation of the provisions of the Licensed Dietician Act occurs shall be deemed to be a separate offense.

B. In addition to any fine or penalty that may be imposed against any licensed dietitian who has been determined by the State Board of Medical Licensure and Supervision to have violated any provision of the Licensed Dietician Act or any rule or any order issued pursuant to the provisions of the Licensed Dietician Act or any person who holds himself or herself out as a licensed dietitian, such person may be liable for the costs incurred by the Board to implement disciplinary actions or prosecute the case. This includes but is not limited to investigator fees, stenographer fees, attorney fees and hearing costs.

C. All monies collected in association with these costs shall be deposited with the State Treasurer of Oklahoma and placed in the State Board of Medical Licensure and Supervision Fund.
Added by Laws 2016, c. 368, § 3, eff. Nov. 1, 2016.

§59-1750.1. Short title.

This act shall be known and may be cited as the "Oklahoma Security Guard and Private Investigator Act".
Added by Laws 1986, c. 224, § 1, operative July 1, 1987.

§59-1750.2. Definitions.

As used in the Oklahoma Security Guard and Private Investigator Act:

1. "Client" means any person or legal entity having a contract with a person or entity licensed pursuant to the Oklahoma Security Guard and Private Investigator Act, which contract authorizes services to be performed in return for financial or other considerations;

2. "Council" means the Council on Law Enforcement Education and Training;

3. "License" means authorization issued by the Council pursuant to the Oklahoma Security Guard and Private Investigator Act permitting the holder to perform the functions of a security guard, armed security guard, private investigator, investigative agency, or security agency;

4. "Private investigator" means a person who is self-employed, or contracts with, or is employed by an investigative agency for the purpose of conducting a private investigation and reporting the results to the employer or client of the employer relating to:

a. potential or pending litigation, civil or criminal,

b. divorce or other domestic investigations,

c. missing persons or missing property, or

d. other lawful investigations, but shall not include:

(1) a person authorized or employed by the United States government, any state government, or any agency, department, or political subdivision thereof while engaged in the performance of official duties,

(2) a person or employee of a firm, corporation or other legal entity engaged exclusively in a profession licensed by any board, commission, department or court of this state, or

(3) a bona fide, salaried, full-time employee of a firm, corporation or other legal entity not in the primary business of soliciting and providing private investigations, who conducts investigations that are exclusive to and incidental to the primary business of said firm, corporation or entity, and when the costs of such investigations are not charged directly back to the particular client or customer who directly benefits from the investigation;

5. "Armed private investigator" means a private investigator authorized to carry a firearm;

6. "Security agency" means a person, firm, corporation, or other private legal entity in the business of security guard services or armed security guards for hire;

7. "Security guard" means an individual contracting with or employed by a security agency, private business or person to prevent trespass, theft, misappropriation, wrongful concealment of merchandise, goods, money or other tangible items, or engaged as a bodyguard or as a private watchman to protect persons or property, but shall not include:

a. for individuals operating unarmed, any person employed as a private watchman or security guard by one employer only in connection with the affairs of such

employer where there exists an employer-employee relationship,

b. a full-time or active reserve certified peace officer of the United States, this state, or any political subdivision of either:
   (1) while such peace officer is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this state, or any political subdivision of either,
   (2) while such peace officer is engaged in the performance of his or her duties as a railroad police officer,
   (3) who receives compensation for private employment on an individual or an individual independent contractual basis as a patrolman, guard, or watchman if such person is employed in an employer-employee relationship or is employed on an individual contractual basis, or
   (4) who receives compensation from an employer-employee relationship or an individual independent contractor basis with any licensed security agency as defined in this section or any private business or person to perform security or investigative services,

c. any person whose terms of employment as a security guard are governed by a collective bargaining agreement on May 9, 1989, and

d. any person who is employed as a full-time security guard by a financial institution on May 9, 1989;

8. "Armed security guard" means a security guard authorized to carry a firearm;

9. "Investigative agency" means a self-employed private investigator, a firm, a corporation, or other private legal entity in the business of soliciting the business of private investigation and/or providing private investigations and investigators;

10. "Special event" means a public activity in the form of an athletic contest, charity event, exposition or similar event that occurs only on an annual or noncontinuing basis; and

11. "Special event license" means a temporary license issued pursuant to the Oklahoma Security Guard and Private Investigator Act which restricts the license holder to employment as a security guard only for the duration of a particular event.

Added by Laws 1986, c. 224, § 2, operative July 1, 1987. Amended by Laws 1987, c. 193, § 1, eff. July 1, 1987; Laws 1988, c. 200, § 1, eff. July 1, 1988; Laws 1989, c. 225, § 1, emerg. eff. May 9, 1989; Laws 1998, c. 35, § 1, eff. Nov. 1, 1998; Laws 1999, c. 68, § 4,

eff. Nov. 1, 1999; Laws 2005, c. 155, § 1, eff. Nov. 1, 2005; Laws 2007, c. 360, § 1, eff. Nov. 1, 2007; Laws 2021, c. 22, § 1, eff. Nov. 1, 2021.

§59-1750.2A. Noncompliance with act – Injunction and enforcement.

Any person violating or failing to comply with the provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act may be enjoined from such violations or required to comply with such provisions by any district court of competent jurisdiction. The Council on Law Enforcement Education and Training or the Attorney General may apply for an order enjoining such violation or enforcing compliance with law and rule. Upon the filing of a verified petition with the court, the court, if satisfied by the affidavit or otherwise that the person has violated any provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act, may issue a temporary injunction enjoining such continued violation. In case of violation of any order or decree issued by court, the offender may be held in contempt of court. Proceedings under this section shall be in addition to all other remedies and penalties provided by law.

Added by Laws 1999, c. 68, § 2, eff. Nov. 1, 1999. Amended by Laws 2013, c. 407, § 28, eff. Nov. 1, 2013.

§59-1750.3. Council on Law Enforcement Education and Training - Powers and Duties.

A. The director of the Council on Law Enforcement Education and Training, and any staff member designated by the director, shall have all the powers and authority of peace officers of this state for the purposes of enforcing the provisions of the Oklahoma Security Guard and Private Investigator Act, and all other duties which are or may be conferred upon the Council by the Oklahoma Security Guard and Private Investigator Act. The powers and duties conferred on the director or any staff member appointed by the director as a peace officer shall not limit the powers and duties of other peace officers of this state or any political subdivision thereof. The director, or any staff member appointed by the director as a peace officer shall, upon request, assist any federal, state, county, or municipal law enforcement agency.

B. The Council on Law Enforcement Education and Training shall have the following powers and duties:

1. To promulgate rules to carry out the purposes of the Oklahoma Security Guard and Private Investigator Act;

2. To establish and enforce standards governing the training of persons required to be licensed pursuant to the Oklahoma Security Guard and Private Investigator Act with respect to:

a. issuing, denying, or revoking certificates of approval to security training schools, and programs administered by the state, a county, a municipality, a private corporation, or an individual,
b. certifying instructors at approved security training schools,
c. establishing minimum requirements for security training schools and periodically reviewing these standards, and
d. providing for periodic inspection of all security training schools or programs;

3. To establish minimum curriculum requirements for training as the Council may require for security guards, armed security guards, and private investigators that shall include, but not be limited to, recognizing and managing a person appearing to require mental health treatment or services, crisis intervention, and techniques to assist with de-escalating interactions between security guards, private investigators, and the public. Training requirements for unarmed security guards shall not exceed forty (40) hours of instruction;

4. To establish minimum requirements for a mandatory continuing education program for all licensed private investigators and security guards which shall include, but not be limited to:
a. establishing a designated minimum number of clock hours of required attendance, not to exceed twenty-four (24) clock hours during the licensing period, at accredited educational functions,
b. establishing the penalties to be imposed upon a licensee for failure to comply with the continuing education requirements,
c. designating the Private Security Advisory Committee to assist the Council in establishing the criteria for determining the qualifications of proposed continuing education programs that would be submitted to the Council for accreditation to meet this requirement, and
d. providing that the expense of such continuing education shall be paid by the licensee participating therein;

5. To grant a waiver of any training requirement, except firearms training which shall be required for an armed security guard license, if the applicant has completed not less than one (1) year of full-time employment as a security guard, armed security guard, private investigator, or law enforcement officer within a three-year period immediately preceding the date of application and the applicant provides sufficient documentation thereof as may be required by the Council;

6. To grant an applicant credit for fulfilling any prescribed course or courses of training, including firearms training, upon submission of acceptable documentation of comparable training. The Council may grant or refuse any such credit at its discretion;

7. To issue the licenses and identification cards provided for in the Oklahoma Security Guard and Private Investigator Act;

8. To investigate alleged violations of the Oklahoma Security Guard and Private Investigator Act or rules relating thereto and to deny, suspend, or revoke licenses and identification cards if necessary, or to issue notices of reprimand to licensees with or without probation under rules to be prescribed by the Council;

9. To investigate alleged violations of the Oklahoma Security Guard and Private Investigator Act by persons not licensed pursuant to such act and to impose administrative sanctions pursuant to rules or to seek an injunction pursuant to Section 1750.2A of this title;

10. To provide all forms for applications, identification cards, and licenses required by the Oklahoma Security Guard and Private Investigator Act;

11. To enter into reciprocal agreements with officials of other states;

12. To immediately suspend a license if a licensee's actions present a danger to the licensee or to the public, a family household member, or involve a crime against a minor; and

13. To require additional testing for continuation or reinstatement of a license if a licensee exhibits an inability to exercise reasonable judgment, skill, or safety.

Added by Laws 1986, c. 224, § 3, operative July 1, 1987. Amended by Laws 1987, c. 193, § 2, eff. July 1, 1987; Laws 1988, c. 200, § 2, eff. July 1, 1988; Laws 1992, c. 199, § 2, emerg. eff. May 13, 1992; Laws 1997, c. 226, § 1, eff. Nov. 1, 1997; Laws 1999, c. 68, § 3, eff. Nov. 1, 1999; Laws 2005, c. 155, § 2, eff. Nov. 1, 2005; Laws 2007, c. 360, § 2, eff. Nov. 1, 2007; Laws 2011, c. 22, § 1, eff. Nov. 1, 2011; Laws 2014, c. 136, § 1, eff. Nov. 1, 2014; Laws 2022, c. 187, § 1, eff. Nov. 1, 2022.

§59-1750.3A. Psychological evaluation of applicants for armed security guard or private investigator license - Exemption.

A. Each applicant for an armed security guard license or armed private investigator license shall be administered any current standard form of the Minnesota Multiphasic Personality Inventory (MMPI), or other psychological evaluation instrument approved by the Council on Law Enforcement Education and Training, which shall be administered during the firearms training phase required by Section 1750.3 of this title. The security training school administering such instrument shall forward the response data to a psychologist licensed by the Oklahoma State Board of Examiners of Psychologists for evaluation. The licensed psychologist shall be of the

applicant's choice. Applicants with comparable training shall complete the psychological test and evaluation requirements prior to licensing. It shall be the responsibility of the applicant to bear the cost of the psychological evaluation.

B. If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, after evaluating the data, the psychologist shall employ whatever other psychological measuring instruments or techniques deemed necessary to form a professional opinion. The use of any psychological measuring instruments or techniques shall require a full and complete written explanation to the Council on Law Enforcement Education and Training.

C. The psychologist shall forward a written psychological evaluation, on a form prescribed by the Council, to the Council within fifteen (15) days of the evaluation, even if the applicant is found to be psychologically at risk. The Council may utilize the results of the psychological evaluation for up to six (6) months from the date of the evaluation after which the applicant shall be reexamined. No person who has been found psychologically at risk in the exercise of appropriate judgment, restraint, or self-control shall reapply for licensing until one (1) year from the date of being found psychologically at risk.

D. 1. Active full-time peace officers who have been certified as full-time peace officers by the Council on Law Enforcement Education and Training shall be exempt from the provisions of this section.

2. Retired full-time peace officers who have been certified as full-time peace officers by the Council on Law Enforcement Education and Training shall be exempt from the provisions of this section for a period of five (5) years from retirement.

3. Retired peace officers who are not exempt from this section and who have previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision, as defined by paragraph 7 of Section 1290.10 of Title 21 of the Oklahoma Statutes may apply for an armed security guard license or armed private investigator license only after three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person is either no longer disabled by any mental or psychiatric illness, condition, or disorder or that the person has been stabilized on medication for ten (10) years or more.

E. The Council on Law Enforcement Education and Training shall not issue or renew an armed security guard license, armed private investigator license, armed bail enforcer license or any other license permitting a person to carry a firearm or weapon if the applicant has been involuntarily committed for a mental illness, condition or disorder pursuant to the provisions of Section 5-410 of

Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to the provisions of law of that state. The preclusive period shall be permanent as provided by Section 922(g)(4) of Title 18 of the United States Code, unless the person has been granted relief from the disqualifying disability pursuant to Section 1290.27 of Title 21 of the Oklahoma Statutes.
Added by Laws 1987, c. 193, § 3, eff. July 1, 1987. Amended by Laws 1997, c. 226, § 2, eff. Nov. 1, 1997; Laws 2005, c. 155, § 3, eff. Nov. 1, 2005; Laws 2019, c. 246, § 3, eff. Nov. 1, 2019; Laws 2024, c. 55, § 1, eff. Nov. 1, 2024.

§59-1750.4. License required.

A. On and after January 1, 1988, no person may be employed or operate as a security guard, private investigator, security agency, or investigative agency until a license therefor has been issued by the Council on Law Enforcement Education and Training pursuant to the Oklahoma Security Guard and Private Investigator Act.

B. On or after November 1, 2022, a person employed or operating as an unarmed security guard who has submitted a complete license application to the Council on Law Enforcement Education and Training and who is employed by a licensed security agency shall have forty-five (45) days from the date of employment to secure a license issued by the Council on Law Enforcement Education and Training pursuant to the Oklahoma Security Guard and Private Investigator Act. If the application of the person is denied before forty-five (45) days has expired or if the time expires prior to the issuance of a license, the person shall not continue to operate as a security guard until such time as a proper license is issued.
Added by Laws 1986, c. 224, § 4, operative July 1, 1987. Amended by Laws 1987, c. 193, § 4, eff. July 1, 1987; Laws 1988, S.J.R. No. 27, § 1, emerg. eff. Feb. 24, 1988; Laws 2022, c. 37, § 1, eff. Nov. 1, 2022.

§59-1750.4a. License required - Armed Security Guard.

On and after July 1, 1988, no person may be employed or operate as an armed security guard until a license therefor has been issued by the Council on Law Enforcement Education and Training pursuant to the Oklahoma Security Guard and Private Investigator Act.
Added by Laws 1988, S.J.R. No. 27, § 2, emerg. eff. Feb. 24, 1988.

§59-1750.5. See the following versions:

OS 59-1750.5v1 (SB 235, Laws 2019, c. 246, § 4).

OS 59-1750.5v2 (HB 1373, Laws 2019, c. 363, § 57).

§59-1750.5v1. Licenses authorized - Combination license - Firearms - Identification cards - Conditional license - Qualifications for issuance - Agency license - Insurance coverage.

A. Licenses authorized to be issued by the Council on Law Enforcement Education and Training (CLEET) shall be as follows:

1. Security Agency License;
2. Investigative Agency License;
3. Private Investigator License (unarmed);
4. Security Guard License (unarmed);
5. Armed Security Guard License;
6. Special Event License (unarmed);
7. Armed Private Investigator License;
8. Bail Enforcer License; and
9. Armed Bail Enforcer License.

B. Any qualified applicant meeting the requirements for more than one of the positions of private investigator, security guard, armed security guard, bail enforcer, or armed bail enforcer may be issued a separate license for each position for which qualified, or in the discretion of the Council, a combination license provided the required license fees are paid.

C. 1. A private investigator may carry a firearm, if the private investigator also performs the functions of an armed security guard, under the authority of the armed security guard license.

2. If the private investigator performs no functions of an armed security guard, the Council may issue an armed private investigator license. If a person has been issued an armed private investigator license, the Council may issue an armed bail enforcer license if the applicant is otherwise eligible and qualified. The applicant for an armed private investigator license must complete Phase I, III and IV training and pass the psychological examination and state test; provided however, active certified peace officers and retired certified peace officers shall be exempt from the psychological examination as provided in Section 1750.3A of this title, and active certified peace officers of any state, county or municipal law enforcement agency in this state shall be exempt from the Phase I, III and IV training and state test for an armed private investigator. The Council will charge the same fee for the armed private investigators license as the cost of the armed security guard license; provided however, an active certified peace officer who is an applicant for an armed private investigator or armed security guard license shall be charged only twenty percent (20%) of the required fee.

3. Any person issued an armed private investigator license may carry a concealed or unconcealed firearm when on and off duty, provided the person is in possession of a valid driver license and a valid armed private investigator license.

4. Any person issued an armed bail enforcer license may carry a concealed approved pistol, or may open-carry an approved pistol with a visible bail enforcer badge affixed to the holster or belt

immediately next to the firearm while wearing clearly marked apparel designating the person as a "Bail Enforcer" or "Bail Enforcement" when actively engaged in the recovery of a defendant, subject to all rules for use and conduct of firearms promulgated by the Council. An armed bail enforcer shall be permitted to carry a concealed pistol when not actively engaged in the recovery of a defendant provided the bail enforcer badge authorized or issued by CLEET and a state-issued driver license or identification card are in the possession of the person while carrying the firearm.

D. Any identification card or badge issued to a person meeting the license requirements for an armed security guard, an armed private investigator or armed bail enforcer shall be distinct and shall explicitly state that the person is authorized to carry a firearm pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act. Upon receipt of the license and identification card, the armed security guard, armed private investigator or armed bail enforcer is authorized to carry a firearm subject to the respective provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act and the rules promulgated by the Council.

E. The Council may issue a conditional license to a person employed by a security or investigative agency under the conditions set forth in this subsection, this statute and procedures and/or rules established by CLEET. A conditional training license may be issued to a trainee for an unarmed security guard or unarmed private investigator position, or armed private investigator position when the person has submitted a properly completed application, made under oath, subject to the conditions set forth below. The Council may also issue a conditional license pending background investigation for an unarmed security guard, armed security guard, unarmed private investigator position or armed private investigator position when the person has submitted a properly completed application, made under oath, including all required documentation pending the completed Federal Bureau of Investigation fingerprint check subject to the conditions set forth below, in this statute and procedures established by CLEET.

1. A conditional license, either for training or pending background investigation, shall authorize employees to perform the same functions that regular unarmed licensees perform, but subject to supervision by the employing agency as the Council may prescribe;

2. The holder of a conditional training license shall complete the necessary training requirements within one hundred eighty (180) days from the effective date of the conditional license, after which the conditional license shall expire;

3. A holder of any type of conditional license as an armed security guard or armed private investigator shall not carry a

firearm in the performance of duties until after completing the required course of training including firearms training as prescribed by the Council, the completion of the required background check and application process illustrating that the applicant meets all requirements for the requested license, and having been issued a regular license by the Council;

4. A conditional license may be renewed at the discretion of the Council, if necessary to allow an applicant to complete any training required for a regular license;

5. A conditional license, whether for training or pending background investigation may be denied, suspended or withdrawn at the discretion of CLEET. Notwithstanding any other provisions of law, a conditional license is not an individual proceeding and is not subject to the Administrative Procedure Act, as provided for in Section 250 et seq. of Title 75 of the Oklahoma Statutes. CLEET may deny, suspend or withdraw a conditional license by mailing, by United States Postal Service mail, a letter of withdrawal to the applicant's address on file with CLEET and to the employing agency;

6. Whenever a conditional license is issued by CLEET, the license or documentation provided to the conditional licensee shall prominently state "CONDITIONAL LICENSE" and "HOLDER IS NOT PERMITTED TO CARRY A FIREARM";

7. When the Council finds that a conditional license holder has completed the required training and is otherwise qualified for a license pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act, the Council shall issue a regular license; and

8. The Council shall be prohibited from issuing a conditional license to a bail enforcer under the Bail Enforcement and Licensing Act.

F. A Security Agency License may be issued to an individual, corporation, or other legal entity meeting the following qualifications:

1. If the license is to be issued in the name of a legal entity other than a natural person, the applicant must furnish proof that the entity is legally recognized, such as the issuance of a corporate charter; and

2. The executive officer, manager, or other person in charge of supervising security guards in the performance of their duties shall be a licensed security guard.

G. An Investigative Agency License may be issued to an individual, corporation, or other legal entity meeting the following qualifications:

1. If the license is to be issued in the name of a legal entity other than a natural person, the applicant must furnish proof that the entity is legally recognized, such as the issuance of a corporate charter;

2. Any person, otherwise qualified, may own a private investigation agency; and

3. A self-employed private investigator who employs no other investigators shall also be licensed as an investigative agency, but shall only be required to be insured or bonded as a self-employed private investigator.

H. A Security Guard License, Armed Security Guard License, Private Investigator License, Armed Private Investigator License, or combination thereof may be issued to an applicant meeting the following qualifications. The applicant shall:

1. Be a citizen of the United States or an alien legally residing in the United States;

2. Be at least eighteen (18) years of age, except that an applicant for an Armed Security Guard License or Armed Private Investigator License shall be at least twenty-one (21) years of age;

3. Have successfully completed training requirements for the license applied for, as prescribed by the Council;

4. Be of good moral character;

5. Not have a record of a felony conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea, or any plea other than a not guilty plea in a felony case naming the applicant as a defendant;

6. Not have a record of conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea, or any plea other than a not guilty plea for larceny, theft, false pretense, fraud, embezzlement, false personation of an officer, any offense involving moral turpitude, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or any other offense as prescribed by the Council, as provided herein.

a. If any conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea, or any plea other than a not guilty plea which disqualifies an applicant occurred more than five (5) years prior to the application date and the Council is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the Council may, in its discretion, waive the disqualification as provided for in this paragraph and issue an unarmed security guard license or an unarmed private investigator license, but shall not issue an armed guard license or an armed private investigator license to the applicant if the charge involved the use of a firearm or was violent in nature or if the applicant has a felony conviction.

b. If an Oklahoma State Bureau of Investigation records check and a local records check reveal that there are no felony convictions, criminal convictions involving moral turpitude, or any other potential disqualifiers as specified in the Oklahoma Security Guard and Private Investigator Act or prescribed by the Council, then the Council may conditionally issue a security guard license or private investigator license pending completion of the criminal history and background check.

c. Under oath, the applicant shall certify that he or she has no disqualifying convictions, entry of a plea of guilty, nolo contendere, an "Alford" plea, or any plea other than a not guilty plea for a disqualifying charge as specified in the Oklahoma Security Guard and Private Investigator Act or by the Council.

d. The applicant shall further meet all other qualifications.

e. If upon completion of the required background investigation it is discovered that a disqualifying conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea or any plea other than a not guilty plea for a disqualifying charge exists, the Council shall immediately revoke the security guard license or the private investigator license of the applicant or withdraw the conditional license of the applicant;

7. Make a statement that the applicant is not currently undergoing treatment for a mental illness, condition, or disorder, make a statement whether the applicant has ever been adjudicated incompetent or committed to a mental institution, and make a statement regarding any history of illegal drug use or alcohol abuse. Upon presentation by the Council on Law Enforcement Education and Training of the name, gender, date of birth, and address of the applicant to the Department of Mental Health and Substance Abuse Services, the Department of Mental Health and Substance Abuse Services shall notify the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. In the event that the Department of Mental Health and Substance Abuse Services reports to the Council that the applicant has been involuntarily committed, the Council shall immediately inform the employing agency. For purposes of this subsection, "currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological

orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist;

8. Make a statement regarding misdemeanor domestic violence charges;

9. Not be a defendant in a disqualifying charge that is pending in any court in this state, another state, tribal court or pursuant to the United States Code. For the purposes of this section, "pending" includes currently being subject to a deferred sentence; and

10. Not be the subject of an order deferring imposition of judgment and sentence in any court in this state, another state, tribal court or pursuant to the United States Code for a disqualifying charge.

I. A special event license may be issued to an employee of a security agency who is hired on a temporary basis as an unarmed security guard for a particular event. An application for a special event license shall be made by the agency employing the applicant. The agency shall certify to the Council that the applicant meets the qualifications for security guards, pursuant to subsection H of this section.

J. 1. All persons and agencies shall obtain and maintain liability coverage in accordance with the following minimum standards:

a. general liability insurance coverage for bodily injury, personal injury, and property damage, with endorsements for personal injury including false arrest, libel, slander, and invasion of privacy, or

b. a surety bond that allows persons to recover for actionable injuries, loss, or damage as a result of the willful, or wrongful acts or omissions of the principal and protects this state, its agents, officers and employees from judgments against the principal or insured licensee, and is further conditioned upon the faithful and honest conduct of the principal's business.

2. Liability coverages and bonds outlined in this section shall be in the minimum amounts of One Hundred Thousand Dollars ($100,000.00) for agencies, Ten Thousand Dollars ($10,000.00) for armed security guards and armed private investigators, or combination armed license; and Five Thousand Dollars ($5,000.00) for unarmed security guards and self-employed unarmed private investigators who employ no other investigators.

3. Security agencies and investigative agencies shall ensure that all employees of these agencies have met the minimum liability coverages as prescribed in this section.

4. Insurance policies and bonds issued pursuant to this section shall not be modified or canceled unless ten (10) days' prior written notice is given to the Council. All persons and agencies insured or bonded pursuant to this section shall be insured or bonded by an insurance carrier or a surety company licensed in the state in which the insurance or bond was purchased, or in this state.

5. In lieu of the requirements of this subsection, the Council may accept a written statement from a corporation which is registered with the Oklahoma Secretary of State attesting that the corporation self-insures the general operation of business for the types of liability set out in paragraphs 1 and 2 of this subsection.

K. Upon written notice, any license may be placed on inactive status.

L. Similar or duplicate agency names will not be issued. Each agency name must be distinguishably different.

Added by Laws 1986, c. 224, § 5, operative July 1, 1987. Amended by Laws 1987, c. 193, § 5, eff. July 1, 1987; Laws 1988, c. 200, § 3, eff. July 1, 1988; Laws 1989, c. 225, § 2, emerg. eff. May 9, 1989; Laws 1993, c. 63, § 1, eff. July 1, 1993; Laws 1995, c. 357, § 6, eff. Nov. 1, 1995; Laws 1997, c. 226, § 3, eff. Nov. 1, 1997; Laws 1998, c. 286, § 8, eff. July 1, 1998; Laws 1999, c. 415, § 8, eff. July 1, 1999; Laws 2000, c. 6, § 13, emerg. eff. March 20, 2000; Laws 2001, c. 312, § 1, eff. Nov. 1, 2001; Laws 2005, c. 155, § 4, eff. Nov. 1, 2005; Laws 2007, c. 360, § 3, eff. Nov. 1, 2007; Laws 2013, c. 121, § 1, eff. Nov. 1, 2013; Laws 2013, c. 407, § 29, eff. Nov. 1, 2013; Laws 2014, c. 373, § 11, eff. July 1, 2014; Laws 2019, c. 246, § 4, eff. Nov. 1, 2019.

NOTE: Laws 1999, c. 68, § 1 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000.

§59-1750.5v2. Licenses authorized - Combination license - Firearms - Identification cards - Conditional license - Qualifications for issuance - Agency license - Insurance coverage – Definitions.

A. Licenses authorized to be issued by the Council on Law Enforcement Education and Training (CLEET) shall be as follows:

1. Security Agency License;
2. Investigative Agency License;
3. Private Investigator License (unarmed);
4. Security Guard License (unarmed);
5. Armed Security Guard License;
6. Special Event License (unarmed);
7. Armed Private Investigator License;
8. Bail Enforcer License; and
9. Armed Bail Enforcer License.

B. Any qualified applicant meeting the requirements for more than one of the positions of private investigator, security guard,

armed security guard, bail enforcer, or armed bail enforcer may be issued a separate license for each position for which qualified, or in the discretion of the Council, a combination license provided the required license fees are paid.

C. 1. A private investigator may carry a firearm, if the private investigator also performs the functions of an armed security guard, under the authority of the armed security guard license.

2. If the private investigator performs no functions of an armed security guard, the Council may issue an armed private investigator license. If a person has been issued an armed private investigator license, the Council may issue an armed bail enforcer license if the applicant is otherwise eligible and qualified. The applicant for an armed private investigator license must complete Phase I, III and IV training and pass the psychological examination and state test; provided however, active certified peace officers and retired certified peace officers shall be exempt from the psychological examination as provided in Section 1750.3A of this title, and active certified peace officers of any state, county or municipal law enforcement agency in this state shall be exempt from the Phase I, III and IV training and state test for an armed private investigator. The Council will charge the same fee for the armed private investigators license as the cost of the armed security guard license; provided however, an active certified peace officer who is an applicant for an armed private investigator or armed security guard license shall be charged only twenty percent (20%) of the required fee.

3. Any person issued an armed private investigator license may carry a concealed or unconcealed firearm when on and off duty, provided the person is in possession of a valid driver license and a valid armed private investigator license.

4. Any person issued an armed bail enforcer license may carry a concealed approved pistol, or may open-carry an approved pistol with a visible bail enforcer badge affixed to the holster or belt immediately next to the firearm while wearing clearly marked apparel designating the person as a "Bail Enforcer" or "Bail Enforcement" when actively engaged in the recovery of a defendant, subject to all rules for use and conduct of firearms promulgated by the Council. An armed bail enforcer shall be permitted to carry a concealed pistol when not actively engaged in the recovery of a defendant provided the bail enforcer badge authorized or issued by CLEET and a state-issued driver license or identification card are in the possession of the person while carrying the firearm.

D. Any identification card or badge issued to a person meeting the license requirements for an armed security guard, an armed private investigator or armed bail enforcer shall be distinct and shall explicitly state that the person is authorized to carry a

firearm pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act. Upon receipt of the license and identification card, the armed security guard, armed private investigator or armed bail enforcer is authorized to carry a firearm subject to the respective provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act and the rules promulgated by the Council.

E. The Council may issue a conditional license to a person employed by a security or investigative agency as a trainee for a security guard, armed security guard, or private investigator position, when the person has submitted a properly completed application, made under oath, subject to the following conditions:

1. A conditional license shall authorize employees to perform the same functions that regular licensees perform, but subject to supervision by the employing agency as the Council may prescribe;

2. The holder of a conditional license shall complete the necessary training requirements within one hundred eighty (180) days from the effective date of the conditional license, after which the conditional license shall expire;

3. The holder of a conditional license as an armed security guard shall not carry a firearm in the performance of duties until after completing a course of firearms training as prescribed by the Council, and having been issued a regular license by the Council;

4. A conditional license may be renewed at the discretion of the Council, if necessary to allow an applicant to complete any training required for a regular license;

5. When the Council finds that a conditional license holder has completed the required training and is otherwise qualified for a license pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act, the Council shall issue a regular license; and

6. The Council shall be prohibited from issuing a conditional license to a bail enforcer under the Bail Enforcement and Licensing Act.

F. A Security Agency License may be issued to an individual, corporation, or other legal entity meeting the following qualifications:

1. If the license is to be issued in the name of a legal entity other than a natural person, the applicant must furnish proof that the entity is legally recognized, such as the issuance of a corporate charter; and

2. The executive officer, manager, or other person in charge of supervising security guards in the performance of their duties shall be a licensed security guard.

G. An Investigative Agency License may be issued to an individual, corporation, or other legal entity meeting the following qualifications:

1. If the license is to be issued in the name of a legal entity other than a natural person, the applicant must furnish proof that the entity is legally recognized, such as the issuance of a corporate charter;

2. Any person, otherwise qualified, may own a private investigation agency; and

3. A self-employed private investigator who employs no other investigators shall also be licensed as an investigative agency, but shall only be required to be insured or bonded as a self-employed private investigator.

H. A Security Guard License, Armed Security Guard License, Private Investigator License, Armed Private Investigator License, or combination thereof may be issued to an applicant meeting the following qualifications. The applicant shall:

1. Be a citizen of the United States or an alien legally residing in the United States;

2. Be at least eighteen (18) years of age, except that an applicant for an Armed Security Guard License shall be at least twenty-one (21) years of age;

3. Have successfully completed training requirements for the license applied for, as prescribed by the Council;

4. Not have a record of conviction for a felony crime that substantially relates to the occupation of a security guard or private investigator and poses a reasonable threat to public safety;

5. Not have a record of conviction for larceny, theft, false pretense, fraud, embezzlement, false personation of an officer, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or any other offense as prescribed by the Council, as provided herein.

   a. If any conviction which disqualifies an applicant occurred more than five (5) years prior to the application date and the Council is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the Council may, in its discretion, waive the conviction disqualification as provided for in this paragraph and issue an unarmed security guard license or a private investigator license, but shall not issue an armed guard license to the applicant if the felony involved the use of a firearm or was violent in nature.

   b. If an Oklahoma State Bureau of Investigation records check and a local records check reveal that there are

no felony convictions, or any other disqualifying convictions as specified in the Oklahoma Security Guard and Private Investigator Act or prescribed by the Council, then the Council may conditionally issue an armed security guard license pending completion of the criminal history and background check.

c. Under oath, the applicant shall certify that he or she has no disqualifying convictions as specified in the Oklahoma Security Guard and Private Investigator Act or by the Council.

d. The applicant shall further meet all other qualifications.

e. If upon completion of the required background investigation it is discovered that a disqualifying conviction exists, the Council shall immediately revoke the armed guard license of the applicant;

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

7. Make a statement regarding misdemeanor domestic violence charges.

I. A special event license may be issued to an employee of a security agency who is hired on a temporary basis as an unarmed security guard for a particular event. An application for a special event license shall be made by the agency employing the applicant. The agency shall certify to the Council that the applicant meets the qualifications for security guards, pursuant to subsection H of this section.

J. 1. All persons and agencies shall obtain and maintain liability coverage in accordance with the following minimum standards:

a. general liability insurance coverage for bodily injury, personal injury, and property damage, with endorsements for personal injury including false arrest, libel, slander, and invasion of privacy, or

b. a surety bond that allows persons to recover for actionable injuries, loss, or damage as a result of the willful, or wrongful acts or omissions of the principal and protects this state, its agents, officers and employees from judgments against the principal or insured licensee, and is further conditioned upon the faithful and honest conduct of the principal's business.

2. Liability coverages and bonds outlined in this section shall be in the minimum amounts of One Hundred Thousand Dollars ($100,000.00) for agencies, Ten Thousand Dollars ($10,000.00) for armed security guards and armed private investigators, or combination armed license; and Five Thousand Dollars ($5,000.00) for unarmed security guards and self-employed unarmed private investigators who employ no other investigators.

3. Security agencies and investigative agencies shall ensure that all employees of these agencies have met the minimum liability coverages as prescribed in this section.

4. Insurance policies and bonds issued pursuant to this section shall not be modified or canceled unless ten (10) days' prior written notice is given to the Council. All persons and agencies insured or bonded pursuant to this section shall be insured or bonded by an insurance carrier or a surety company licensed in the state in which the insurance or bond was purchased, or in this state.

5. In lieu of the requirements of this subsection, the Council may accept a written statement from a corporation which is registered with the Oklahoma Secretary of State attesting that the corporation self-insures the general operation of business for the types of liability set out in paragraphs 1 and 2 of this subsection.

K. Upon written notice, any license may be placed on inactive status.

L. Similar or duplicate agency names will not be issued. Each agency name must be distinguishably different.

M. 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.
Added by Laws 1986, c. 224, § 5, operative July 1, 1987. Amended by Laws 1987, c. 193, § 5, eff. July 1, 1987; Laws 1988, c. 200, § 3, eff. July 1, 1988; Laws 1989, c. 225, § 2, emerg. eff. May 9, 1989; Laws 1993, c. 63, § 1, eff. July 1, 1993; Laws 1995, c. 357, § 6, eff. Nov. 1, 1995; Laws 1997, c. 226, § 3, eff. Nov. 1, 1997; Laws 1998, c. 286, § 8, eff. July 1, 1998; Laws 1999, c. 415, § 8, eff. July 1, 1999; Laws 2000, c. 6, § 13, emerg. eff. March 20, 2000; Laws 2001, c. 312, § 1, eff. Nov. 1, 2001; Laws 2005, c. 155, § 4, eff. Nov. 1, 2005; Laws 2007, c. 360, § 3, eff. Nov. 1, 2007; Laws 2013, c. 121, § 1, eff. Nov. 1, 2013; Laws 2013, c. 407, § 29, eff. Nov. 1, 2013; Laws 2014, c. 373, § 11, eff. July 1, 2014; Laws 2019, c. 363, § 57, eff. Nov. 1, 2019.
NOTE: Laws 1999, c. 68, § 1 repealed by Laws 2000, c. 6, § 33, emerg. eff. March 20, 2000.

§59-1750.6. Application for license, renewal of license and reinstatement of license - Forms - Information required - Criminal history data - Fees - Term of license - Special event licenses - System for issuance - Duplicate licenses.

A. 1. Application for a license shall be made on forms provided by the Council on Law Enforcement Education and Training and shall be submitted in writing by the applicant under oath. The application shall require the applicant to furnish information reasonably required by the Council to implement the provisions of the Oklahoma Security Guard and Private Investigator Act, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record, including, but not limited to, a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

2. Upon request of the Council, the Oklahoma State Bureau of Investigation and other state and local law enforcement agencies shall furnish a copy of any existent criminal history data relating to an applicant, including investigation reports which are otherwise required by law to be deemed confidential, to enable the Council to determine the qualifications and fitness of such applicant for a license.

3. A retired peace officer applying for an armed security guard license or armed private investigator license or a combination thereof shall not be required to provide a set of classifiable fingerprints to the Council and shall be exempt from the provisions of paragraph 2 of this subsection upon submitting to the Council a notarized letter confirming that the peace officer retired in good standing from a law enforcement agency within this state.

B. 1. a. An original application and any license renewal shall be accompanied by a fee of Fifty Dollars ($50.00) for each original application and renewal of a private investigator or an unarmed security guard, One Hundred Dollars ($100.00) for each original application and renewal of an armed security guard or an armed private investigator; provided however, an active certified peace officer upon application or renewal of an armed security guard or armed private investigator shall be charged only twenty percent (20%) of the required fee, Seven Dollars ($7.00) for each special event license, and Three Hundred Dollars ($300.00) for either the original application or each renewal for a security agency or investigative agency. If an individual or agency does not qualify for the type of license or renewal license requested, CLEET shall retain twenty percent (20%) of the licensing fee as a processing fee and refund the remaining amount, if any, to the remitter. The individual license fee paid by a licensed agency will be refunded to the agency.

b. In addition to the fees provided in this subsection, the original application of an unarmed private investigator, unarmed security guard, armed security guard or armed private investigator shall be accompanied by a nonrefundable fee for a national criminal history record with fingerprint analysis, as provided in Section 150.9 of Title 74 of the Oklahoma Statutes.

c. A refund request for any reason other than disqualification or denial shall be made in writing and submitted within six (6) months of the date payment was received.

2. A licensee whose license has been suspended may apply for reinstatement of license after the term of the suspension has passed. Any application for reinstatement following a suspension of licensure shall be accompanied by a nonrefundable fee of Twenty-five Dollars ($25.00) for the reinstatement of a private investigator or unarmed security guard, Fifty Dollars ($50.00) for the reinstatement of an armed security guard or armed private investigator, and Two Hundred Dollars ($200.00) for reinstatement of a security or investigative agency.

3. A licensee who fails to file a renewal application on or before the expiration of a license shall pay a non-refundable late fee of Twenty-five Dollars ($25.00) for an individual license and a late fee of One Hundred Dollars ($100.00) for an agency license. A license application received more than thirty (30) days after the

expiration date is not renewable and the applicant must complete a new application.

4. The fees charged and collected pursuant to the provisions of this subsection shall be deposited to the credit of the CLEET Private Security Revolving Fund. The prevailing fingerprint processing fee for the original application for a private investigator, an unarmed security guard, an armed security guard or an armed private investigator shall be deposited in the OSBI Revolving Fund.

C. A Security Guard License, Armed Security Guard License, Private Investigator License, or Armed Private Investigator License shall be valid for a period of three (3) years and may be renewed for additional three-year terms. A Security Agency License or Investigative Agency License shall be valid for a period of five (5) years and may be renewed for additional five-year terms. A special event license shall be valid only for the duration of the event for which it is expressly issued. Any individual may be issued up to two special event licenses during any calendar year.

D. The Council shall devise a system for issuance of licenses for the purpose of evenly distributing the expiration dates of the licenses.

E. Pursuant to its rules, the Council may issue a duplicate license to a person licensed pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act. The Council may assess a fee of Ten Dollars ($10.00) for the issuance of a duplicate license. The fee must accompany the request for a duplicate license.

Added by Laws 1986, c. 224, § 6, operative July 1, 1987. Amended by Laws 1987, c. 193, § 6, eff. July 1, 1987; Laws 1988, c. 200, § 4, eff. July 1, 1988; Laws 1989, c. 225, § 3, emerg. eff. May 9, 1989; Laws 1993, c. 63, § 2, eff. July 1, 1993; Laws 1997, c. 226, § 4, eff. Nov. 1, 1997; Laws 2003, c. 204, § 7, eff. Nov. 1, 2003; Laws 2004, c. 151, § 1, eff. Nov. 1, 2004; Laws 2007, c. 360, § 4, eff. Nov. 1, 2007; Laws 2010, c. 380, § 1, eff. Nov. 1, 2010; Laws 2014, c. 136, § 2, eff. Nov. 1, 2014; Laws 2014, c. 398, § 1; Laws 2019, c. 246, § 5, eff. Nov. 1, 2019; Laws 2024, c. 55, § 2, eff. Nov. 1, 2024.

§59-1750.7. Denial, suspension or revocation of license and/or disciplinary penalty or fine – Definitions.

A. A Security Guard License, Armed Security Guard License, Private Investigator License, and any conditional license shall be subject to denial, suspension, revocation, disciplinary penalty or fine by the Council on Law Enforcement Education and Training subject to the Administrative Procedures Act for, but not limited to, the following reasons by clear and convincing evidence:

1. Falsification or a willful misrepresentation of information in:

a. an employment application or application to the Council on Law Enforcement Education and Training,

b. records of evidence, or

c. testimony under oath;

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

3. Violation of a provision of the Oklahoma Security Guard and Private Investigator Act or a rule promulgated pursuant to the act;

4. A conviction, entry of a plea of guilty, nolo contendere, an "Alford" plea or any plea other than a not guilty plea for larceny, theft, embezzlement, false pretense, fraud, false personation of a peace officer, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, any felony crime that substantially relates to the occupation of a security guard or private investigator and poses a reasonable threat to public safety or any other offense as prescribed by the Council;

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

6. Knowingly impersonating a law enforcement officer;

7. Failure to obtain or maintain liability insurance coverage or a surety bond pursuant to subsection J of Section 1750.5 of this title; or

8. Revocation or voluntary surrender of reserve peace officer or peace officer certification, private security guard license, private investigator license or bail enforcer license in any state for a violation of any law or rule or pursuant to a settlement of any disciplinary action in such state.

B. A Security Agency License or Investigative Agency License shall be subject to denial, suspension, or revocation, disciplinary penalty or fine by the Council subject to the Administrative Procedures Act for, but not limited to, the following reasons by clear and convincing evidence:

1. Falsification or a willful misrepresentation of information in:

a. an employment application or application to the Council on Law Enforcement Education and Training,

b. records of evidence, or

c. testimony under oath;

2. Violation of any provision of the Oklahoma Security Guard and Private Investigator Act or a rule adopted pursuant thereto;

3. Employing, authorizing, or permitting an unlicensed, uninsured or unbonded person to perform a security guard, armed

security guard, unarmed private investigator or armed private investigator function;

4. Permitting a person to perform a security guard, armed security guard, unarmed private investigator or armed private investigator function, knowing the person has committed any offense enumerated in subsection A of this section; or

5. Revocation or voluntary surrender of reserve peace officer or peace officer certification, private security guard license, private investigator license or bail enforcer license in any state for a violation of any law or rule or pursuant to a settlement of any disciplinary action in such state.

C. Upon the effective date of suspension or revocation of any license, the licensee shall have the duty to surrender the license and any identification card issued pursuant thereto to the Council.

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.

Added by Laws 1986, c. 224, § 7, operative July 1, 1987. Amended by Laws 1987, c. 193, § 7, eff. July 1, 1987; Laws 1988, c. 200, § 5, eff. July 1, 1988; Laws 1993, c. 63, § 3, eff. July 1, 1993; Laws 1997, c. 226, § 5, eff. Nov. 1, 1997; Laws 2019, c. 246, § 6, eff. Nov. 1, 2019; Laws 2019, c. 363, § 58, eff. Nov. 1, 2019.

§59-1750.8. Prohibited acts - Penalties - Disclosure of application information.

A. No person who is exempt from the provisions of the Oklahoma Security Guard and Private Investigator Act shall display any badge or identification card bearing the words "private investigator" or "private detective", or use any words or phrases that imply that such person is a private investigator or private detective.

B. No person licensed as a private investigator shall:

1. Divulge any information gained by the private investigator in his or her employment except as the employer of the private investigator may direct or as the private investigator may be required by law to divulge; or

2. Willfully make a false report to the employer of the private investigator or to a client.

Any violation of this subsection, upon conviction, shall be punishable by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

C. The Council on Law Enforcement Education and Training or its employees shall not disclose application information pertaining to persons licensed pursuant to this act, except:

1. To verify the current license status of any applicant or licensee to the public;

2. To perform duties pursuant to the Oklahoma Security Guard and Private Investigator Act;

3. To a bona fide law enforcement agency;

4. To a licensing authority in another jurisdiction;

5. As required by court order;

6. To provide final orders where an applicant or licensee was the respondent in or was the subject of an administrative proceeding initiated by the Council; or

7. To provide information regarding application information to the agency employing a licensee including, but not limited to, the information and/or documentation requested by CLEET from the applicant or licensee to complete the application process.

Added by Laws 1986, c. 224, § 8, operative July 1, 1987. Amended by Laws 1987, c. 193, § 8, eff. July 1, 1987; Laws 1988, c. 200, § 6, eff. July 1, 1988; Laws 2019, c. 246, § 7, eff. Nov. 1, 2019.

§59-1750.9. Carrying driver license and identification card - Display of license - Misrepresentation as state or federal agent - Discharge of firearm.

A. Each security guard, armed security guard, or private investigator licensed pursuant to this act shall carry a valid driver license or state-issued photo identification card and an identification card issued by the Council on Law Enforcement Education and Training at all times while on duty as a security guard, armed security guard or private investigator, and each security agency and investigative agency shall display in its primary office in this state a valid license therefor issued by the Council.

B. No licensee or officer, director, partner, or employee of a licensee, may wear a uniform, or use a title, an insignia, badge, or an identification card, or make any statements that would lead a person to believe that he is connected in any way with the federal government, a state government, or any political subdivision of a state government, unless he is authorized by proper authorities to do so.

C. Each discharge of a firearm in the performance of his employment by any licensee authorized by this act to carry a firearm, other than for training purposes, shall be reported immediately to the Council by said licensee.

Added by Laws 1986, c. 224, § 9, operative July 1, 1987. Amended by Laws 1987, c. 193, § 9, eff. July 1, 1987; Laws 2001, c. 312, § 2, eff. Nov. 1, 2001.

§59-1750.10. Display or use of certain words on badges, vehicles and uniforms prohibited.

A. The words "police", "deputy", or "patrolman" shall not be displayed upon any security guard badge, or uniform, or security vehicle. The words "Security", "Security Officer", or "Security Guard" in conjunction with the agencies' name shall be displayed on any badge or uniform in bold letters.

B. Vehicles used by security guards, armed security guards, or security agencies shall display the words "Security", or "Guard", if marked, or both, and the agencies' name in conspicuous letters. No such vehicle shall be equipped with a siren, a lamp with a red or blue lens, nor an overhead light or lights with red or blue lens.
Added by Laws 1986, c. 224, § 10, operative July 1, 1986. Amended by Laws 1996, c. 22, § 5, eff. July 1, 1996; Laws 1997, c. 226, § 6, eff. Nov. 1, 1997.

§59-1750.10A. Firearm training.

The firearm training for armed security guards may include the reduction targets for weapons fired at fifty (50) feet to simulate weapons fired at seventy-five (75) feet in indoor ranges. All indoor ranges for this training shall have a minimum of three firing lanes and be approved by the Council on Law Enforcement Education and Training.
Added by Laws 1988, c. 53, § 1, operative April 1, 1988.

§59-1750.10B. Private security training schools - Certificate of approval - Application - Renewal - Fee.

Beginning July 1, 1990, private schools desiring to conduct any or all phases of private security training shall submit an application for a certificate of approval to the Council on Law Enforcement Education and Training. The application shall be accompanied by a fee of Three Hundred Dollars ($300.00). The certificate shall be renewed annually by July 1. The renewal fee shall be Three Hundred Dollars ($300.00). If the school does not qualify for a certificate or renewal certificate, CLEET shall retain twenty percent (20%) of the fee as a processing fee and refund the balance to the school.
Added by Laws 1990, c. 258, § 25, operative July 1, 1990. Amended by Laws 2007, c. 360, § 5, eff. Nov. 1, 2007.

§59-1750.11. Violations - Penalty.

A. Unless otherwise prescribed by law, any person convicted of violating any provision of the Oklahoma Security Guard and Private Investigator Act or a rule or regulation promulgated pursuant to the Oklahoma Security Guard and Private Investigator Act shall be guilty of a misdemeanor punishable by imprisonment for not more than sixty

(60) days, or by a fine of not more than Two Thousand Dollars ($2,000.00), or by both such imprisonment and fine.

B. Any person who willfully makes a false statement, knowing such statement is false, in any application to the Council on Law Enforcement Education and Training for a license pursuant to the Oklahoma Security Guard and Private Investigator Act, or who otherwise commits a fraud in connection with such application, shall be guilty of a felony punishable by a term of imprisonment for not less than two (2) years nor more than five (5) years, or by a fine of not more than Two Thousand Dollars ($2,000.00), or by both such imprisonment and fine.

Added by Laws 1986, c. 224, § 11, operative July 1, 1987. Amended by Laws 1987, c. 193, § 10, eff. July 1, 1987; Laws 1997, c. 133, § 514, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 375, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 514 from July 1, 1998, to July 1, 1999.

§59-1750.13. Repealed by Laws 1997, c. 226, § 7, eff. Nov. 1, 1997.

§59-1750.14. Nonresidents apprehending persons who have forfeited bail to be accompanied by peace officer or bail bondsman.

A. Except as provided in subsection C or D of this section, any person who is not a resident of this state who intends to apprehend in this state, or attempts to apprehend, a defendant who has failed to appear before any court of this state or another state or any federal court as required by law and has forfeited bail or for purposes of apprehending a defendant prior to breach of an undertaking or bail contract, shall be required to have a client contract with a bail enforcer licensed in this state or to be licensed bail enforcer in this state prior to such apprehension or to be accompanied at the time of the apprehension by a peace officer.

B. Any person who violates the provisions of this section shall be guilty of a violation of the Bail Enforcement and Licensing Act and shall be punished as provided in Section 3 of this act.

C. The provisions of this section shall not apply to law enforcement officers of any jurisdiction.

D. The provisions of this section shall not apply to licensed bondsmen in this state appointed by an insurer doing business in this state with regard to a defendant on a bond posted by that insurer, provided the appointed bondsman has been continuously licensed in this state for a period of five (5) years or more beginning on the effective date of this act.

Added by Laws 1993, c. 43, § 1, eff. Sept. 1, 1993. Amended by Laws 2013, c. 407, § 30, eff. Nov. 1, 2013; Laws 2014, c. 373, § 12, eff. July 1, 2014.

§59-1800.1. Short title - Alarm, Locksmith and Fire Sprinkler Industry Act.

Sections 1800.1 through Section 3 of this act shall be known and may be cited as the "Alarm, Locksmith and Fire Sprinkler Industry Act".

Added by Laws 1985, c. 217, § 1, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 1, eff. Jan. 1, 2007; Laws 2012, c. 368, § 2, eff. Nov. 1, 2012; Laws 2015, c. 172, § 1, eff. Nov. 1, 2015; Laws 2018, c. 90, § 1, eff. Nov. 1, 2018.

§59-1800.2. Definitions.

As used in the Alarm, Locksmith and Fire Sprinkler Industry Act:

1. "Alarm industry" means the sale, except as provided in Section 1800.3 of this title, installation, alteration, repair, replacement, service, inspection, or maintenance of alarm systems or service involving receipt of alarm signals for the purpose of employee response and investigation of such signals or any combination of the foregoing activities except inspections on one- and two-family dwellings are exempt;

2. "Alarm system" means one or more devices designed either to detect and signal an unauthorized intrusion or entry or to signal a fire or other emergency condition, which signals are responded to by public law enforcement officers, fire department personnel, private guards or security officers;

3. "Battery-charged security fence" means an alarm system and ancillary components or equipment attached to such a system including, but not limited to, a fence, a battery-operated energizer, which is intended to periodically deliver voltage impulses to the fence connected to it, and a battery-charging device used exclusively to charge the battery;

4. "Committee" means the Alarm, Locksmith and Fire Sprinkler Industry Committee;

5. "Commissioner" means the Commissioner of Labor;

6. "Integrated security system" means a mechanical and/or electronic security device that includes, but is not limited to, multiple integrated locks, burglar alarm systems, access control systems, fiber optic security systems, video surveillance systems, and nurse call systems, but does not include a stand-alone-single-element of an integrated security system;

7. "Licensee" means any person licensed pursuant to the Alarm, Locksmith and Fire Sprinkler Industry Act;

8. "Lock" means mechanical or electronic devices consisting entirely of Class 2 or Class 3 circuits and power source requirements as established by the National Electrical Code and designed to control use of a device or control ingress or egress of a structure or automobile including, but not limited to, peripheral

devices to alarm systems, safes, vaults, safe deposit boxes, biometric/retina readers and mechanical or electronic key systems;

9. "Locksmith industry" means the sale, servicing or installing, repairing, rebuilding, readying, rekeying, repinning, adjusting or installing locks, mechanical or electronic security devices, annunciation devices not designed to require a response by law enforcement or opening or bypassing a lock by a means other than those intended by the manufacturer of such devices. For the purposes of the Alarm, Locksmith and Fire Sprinkler Industry Act, "mechanical or electronic security devices" includes, but is not limited to, access control systems including peripheral devices to alarm systems, fiber optic security systems, fire sprinklers, closed circuit television, video surveillance and nurse call systems;

10. "Person" means an individual, sole proprietorship, firm, partnership, association, limited liability company, corporation, or other similar entity; and

11. "Residential alarm monitoring or service contract" means a contract with end users for alarm monitoring and/or services for individual residential premises for their own use.

Added by Laws 1985, c. 217, § 2, eff. Nov. 1, 1985. Amended by Laws 1993, c. 295, § 1, eff. Sept. 1, 1993; Laws 1998, c. 174, § 1, emerg. eff. April 28, 1998; Laws 2001, c. 394, § 51, eff. Jan. 1, 2002; Laws 2006, c. 110, § 2, eff. Jan. 1, 2007; Laws 2010, c. 299, § 1, eff. Nov. 1, 2010; Laws 2012, c. 368, § 3, eff. Nov. 1, 2012; Laws 2015, c. 172, § 2, eff. Nov. 1, 2015; Laws 2017, c. 107, § 1, eff. Nov. 1, 2017; Laws 2018, c. 90, § 2, eff. Nov. 1, 2018; Laws 2019, c. 218, § 1, eff. Nov. 1, 2019; Laws 2022, c. 167, § 1, emerg. eff. May 2, 2022.

§59-1800.3. Exemptions.

The Alarm, Locksmith and Fire Sprinkler Industry Act shall not apply to:

1. An officer or employee of this state, the United States or a political subdivision of either, while the employee or officer is engaged in the performance of official duties;

2. An individual who owns and installs alarm devices, mechanical or electronic security devices and locks on the individual's own property or, if the individual does not charge for the device or its installation, installs it for the protection of the individual's personal property located on another's property, and does not install the alarm devices, mechanical or electronic security devices and locks as a normal business practice on the property of another;

3. The sale of alarm or lock systems designed or intended for customer or user installation;

4. The sale, installation, service, or repair of alarm systems or electronic security devices such as electronic access control,

closed circuit television, video surveillance, nurse call systems and the like by individuals licensed pursuant to the Electrical License Act;

5. The locksmith industry activities of tow truck operators from their towing vehicles or repossession agents within the execution of their duties;

6. Locksmith industry activities of persons primarily engaged in selling lumber and other building materials who hold a sales tax permit as a Group One vendor authorized to engage in business within this state pursuant to Sections 1363 and 1364 of the Oklahoma Sales Tax Code;

7. The solicitation of a potential alarm system customer by a person via telephone or electronic device on behalf of an Oklahoma licensed alarm company for the sale of an alarm system; or

8. The sale of alarm or locksmith products or systems by a retail counter sales agent upon the conditions required by Section 1800.6a of this title.

Added by Laws 1985, c. 217, § 3, eff. Nov. 1, 1985. Amended by Laws 1992, c. 199, § 1, emerg. eff. May 13, 1992; Laws 2006, c. 110, § 3, eff. Jan. 1, 2007; Laws 2008, c. 4, § 11, eff. Nov. 1, 2008; Laws 2010, c. 299, § 2, eff. Nov. 1, 2010; Laws 2012, c. 368, § 4, eff. Nov. 1, 2012; Laws 2013, c. 22, § 1, eff. July 1, 2013; Laws 2015, c. 247, § 1, eff. Nov. 1, 2015; Laws 2019, c. 218, § 2, eff. Nov. 1, 2019.

§59-1800.3a. Installation or repair of certain electrical circuits - Exemption from Electrical Licensing Act.

Any person engaged in any activity regulated by the Alarm, Locksmith and Fire Sprinkler Industry Act, when installing or repairing electrical circuits consisting entirely of Class 2 or Class 3 circuits and power source requirements as established by the National Electrical Code shall not be required to obtain any license as required by the Electrical Licensing Act, if such person is licensed pursuant to the provisions of the Alarm, Locksmith and Fire Sprinkler Industry Act; provided, however, persons performing installations, repairs or other work on any electrical circuits other than Class 2 or Class 3 circuits shall be required to be properly licensed or registered pursuant to the Electrical Licensing Act.

Added by Laws 1989, c. 304, § 3, eff. Nov. 1, 1989. Amended by Laws 2006, c. 110, § 4, eff. Jan. 1, 2007; Laws 2010, c. 299, § 3, eff. Nov. 1, 2010; Laws 2012, c. 368, § 5, eff. Nov. 1, 2012; Laws 2019, c. 218, § 3, eff. Nov. 1, 2019.

§59-1800.4. Alarm, Locksmith and Fire Sprinkler Industry Committee.

A. There is hereby created the Alarm, Locksmith and Fire Sprinkler Industry Committee, which shall consist of nine (9)

members. One member shall be the Commissioner of Labor or the Commissioner's designated representative and eight members shall be appointed by the Governor with the consent of the Senate. Seven of the appointed members shall have at least five (5) years of experience in the alarm, locksmith or fire sprinkler industry or in a closely related field with broad working knowledge of the alarm, locksmith or fire sprinkler industry and active employment status in such field during the term of appointment. At least one of the appointed members shall be from each working field or closely related industries of burglar alarm, fire alarm, fire sprinkler, electronic access control, locksmith, closed circuit television, video surveillance, and nurse call system, except when a qualified candidate for appointment is not available in the working field. One of the appointed members shall be a lay member. No member shall be employed by the same person as any other member of the Committee.

B. The term of office of each appointed member shall be a staggered term of four (4) years with a limit of two full terms. Notwithstanding the term of office, each appointed member shall continue to serve until his or her successor has been duly qualified and appointed. All appointees must qualify under the Alarm, Locksmith and Fire Sprinkler Industry Act.

C. Members of the Committee may be removed from office by the Governor at any time. A member missing two or more committee meetings in a single year without justifiable cause may be removed and replaced by the Governor at the request of the Committee.

D. Vacancies shall be filled by appointment by the Governor with the consent of the Senate for the unexpired term of the vacancy. Should an appointment from a working field become vacant or be without qualified candidates for appointment, that working field may be filled by a person from another working field.

E. The members of the Committee shall serve without pay but may be reimbursed for actual expenses pursuant to the State Travel Reimbursement Act.

F. The Committee shall elect from among its membership a chair, vice-chair and secretary to serve terms of not more than two (2) years ending on May 31 of the year designated by the Committee. The chair or vice-chair shall preside at all meetings. The chair, vice-chair and secretary shall perform such duties as may be decided by the Committee in order to effectively administer the Alarm, Locksmith and Fire Sprinkler Industry Act or as directed by the Commissioner of Labor.

G. A majority of Committee members shall constitute a quorum to transact official business.

H. The Committee shall meet at such times as the Committee deems necessary to implement the Alarm, Locksmith and Fire Sprinkler Industry Act.

I. The Committee shall assist and advise the Commissioner on all matters relating to the formulation of rules, regulations and standards in accordance with the Alarm, Locksmith and Fire Sprinkler Industry Act.

Added by Laws 1985, c. 217, § 4, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 5, eff. Jan. 1, 2007; Laws 2010, c. 299, § 4, eff. Nov. 1, 2010; Laws 2012, c. 368, § 6, eff. Nov. 1, 2012; Laws 2014, c. 42, § 1, eff. Nov. 1, 2014; Laws 2017, c. 107, § 2, eff. Nov. 1, 2017; Laws 2019, c. 218, § 4, eff. Nov. 1, 2019.

§59-1800.5. Powers and duties of Committee.

A. The Alarm, Locksmith and Fire Sprinkler Industry Committee shall have the following duties and powers:

1. To assist the Commissioner of Labor in licensing and otherwise regulating persons engaged in an alarm or locksmith industry business;

2. To assist the Commissioner in determining qualifications of applicants pursuant to the Alarm, Locksmith and Fire Sprinkler Industry Act;

3. To assist the Commissioner in prescribing and adopting forms for license applications and initiate mailing of such application forms to all persons requesting such applications;

4. To assist the Commissioner in disciplinary actions, including the denial, suspension or revocation of licenses as provided by the Alarm, Locksmith and Fire Sprinkler Industry Act;

5. To assist the Commissioner with charging and collecting such fees as are prescribed by the Alarm, Locksmith and Fire Sprinkler Industry Act;

6. To assist the Commissioner in establishing and enforcing standards governing the materials, services and conduct of the licensees and their employees in regard to the alarm, locksmith and fire sprinkler industry;

7. To assist the Commissioner in promulgating rules necessary to carry out the administration of the Alarm, Locksmith and Fire Sprinkler Industry Act;

8. To investigate or assist in investigating alleged violations of the provisions of the Alarm, Locksmith and Fire Sprinkler Industry Act and any rules and regulations promulgated thereto;

9. To assist the Commissioner in identifying advances in technology and establishing categories of licenses for the Alarm, Locksmith and Fire Sprinkler Industry Act and application requirements for each category including, but not limited to, individual license, experience requirements, educational requirements, fingerprints, photographs, examinations, and fees;

10. To assist the Commissioner in providing for grievance and appeal procedures pursuant to the Administrative Procedures Act for any person whose license is denied, revoked or suspended; and

11. To exercise such other powers and duties as are necessary to implement the Alarm, Locksmith and Fire Sprinkler Industry Act.

B. The Department of Labor is authorized to regulate any advancements in technology that apply to the alarm, locksmith and fire sprinkler industry.

Added by Laws 1985, c. 217, § 5, eff. Nov. 1, 1985. Amended by Laws 1989, c. 304, § 4, eff. Nov. 1, 1989; Laws 1993, c. 295, § 2, eff. Sept. 1, 1993; Laws 2006, c. 110, § 6, eff. Jan. 1, 2007; Laws 2010, c. 299, § 5, eff. Nov. 1, 2010; Laws 2012, c. 368, § 7, eff. Nov. 1, 2012; Laws 2013, c. 22, § 2, eff. July 1, 2013; Laws 2017, c. 107, § 3, eff. Nov. 1, 2017; Laws 2019, c. 218, § 5, eff. Nov. 1, 2019; Laws 2023, c. 12, § 1, eff. Nov. 1, 2023.

§59-1800.6. License required.

No person shall engage in an alarm, locksmith or fire sprinkler industry business in this state without first having obtained a license pursuant to the provisions of the Alarm, Locksmith and Fire Sprinkler Industry Act; provided, however, a business or person licensed pursuant to the Alarm, Locksmith and Fire Sprinkler Industry Act shall not be required to obtain multiple licenses to install, repair or modify any component of an integrated security system, excluding commercial fire alarm and fire sprinkler systems.

Added by Laws 1985, c. 217, § 6, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 7, eff. Jan. 1, 2007; Laws 2012, c. 368, § 8, eff. Nov. 1, 2012; Laws 2017, c. 107, § 4, eff. Nov. 1, 2017; Laws 2019, c. 218, § 6, eff. Nov. 1, 2019.

§59-1800.6a. Retail counter sales agents - Criminal history records - Access to confidential information - Penalties.

A. For purposes of this section and paragraph 8 of Section 1800.3 of this title, "retail counter sales agent" means an individual employed by or working on behalf of an Oklahoma licensed alarm or locksmith company for the purpose of selling technology devices and services to the general public in a commercial retail setting, including alarm, locksmith and fire sprinkler services and equipment.

B. 1. Every retail counter sales agent shall undergo a national criminal history records search by a third party or the Department of Labor. The Department of Labor, upon establishing good cause, may demand that an alarm, locksmith or fire sprinkler company provide the results of a criminal history records search for an individual retail counter sales agent. Upon receipt of any such demand, an alarm, locksmith or fire sprinkler company shall have a reasonable period of time to provide the results to the Department of Labor. The Department of Labor shall not disseminate the results of any criminal history records search described in this subsection, and such records shall not be subject to the Open Records Act. For

purposes of this subsection, "selling" means the initial communications with the customer to determine the appropriate alarm products or systems to be purchased and installed, but shall not include actual installation locations or the final design, plan or laying out of the alarm products or systems. No person shall act as a retail counter sales agent if the results of the criminal background check are unsuccessful in accordance with the Arrest and Conviction Records in Employment Best Practices brochure published by the United States Equal Employment Opportunity Commission.

2. A retail counter sales agent shall not be permitted access to any customer's unique alarm access codes or other confidential information aside from the information necessary to complete a retail sale transaction.

C. Any alarm, locksmith or fire sprinkler company failing to comply with the provisions of this section shall be deemed in violation of the Alarm, Locksmith and Fire Sprinkler Industry Act. The Department of Labor may revoke or suspend the license of the person for a violation of this section.

Added by Laws 2015, c.247, § 2, eff. Nov. 1, 2015. Amended by Laws 2019, c. 218, § 7, eff. Nov. 1, 2019.

§59-1800.7. Qualifications of applicants - Information concerning felonies or crimes involving moral turpitude - Photographs - Fingerprints – Definitions.

A. Any person applying for a license to engage in an alarm or locksmith industry business pursuant to the Alarm, Locksmith and Fire Sprinkler Industry Act shall provide evidence to the Alarm, Locksmith and Fire Sprinkler Industry Committee that the individual within this state having direct supervision over the function and local operations of such alarm, locksmith or fire sprinkler industry business or a branch thereof has the following qualifications:

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

2. Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease, and has not been restored to competency;

3. Is not a habitual user of intoxicating liquors or a user of any illegal or illicit drug or controlled substance, including, but not limited to, the non-medical use of any prescription drug or other intoxicating substance;

4. Has not been discharged from the Armed Services of the United States under dishonorable conditions; and

5. Meets such other standards as may be established by the Commissioner of Labor relating to experience or knowledge of the alarm, locksmith or fire sprinkler industry.

B. The applicant shall advise the Committee and furnish full information on each individual described in subsection A of this section of any conviction of a felony crime which substantially

relates to the occupation of an individual in an alarm or locksmith industry business and poses a reasonable threat to public safety for which a full pardon has not been granted and furnish a recent photograph of a type prescribed by the Commissioner and two classifiable sets of fingerprints of such individual.

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.

Added by Laws 1985, c. 217, § 7, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 8, eff. Jan. 1, 2007; Laws 2012, c. 368, § 9, eff. Nov. 1, 2012; Laws 2013, c. 22, § 3, eff. July 1, 2013; Laws 2019, c. 218, § 8, eff. Nov. 1, 2019; Laws 2019, c. 363, § 59, eff. Nov. 1, 2019.

§59-1800.8. Application for company or individual license - Fees.

A. An application for a company license shall include:

1. The address of the principal office of the applicant and the address of each branch office of the applicant located within this state;

2. The name per business location under which the applicant intends to do business as a licensee;

3. A statement explaining the extent and scope of the applicant's alarm, locksmith or fire sprinkler industry business;

4. A photograph taken by the Department of Labor or an entity approved by the Department in accordance with the licensing procedures adopted by the Department. If the applicant is a sole proprietor, the photo shall be of the applicant, or if the applicant is an entity, the photo shall be of each officer and of each partner or shareholder who owns an interest in the entity of twenty-five percent (25%) or greater;

5. Two classifiable sets of fingerprints of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity; and

6. Such other information, statements or documents as may be required by the Commissioner of Labor.

B. An applicant for an individual license shall provide such documents, statements or other information as may be required by the Commissioner, including two classifiable sets of fingerprints of the applicant. The fingerprints may be used for a national criminal

history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

C. Fees for license and renewal issued pursuant to the Alarm, Locksmith and Fire Sprinkler Industry Act shall be adopted by the Department of Labor. Provided, the fees provided for in this subsection shall not exceed Two Hundred Fifty Dollars ($250.00). An applicant shall pay the license fee at the time the applicant makes application. All fees shall be nonrefundable.

Added by Laws 1985, c. 217, § 8, eff. Nov. 1, 1985. Amended by Laws 1993, c. 295, § 3, eff. Sept. 1, 1993; Laws 2003, c. 204, § 8, eff. Nov. 1, 2003; Laws 2006, c. 110, § 9, eff. Jan. 1, 2007; Laws 2012, c. 368, § 10, eff. Nov. 1, 2012; Laws 2013, c. 22, § 4, eff. July 1, 2013; Laws 2019, c. 218, § 9, eff. Nov. 1, 2019.

§59-1800.9. Issuance of license - Term - Renewal and disciplinary proceedings - Expiration dates.

A. Upon receiving proper application, payment of the proper license fee, and certification of recommendation by the Alarm, Locksmith and Fire Sprinkler Industry Committee, the Commissioner of Labor shall issue a license to the applicant. The license shall be valid for a one-year term.

B. Renewal of a license shall not prohibit disciplinary proceedings for an act committed prior to the renewal.

C. The Commissioner may adopt a system under which licenses expire on various dates throughout the year. For any change in such expiration dates, license fees shall be prorated on an appropriate periodic basis.

Added by Laws 1985, c. 217, § 9, eff. Nov. 1, 1985. Amended by Laws 2012, c. 368, § 11, eff. Nov. 1, 2012; Laws 2013, c. 22, § 5, eff. July 1, 2013; Laws 2019, c. 218, § 10, eff. Nov. 1, 2019.

§59-1800.10. Alteration or assignment of license - Posting - Change of information - False representation as licensee violation - Records.

A. A license shall not be altered or assigned.

B. A company license shall be posted in a conspicuous place in each alarm, locksmith or fire sprinkler industry business location of the licensee.

C. A company licensee shall notify the Commissioner of Labor within fourteen (14) days of any change of information furnished on the licensee's application for license or on the licensee's license including, but not limited to, change of ownership, address, business activities, or any developments related to the qualifications of the licensee or the individual described in Section 1800.7 of this title. If the licensee for any reason ceases to engage in an alarm, locksmith or fire sprinkler industry business in this state, the licensee shall notify the Committee within

fourteen (14) days of such cessation. If the required notice of cessation is not given to the Committee within fourteen (14) days, the license may be suspended or revoked by the Commissioner on recommendation of the Committee.

D. No person shall represent falsely that the person is licensed or employed by a licensee. Any such action shall constitute a violation of the Alarm, Locksmith and Fire Sprinkler Industry Act.

E. Each company licensee shall maintain, update and provide a record containing such information relative to the licensee's employees as may be required by the Commissioner.

Added by Laws 1985, c. 217, § 10, eff. Nov. 1, 1985. Amended by Laws 1993, c. 295, § 4, eff. Sept. 1, 1993; Laws 2006, c. 110, § 10, eff. Jan. 1, 2007; Laws 2012, c. 368, § 12, eff. Nov. 1, 2012; Laws 2013, c. 22, § 6, eff. July 1, 2013; Laws 2019, c. 218, § 11, eff. Nov. 1, 2019.

§59-1800.11. Responsibility for business activities and actions of employees.

The licensee shall be responsible to the Alarm, Locksmith and Fire Sprinkler Industry Committee in matters of conduct of business activities covered by the Alarm, Locksmith and Fire Sprinkler Industry Act. The licensee shall be responsible for the activities on the part of the licensee's employees. For purposes of the Alarm, Locksmith and Fire Sprinkler Industry Act, improper conduct on the part of any employees which occurs within the scope of employment may be considered by the Committee as acts of the licensee.

Added by Laws 1985, c. 217, § 11, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 11, eff. Jan. 1, 2007; Laws 2012, c. 368, § 13, eff. Nov. 1, 2012; Laws 2013, c. 22, § 7, eff. July 1, 2013; Laws 2019, c. 218, § 12, eff. Nov. 1, 2019.

§59-1800.12. Municipalities or counties may levy charges for alarm installation connections - Disconnection of faulty systems - Ordinances prohibited.

A. Any municipality or county may levy and collect reasonable charges for alarm installation connections located in or at a police or fire department which is owned, operated or monitored by the municipality or county. Any municipality or county may require discontinuance of service of any alarm signal device which, due to mechanical malfunction or faulty equipment, causes excessive false alarms and, in the opinion of the appropriate county or municipal official, becomes a detriment to the functions of the department involved. The municipality or county may cause the disconnection of the device until the same is repaired to the satisfaction of the appropriate official; however, the municipality or county shall advise the owner or user of the device of the disconnection in

advance or as soon as reasonably practicable. The municipality or county may levy and collect reasonable reconnection fees. Mechanical malfunction and faulty equipment shall not include, for the purpose of the Alarm, Locksmith and Fire Sprinkler Industry Act, false alarms caused by human error or an act of God.

B. No municipality may adopt any ordinance concerning the licensing of any alarm, locksmith or fire sprinkler industry business or individual which is or may be licensed pursuant to the Alarm, Locksmith and Fire Sprinkler Industry Act.

C. No municipality or county may adopt any ordinance, order, or regulation concerning the installation, operation, or usage of a battery-charged security fence as long as the installation, operation, and usage of the battery-charged security fence follows the requirements and standards prescribed in Section 3 of this act. Added by Laws 1985, c. 217, § 12, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 12, eff. Jan. 1, 2007; Laws 2012, c. 368, § 14, eff. Nov. 1, 2012; Laws 2013, c. 22, § 8, eff. July 1, 2013; Laws 2019, c. 218, § 13, eff. Nov. 1, 2019; Laws 2022, c. 167, § 2, emerg. eff. May 2, 2022.

§59-1800.13. Suspension or revocation of license.

A. The Commissioner of Labor on recommendation of the Alarm, Locksmith and Fire Sprinkler Industry Committee may suspend any license, upon the conviction of any individual named on the license or on the application for license of a felony, for a period not to exceed thirty (30) days pending a full investigation by the Committee. Such investigation shall be initiated within the thirty-day period of the suspension. A final determination by the Committee shall result in either removal of the suspension or such sanction as the Commissioner considers appropriate, as provided by the Alarm, Locksmith and Fire Sprinkler Industry Act.

B. The Commissioner may revoke or suspend any license, reprimand any licensee or deny any application for license or renewal if, in the judgment of the Committee:

1. The applicant or licensee has violated any provision of the Alarm, Locksmith and Fire Sprinkler Industry Act or any rule or regulation promulgated thereto;

2. The applicant or licensee has committed any offense resulting in the applicant's or licensee's conviction of a felony or crime involving moral turpitude. Provided, however, if the applicant has had no felony convictions at least ten (10) years prior to making application for a license and the applicant has shown the Committee that the applicant has been rehabilitated, the Committee may recommend the applicant for a license;

3. The applicant or licensee has practiced fraud, deceit, theft, larceny, arson, or misrepresentation;

4. The applicant or licensee has made a material misstatement in any information required by the Committee; or

5. The applicant or licensee has demonstrated incompetence or untrustworthiness in the applicant's or licensee's actions.

C. The Committee shall, before final action under subsection B of this section, provide a thirty-day written notice to the applicant or licensee involved, of the action intended and give sufficient opportunity for such person to request an administrative hearing and to be represented by an attorney. A hearing shall be scheduled by the Commissioner if so requested as provided in the Administrative Procedures Act.

D. In the event the Commissioner denies the application for, or revokes or suspends, any license or imposes any reprimand, a record of such action shall be in writing and officially signed by the Commissioner. The original copy shall be filed with the Department of Labor and a copy mailed to the affected applicant or licensee within two (2) days of the final action taken by the Commissioner.

E. Notice of the suspension or revocation of any license shall be made public record.

F. A suspended license shall be subject to expiration and may be renewed as provided by the Alarm, Locksmith and Fire Sprinkler Industry Act, regardless of the term of suspension; provided, a renewal shall not remove the suspension term.

G. A revoked license terminates on the date of revocation and cannot be reinstated; provided, the Commissioner may reverse the revocation action. Any licensee whose license is revoked shall apply for a new license and meet all requirements for a license as stated in the Alarm, Locksmith and Fire Sprinkler Industry Act prior to engaging in any alarm, locksmith or fire sprinkler industry business activities. The Committee and the Commissioner shall take action on the new application and may require additional safeguards against such acts by the applicant as may have been the cause of the revocation of the prior license.

Added by Laws 1985, c. 217, § 13, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 13, eff. Jan. 1, 2007; Laws 2012, c. 368, § 15, eff. Nov. 1, 2012; Laws 2013, c. 22, § 9, eff. July 1, 2013; Laws 2019, c. 218, § 14, eff. Nov. 1, 2019.

§59-1800.14. Alarm, Locksmith and Fire Sprinkler Industry Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Labor, to be designated the "Alarm, Locksmith and Fire Sprinkler Industry Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Alarm, Locksmith and Fire Sprinkler Industry Committee or the Department of Labor pursuant to the Alarm, Locksmith and Fire Sprinkler Industry Act. All monies

accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commissioner of Labor for the purpose of administration, implementing, and enforcement of the Alarm, Locksmith and Fire Sprinkler Industry Act including, but not limited to, office administration and personnel expense, licensing and training, reimbursements in accordance with the State Travel Reimbursement Act, and other necessary expenses relating to the Alarm, Locksmith and Fire Sprinkler Industry Act. The Commissioner shall not expend or transfer any monies from this fund for any purpose not relating to the Alarm, Locksmith and Fire Sprinkler Industry 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.
Added by Laws 1985, c. 217, § 14, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 14, eff. Jan. 1, 2007; Laws 2012, c. 368, § 16, eff. Nov. 1, 2012; Laws 2013, c. 15, § 44, emerg. eff. April 8, 2013; Laws 2019, c. 218, § 15, eff. Nov. 1, 2019.
NOTE: Laws 2012, c. 304, § 282 repealed by Laws 2013, c. 15, § 45, emerg. eff. April 8, 2013.

§59-1800.15. Costs of administration of act - Claims for payment.

The Commissioner of Labor shall pay all costs of administration of the Alarm, Locksmith and Fire Sprinkler Industry Act from fees, monies and other revenue collected pursuant to the provisions of the Alarm, Locksmith and Fire Sprinkler Industry Act. At no time shall a claim for payment be submitted to the Director of the Office of Management and Enterprise Services or the State Treasurer if the revenue deposited in the Alarm, Locksmith and Fire Sprinkler Industry Revolving Fund to the current date does not equal or exceed the total claims for payments made to that date.
Added by Laws 1985, c. 217, § 15, eff. Nov. 1, 1985. Amended by Laws 2006, c. 110, § 15, eff. Jan. 1, 2007; Laws 2012, c. 368, § 17, eff. Nov. 1, 2012; Laws 2013, c. 15, § 46, emerg. eff. April 8, 2013; Laws 2019, c. 218, § 16, eff. Nov. 1, 2019.
NOTE: Laws 2012, c. 304, § 283 repealed by Laws 2013, c. 15, § 47, emerg. eff. April 8, 2013.

§59-1800.16. Violations - Penalties.

A. Any person violating any of the provisions of the Alarm, Locksmith and Fire Sprinkler Industry Act, upon conviction, shall be guilty of a misdemeanor punishable by confinement in the county jail for a period not to exceed one (1) year or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

B. 1. In addition to any other penalties provided by law, if after a hearing in accordance with Article II of the Administrative

Procedures Act, the Commissioner of Labor finds any person to be in violation of any of the provisions of the Alarm, Locksmith and Fire Sprinkler Industry Act or the rules promulgated pursuant thereto, the person may be subject to an administrative fine of not more than Two Hundred Dollars ($200.00) for each violation. Each day a person is in violation may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars ($1,000.00).

2. All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Alarm, Locksmith and Fire Sprinkler Industry Revolving Fund.

Added by Laws 1985, c. 217, § 16, eff. Nov. 1, 1985. Amended by Laws 1996, c. 330, § 1, eff. Nov. 1, 1996; Laws 2006, c. 110, § 16, eff. Jan. 1, 2007; Laws 2012, c. 368, § 18, eff. Nov. 1, 2012; Laws 2019, c. 218, § 17, eff. Nov. 1, 2019.

§59-1800.17. Rules.

The Commissioner of Labor is hereby authorized to promulgate, adopt, amend, and repeal rules consistent with the provisions of the Alarm, Locksmith and Fire Sprinkler Industry Act for the purpose of governing the establishment and levying of administrative fines and the examination and licensure of alarm, locksmith or fire sprinkler companies, managers, technicians, and salespersons.

Added by Laws 1996, c. 330, § 2, eff. Nov. 1, 1996. Amended by Laws 2006, c. 110, § 17, eff. Jan. 1, 2007; Laws 2012, c. 368, § 19, eff. Nov. 1, 2012; Laws 2019, c. 218, § 18, eff. Nov. 1, 2019.

§59-1800.18. Residential alarm industry monitoring or services - Contract requirements.

A. On and after November 1, 2018, no contract for residential alarm industry monitoring or services shall provide that after the initial term of the contract the services will automatically continue for any fixed term, except a month-to-month term.

B. On and after November 1, 2018, every contract for residential alarm industry monitoring or services shall conspicuously state that the person receiving the services has the right, without additional cost or penalty, to terminate such contract at the end of the initial term, at any time, by giving a thirty-day notice to the provider of the intent to terminate the services.

C. Any contract for residential alarm industry monitoring or services entered into before November 1, 2018, which is renewed on or after November 1, 2018, in violation of the provisions of subsection A or B of this section may be either terminated or changed to a month-to-month term at any time as set forth in subsection A and B of this section.

Added by Laws 2018, c. 90, § 3, eff. Nov. 1, 2018.

§59-1800.19. Battery-charged security fences.

A battery-charged security fence shall meet the following requirements:

1. Interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the business or law enforcement in response to an intrusion or burglary;

2. Is located on a property that is not designated by a municipality or county exclusively for residential use;

3. Has an energizer that is powered by a commercial storage battery that is not more than twelve (12) volts of direct current;

4. Has an energizer that meets the standards set forth by the International Electrotechnical Commission Standard 60335-2-76, current edition;

5. Is completely surrounded by a non-electric perimeter fence or wall that is not less than five (5) feet in height;

6. Does not exceed ten (10) feet in height or two (2) feet higher than the non-electric perimeter fence or wall described in paragraph 5 of this section, whichever is higher; and

7. Is marked with conspicuous warning signs that are located on the battery-charged security fence at not more than thirty-foot intervals and display: "WARNING – ELECTRIC FENCE".

Added by Laws 2022, c. 167, § 3, emerg. eff. May 2, 2022.

§59-1820.1. Short title.

This act shall be known and may be cited as the “Fire Extinguisher Licensing Act”.

Added by Laws 2007, c. 188, § 1, eff. Nov. 1, 2007.

§59-1820.2. Purpose of act - Certain actions exempted.

The purpose of the Fire Extinguisher Licensing Act is to regulate the sale, installation, and servicing of portable fire extinguishers, including both engineered and preengineered systems, in the interest of safeguarding lives and property. The filling or charging of either engineered or preengineered system bottles for portable fire extinguishers, prior to their initial sale by the manufacturer, shall not be subject to the Fire Extinguisher Licensing Act.

Added by Laws 2007, c. 188, § 2, eff. Nov. 1, 2007.

§59-1820.3. Definitions.

As used in the Fire Extinguisher Licensing Act:

1. "Committee" means the Fire Extinguisher Industry Committee;

2. "Fire extinguisher industry" means the sale, installation, maintenance, inspection, certification, alteration, repair, replacement, or service of portable fire extinguishers or fire suppression systems or any combination of the foregoing activities;

3. "Fire suppression systems" and "handheld portable fire extinguisher" means any listed or approved fire extinguisher systems installed in compliance with the installation manuals of the manufacturer or the applicable National Fire Protection Association Standard and its reference as outlined in the rules established by the State Department of Health;

4. "Licensee" means any person licensed pursuant to the Fire Extinguisher Licensing Act; and

5. "Person" means a sole proprietorship, fire partnership, association, corporation, or other similar entity.

Added by Laws 2007, c. 188, § 3, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 2, eff. Nov. 1, 2013.

§59-1820.4. Exemptions.

The Fire Extinguisher Licensing Act shall not apply to:

1. An officer or employee of this state, the United States, or a political subdivision, while the employee or officer is engaged in the performance of his or her official duties;

2. A person who owns and installs fire extinguishing equipment in his or her own single-family dwelling or, if the person does not charge for the device or its installation, installs the fire extinguishing equipment for the protection of his or her personal property and does not install the fire extinguishing equipment as a normal business practice in a single-family dwelling of another; or

3. The sale of fire extinguishers designed or intended for customer or user installation.

Added by Laws 2007, c. 188, § 4, eff. Nov. 1, 2007.

§59-1820.5. Applicability.

The Fire Extinguisher Licensing Act shall apply to all persons servicing, installing, inspecting, certifying, charging, or testing any portable fire extinguisher or fire suppression system.

Added by Laws 2007, c. 188, § 5, eff. Nov. 1, 2007.

§59-1820.6. Fire Extinguisher Industry Committee.

A. There is hereby created the Fire Extinguisher Industry Committee which shall consist of the following seven (7) members:

1. One member shall be the State Fire Marshal, or a designated representative; and

2. Six members shall be appointed by the State Fire Marshal Commission. Five of the appointed members shall have at least five (5) years of experience in the fire extinguisher industry. One of the appointed members shall be a fire service representative. No member of the Committee shall have any kind of employment relationship with any other member.

B. The term of each appointed member shall be four (4) years staggered.

Each appointed member shall hold office until his or her successor is appointed and has qualified under the Fire Extinguisher Licensing Act.

C. Appointed members may be removed from office by the State Fire Marshal Commission.

D. Vacancies shall be filled by appointment by the State Fire Marshal Commission for the unexpired term of the vacancy.

E. Members of the Committee shall serve without pay but may be reimbursed for actual expenses pursuant to the provisions of the State Travel Reimbursement Act.

F. The Committee shall elect from among its membership a chair, vice-chair, and secretary to serve terms of not more than two (2) years ending on May 31 of the year designated by the Committee. The chair or vice-chair shall preside at all meetings. If neither the chair nor vice-chair is present a chair shall be determined, for that meeting only, by the members in attendance. The chair, vice-chair, and secretary shall perform such duties as may be decided by the Committee in order to effectively administer the Fire Extinguisher Licensing Act.

G. A majority of Committee members shall constitute a quorum to transact official business.

H. The Committee shall meet within thirty (30) days after the effective date of this act and shall meet thereafter at such times as the Committee deems necessary to implement the provisions of the Fire Extinguisher Licensing Act.

I. The Committee shall assist and advise the State Fire Marshal on all matters relating to the formulation of rules and standards in accordance with the Fire Extinguisher Licensing Act.

Added by Laws 2007, c. 188, § 6, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 3, eff. Nov. 1, 2013; Laws 2018, c. 115, § 1, eff. Nov. 1, 2018.

§59-1820.7. Powers and duties of committee.

The Fire Extinguisher Industry Committee shall have the following powers and duties:

1. To assist the State Fire Marshal in licensing and otherwise regulating persons engaged in a fire extinguisher industry business;

2. To determine qualifications of applicants pursuant to the Fire Extinguisher Licensing Act;

3. To prescribe and adopt forms for license applications and initiate the mailing of the application forms to all persons requesting the applications;

4. To assist the State Fire Marshal in the denial, suspension or revocation of licenses as provided by the Fire Extinguisher Licensing Act;

5. To charge and collect such fees as are prescribed by the Fire Extinguisher Licensing Act;

6. To assist the State Fire Marshal Commission in establishing and enforcing standards governing the materials, services, and conduct of the licensees and the employees of licensees in regard to the fire extinguisher industry;

7. To assist the State Fire Marshal Commission in promulgating rules necessary to carry out the administration of the Fire Extinguisher Licensing Act;

8. To investigate alleged violations of the provisions of the Fire Extinguisher Licensing Act and of any rules promulgated by the State Fire Marshal Commission;

9. To assist the State Fire Marshal Commission in establishing categories of licenses for the Fire Extinguisher Licensing Act and application requirements for each category including, but not limited to, individual licenses, experience requirements, fingerprints, photographs, written examinations, and fees;

10. To assist the State Fire Marshal in providing for grievance and appeal procedures pursuant to the Administrative Procedures Act for any person whose license is denied, revoked, or suspended; and

11. To have such other powers and duties as are necessary to implement the Fire Extinguisher Licensing Act.

Added by Laws 2007, c. 188, § 7, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 4, eff. Nov. 1, 2013.

§59-1820.8. License required - Time limit for applications for persons currently engaged in business.

No person shall engage in a fire extinguisher industry business in this state without first having obtained a license pursuant to the provisions of the Fire Extinguisher Licensing Act. Provided, every person engaged in a fire extinguisher industry business in this state on the effective date of the Fire Extinguisher Licensing Act shall have ninety (90) days in which to apply to the State Fire Marshal for a license. A person applying for a license within this ninety-day period may continue business pending a final determination by the State Fire Marshal of the application. Additional time beyond the ninety-day period may be granted by the State Fire Marshal.

Added by Laws 2007, c. 188, § 8, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 5, eff. Nov. 1, 2013.

§59-1820.9. Marketing, distribution or sale of portable fire extinguisher or fire suppression systems - Requirements - Exceptions.

A. No person shall market, distribute, or sell any portable fire extinguisher or fire suppression system in this state unless the following requirements are met:

1. The portable fire extinguisher or fire suppression system complies with standards adopted by the State Fire Marshal Commission; and

2. The portable fire extinguisher or fire suppression system has been examined by and bears the label of a nationally recognized testing laboratory approved by the State Fire Marshal Commission as qualified to test portable fire extinguishers and fire suppression systems.

B. The State Fire Marshal Commission may grant reasonable exceptions to the provisions of this section when the portable fire extinguisher or fire suppression system is intended for industrial use in places to which the public is not invited or admitted. The provisions of this section apply to the state and any political subdivision thereof.

Added by Laws 2007, c. 188, § 9, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 6, eff. Nov. 1, 2013.

§59-1820.10. Service work tag required.

Any person who services, installs, inspects, certifies, charges or tests any portable fire extinguisher or fire suppression system shall affix a tag to the service unit. The tag shall indicate the date upon which the service work was performed, and it shall bear the legible signature and state license number of the person and other information specified by the State Fire Marshal Commission.

Added by Laws 2007, c. 188, § 10, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 7, eff. Nov. 1, 2013.

§59-1820.11. License application - Evidence of qualifications for business supervisor - Required criminal history, photograph and fingerprints – Definitions.

A. Any person applying for a license to engage in a fire extinguisher industry business pursuant to the Fire Extinguisher Licensing Act shall provide evidence to the Fire Extinguisher Industry Committee that the individual within this state having direct supervision over the function and local operations of the fire extinguisher industry business or a branch thereof has the following qualifications:

1. The individual is at least twenty-one (21) years of age;

2. The individual has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease;

3. The individual is not a habitual user of intoxicating liquors or habit-forming drugs;

4. The individual has not been discharged from the Armed Services of the United States under other than honorable conditions; and

5. The individual meets such other standards as may be established by the State Fire Marshal Commission relating to experience or knowledge of the fire extinguisher industry.

B. The applicant shall advise the Committee and furnish full information on each individual described in subsection A of this section of any conviction of a felony crime which substantially relates to the occupation of an individual in a fire extinguisher industry business and poses a reasonable threat to public safety for which a full pardon has not been granted. The applicant shall furnish a recent photograph of a type prescribed by the Committee and two classifiable sets of fingerprints of such individual.

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.

Added by Laws 2007, c. 188, § 11, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 8, eff. Nov. 1, 2013; Laws 2019, c. 363, § 60, eff. Nov. 1, 2019.

§59-1820.12. Requirements for licenses application - Fees.

A. An application for a license shall include:

1. The address of the principal office of the applicant and the address of each branch office located within this state;

2. The name of each business location under which the applicant intends to do business as a licensee;

3. A statement as to the extent and scope of the fire extinguisher industry business of the applicant and all other businesses in which the applicant is engaged in this state;

4. A recent photograph of the applicant of a type prescribed by the State Fire Marshal Commission if the applicant is a sole proprietor, or a photograph of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity; and

5. Such other information, statements, or documents as may be required by the State Fire Marshal Commission.

B. An applicant for an individual license shall provide such documents, statements or other information as may be required by the State Fire Marshal Commission, including two classifiable sets of fingerprints of the applicant. The fingerprints may be used for a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

C. Fees for license and license renewal issued pursuant to the Fire Extinguisher Licensing Act shall be adopted by the State Fire Marshal Commission pursuant to Section 1820.19 of Title 59 of the Oklahoma Statutes. An applicant shall pay the license fee at the time the applicant makes application.
Added by Laws 2007, c. 188, § 12, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 9, eff. Nov. 1, 2013.

§59-1820.13. Issuance and term of license - Disciplinary proceedings - Expiration of license.

A. Upon making proper application, payment of the proper license fee and certification of approval by the Fire Extinguisher Industry Committee, the State Fire Marshal shall issue a license to the applicant. The license shall be valid for a one-year term.

B. Renewal of a license shall not prohibit disciplinary proceedings for an act committed prior to the renewal.

C. The State Fire Marshal Commission may adopt a system under which licenses expire on various dates throughout the year. For any change in such expiration dates, license fees shall be prorated on an appropriate periodic basis.
Added by Laws 2007, c. 188, § 13, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 10, eff. Nov. 1, 2013.

§59-1820.14. Prohibited acts - Duties of licensee.

A. A license shall not be altered or assigned.

B. A license shall be posted in a conspicuous place in each fire extinguisher industry business location of the licensee.

C. A licensee shall notify the Fire Extinguisher Industry Committee within fourteen (14) days of any change of information furnished on the application for license or on the license including, but not limited to, change of ownership, address, business activities, or any developments related to the qualifications of the licensee or the individual described in Section 11 of this act. If the licensee for any reason ceases to engage in a fire extinguisher industry business in this state, the licensee shall notify the Committee within fourteen (14) days of such cessation. If the required notice of cessation is not given to the Committee within fourteen (14) days, the license may be suspended or revoked by the State Fire Marshal on recommendation of the Committee.

D. No person shall represent falsely that he or she is licensed or employed by a licensee.

E. Each licensee shall maintain a record containing such information relative to his or her employees as may be required by the State Fire Marshal Commission.
Added by Laws 2007, c. 188, § 14, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 11, eff. Nov. 1, 2013.

§59-1820.15. Conduct of business activities.

The licensee shall be responsible to the Fire Extinguisher Industry Committee in matters of conduct of business activities covered by the Fire Extinguisher Licensing Act. The licensee shall be responsible for the activities on the part of the employees of the licensee. For purposes of the Fire Extinguisher Licensing Act, improper conduct on the part of such employees which occurs within the scope of employment shall be considered by the Committee as acts of the licensee.

Added by Laws 2007, c. 188, § 15, eff. Nov. 1, 2007.

§59-1820.16. Suspension, revocation, denial or nonrenewal of license - Reprimand of licensee.

A. The State Fire Marshal, on recommendation of the Fire Extinguisher Industry Committee, may suspend any license, upon the conviction of any individual named on the license or on the application for license of a felony, for a period not to exceed thirty (30) days pending a full investigation by the Committee. The investigation shall be initiated within the thirty-day period of suspension. A final determination by the Committee shall result in either removal of the suspension or such sanction as the State Fire Marshal considers appropriate, as provided by the Fire Extinguisher Licensing Act.

B. The State Fire Marshal may revoke or suspend any license, reprimand any licensee or deny any application for license or renewal if, in the judgment of the Committee:

1. The applicant or licensee has violated any provision of the Fire Extinguisher Licensing Act or any rule promulgated under the Fire Extinguisher Licensing Act;

2. The applicant or licensee has practiced fraud, deceit, or misrepresentation;

3. The applicant or licensee has made a material misstatement in any information required by the State Fire Marshal Commission; or

4. The applicant or licensee has demonstrated incompetence or untrustworthiness in his or her actions.

C. The Committee shall, before final action under subsection B of this section, provide thirty (30) days of written notice to the applicant or licensee involved in the action intended and give sufficient opportunity for the person to request a hearing before the Committee and the State Fire Marshal and to be represented by an attorney. A hearing shall be scheduled by the Committee upon request by the applicant or licensee.

D. In the event the State Fire Marshal denies the application for, or revokes or suspends, any license or imposes any reprimand, a record of such action shall be in writing and officially signed by the State Fire Marshal. The original copy shall be filed with the

State Fire Marshal Commission and a copy mailed to the affected applicant or licensee within two (2) days of the final action taken by the State Fire Marshal.

E. Notice of the suspension or revocation of any license by the State Fire Marshal shall be sent by the Committee to law enforcement agencies and fire departments in the principal areas of operation of the licensee.

F. A suspended license shall be subject to expiration and may be renewed as provided by the Fire Extinguisher Licensing Act, regardless of suspension; provided, the renewal shall not remove the suspension.

G. A revoked license terminates on the date of revocation and cannot be reinstated; provided, the State Fire Marshal may reverse the revocation action. Any licensee whose license is revoked shall apply for a new license and meet all requirements for a license as stated in the Fire Extinguisher Licensing Act prior to engaging in any fire extinguisher industry business activities. The Committee and the State Fire Marshal shall take action on the new application and may require additional safeguards against such acts by the applicant as may have been the cause of the revocation of the prior license.

Added by Laws 2007, c. 188, § 16, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 12, eff. Nov. 1, 2013.

§59-1820.17. Fire Extinguisher Industry Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Office of the State Fire Marshal, to be designated the "Fire Extinguisher Industry Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of the State Fire Marshal pursuant to the Fire Extinguisher Licensing Act. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Office of the State Fire Marshal for the purpose of implementing the Fire Extinguisher Licensing Act. Expenditures from such 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.

Added by Laws 2007, c. 188, § 17, eff. Nov. 1, 2007. Amended by Laws 2012, c. 304, § 284; Laws 2013, c. 111, § 13, eff. Nov. 1, 2013.

§59-1820.18. Payment of costs of administration of act.

All costs of administration of the Fire Extinguisher Licensing Act shall be paid from fees, monies and other revenue collected pursuant to the provisions of the Fire Extinguisher Licensing Act. At no time shall a claim for payment be submitted to the Director of

the Office of Management and Enterprise Services if the revenue deposited in the Fire Extinguisher Industry Revolving Fund to the current date does not equal or exceed the total claims for payments made to that date.
Added by Laws 2007, c. 188, § 18, eff. Nov. 1, 2007. Amended by Laws 2012, c. 304, § 285.

§59-1820.19. Administrative fines, examination and licensure - Rules authorized.

The State Fire Marshal Commission is hereby authorized to promulgate, adopt, amend, and repeal rules consistent with the provisions of the Fire Extinguisher Licensing Act for the purpose of governing the establishment and levying of administrative fines, establishing a fee schedule and the examination and licensure of fire extinguisher companies, managers, technicians, and salespersons.
Added by Laws 2007, c. 188, § 19, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 14, eff. Nov. 1, 2013.

§59-1820.20. Violation and penalties - Administrative fine.

A. Any individual or person who is found to be in violation of the provisions of the Fire Extinguisher Licensing Act or any rules adopted by the State Fire Marshal Commission in the administration of the Fire Extinguisher Licensing Act shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a period of not more than one (1) year, or by the imposition of a fine of not more than Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

B. 1. In addition to any other penalties provided by law, if after a hearing in accordance with Article II of the Administrative Procedures Act, the State Fire Marshal finds any person to be in violation of any of the provisions of the Fire Extinguisher Licensing Act or the rules promulgated pursuant thereto, the person may be subject to an administrative fine of not more than Two Hundred Dollars ($200.00) for each violation. Each day a person is in violation may constitute a separate violation.

2. All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Fire Extinguisher Industry Revolving Fund.
Added by Laws 2007, c. 188, § 20, eff. Nov. 1, 2007. Amended by Laws 2013, c. 111, § 15, eff. Nov. 1, 2013.

§59-1850.1. Mechanical Licensing Act.

Sections 1850.1 through 1860 of this title shall be known and may be cited as the "Mechanical Licensing Act".
Added by Laws 1987, c. 93, § 1, eff. Nov. 1, 1987. Amended by Laws 2001, c. 394, § 52, eff. Jan. 1, 2002.

§59-1850.2. Definitions.

As used in the Mechanical Licensing Act:

1. "Air conditioning system" means the process of treating air by controlling its temperature, humidity, and cleanliness, to meet the requirements of a designated area;

2. "Committee" means the Committee of Mechanical Examiners;

3. "Board" means the Construction Industries Board;

4. "Gas piping" means and includes all natural gas piping within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a natural gas meter, regulator, or other source of supply;

5. "Heating systems" means and includes systems consisting of air heating appliances from which the heated air is distributed and shall include any accessory apparatus and equipment installed in connection therewith;

6. "Mechanical contractor" or "contractor" means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for mechanical work;

7. "Mechanical journeyman" or "journeyman" means any person other than a contractor or apprentice who engages in mechanical work;

8. "Mechanical apprentice" or "apprentice" means any person sixteen (16) years of age or older whose principal occupation is learning mechanical work on the job under the direct supervision of a journeyman or contractor;

9. "Mechanical firm" means any corporation, partnership, association, proprietorship, limited liability company, or other business entity which plans or engages, or offers to engage, in mechanical work for another within this state;

10. "Mechanical work" means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, exhaust system, cooling system, mechanical refrigeration system or ventilation system or any equipment or piping carrying chilled water, air for ventilation purposes, or natural gas, or the installation, maintenance, repair, or renovation of process piping used to carry any liquid, substance, or material, including steam and hot water used for space heating purposes not under the jurisdiction of the Department of Labor other than minor repairs to such systems;

11. "Refrigeration system" means the installation, repairing and servicing of a system employing a fluid which normally is vaporized and liquefied in an air conditioning system, food preservation measure or manufacturing process;

12. "Sheet metal" means the erection, installation and repairing of all ferrous or nonferrous duct work and all other materials used in all air conditioning and exhaust systems;

13. "Temporary mechanical journeyman" means any person other than a person permanently licensed as a mechanical journeyman or contractor in this state who meets the temporary licensure requirements of Section 1850.8A of this title; and

14. "Variance and Appeals Board" means the Oklahoma State Mechanical Installation Code Variance and Appeals Board.

Added by Laws 1987, c. 93, § 2, eff. Nov. 1, 1987. Amended by Laws 1992, c. 137, § 1, eff. Sept. 1, 1992; Laws 1994, c. 293, § 8, eff. July 1, 1994; Laws 1999, c. 405, § 10, emerg. eff. June 10, 1999; Laws 2001, c. 394, § 53, eff. Jan. 1, 2002; Laws 2002, c. 83, § 1, emerg. eff. April 17, 2002; Laws 2009, c. 219, § 1, eff. Nov. 1, 2009.

§59-1850.3. Construction Industries Board - Rulemaking authority.

The Construction Industries Board shall have the power and duty to:

1. Promulgate, prescribe, amend, and repeal rules necessary to implement the provisions of the Mechanical Licensing Act including, but not limited to, defining categories and limitations for such licenses and for registration of apprentices, and establishing bonding and insurance requirements precluding municipal requirements; and

2. Establish minimum standards of mechanical installations in this state.

Added by Laws 1987, c. 93, § 3, eff. Nov. 1, 1987. Amended by Laws 2001, c. 394, § 54, eff. Jan. 1, 2002; Laws 2009, c. 439, § 16, emerg. eff. June 2, 2009.

§59-1850.3a. Voluntary review of project plans and specifications.

The Construction Industries Board shall establish by rule a process for the formal review of the plans and specifications for a project prior to bid dates for the project to ensure that the project plans and specifications are in conformance with applicable plumbing, electrical and mechanical installation codes. The rule shall provide that the review shall be completed in a timely manner, not to exceed fourteen (14) calendar days from the date of the submission of a completed application for review which is accompanied by the review fee not to exceed Two Hundred Dollars ($200.00) to be established by the rule. Upon completion of the review, the plans and specifications shall be returned to the applicant with documentation indicating either approval of plans and specifications which are in compliance with the applicable codes, or modifications which must be made to bring the plans and specifications into conformance. Submission of such plans and specifications for review by the Board shall be voluntary.

Added by Laws 1994, c. 293, § 9, eff. July 1, 1994. Amended by Laws 2001, c. 394, § 55, eff. Jan. 1, 2002.

§59-1850.4. Committee of Mechanical Examiners - Membership - Terms - Removal - Vacancies - Quorum - Duties.

A. There is hereby established the Committee of Mechanical Examiners, which shall consist of five (5) members. All members shall be citizens of the United States and shall be residents of this state. Members shall hold office for terms of two (2) years or until their successors have been appointed and qualified.

B. Members of the Committee shall be appointed as follows:

1. Two members shall be appointed by the President Pro Tempore of the Senate and shall be mechanical journeymen with five (5) years' actual experience in mechanical work as journeymen. Beginning January 1, 2003, as the terms of the members serving on the Committee pursuant to this paragraph expire, subsequent members shall be appointed by the President Pro Tempore of the Senate, unless after thirty (30) days from expiration an appointment is not made, then the member shall be appointed by the Construction Industries Board;

2. Two members shall be appointed by the Speaker of the House of Representatives and shall be mechanical contractors with five (5) years' actual experience in mechanical work as contractors. Beginning January 1, 2003, as the terms of the members serving on the Committee pursuant to this paragraph expire, subsequent members shall be appointed by the Speaker of the House of Representatives, unless after thirty (30) days from expiration an appointment is not made, then the member shall be appointed by the Construction Industries Board; and

3. One member shall be a lay member appointed by the Construction Industries Board; provided, the person serving in this position on January 1, 2002, may elect to continue to serve until the end of the term of office and until a successor has been appointed and qualified.

C. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days in the manner in which that position was originally filled. Members may be removed for misconduct, incompetence, or neglect of duty.

D. A majority of the Committee shall constitute a quorum for the transaction of business, and the Committee shall elect a chair from its number. Each member shall receive travel expenses in accordance with the provisions of the State Travel Reimbursement Act. The Committee shall meet at least quarterly to conduct examinations, and special meetings may be called by the chair or the Board.

E. The Committee shall:

1. Assist and advise the Board on all matters pertaining to the formation of rules pursuant to the provisions of the Mechanical Licensing Act;

2. Assist and advise the Board on the examinations for applicants for licenses as a mechanical contractor or journeyman and on all matters relating to the licensing of mechanical contractors and mechanical journeymen and the registering of mechanical apprentices; and

3. Assist and advise the Board in such other matters as requested thereby.

Added by Laws 1987, c. 93, § 4, eff. Nov. 1, 1987. Amended by Laws 1993, c. 249, § 2, emerg. eff. May 26, 1993; Laws 1994, c. 293, § 10, eff. July 1, 1994; Laws 2001, c. 394, § 56, eff. Jan. 1, 2002; Laws 2002, c. 457, § 10, eff. July 1, 2002.

§59-1850.5. Construction Industries Board - Powers and duties.

The Construction Industries Board shall have the power and duty to:

1. Issue, renew, suspend, revoke, modify or deny licenses to engage in mechanical work pursuant to the Mechanical Licensing Act;

2. Register apprentices;

3. Enter upon public and private property for the purpose of inspecting workers' licenses and mechanical work for compliance with the provisions of the Mechanical Licensing Act and of the rules of the Board promulgated pursuant thereto;

4. Employ personnel to conduct investigations and inspections;

5. Enforce the standards and rules promulgated pursuant to the Mechanical Licensing Act;

6. Reprimand or place on probation, or both, any holder of a license or registration pursuant to the Mechanical Licensing Act;

7. Investigate complaints and hold hearings;

8. Initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of the Mechanical Licensing Act or any rule promulgated pursuant thereto;

9. Establish and levy administrative fines against any person who violates any of the provisions of the Mechanical Licensing Act or any rule promulgated pursuant thereto;

10. Conduct investigations into the qualifications of applicants for licensure and registration on the request of the Board;

11. Develop and administer the examinations approved by the Committee of Mechanical Examiners for applicants for licenses as a mechanical contractor or journeyman; and

12. Exercise all incidental powers as necessary and proper to implement and enforce the provisions of the Mechanical Licensing Act and the rules promulgated pursuant thereto.

Added by Laws 1987, c. 93, § 5, eff. Nov. 1, 1987. Amended by Laws 1993, c. 236, § 7, eff. Sept. 1, 1993; Laws 1994, c. 293, § 11, eff. July 1, 1994; Laws 2001, c. 394, § 57, eff. Jan. 1, 2002.

§59-1850.6. Examinations.

A. Examinations for licenses as mechanical contractors or mechanical journeymen shall be uniform and practical in nature for each respective license and shall be sufficiently strict to test the qualifications and fitness of the applicants for licenses. Examinations shall be in whole or in part in writing. The Committee shall conduct examinations quarterly and at such other times as it deems necessary.

B. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days.

Added by Laws 1987, c. 93, § 6, eff. Nov. 1, 1987.

§59-1850.7. License required - Contractor required for mechanical work.

No person shall engage or offer to engage in, by advertisement or otherwise, any mechanical work as a journeyman or contractor who does not possess a valid and appropriate license from the Construction Industries Board. No business entity shall act as a mechanical firm unless a contractor is associated with and responsible for all mechanical work of such entity.

Added by Laws 1987, c. 93, § 7, eff. Nov. 1, 1987. Amended by Laws 2001, c. 394, § 58, eff. Jan. 1, 2002.

§59-1850.8. Qualifications for licensure as mechanical journeyman or mechanical contractor - Licenses - Limited license.

A. The Construction Industries Board shall issue a license as a mechanical journeyman or mechanical contractor to any person who:

1. Has been certified by the Committee of Mechanical Examiners as having successfully passed the appropriate examination; and

2. Has paid the license fee and has otherwise complied with the provisions of the Mechanical Licensing Act. The license fees shall be established by rule by the Board pursuant to Section 1000.5 of this title.

B. All licenses shall be nontransferable. No license shall be issued for longer than one (1) year and all licenses shall expire on the last day in the birth month of the licensee. Licenses renewed more than thirty (30) days following the date of expiration may only be renewed upon application and payment of the required fees and payment of any penalty for late renewal, as shall be established by the Board. No journeyman or contractor license shall be renewed unless the licensee has completed the required hours of continuing education as determined by the Committee. Persons who are licensed as contractors under the Mechanical Licensing Act may have their

license placed on inactive status by paying the annual renewal fee and eliminating the bonding and insurance requirements. No late fee shall be charged to renew a license which expired while the applicant was in military service, if application is made within one (1) year of discharge from the military service.

C. The Board is authorized to establish and issue, subject to the provisions of the Mechanical Licensing Act, limited licenses in each area of mechanical work based on the experience, ability, examination scores and the education of the applicant. The limited licenses shall authorize the licensee to engage in only those activities and within the limits specified in the license.

Added by Laws 1987, c. 93, § 8, eff. Nov. 1, 1987. Amended by Laws 1993, c. 249, § 3, emerg. eff. May 26, 1993; Laws 1994, c. 293, § 12, eff. July 1, 1994; Laws 1999, c. 405, § 11, emerg. eff. June 10, 1999; Laws 2001, c. 394, § 59, eff. Jan. 1, 2002; Laws 2002, c. 457, § 11, eff. July 1, 2002; Laws 2003, c. 318, § 14, eff. Nov. 1, 2003; Laws 2004, c. 163, § 7, emerg. eff. April 26, 2004; Laws 2008, c. 4, § 12, eff. Nov. 1, 2008.

§59-1850.8A. Temporary licenses.

A. Within (1) one year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the Construction Industries Board shall issue a distinctively colored, nonrenewable, temporary mechanical journeyman license which shall expire one (1) year after the date of declaration to any person who is currently licensed as a mechanical journeyman by another state and who:

1. Submits, within ten (10) days of beginning mechanical journeyman's work in this state, an application and fee for a mechanical journeyman's examination;

2. Takes and passes the examination at the first opportunity thereafter offered by the Board; and

3. Pays a temporary mechanical journeyman's license fee to be established by rule by the Board pursuant to Section 1000.5 of this title.

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

Added by Laws 1999, c. 405, § 12, emerg. eff. June 10, 1999. Amended by Laws 2008, c. 4, § 13, eff. Nov. 1, 2008.

§59-1850.9. Apprentice registration.

A. The Construction Industries Board, upon proper application and payment of an apprentice registration fee, shall register as a mechanical apprentice and issue a certificate of such registration to any person who furnishes satisfactory proof to the Board that the applicant is:

1. Sixteen (16) years of age or older; and

2. Enrolled in a school or training course for mechanical apprentices recognized by the Board or has arranged for employment as a mechanical apprentice with a licensed mechanical contractor.

B. Apprentice registration certificates shall expire one (1) year after date of registration, at which time the apprentice may reregister and receive, upon payment of the apprentice registration renewal fee, a renewal certificate.

Added by Laws 1987, c. 93, § 9, eff. Nov. 1, 1987. Amended by Laws 1999, c. 405, § 13, emerg. eff. June 10, 1999; Laws 2001, c. 394, § 60, eff. Jan. 1, 2002.

§59-1850.10. Application of act - Exemptions.

A. 1. No person shall install, replace or repair gas piping unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

2. No person shall install, replace or repair floor furnaces or wall heaters unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

3. No person shall install, replace or repair any radiant-floor heating systems unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

B. The Mechanical Licensing Act shall not apply to:

1. A person who is the property owner of record, or his or her authorized representative, when performing minor repair which shall include, but not be limited to, cleaning, adjusting, calibrating and repair of mechanical system parts and the replacement of fuses and room thermostats, and other minor repairs which shall not include any repair which could violate the safe operation of the equipment;

2. The installation of portable, self-contained, ductless air conditioners or heaters;

3. The setting or connecting of detached air conditioning units which utilize flexible ductwork on a manufactured home. The term manufactured home shall have the same definition as such term is defined in Section 1102 of Title 47 of the Oklahoma Statutes;

4. Any permanent employee of a manufacturing facility, whether owned or leased, while performing mechanical work on the premises of such facility. The performance of such mechanical work authorized by this paragraph shall not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations;

5. The service, repair and installation of boilers, pressure vessels and welded steam lines which are subject to the jurisdiction

of the Commissioner of Labor pursuant to the provisions of the Boiler and Pressure Vessel Safety Act; or

6. Employees of state-owned institutions doing maintenance to state-owned facilities which does not violate manufacturer specifications nor compromise health or safety standards and practices.

C. The licensing requirements of the Mechanical Licensing Act shall not apply to public utilities, public service corporations, intrastate gas pipeline companies, gas gathering pipeline companies, gas processing companies, rural electric associations, or municipal utilities and their subsidiaries during work on their own facilities or during the performance of energy audits, operational inspections, minor maintenance, or minor repairs for their customers or on their own equipment.

D. The licensing requirements of the Mechanical Licensing Act shall not apply to contractors, the contractor's employees, employees of chemical plants, gas processing plants, intrastate gas pipelines, gas gathering pipelines and petroleum refineries during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment, the performance of which does not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations.

E. The licensing requirements of the Mechanical Licensing Act shall not apply to employees of research facilities during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment used solely for research purposes when such items of equipment require one or more details of construction not covered by normally used national codes and standards or which involve destruction or reduce life of the equipment and systems.

Added by Laws 1987, c. 93, § 10, eff. Nov. 1, 1987. Amended by Laws 1989, c. 331, § 2, emerg. eff. May 31, 1989; Laws 1992, c. 137, § 2, eff. Sept. 1, 1992; Laws 1997, c. 353, § 5, eff. Nov. 1, 1997; Laws 2004, c. 163, § 8, emerg. eff. April 26, 2004; Laws 2014, c. 410, § 1.

§59-1850.11. Violations - Penalties - Administrative fines - Injunctions.

A. Any person, mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm who violates any of the provisions of the Mechanical Licensing Act in addition to suspension or revocation of a license, upon conviction, shall be guilty of a misdemeanor and punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than One Thousand Dollars ($1,000.00), or

both such fine and imprisonment together with the costs of prosecution.

B. In addition to other penalties provided by law, if after a hearing in accordance with the provisions of Section 1850.14 of this title, the Mechanical Hearing Board shall find any mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm to be in violation of any of the provisions of this act, such person or firm may be subject to an administrative fine of not more than Five Hundred Dollars ($500.00) for each violation. Each day a person or firm is in violation of this act may constitute a separate violation. The maximum fine will not exceed One Thousand Dollars ($1,000.00). All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Oklahoma Mechanical Licensing Revolving Fund. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

C. The Mechanical Hearing Board may make application to the appropriate court for an order enjoining the acts or practices prohibited by this act, and upon a showing by the Mechanical Hearing Board that the person or firm has engaged in any of the prohibited acts or practices, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

Added by Laws 1987, c. 93, § 11, eff. Nov. 1, 1987. Amended by Laws 1993, c. 236, § 8, eff. Sept. 1, 1993; Laws 2008, c. 142, § 3, eff. Nov. 1, 2008.

§59-1850.12. Political subdivisions - Inspections - Permits - Registration.

The provisions of the Mechanical Licensing Act shall not prohibit any political subdivision from appointing inspectors, making inspections, requiring permits for mechanical work and charging such fees as are determined to be necessary by such political subdivision. Said political subdivision may inspect mechanical work performed within the jurisdiction of that political subdivision, and may require contractors to register within their jurisdiction.

Added by Laws 1987, c. 93, § 12, eff. Nov. 1, 1987. Amended by Laws 2003, c. 318, § 15, eff. Nov. 1, 2003.

§59-1850.13. Oklahoma Mechanical Licensing Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Construction Industries Board, to be designated the "Oklahoma Mechanical Licensing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the Mechanical Licensing Act, including administrative fines authorized by Section 1850.11 of this title. All monies accruing to the credit

of said fund are hereby appropriated and may be budgeted and expended by the Construction Industries Board for the purpose of implementing the Mechanical Licensing Act, and the fully adjudicated fine revenue received into this fund may be transferred to the Skilled Trade Education and Workforce Development Fund created in subsection E of Section 1 of this act. Expenditures from said 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.
Added by Laws 1987, c. 93, § 13, eff. Nov. 1, 1987. Amended by Laws 1993, c. 236, § 9, eff. Sept. 1, 1993; Laws 2001, c. 394, § 61, eff. Jan. 1, 2002; Laws 2004, c. 163, § 9, emerg. eff. April 26, 2004; Laws 2008, c. 4, § 14, eff. Nov. 1, 2008; Laws 2012, c. 304, § 286; Laws 2018, c. 244, § 5, eff. Nov. 1, 2018.

§59-1850.14. Mechanical Hearing Board - Investigations - Suspension, revocation or refusal to issue or renew license - Jurisdiction of political subdivisions.

A. The Construction Industries Board or its designee and the Committee of Mechanical Examiners shall act as the Mechanical Hearing Board and shall comply with the provisions of Article II of the Administrative Procedures Act.

B. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Construction Industries Board. The hearing examiner’s decision shall be a final decision which may be appealed to a district court in accordance with the Administrative Procedures Act.

C. The Mechanical Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm. The Construction Industries Board shall suspend or revoke or may refuse to issue or renew any license or registration under the Mechanical Licensing Act for any of the following:

1. Making a material misstatement in the application for a license or registration, or the renewal of a license or registration;

2. Obtaining any license or registration by false or fraudulent representation;

3. Loaning or allowing the use of such license by any other person or illegally using a license;

4. Demonstrating incompetence to act as a mechanical journeyman or mechanical contractor;

5. Violating any provisions of the Mechanical Licensing Act, or any rule or order prescribed by the Construction Industries Board pursuant to the provisions of the Mechanical Licensing Act; or

6. Willfully failing to perform normal business obligations without justifiable cause.

D. Any person whose license or registration has been revoked by the Mechanical Hearing Board may apply for a new license one (1) year from the date of such revocation.

E. Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for such work shall have jurisdiction over the interpretation of said code and the installation of all mechanical work done in that political subdivision, subject to the provisions of the Oklahoma Inspectors Act. Provided, a state inspector may work directly with a mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm in such a locality if a violation of the code creates an immediate threat to life or health.

F. In the case of a complaint about, investigation of, or inspection of any license, registration, permit or mechanical work in any political subdivision of this state which has not adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for such work, the Board shall have jurisdiction over such matters.

G. 1. No individual, business, company, corporation, association, limited liability company, or other entity subject to the provisions of the Mechanical Licensing Act shall install, modify or alter mechanical systems in any incorporated area of this state which has not adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for such work without providing notice of such mechanical work to the Board. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the Board upon request.

2. Notice to the Board pursuant to this subsection shall not be required for minor repair or maintenance performed according to the mechanical equipment manufacturer's instructions or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to the Mechanical Licensing Act, or under authority granted to the Board. Added by Laws 1987, c. 93, § 14, eff. Nov. 1, 1987. Amended by Laws 1993, c. 251, § 3, eff. Sept. 1, 1993; Laws 2001, c. 394, § 62, emerg. eff. June 4, 2001; Laws 2008, c. 4, § 15, eff. Nov. 1, 2008.

§59-1850.15. Statewide validity of license - Persons not required to be licensed under act.

A license issued pursuant to this act shall be valid statewide; however, a person or entity who is licensed locally and only

performs work in such locality shall not be required to be licensed hereunder.
Added by Laws 1987, c. 93, § 15, eff. Nov. 1, 1987.

§59-1850.16. Oklahoma State Mechanical Installation Code Variance and Appeals Board.

A. 1. There is hereby created the Oklahoma State Mechanical Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices, where no ordinance of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the Construction Industries Board for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars ($50.00), as set by rule of the Board.

2. The Variance and Appeals Board shall also hear appeals from contractors, licensed by the Construction Industries Board, and any person who has ownership interest in or is in responsible charge of the design of or work on the installation, who contest the Construction Industries Board's interpretation of the state's model mechanical installation code as applied to a particular installation. Such appeals shall be based on a claim that:

a. the true intent of the installation code has been incorrectly interpreted,
b. the provisions of the code do not fully apply, or
c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the Construction Industries Board within fourteen (14) days after a code interpretation or receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the designated representative of the Construction Industries Board and the following members who, except for the State Fire Marshal or designee, shall be appointed by the Construction Industries Board from a list of names submitted by the professional organizations of the professions represented on the Variance and Appeals Board and who shall serve at the pleasure of the Construction Industries Board:

1. Two members shall be appointed from the Committee of Mechanical Examiners; one shall be a contractor with five (5) years of experience and one shall be a journeyman with five (5) years of experience;

2. One member shall be a registered design professional who is a registered architect with at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with at least ten (10) years of structural engineering or architectural experience, five (5) years of which shall have been in responsible charge of work;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work; and

6. One member shall be the State Fire Marshal or a designee of the State Fire Marshal.

Any member serving on the Variance and Appeals Board on January 1, 2002, may continue to serve on the Variance and Appeals Board until a replacement is appointed by the Construction Industries Board.

C. Members, except the designee of the Construction Industries Board and the State Fire Marshal, or the designated representative of the State Fire Marshal, and employees of the Construction Industries Board, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act from the revolving fund created pursuant to Section 1850.13 of Title 59 of the Oklahoma Statutes.

D. The Variance and Appeals Board shall meet after the Construction Industries Board receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The designated representative of the Construction Industries Board, shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of business.

Added by Laws 1994, c. 293, § 13, eff. July 1, 1994. Amended by Laws 2001, c. 394, § 63, emerg. eff. June 4, 2001.

§59-1850.17. Petroleum refinery mechanical journeyman license – Examinations – Maximum apprentice-to-journeyman ratio.

A. The Construction Industries Board shall offer examinations for a petroleum refinery mechanical journeyman license. The Board shall promulgate rules to implement the provisions of this section.

B. The maximum apprentice-to-journeyman ratio for mechanical work requiring a petroleum refinery journeyman license shall not be greater than five apprentices to one petroleum refinery journeyman. This provision is limited to petroleum refinery mechanical work and shall not apply to other apprentice-to-journeyman ratios established by the Construction Industries Board.

Added by Laws 2008, c. 405, § 12, emerg. eff. June 3, 2008. Amended by Laws 2009, c. 219, § 2, eff. Nov. 1, 2009.

§59-1860. Renumbered as § 1000.5b of this title by Laws 2008, c. 4, § 17, eff. Nov. 1, 2008.

§59-1870. Short title.

Sections 1 through 16 of this act shall be known and may be cited as the "Licensed Alcohol and Drug Counselors Act".

Added by Laws 2004, c. 313, § 1, emerg. eff. May 19, 2004.

§59-1871. Definitions.

For purposes of the Licensed Alcohol and Drug Counselors Act:

1. "Alcohol and drug counseling" means the application of counseling principles for:
   a. substance use disorders, or
   b. substance abuse disorders and co-occurring disorders in order to:
      (1) develop an understanding of substance abuse and co-occurring disorders,
      (2) permit licensed alcohol and drug counselors to prevent, diagnose or treat substance abuse and to prevent, diagnose or treat co-occurring disorders,
      (3) permit licensed alcohol and drug counselors to conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives for substance abuse and to establish treatment goals and objectives for co-occurring disorders, and
      (4) plan, implement or evaluate treatment plans using counseling treatment interventions;

2. "Alcohol and drug counseling", as a certified alcohol and drug counselor, means the application of counseling principles for:
   a. substance use disorders, or
   b. substance abuse disorders in order to:
      (1) develop an understanding of alcoholism and drug dependency problems,

(2) prevent, diagnose or treat alcohol and drug dependency problems,
(3) conduct assessments or diagnosis for the purpose of establishing treatment goals and objectives for substance abuse,
(4) plan, implement or evaluate treatment plans using counseling treatment interventions for substance abuse, and
(5) permit certified alcohol and drug counselors certified in co-occurring disorders to recognize co-occurring disorders and integrate that recognition into substance abuse treatment, provided the certified alcohol and drug counselor is working in a nationally accredited or Oklahoma Department of Mental Health and Substance Abuse Services certified agency and is working under the supervision of a supervisor approved by the Oklahoma Board of Licensed Alcohol And Drug Counselors pursuant to paragraph 13 of this section and who is a licensed alcohol and drug counselor that is licensed in mental health and substance abuse, a licensed alcohol and drug counselor that holds a co-occurring certification from the Board or a licensed mental health professional. Certified alcohol and drug counselors shall meet or exceed the Certified Co-Occurring Disorders Professional Standards as laid out in the standards promulgated by the International Certification & Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium or another national or international organization that has similar standards equal to or higher than the International Certification and Reciprocity Consortium.

Certified alcohol and drug counselors may not provide private or independent practice for co-occurring disorders;

3. "Board" means the Oklahoma Board of Licensed Alcohol and Drug Counselors, created by Section 1873 of this title;

4. "Certified alcohol and drug counselor" means any person who is not exempt pursuant to the provisions of Section 1872 of this title and is not licensed under the Licensed Alcohol and Drug Counselors Act, but who provides alcohol and drug counseling services within the scope of practice while employed by an entity certified by the Department of Mental Health and Substance Abuse Services, or who is exempt from such certification, or who is under the supervision of a person recognized by the Oklahoma Board of

Licensed Alcohol and Drug Counselors as a supervisor. A certified alcohol and drug counselor may provide counseling services for co-occurring disorders if he or she has been certified by the Board to provide counseling as provided in this section for co-occurring disorders;

5. "Certified alcohol and drug counselor candidate" or "licensed alcohol and drug counselor candidate" means a person who has made application for certification or licensure and who has been authorized by the board to practice alcohol and drug counseling under supervision while completing the required work experience;

6. "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;

7. "Co-occurring disorder" means a disorder in which individuals have at least one mental health disorder as defined in the most current version of the Diagnostic and Statistical Manual and a substance abuse disorder as defined in paragraph 14 of this section. While these disorders may interact differently in any one person at least one disorder of each type can be diagnosed independently of the other;

8. "International Certification & Reciprocity Consortium Standards" means the standards enumerated by the International Certification and Reciprocity Consortium, any successor organization to the Consortium or another national or international organization that has similar standards equal to or higher than the International Certification and Reciprocity Consortium, that includes requirements regarding education, exams, degrees, coursework, supervision, continuing education, and ethics for individuals seeking a certified co-occurring disorders professional certification from the Consortium. The requirement to meet these standards shall never fall below the requirements set forth by the Consortium on June 1, 2008.

9. "Licensed alcohol and drug counselor" means any person who provides alcohol and drug counseling services within the scope of practice, including co-occurring disorders, for compensation to any person and is licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by Section 1872 of this title;

10. "Licensed alcohol and drug counselor/mental health" or "LADC/MH" means a licensed alcohol and drug counselor who has been determined by the Board to meet the requirements to include the assessment, diagnosis, and treatment of mental health disorders within the counselor's scope of practice, regardless of whether the mental health disorders are co-occurring;

11. "Recovery" means a voluntary lifestyle, maintained as the result of one's diagnosis, treatment or self-disclosure of a

substance abuse disorder, characterized by complete abstinence from alcohol, and all other mind altering drugs or chemicals except tobacco and drugs used as prescribed by an authorized licensed medical professional and the absence of pathological compulsive behavior;

12. "Relapse" means the resumption of use of alcohol or other mind-altering drugs or chemicals, except tobacco and drugs used as prescribed by an authorized licensed medical professional, or resumption of pathological compulsive behavior, despite having previously been diagnosed, treated or self-disclosed as having a substance abuse disorder and been in recovery;

13. "Supervisor" means:

a. a licensed alcohol and drug counselor who meets the requirements established by the board to supervise certified alcohol and drug counselors, certified alcohol and drug counselor candidates or licensed alcohol and drug counselor candidates and has been approved by the Oklahoma Board of Licensed Alcohol and Drug Counselors as a supervisor, or

b. a licensed mental health professional approved by the Board to supervise certified alcohol and drug counselors who have received co-occurring certification, certified alcohol and drug counselors who are candidates for co-occurring certification or licensed alcohol drug and counselors who are candidates for co-occurring certification;

14. "Substance abuse disorder" means the repeated pathological use of substances including alcohol and other mind-altering drugs or chemicals, except tobacco, or repeated pathological compulsive behaviors which cause physical, psychological, emotional, economic, legal, social or other harm to the individual afflicted or to others affected by the individual's affliction. As used in the Licensed Alcohol and Drug Counselors Act, substance abuse disorder shall include not only those instances where withdrawal from or tolerance to the substance is present but also those instances involving use and abuse of substances;

15. "Supervised practicum experience" means volunteer or paid work experience in the core functions of substance abuse counseling as delineated by the Oklahoma Board of Licensed Alcohol and Drug Counselors;

16. "Supervised work experience" means voluntary or paid work experience in providing alcohol and drug counseling services to individuals under the supervision of a licensed alcohol and drug counselor; and

17. "Scope of practice" means acting within the boundaries of competence based on education, training, supervised experience,

state and national professional credentials, and appropriate professional experience.
Added by Laws 2004, c. 313, § 2, emerg. eff. May 19, 2004. Amended by Laws 2007, c. 174, § 2, eff. Nov. 1, 2007; Laws 2008, c. 400, § 1, eff. Nov. 1, 2008; Laws 2012, c. 87, § 1, eff. Nov. 1, 2012.

§59-1872. Other professionals – Use of title "licensed alcohol and drug counselor" – Practice of other profession by licensee.

A. The Licensed Alcohol and Drug Counselors Act shall in no way infringe upon the pursuits of the following professionals acting within the scope of their licenses or employment as such professionals, nor shall such professionals use the title "licensed alcohol and drug counselor":

1. Physicians, physician assistants, psychologists, social workers, professional counselors, marital and family therapists, licensed behavioral practitioners, and registered nurses who are licensed by their respective licensing authorities;

2. Members of the clergy;

3. Persons employed by the state or federal government; and

4. Any person who provides a prepared curriculum of life skills education and training that is designed to be self-taught, and who does not provide individual, group or family counseling.

B. The Licensed Alcohol and Drug Counselors Act shall not be construed to allow the practice of any of the professions specified in subsection A of this section by a licensed alcohol and drug counselor unless the licensed alcohol and drug counselor is also licensed or accredited by the appropriate agency, institution or board.
Added by Laws 2004, c. 313, § 3, emerg. eff. May 19, 2004.

§59-1873. Oklahoma Board of Licensed Alcohol and Drug Counselors.

A. There is hereby re-created, to continue until July 1, 2025, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Board of Licensed Alcohol and Drug Counselors, consisting of seven (7) members, to be appointed by the Governor, with the advice and consent of the Senate, as follows:

1. a. Six members who shall be alcohol and drug counselors certified by an entity recognized to do professional alcohol and drug counseling certification in this state; provided, however, five of such members shall subsequently secure licensure and one such member shall subsequently secure certification, pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act, no later than January 1, 2005.

b. Thereafter, five members shall be licensed alcohol and drug counselors at the time of appointment, and one

member shall be certified as an alcohol and drug counselor at the time of appointment.

c. Pursuant to the provisions of this paragraph, the Governor shall appoint:
   (1) four members from a list of names submitted by the Oklahoma Drug and Alcohol Professional Counselors Association,
   (2) one member from a list of names submitted by the Oklahoma Substance Abuse Services Alliance, and
   (3) one member from a list of names submitted by the Oklahoma Citizen Advocates for Recovery and Treatment Association.

d. One member shall be appointed from and shall represent the general public. Such member shall be a resident of this state who has attained the age of majority and shall not be, nor shall ever have been, a licensed or certified alcohol and drug counselor, or the spouse of a licensed or certified alcohol and drug counselor, or a person who has ever had any material financial interest in the provision of alcohol and drug counseling services or has engaged in any activity directly related to the practice of alcohol and drug counseling.

2. The composition of the Board shall include five members who hold a master's or higher degree and one member whose highest degree held is a bachelor's degree.

3. The Governor shall appoint the members to the Board no later than July 1, 2004.

B. Each member of the Board appointed as a licensed alcohol and drug counselor shall:

1. Be certified or licensed to engage in the practice of alcohol and drug counseling in this state and shall be in good standing; and

2. Have at least three (3) years of experience in the practice of alcohol and drug counseling in this state.

C. Two of the members initially appointed shall serve three-year terms; two shall serve four-year terms and three shall serve five-year terms, as designated by the Governor. Thereafter, the terms of all members shall be five (5) years.

D. A vacancy on the Board shall be filled in the same manner as the original appointment for the balance of the unexpired term. Members may succeed themselves but shall serve no more than two consecutive terms. Each member shall serve until a successor is appointed and qualified.

E. Members of the Board may be removed from office for one or more of the following reasons:

1. The refusal or inability for any reason to perform the duties of a Board member in an efficient, responsible and professional manner;

2. The misuse of office for pecuniary or material gain or for personal advantage for self or another;

3. A violation of the laws or rules governing the practice of alcohol and drug counseling; or

4. Conviction of a felony as verified by a certified copy of the record of the court of conviction.

F. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary travel expenses as provided in the State Travel Reimbursement Act.

Added by Laws 2004, c. 313, § 4, emerg. eff. May 19, 2004. Amended by Laws 2010, c. 359, § 1; Laws 2014, c. 66, § 1; Laws 2020, c. 116, § 10, eff. July 1, 2020; Laws 2023, c. 88, § 1.

§59-1874. Chair, vice-chair, and officers - Oklahoma Board of Licensed Alcohol and Drug Counselors – Meetings.

A. The Oklahoma Board of Licensed Alcohol and Drug Counselors shall annually elect from among its members a chair, a vice-chair and such other officers as it deems appropriate and necessary to conduct its business. The chair shall preside at all meetings of the Board. Each additional officer elected by the Board shall perform those duties customarily associated with the position and such other duties assigned by the Board. Officers elected by the Board shall serve for one (1) year and shall serve no more than three (3) consecutive years in any office to which the Board member is elected.

B. 1. The Board shall meet at least once every three (3) months to transact its business and may meet at such additional times as the Board may determine.

2. The Board shall meet in accordance with the provisions of the Oklahoma Open Meeting Act.

3. A majority of the members of the Board shall constitute a quorum for the conduct of business. All actions of the Board shall be by a majority of the quorum present.

Added by Laws 2004, c. 313, § 5, emerg. eff. May 19, 2004.

§59-1875. Powers and duties - Oklahoma Board of Licensed Alcohol and Drug Counselors.

In addition to any other powers and duties imposed by law, the Oklahoma Board of Licensed Alcohol and Drug Counselors shall have the power and duty to:

1. Promulgate rules necessary to effectuate the provisions of the Licensed Alcohol and Drug Counselors Act, and to make orders as it may deem necessary or expedient in the performance of its duties;

2. Prepare, conduct and grade examinations of persons who apply for certification or licensure as an alcohol and drug counselor and certification for co-occurring disorders;

3. Determine a satisfactory passing score on such examinations and issue certifications and licenses to persons who pass the examinations or who are otherwise entitled to certification and licensure;

4. Determine eligibility for certification and licensure and requirements for approval as a supervisor;

5. Issue and renew certificates and licenses for alcohol and drug counselors and certification for co-occurring disorders;

6. Upon good cause shown:

a. deny the issuance of a certificate or license,

b. suspend, revoke or refuse to renew a certificate or license,

c. place a holder of a certificate or a licensee on probation, or

d. suspend, revoke, refuse to renew or otherwise sanction a certified alcohol and drug counselor candidate or a licensed alcohol and drug counselor candidate;

7. Establish and levy administrative penalties against any person or entity who violates any of the provisions of the Licensed Alcohol and Drug Counselors Act or any rule promulgated or order issued pursuant thereto;

8. Obtain an office, secure facilities, and employ, direct, discharge and define the duties and set the salaries of office personnel as deemed necessary by the Board;

9. Initiate disciplinary, prosecution and injunctive proceedings against any person or entity who violates any of the provisions of the Licensed Alcohol and Drug Counselors Act, or any rule promulgated or order issued pursuant thereto; provided, the Board shall be exempt from providing surety for the costs in connection with the commencement of any legal proceedings under the provisions of the Licensed Alcohol and Drug Counselors Act;

10. Investigate alleged violations of the Licensed Alcohol and Drug Counselors Act, or the rules, orders or final orders of the Board and impose as part of any disciplinary action the payment of costs expended by the Board for any legal fees and costs, including, but not limited to, probation and monitoring, staff time, salary and travel expenses, witness fees and attorney fees;

11. Promulgate rules of conduct governing the practice of certified and licensed alcohol and drug counselors, certified alcohol and drug counselor candidates, licensed alcohol and drug counselor candidates and supervisors;

12. Keep accurate and complete records of its proceedings;

13. Promulgate rules for continuing education requirements for certified and licensed alcohol and drug counselors, and supervisors;

14. Issue a certificate or license by endorsement to an applicant certified or licensed to practice as a certified or licensed alcohol and drug counselor in another state if the Board deems such applicant to have qualifications that are comparable to those required under the Licensed Alcohol and Drug Counselors Act and, if the Board deems the applicant as meeting the standards, provided by rules, for certification or licensure by endorsement;

15. Require certified and licensed drug and alcohol counselors to maintain their patient records for a period of seven (7) years from the date the service was provided; and

16. Perform such other duties and have such other responsibilities as necessary to implement the provisions of the Licensed Alcohol and Drug Counselors Act.

Added by Laws 2004, c. 313, § 6, emerg. eff. May 19, 2004. Amended by Laws 2008, c. 400, § 2, eff. Nov. 1, 2008; Laws 2011, c. 254, § 1, eff. Nov. 1, 2011.

§59-1876. Certificate or license to practice as alcohol or drug counselor - Application - Requirements - Scope of practice.

A. Unless exempt pursuant to Section 1872 of this title, any person wishing to practice alcohol and drug counseling in this state shall obtain a certificate or license to practice pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

B. An application for a certificate or license to practice as a certified or licensed alcohol and drug counselor shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by the Licensed Alcohol and Drug Counselors Act, which shall be retained by the Board and not returned to the applicant.

C. Each applicant for a certificate or license to practice as a certified or licensed alcohol and drug counselor shall:

1. Pass an examination based on standards established by the International Certification and Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium or another national or international organization recognized by the Board to have similar standards equal to or higher than the International Certification and Reciprocity Consortium;

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 grounds for denying, revoking or suspending a license pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act; and

4. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

D. In addition to the qualifications specified by the provisions of subsection C of this section, an applicant for a license to practice as a licensed alcohol and drug counselor shall:

1. Have at least a master's degree in alcohol and substance abuse counseling or other clinical counseling field recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors that includes, at a minimum, the following knowledge areas and graduate credit hours from a college or university accredited by an agency recognized by the United States Department of Education:

a. three courses in foundational knowledge, including one course in alcohol and drug addiction, one course in drug and alcohol counseling theory, and one course in the pharmacology of drugs and abuse,
b. three courses in assessment and treatment of behavioral health problems, which may include group dynamics, individual and family counseling skills, specific counseling approaches, assessment methods, community resources and referral, or other courses primarily related to the assessment and treatment of behavioral health problems,
c. one course in human development,
d. one course in psychopathology,
e. one course in multicultural and cultural competency issues,
f. one course in family systems theory,
g. one course in addiction in the family theory,
h. one course in addiction in the family counseling,
i. one course in ethics, which includes established ethical conduct for alcohol and drug counselors,
j. one course in research methods, and
k. one three-hour practicum/internship in the field of drug and alcohol counseling of at least three hundred (300) clock hours.

All courses shall be graduate level courses and shall be three (3) semester hours or four (4) quarter credit hours which shall include a minimum of forty-five (45) class hours for each course;

2. Have successfully completed at least one (1) year of full-time supervised work experience providing behavioral health services. For the purpose of the Licensed Alcohol and Drug Counselors Act, one (1) year of full-time work experience shall mean two thousand (2,000) hours of work experience, of which at least one thousand (1,000) hours shall consist of direct client contact; or

3. Be a licensed mental health professional as defined in Section 1-103 of Title 43A of the Oklahoma Statutes and have

completed a minimum of fifteen (15) hours in master's level substance abuse specific coursework, including, but not limited to, chemical addiction, counseling, alcohol/drug counseling theory, pharmacology of drugs and abuse, assessment and treatment of alcohol and drug problems, theories in family addiction, and/or family addiction counseling.

E. The scope of practice of a licensed alcohol and drug counselor who meets the educational requirements set forth in paragraph 1 of subsection D of this section may include the assessment, diagnosis, and treatment of mental health disorders. Licensees who have been determined by the Board to meet these requirements shall have the designation "licensed alcohol and drug counselor/mental health" or "LADC/MH" noted on their license and wallet card.

F. The scope of practice of a licensed alcohol and drug counselor who made application for license or who was licensed prior to the effective date of the educational requirements set forth in paragraph 1 of subsection D of this section shall not include the assessment, diagnosis, and treatment of mental health disorders unless:

1. The licensed alcohol and drug counselor holds a master's degree that meets the educational requirements for licensure in the following behavioral health professions:
    a. licensed professional counselor as defined in Section 1902 of this title,
    b. licensed clinical social worker as defined in Section 1250.1 of this title,
    c. licensed marital and family therapist as defined in Section 1925.2 of this title, or
    d. licensed behavioral practitioner as defined in Section 1931 of this title; or

2. The licensed alcohol and drug counselor holds a valid Co-Occurring Disorders Certification based on standards established by the International Certification and Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium, or any other national or international organization recognized by the Board to have similar standards equal to or higher than the International Certification and Reciprocity Consortium.

G. In addition to the qualifications specified in subsection C of this section, each applicant for a certificate to practice as a certified alcohol and drug counselor shall have:

1. At a minimum, a bachelor's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a certified drug and alcohol counselor in this state;

2. Successfully completed at least two (2) years of full-time supervised work experience. For the purpose of the Licensed Alcohol and Drug Counselors Act, "two years of full-time work experience" shall be defined as four thousand (4,000) hours of work experience of which at least two thousand (2,000) hours shall consist of providing alcohol and drug counseling services to an individual and/or the individual's family;

3. Successfully completed at least two hundred seventy (270) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research;

4. Successfully completed, as part of or in addition to the education requirements established in paragraph 3 of this subsection, a minimum of forty-five (45) clock hours of specialized training approved by the Board in identifying co-occurring disorders and making appropriate referrals for treatment of co-occurring disorders; and

5. Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.

H. Any licensed or certified alcohol and drug counselor wishing to be certified for co-occurring disorders in this state may obtain such certification pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

I. An application by a licensed or certified alcohol and drug counselor for certification for co-occurring disorders shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by Section 1884 of this title, which shall be retained by the Board and not returned to the applicant.

J. Each applicant for certification for co-occurring disorders shall:

1. Be a licensed or certified alcohol and drug counselor in good standing with the Board;

2. Meet the requirements promulgated by the Board to establish the applicant's competency to include treatment of co-occurring disorders within his or her scope of practice;

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 provisions of the Licensed Alcohol and Drug Counselors Act; and

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

K. Applicants with degrees from schools outside the United States may qualify with Board approval by providing the Board with

an acceptable comprehensive evaluation of the degree performed by a foreign credential evaluation service that is acceptable to the Board, and any other requirement the Board deems necessary.
Added by Laws 2004, c. 313, § 7, emerg. eff. May 19, 2004. Amended by Laws 2005, c. 110, § 8, eff. Nov. 1, 2005; Laws 2007, c. 174, § 3, eff. Nov. 1, 2007; Laws 2008, c. 400, § 3, eff. Nov. 1, 2008; Laws 2009, c. 220, § 1, eff. Nov. 1, 2009; Laws 2012, c. 87, § 2, eff. Nov. 1, 2012; Laws 2014, c. 367, § 1, eff. Nov. 1, 2014; Laws 2019, c. 363, § 61, eff. Nov. 1, 2019.

§59-1877. Alcohol and drug counselor license – Examination.

A. 1. On and after January 1, 2005, before any person is eligible to receive a license to practice as a certified or licensed alcohol and drug counselor in this state, such person shall successfully pass an examination pursuant to the provisions of this section.

2. Examinations shall be held at such times, at such place and in such manner as the Oklahoma Board of Licensed Alcohol and Drug Counselors directs. An examination shall be held at least annually. The Board shall determine the acceptable grade on examinations. The examination shall cover such technical, professional and practical subjects as relate to the practice of alcohol and drug counseling.

3. If an applicant fails to pass the examination, the applicant may reapply.

B. The Board shall preserve the answers to any examination, and the applicant's performance on each section of the examination, as part of the records of the Board for a period of two (2) years following the date of the examination.
Added by Laws 2004, c. 313, § 8, emerg. eff. May 19, 2004.

§59-1878. Alcohol and drug counselor license – Term – Fees – Renewal – Reapplication after expiration – Retirement.

A. An applicant who meets the requirements for certification or licensure pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act, pays the required certification or license fees, and otherwise complies with the provisions of the Licensed Alcohol and Drug Counselors Act shall be certified or licensed by the Oklahoma Board of Licensed Alcohol and Drug Counselors.

B. Each initial certificate or license issued pursuant to the Licensed Alcohol and Drug Counselors Act shall expire twelve (12) months from the date of issuance unless sooner revoked.

C. 1. A certificate or license may be renewed annually upon application and payment of fees. The application for renewal shall be accompanied by evidence satisfactory to the Board that the applicant has satisfied relevant professional or continuing education requirements during the previous twelve (12) months.

2. Failure to renew a certificate or license shall result in forfeiture of the rights and privileges granted by the certificate or license.

D. A person whose certificate or license has expired may make application to the Board, in writing, within one (1) year following the expiration date of the certificate or license requesting reinstatement in a manner prescribed by the Board and upon payment of the fees required by the provisions of the Licensed Alcohol and Drug Counselors Act. The certificate or license of a person whose certificate or license has been expired for more than one (1) year shall not be reinstated. A person may reapply for a new certificate or license as provided in Section 7 of this act.

E. A certified or licensed alcohol and drug counselor whose certificate or license is current and in good standing and who wishes to retire the certificate or license may do so by informing the Board in writing and returning the certificate or license to the Board. A certificate or license so retired shall not be reinstated, but such retirement shall not prevent a person from applying for a new certificate or license at a future date.

Added by Laws 2004, c. 313, § 9, emerg. eff. May 19, 2004.

§59-1879. Disclosure of information received as alcohol and drug counselor.

No person certified or licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act shall knowingly and willfully disclose any information that the holder of the certificate or license may have acquired from persons consulting the licensee in his or her professional capacity as an alcohol and drug counselor or be compelled to disclose such information except as provided by rules promulgated by the Oklahoma Board of Licensed Alcohol and Drug Counselors. Such rules shall comply with state and federal law.

Added by Laws 2004, c. 313, § 10, emerg. eff. May 19, 2004.

§59-1880. Acting as alcohol and drug counselor and use of title without license – Exemptions – Penalty.

A. It shall be unlawful for any person who is not certified or licensed or specifically exempt from the provisions of Section 3 of the Licensed Alcohol and Drug Counselors Act to:

1. Represent himself or herself by the title "licensed alcohol and drug counselor" or "certified alcohol and drug counselor" without having first complied with the provisions of the Licensed Alcohol and Drug Counselors Act;

2. Use the title of licensed alcohol and drug counselor, certified alcohol and drug counselor, or any other name, style or description denoting that the person is certified or licensed as a certified or licensed alcohol and drug counselor;

3. Practice alcohol and drug counseling; or

4. Advertise or otherwise offer to perform alcohol- or drug-abuse-related counseling services.

B. The provisions of subsection A of this section shall not apply to persons who are exempt pursuant to the provisions of Section 3 of this act.

C. Any person violating the provisions of subsection A of this section shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense, imprisonment for a term not to exceed six (6) months in the county jail, or by both such fine and imprisonment.

D. Nothing in this section shall be construed as making unlawful the practice of other professionals acting within the scopes of their licenses or employment as provided by Section 3 of this act.

Added by Laws 2004, c. 313, § 11, emerg. eff. May 19, 2004.

§59-1881. Denial, revocation, suspension, or probation of alcohol and drug counselor license - Other discipline - Misconduct of licensee.

A. The Oklahoma Board of Licensed Alcohol and Drug Counselors may deny, revoke, suspend, place on probation or otherwise sanction the holder of or candidate for any certificate or license issued pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act to a certified or licensed alcohol and drug counselor, or withdraw its acceptance of a licensed or certified alcohol and drug counselor candidate if the person has:

1. Been convicted of or pleaded guilty or nolo contendere to a felony;

2. Been convicted of or pleaded guilty or nolo contendere to a misdemeanor determined to be of such a nature as to render the person convicted unfit to practice alcohol and drug counseling;

3. Been found by the Board to have a substance abuse or co-occurring disorder and not be in recovery or to have relapsed from recovery;

4. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of the Licensed Alcohol and Drug counselors Act;

5. Knowingly aided or abetted a person not certified or licensed pursuant to these provisions in representing himself or herself as a certified or licensed alcohol and drug counselor in this state;

6. Engaged in unprofessional conduct as defined by rules promulgated by the Board;

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

8. Misrepresented any information required in obtaining a certificate or license.

B. No certificate or license shall be suspended or revoked, nor shall a certified or licensed alcohol and drug counselor be placed on probation or subjected to an administrative penalty until notice is served upon the certified or licensed alcohol and drug counselor and an opportunity for a hearing is provided in conformity with Article II of the Administrative Procedures Act.

C. In addition to the notice provided for in subsection B of this section, notice shall also be served on the licensing board for any other license held by the certified or licensed alcohol and drug counselor.

D. 1. Any person who is determined by the Board to have violated any provision of the Licensed Alcohol and Drug 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 Alcohol and Drug Counselors Revolving Fund, created by Section 1883 of this title.

E. The hearings provided for by the Licensed Alcohol and Drug Counselors Act shall be conducted in conformity with, and records made thereof as provided by Article II of the Administrative Procedures Act.

Added by Laws 2004, c. 313, § 12, emerg. eff. May 19, 2004. Amended by Laws 2008, c. 400, § 4, eff. Nov. 1, 2008.

§59-1882. Promulgation of rules and regulations.

The Oklahoma Board of Licensed Alcohol and Drug Counselors shall promulgate rules governing any certification or licensure action to be taken pursuant to the Administrative Procedures Act.

Added by Laws 2004, c. 313, § 13, emerg. eff. May 19, 2004.

§59-1883. Licensed Alcohol and Drug Counselors Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Licensed Alcohol and Drug Counselors, to be designated the "Licensed Alcohol and Drug 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 the Licensed Alcohol and Drug Counselors Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board to meet expenses necessary for carrying out the purposes of this act. Expenditures from the fund shall be approved by the 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.
Added by Laws 2004, c. 313, § 14, emerg. eff. May 19, 2004. Amended by Laws 2012, c. 304, § 287.

§59-1884. Fees for certification, licensure, annual renewal of license as certified or licensed alcohol and drug counselor - Administration fees and revolving fund.

A. The fee for certification, licensure or annual renewal of a certificate or license as a certified or licensed alcohol and drug counselor, certification to provide treatment for co-occurring disorders, approval as a supervisor or for other actions reasonable and necessary to the proper administration of the provisions of the Licensed Alcohol and Drug Counselors Act shall be fixed by the Oklahoma Board of Licensed Alcohol and Drug Counselors.

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 Alcohol and Drug Counselors Act and so that there are no unnecessary surpluses in the Licensed Alcohol and Drug Counselors Revolving Fund; provided, the Board shall not fix the certification or licensure fee at an amount in excess of Three Hundred Dollars ($300.00), or the annual renewal fee at an amount in excess of Two Hundred Dollars ($200.00).

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

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

D. The fee for the application and examination required pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act shall not exceed Five Hundred Dollars ($500.00).
Added by Laws 2004, c. 313, § 15, emerg. eff. May 19, 2004. Amended by Laws 2008, c. 400, § 5, eff. Nov. 1, 2008.

§59-1885. Reimbursement under health insurance or nonprofit hospital or medical service plan.

Nothing in the Licensed Alcohol and Drug Counselors Act shall be construed to require reimbursement under a health insurance or nonprofit hospital or medical service plan unless a contract specifically provides for reimbursement to certified or licensed alcohol and drug counselors.
Added by Laws 2004, c. 313, § 16, emerg. eff. May 19, 2004.

§59-1901. Short title.

Chapter 44 of this title shall be known and may be cited as the "Licensed Professional Counselors Act".

Added by Laws 1985, c. 145, § 1, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 1, eff. Nov. 1, 1998.

§59-1902. Definitions.

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 Behavioral Health Licensure;

3. "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;

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;

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;

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

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

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

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

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.
Added by Laws 1985, c. 145, § 2, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 1, eff. Nov. 1, 1995; Laws 1998, c. 295, § 2, eff. Nov. 1, 1998; Laws 2013, c. 229, § 5, eff. Nov. 1, 2013.

§59-1903. Construction and application of act - Exemptions.

A. The Licensed Professional Counselors Act shall not be construed to include the pursuits of the following professionals acting within the scope of their duties as such professionals, nor shall the title "Licensed Professional Counselor" or "LPC" be used by such professionals:

1. Physicians, psychologists, social workers, marital and family therapists and attorneys, who are licensed by their respective licensing authorities;

2. Rehabilitation counselors, vocational evaluation specialists, psychiatric and mental health nurses, alcohol and drug counselors, school administrators, school teachers and school counselors, who are certified by their respective certifying authorities;

3. Persons in the employ of accredited institutions of higher education, or in the employ of local, state or federal government; and

4. Members of clergy.

B. The Licensed Professional Counselors Act shall not be construed to allow the practice of any of the professions specified in subsection A of this section by a licensed professional counselor unless said licensed professional counselor is also licensed or accredited by an appropriate agency, institution or board.

C. The activities and services of a person in the employ of a private, nonprofit behavioral services provider contracting with the state to provide behavioral services with the state shall be exempt from licensure as a Licensed Professional Counselor if such activities and services are a part of the official duties of such person with the private nonprofit agency.

1. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions:

a. psychologist, psychology or psychological,
b. licensed social worker,
c. clinical social worker,
d. certified rehabilitation specialist,
e. licensed professional counselor,
f. psychoanalyst, or
g. marital and family therapist.

2. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices

of a contract with the state and within the employ of the nonprofit agency contracting with the state. Such exemption will not be applicable to any other setting.

3. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

D. The activities and services of a person in the employ of a private, for-profit behavioral services provider contracting with the state to provide behavioral services to youth and families in the care and custody of the Office of Juvenile Affairs or the Department of Human Services on March 14, 1997, shall be exempt from licensure as a Licensed Professional Counselor if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

1. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions:

a. psychologist, psychology or psychological,
b. licensed social worker,
c. clinical social worker,
d. certified rehabilitation specialist,
e. licensed professional counselor,
f. psychoanalyst, or
g. marital and family therapist.

2. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the for-profit agency contracting with the state. Such exemption shall only be available for ongoing contracts and contract renewals with the same state agency and will not be applicable to any other setting.

3. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and

that sufficient liability insurance is in place to allow for reasonable recourse by the public.
Added by Laws 1985, c. 145, § 3, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 2, eff. Nov. 1, 1995; Laws 1998, c. 153, § 3, emerg. eff. April 27, 1998; Laws 1998, c. 295, § 3, eff. Nov. 1, 1998.

§59-1904. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§59-1905. Duties and responsibilities of State Board of Behavioral Health Licensure.

A. The State Board of Behavioral Health Licensure shall:

## 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;

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

4. Promulgate rules for licensed professional counselors who are licensed outside of Oklahoma to provide counseling services approved by the Licensed Professional Counselors Act, the Marital and Family Therapist Licensure Act, and the Licensed Behavioral Practitioner Act. Provided, such rules shall only be valid for the duration of a declaration of emergency issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act. Provided, such rules shall only authorize the provision of services that are pro bono or reimbursed by nongovernmental entities. Nothing in this section shall be construed as to permit the adoption of permanent rules weakening the licensing requirements established by the Licensed Professional Counselors Act, the Marital and Family Therapist Licensure Act, and the Licensed Behavioral Practitioner Act.

B. The Board shall 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. 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 Executive Director may deem necessary for the administration of the Licensed Professional Counselors Act.

Added by Laws 1985, c. 145, § 5, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 4, eff. Nov. 1, 1995; Laws 1998, c. 295, § 5, eff. Nov. 1, 1998; Laws 2013, c. 229, § 6, eff. Nov. 1, 2013; Laws 2015, c. 65, § 1, eff. Nov. 1, 2015.

§59-1906. License - Application - Form and manner - Fee - Qualifications.

A. Applications for a license to practice as a licensed professional counselor shall be made to the State Board of Behavioral Health Licensure in writing. Such applications shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by the Licensed Professional Counselors Act, which shall be retained by the Board and not returned to the applicant.

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

1. Pass an examination based on standards promulgated by the Board pursuant to the Licensed Professional Counselors Act;

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 grounds for denying, revoking or suspending a license pursuant to this title; and

4. 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 Board 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.

D. Applicants with degrees from schools outside the United States may qualify with Board approval by providing the Board with an acceptable comprehensive evaluation of the degree performed by a foreign credential evaluation service that is acceptable to the Board, and any other requirement the Board deems necessary.

E. Applicants licensed in other states shall be licensed by the Board if the candidate is in good standing in the other state, has maintained a minimum of three (3) years of licensure since the time of initial full licensure post-provisional term and submits proof of licensure in the other state.

Added by Laws 1985, c. 145, § 6, eff. Sept. 1, 1985. Amended by Laws 1986, c. 92, § 1, emerg. eff. April 3, 1986; Laws 1995, c. 167, § 5, eff. Nov. 1, 1995; Laws 1998, c. 295, § 6, eff. Nov. 1, 1998; Laws 2000, c. 53, § 1, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 7, eff. Nov. 1, 2013; Laws 2014, c. 367, § 2, eff. Nov. 1, 2014; Laws 2018, c. 310, § 3, eff. Nov. 1, 2018; Laws 2019, c. 363, § 62, eff. Nov. 1, 2019.

§59-1907. Examinations.

A. 1. Examinations shall be held at such times, at such place and in such manner as the State Board of Behavioral Health Licensure directs. An examination shall be held at least annually. The 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 Board shall preserve answers to any examination, and the applicant's performance on each section, as part of the records of the Board for a period of two (2) years following the date of the examination.

Added by Laws 1985, c. 145, § 7, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 7, eff. Nov. 1, 1998; Laws 2000, c. 53, § 2, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 8, eff. Nov. 1, 2013.

§59-1908. Issuance of license - Expiration - Renewal - Suspension - Retirement.

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 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 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 Board requesting reinstatement in a manner prescribed by the 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 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.

Added by Laws 1985, c. 145, § 8, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 6, eff. Nov. 1, 1995; Laws 1998, c. 295, § 8, eff. Nov. 1, 1998; Laws 2000, c. 53, § 3, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 9, eff. Nov. 1, 2013.

§59-1909. Licenses by endorsement.

The 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 Board deems such applicant to have qualifications comparable to those required under the Licensed Professional Counselors Act and if the Board finds the applicant meets the standards, provided by rules, for license by endorsement.

Added by Laws 1985, c. 145, § 9, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 7, eff. Nov. 1, 1995; Laws 2000, c. 53, § 4, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 10, eff. Nov. 1, 2013.

§59-1910. Information acquired in professional capacity -Disclosure - Privileges and immunities - Court proceeding.

A. No person licensed pursuant to the provisions of the Licensed Professional Counselors Act shall knowingly and willfully disclose any information the licensee may have acquired from persons consulting the licensee in his professional capacity as a professional counselor or be compelled to disclose such information except:

1. With the written consent of the client, or in the case of death or disability of the client, the consent of his personal representative or other person authorized to sue or the beneficiary of any insurance policy on his life, health or physical condition;

2. If the person is a child under the age of eighteen (18) years and the information acquired by the licensed person indicated that the child was the victim or subject of a crime, the licensed person may be required to testify fully in relation thereto upon an examination, trial or other proceeding in which the commission of such a crime is a subject of inquiry;

3. If the client waives the privilege by bringing charges against the licensed person;

4. When failure to disclose such information presents a danger to the health of any person; or

5. If the licensed professional counselor is a party to a civil, criminal or disciplinary action arising from such therapy, in which case any waiver of the privilege accorded by this section shall be limited to that action.

B. No information shall be treated as privileged and there shall be no privileges created by the Licensed Professional Counselors Act as to any information acquired by the person licensed pursuant to the Licensed Professional Counselors Act when such information pertains to criminal acts or violation of any law.

C. The Licensed Professional Counselors Act shall not be construed to prohibit any licensed person from testifying in court hearings concerning matters of adoption, child abuse, child neglect, battery or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors on behalf of this client.

Added by Laws 1985, c. 145, § 10, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 9, eff. Nov. 1, 1998; Laws 2002, c. 100, § 1, emerg. eff. April 19, 2002.

§59-1911. Failure to comply with act - Penalties.

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 State Board of Behavioral Health Licensure.

Added by Laws 1985, c. 145, § 11, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 8, eff. Nov. 1, 1995; Laws 2000, c. 53, § 5, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 11, eff. Nov. 1, 2013.

§59-1912. Denial, revocation, suspension or probation of license – Administrative hearing for applicant with felony conviction – Definitions.

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 and poses a reasonable threat to public safety;

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

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

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

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

6. 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.

Added by Laws 1985, c. 145, § 12, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 10, eff. Nov. 1, 1998; Laws 2009, c. 220, § 2, eff. Nov. 1, 2009; Laws 2013, c. 229, § 12, eff. Nov. 1, 2013; Laws 2015, c. 183, § 11, eff. Nov. 1, 2015; Laws 2019, c. 363, § 63, eff. Nov. 1, 2019.

§59-1913. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

§59-1913.1. Rules and orders - Penalty.

A. The State Board of 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 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 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.
Added by Laws 1995, c. 167, § 9, eff. Nov. 1, 1995. Amended by Laws 1998, c. 295, § 11, eff. Nov. 1, 1998; Laws 2013, c. 229, § 13, eff. Nov. 1, 2013.

§59-1914. Application of Administrative Procedures Act.
The hearings provided for by the Licensed Professional Counselors Act shall be conducted in conformity with, and records made thereof as provided by, the provisions of Sections 301 through 325 of Title 75 of the Oklahoma Statutes.
Added by Laws 1985, c. 145, § 14, eff. Sept. 1, 1985.

§59-1915. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

§59-1915.1. Exemption from education requirements.
On or before January 1, 2000, any person holding a valid license as a Licensed Professional Counselor shall be exempt from the revised education requirements of Section 1906 of this title.
Added by Laws 1995, c. 167, § 10, eff. Nov. 1, 1995. Amended by Laws 1998, c. 295, § 12, eff. Nov. 1, 1998.

§59-1916. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

§59-1916.1. Statement of Professional Disclosure - Copy to be furnished to client.
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 Behavioral Health Licensure. A current copy shall be on file with the Board at all times.
Added by Laws 1995, c. 167, § 11, eff. Nov. 1, 1995. Amended by Laws 1998, c. 295, § 13, eff. Nov. 1, 1998; Laws 2013, c. 229, § 14, eff. Nov. 1, 2013.

§59-1917. Specialty designation.
A. A professional specialty designation area may be established by the State 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 Board may establish minimum standards for specialty designations.
B. Upon receipt of credentials from the appropriate certification agency, the 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 Board and the appropriate certification agency.
Added by Laws 1985, c. 145, § 17, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 12, eff. Nov. 1, 1995; Laws 1998, c. 295, § 14, eff. Nov. 1, 1998; Laws 2000, c. 53, § 6, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 15, eff. Nov. 1, 2013.

§59-1918. Licensed Professional Counselors Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of 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 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 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.
Added by Laws 1985, c. 145, § 18, eff. Sept. 1, 1985. Amended by Laws 2012, c. 304, § 288; Laws 2013, c. 229, § 16, eff. Nov. 1, 2013.

§59-1919. License fee and annual renewal fee - Fixing amount.

A. The licensing fee and the annual renewal fee shall be amounts fixed by the State Board of 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 Board's actual costs for holding and grading the examination.

Added by Laws 1985, c. 145, § 19, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 15, eff. Nov. 1, 1998; Laws 2000, c. 53, § 7, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 17, eff. Nov. 1, 2013.

§59-1920. Reimbursement under health insurance and nonprofit hospital or medical service plan not required.

Nothing in this act shall be construed to require reimbursement under the policies of health insurers and nonprofit hospital or medical service plans unless the contract specifically calls for reimbursement to licensed professional counselors.

Added by Laws 1985, c. 145, § 20, eff. Sept. 1, 1985.

§59-1921.1. Enactment of Counseling Compact.

The Counseling Compact is hereby enacted into law and the Governor shall enter into a compact on behalf of the State of Oklahoma with any jurisdiction legally joined therein, in the form substantially as set forth in Section 2 of this act.

Added by Laws 2023, c. 123, § 2, eff. Nov. 1, 2023.

§59-1921.2. Counseling Compact.

SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;

B. Enhance the States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;

D. Support spouses of relocating Active Duty Military personnel;

E. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;

F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;

G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;

H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the time care is rendered through the mutual recognition of Member State licenses;

I. Eliminate the necessity for licenses in multiple States; and

J. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.

SECTION 2: DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against a Licensed Professional Counselor, including actions against an individual's license or Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other Encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Professional Counseling Licensing Board to address Impaired Practitioners.

D. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

E. "Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

F. "Current Significant Investigative Information" means:

1. Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative Information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.

G. "Data System" means a repository of information about Licensees, including, but not limited to, continuing education, examination, licensure, investigative, Privilege to Practice, and Adverse Action information.

H. "Encumbered License" means a license in which an Adverse Action restricts the practice of Professional Counseling by the Licensee and said Adverse Action has been reported to the National Practitioner Data Bank (NPDB).

I. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Professional Counseling by a Licensing Board.

J. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

K. "Home State" means the Member State that is the Licensee's primary State of residence.

L. "Impaired Practitioner" means an individual who has a condition(s) that may impair his or her ability to practice as a Licensed Professional Counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

M. "Investigative Information" means information, records, and documents received or generated by a Professional Counseling Licensing Board pursuant to an investigation.

N. "Jurisprudence Requirement" if required by a Member State, means the assessment of an individual's knowledge of the laws and Rules governing the practice of Professional Counseling in a State.

O. "Licensed Professional Counselor" means a counselor licensed by a Member State, regardless of the title used by that State, to independently assess, diagnose, and treat behavioral health conditions.

P. "Licensee" means an individual who currently holds an authorization from the State to practice as a Licensed Professional Counselor.

Q. "Licensing Board" means the agency of a State, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors.

R. "Member State" means a State that has enacted the Compact.

S. "Privilege to Practice" means a legal authorization, which is equivalent to a license, permitting the practice of Professional Counseling in a Remote State.

T. "Professional Counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a Licensed Professional Counselor.

U. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Privilege to Practice.

V. "Rule" means a regulation promulgated by the Commission that has the force of law.

W. "Single State License" means a Licensed Professional Counselor license issued by a Member State that authorizes practice only within the issuing State and does not include a Privilege to Practice in any other Member State.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Professional Counseling.

Y. "Telehealth" means the application of telecommunication technology to deliver Professional Counseling services remotely to assess, diagnose, and treat behavioral health conditions.

Z. "Unencumbered License" means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of Professional Counseling.

SECTION 3: STATE PARTICIPATION IN THE COMPACT

A. To Participate in the Compact, a State must currently:

1. License and regulate Licensed Professional Counselors;

2. Require Licensees to pass a nationally recognized exam approved by the Commission;

3. Require Licensees to have a 60-semester-hour (or 90-quarter-hour) master's degree in counseling or 60 semester hours (or 90 quarter hours) of graduate course work including the following topic areas:

   a. Professional Counseling Orientation and Ethical Practice;
   b. Social and Cultural Diversity;
   c. Human Growth and Development;
   d. Career Development;
   e. Counseling and Helping Relationships;
   f. Group Counseling and Group Work;
   g. Diagnosis and Treatment; Assessment and Testing;
   h. Research and Program Evaluation; and
   i. Other areas as determined by the Commission;

4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission; and

5. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

2. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;

3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission, and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544;

4. Comply with the Rules of the Commission;

5. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws;

6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance with the terms of the Compact and Rules; and

7. Provide for the attendance of the State's commissioner to the Counseling Compact Commission meetings.

C. Member States may charge a fee for granting the Privilege to Practice.

D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Privilege to Practice Professional Counseling in any other Member State.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. A license issued to a Licensed Professional Counselor by a Home State to a resident in that State shall be recognized by each Member State as authorizing a Licensed Professional Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.

SECTION 4: PRIVILEGE TO PRACTICE

A. To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identifier;

3. Be eligible for a Privilege to Practice in any Member State in accordance with Section 4D, G, and H;

4. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;

5. Notify the Commission that the Licensee is seeking the Privilege to Practice within a Remote State(s);

6. Pay any applicable fees, including any State fee, for the Privilege to Practice;

7. Meet any Continuing Competence/Education requirements established by the Home State;

8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and

9. Report to the Commission any Adverse Action, Encumbrance, or restriction on his or her license taken by any non-Member State within 30 days from the date the action is taken.

B. The Privilege to Practice is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4A to maintain the Privilege to Practice in the Remote State.

C. A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

D. A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.

E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and

2. The Licensee has not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

F. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4A to obtain a Privilege to Practice in any Remote State.

G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual may lose the Privilege to Practice in all other Remote States until the following occur:

1. The specific period of time for which the Privilege to Practice was removed has ended;

2. All fines have been paid; and

3. The Licensee has not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

H. Once the requirements of Section 4G have been met, the Licensee must meet the requirements in Section 4A to obtain a Privilege to Practice in a Remote State.

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

A. A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one Member State at a time.

B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:

1. The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

   a. a Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;
   b. other criminal background check as required by the new Home State; and
   c. completion of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section

4, the new Home State may apply its requirements for issuing a new Single State License.

5. The Licensed Professional Counselor shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If a Licensed Professional Counselor changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States, however for the purposes of this Compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

SECTION 6: ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active Duty Military personnel, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change his or her Home State through application for licensure in the new State, or through the process outlined in Section 5.

SECTION 7: COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 3 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission.

B. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

SECTION 8: ADVERSE ACTIONS

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State; and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to

subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

3. Only the Home State shall have the power to take Adverse Action against a Licensed Professional Counselor's license issued by the Home State.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor.

E. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations.

1. In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the license of a Licensed Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against the license of a Licensed Professional Counselor shall include a Statement that the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the order.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of

the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 9: ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint public agency known as the Counseling Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings.

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board at the time of appointment, who is a Licensed Professional Counselor or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within sixty (60) days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

8. The Commission shall by Rule establish a term of office for delegates and may by Rule establish term limits.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate Rules which shall be binding to the extent and in the manner provided for in the Compact;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Committee; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Professional Counseling licensure and practice.

D. The Executive Committee.

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission; and

b. Up to four ex-officio, nonvoting members from four recognized national professional counselor organizations.
c. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Privilege to Practice;
b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
c. Prepare and recommend the budget;
d. Maintain financial records on behalf of the Commission;
e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;
f. Establish additional committees as necessary; and
g. Other duties as provided in Rules or bylaws.

E. Meetings of the Commission.

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;
b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees, or other matters related to the Commission’s internal personnel practices and procedures;
c. Current, threatened, or reasonably anticipated litigation;
d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
e. Accusing any person of a crime or formally censuring any person;
f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
h. Disclosure of investigative records compiled for law enforcement purposes;
i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or
j. Matters specifically exempted from disclosure by federal or Member State statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established

under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification.

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person’s intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 10: DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data

System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license or Privilege to Practice;

4. Non-confidential information related to Alternative Program participation;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 11: RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the

meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each Member State Professional Counseling Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;

2. The text of the proposed Rule or amendment and the reason for the proposed Rule;

3. A request for comments on the proposed Rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A State or federal governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this Section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this Section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held,

the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or

4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 12: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight.

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact’s purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination.

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default, and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges, and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

G. The defaulting State may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

H. Dispute Resolution.

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 13: DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Professional Counseling Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Professional Counseling licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 14: CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the Constitution of any Member State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the Constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 15: BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.

E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

Added by Laws 2023, c. 123, § 3, eff. Nov. 1, 2023.

§59-1925.1. Short title.

Chapter 44A of this title shall be known and may be cited as the "Marital and Family Therapist Licensure Act".

Added by Laws 1990, c. 166, § 1, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 16, eff. Nov. 1, 1998.

§59-1925.2. Definitions.

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 Behavioral Health Licensure;

3. "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;

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;

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

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;

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

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;

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.

Added by Laws 1990, c. 166, § 2, eff. Jan. 1, 1991. Amended by Laws 1995, c. 167, § 13, eff. Nov. 1, 1995; Laws 1998, c. 295, § 17, eff. Nov. 1, 1998; Laws 2013, c. 229, § 18, eff. Nov. 1, 2013.

§59-1925.3. Application to other professionals - Exemptions.

A. The Marital and Family Therapist Licensure Act shall not be construed to apply to the following professionals while acting within the scope of their respective professions:

1. Social workers;
2. Licensed professional counselors;
3. Psychiatric nurses;
4. Psychologists;
5. Physicians;
6. Attorneys;
7. Members of the clergy who are in good standing with their denominations;
8. Christian Science practitioners;
9. Certified alcohol-drug counselors;
10. School administrators;
11. School counselors certified by the State Department of Education; or
12. Employees of a recognized academic institution, and employees of a federal, state, county or local governmental institution or agency while performing those duties for which employed by such institution or agency or facility.

B. The activities and services of a person in the employ of a private, nonprofit behavioral services provider contracting with the state to provide behavioral services with the state shall be exempt from licensure as a Licensed Marital and Family Therapist if such activities and services are a part of the official duties of such person with the private nonprofit agency. No such person shall use the title or description stating or implying that such person is a licensed marital and family therapist.

1. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions:
   a. psychologist, psychology or psychological,
   b. licensed social worker,
   c. clinical social worker,
   d. certified rehabilitation specialist,
   e. licensed professional counselor,
   f. psychoanalyst, or
   g. marital and family therapist.
2. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the nonprofit agency contracting with the state. Such exemption will not be applicable to any other setting.
3. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this section shall provide services that are consistent with their training and

experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

C. The activities and services of a person in the employ of a private, for-profit behavioral services provider contracting with the state to provide behavioral services to youth and families in the care and custody of the Office of Juvenile Affairs or the Department of Human Services on March 14, 1997, shall be exempt from licensure as a Licensed Marital and Family Therapist if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

1. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions:

a. psychologist, psychology or psychological,
b. licensed social worker,
c. clinical social worker,
d. certified rehabilitation specialist,
e. licensed professional counselor,
f. psychoanalyst, or
g. marital and family therapist.

2. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the for-profit agency contracting with the state. Such exemption shall only be available for ongoing contracts and contract renewals with the same state agency and will not be applicable to any other setting.

3. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

Added by Laws 1990, c. 166, § 3, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 18, eff. Nov. 1, 1998.

§59-1925.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§59-1925.5. Duties of State Board of Behavioral Health Licensure.

A. The State Board of 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 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. 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.

Added by Laws 1990, c. 166, § 5, eff. Jan. 1, 1991. Amended by Laws 1995, c. 167, § 15, eff. Nov. 1, 1995; Laws 1998, c. 295, § 20, eff. Nov. 1, 1998; Laws 2013, c. 229, § 19, eff. Nov. 1, 2013.

§59-1925.6. License - Application - Qualifications - Examinations.

A. Applications for a license to practice as a licensed marital and family therapist shall be made to the State Board of Behavioral Health Licensure in writing. Such applications shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by Section 1925.18 of this title which shall be retained by the 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 at least twenty-one (21) years of age;

2. 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

3. 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 Board, such examination is deemed necessary in order to determine the applicant's qualifications for the practice of marital and family therapy.

Added by Laws 1990, c. 166, § 6, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 21, eff. Nov. 1, 1998; Laws 2013, c. 229, § 20, eff. Nov. 1, 2013; Laws 2019, c. 363, § 64, eff. Nov. 1, 2019.

§59-1925.7. Examinations.

A. Examinations shall be held at such times, at such place and in such manner as the State 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 Board until the examinations have been graded. Examinations shall include questions in such theoretical and applied fields as the Board deems most suitable to test an applicant's knowledge and competence to engage in the practice of marital and family therapy.

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

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

Added by Laws 1990, c. 166, § 7, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 22, eff. Nov. 1, 1998; Laws 2000, c. 53, § 8, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 21, eff. Nov. 1, 2013.

§59-1925.8. Issuance of license - Renewal - Reinstatement.

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 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 Board. The license of a person whose license has expired pursuant to this section for more than one (1) year shall not be reinstated.
Added by Laws 1990, c. 166, § 8, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 23, eff. Nov. 1, 1998; Laws 2000, c. 53, § 9, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 22, eff. Nov. 1, 2013.

§59-1925.9. Reciprocal licenses.

The 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 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 Board finds the applicant meets the standards, provided by rule, for license by endorsement.
Added by Laws 1990, c. 166, § 9, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 24, eff. Nov. 1, 1998; Laws 2000, c. 53, § 10, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 23, eff. Nov. 1, 2013.

§59-1925.10. Advertisement, self description or practice of marital or family therapy without license.

Commencing September 1, 1991, no person who is not licensed under this act shall:

1. Advertise the performance of marital and family therapy service by such person unless pursuant to another professional license in accordance with Oklahoma Statutes;

2. Use a title or description such as "licensed marital or family therapist", or any other name, style or description denoting that the person is a licensed marital and family therapist; or

3. Practice marital and family therapy except as provided for in subsection B of Section 3 of this act.
Added by Laws 1990, c. 166, § 10, eff. Jan. 1, 1991.

§59-1925.11. Confidentiality - Exceptions - Professional privilege - Court testimony.

A. No person licensed pursuant to the provisions of the Marital and Family Therapist Licensure Act as a marital and family therapist, nor any of his employees or associates, shall be required to disclose any information which he may have acquired in rendering marital and family therapy services, except when:

1. Authorized by other state laws;

2. Failure to disclose such information presents a clear and present danger to the health or safety of any person;

3. The marital and family therapist is a party defendant to a civil, criminal or disciplinary action arising from such therapy in which case any waiver of the privilege accorded by this section shall be limited to that action;

4. The patient is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process and/or right to present testimony and witnesses in his own behalf; or

5. A patient agrees to waiver of the privilege accorded by this section, in the case of death or disability of the patient, the consent of his personal representative or other person authorized to sue or the beneficiary of any insurance policy on his life, health or physical condition. In circumstances where more than one person in a family is receiving therapy, each such family member must agree to the waiver. Absent such a waiver from each family member, a marital and family therapist shall not disclose information received from any family member.

B. No information shall be treated as privileged and there shall be no privileges created by the Marital and Family Therapist Licensure Act as to any information acquired by the person licensed pursuant to the Marital and Family Therapist Licensure Act when such information pertains to criminal acts or violation of any law.

C. The Marital and Family Therapist Licensure Act shall not be construed to prohibit any licensed person from testifying in court hearings concerning matters of adoption, child abuse, child neglect, battery or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors on behalf of his client.

Added by Laws 1990, c. 166, § 11, eff. Jan. 1, 1991.

§59-1925.12. Alimony or divorce actions - Custody actions - Testimony by therapist.

If both parties to a marriage have obtained marital and family therapy by a licensed marital and family therapist, the therapist shall not be competent to testify in an alimony or divorce action concerning information acquired in the course of the therapeutic

relationship unless a party relies on such information as an element of his claim or defense in such an action, or said information is gathered as a result of a court-ordered examination. This section shall not apply to custody actions.
Added by Laws 1990, c. 166, § 12, eff. Jan. 1, 1991.

§59-1925.13. Repealed by Laws 2000, c. 53, § 24, emerg. eff. April 14, 2000.

§59-1925.14. Application of Administrative Procedures Act.

The hearings provided for by the Marital and Family Therapist Licensure Act shall be conducted in conformity with, and records made thereof as provided by, the provisions of the Administrative Procedures Act.
Added by Laws 1990, c. 166, § 14. eff. Jan. 1, 1991.

§59-1925.15. Denial, revocation, suspension or probation of license – Administrative hearing for applicant with felony conviction – Definitions.

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 and poses a reasonable threat to public safety;

2. 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;

3. Misrepresented any information required in obtaining a license;

4. 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;

5. 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;

6. Engaged in unprofessional conduct as defined by the rules promulgated by the Board; or

7. 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.

Added by Laws 1990, c. 166, § 15, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 25, eff. Nov. 1, 1998; Laws 2000, c. 53, § 11, emerg. eff. April 14, 2000; Laws 2009, c. 220, § 3, eff. Nov. 1, 2009; Laws 2013, c. 229, § 24, eff. Nov. 1, 2013; Laws 2015, c. 183, § 12, eff. Nov. 1, 2015; Laws 2019, c. 363, § 65, eff. Nov. 1, 2019.

§59-1925.16. False representation as licensed marital and family therapist - Penalty - Injunction.

A. Any person who represents himself or herself by the title "licensed marital and family therapist" or any designation representing such person to be a licensed marital and family therapist without having first complied with the provisions of the Marital and Family Therapist Licensure Act, 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. The Commissioner may also proceed in district court to enjoin and restrain any unlicensed person from violating the Marital and Family Therapist Licensure Act.

Added by Laws 1990, c. 166, § 16, eff. Jan. 1, 1991. Amended by Laws 2000, c. 53, § 12, emerg. eff. April 14, 2000.

§59-1925.17. Licensed Marital and Family Therapist Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State 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 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 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.

Added by Laws 1990, c. 166, § 17, eff. Jan. 1, 1991. Amended by Laws 2012, c. 304, § 289; Laws 2013, c. 229, § 25, eff. Nov. 1, 2013.

§59-1925.18. License fee and annual renewal fee - Fixing by Board.

A. The licensing fee and the annual renewal fee shall be amounts fixed by the State Board of 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 Board for holding and grading the examinations.

Added by Laws 1990, c. 166, § 18, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 26, eff. Nov. 1, 1998; Laws 2000, c. 53, § 13, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 26, eff. Nov. 1, 2013.

§59-1928. Behavior analysts - Definitions - Licensing.

A. As used in this act:

1. a. "Applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior through skill, acquisition, and the reduction of problematic behavior. An applied behavior analysis program shall:
   (1) be based on empirical research including the direct observation and measurement of behavior as well as a functional behavior assessment, and
   (2) utilize antecedent stimuli, positive reinforcement, and other consequences to produce behavior change.

   b. Applied behavior analysis does not include cognitive therapies or psychological testing, neuropsychology, psychotherapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities;

2. "Board" means the nationally accredited Behavior Analyst Certification Board;

3. "Human services professional" means an individual licensed or certified by the state as one of the following:

   a. a licensed physical therapist or physical therapist assistant pursuant to Sections 887.1 through 887.18 of Title 59 of the Oklahoma Statutes,

   b. an occupational therapist, occupational therapy assistant, or occupational therapy aide pursuant to Sections 888.1 through 888.15 of Title 59 of the Oklahoma Statutes,

   c. a licensed clinical social worker, licensed masters social worker, or social work associate pursuant to Sections 1250 through 1273 of Title 59 of the Oklahoma Statutes,

   d. a psychologist or health service psychologist pursuant to Sections 1351 through 1376 of Title 59 of the Oklahoma Statutes,

   e. a licensed speech pathologist, licensed audiologist, speech-language pathologist or audiologist pursuant to Sections 1601 through 1622 of Title 59 of the Oklahoma Statutes,

   f. a licensed professional counselor or licensed professional counselor candidate pursuant to Sections 1901 through 1920 of Title 59 of the Oklahoma Statutes,

   g. a licensed marital and family therapist or licensed marital and family therapist candidate pursuant to

Sections 1925.1 through 1925.18 of Title 59 of the Oklahoma Statutes, or

h. a licensed behavioral practitioner or licensed behavioral practitioner candidate pursuant to Sections 1930 through 1949.1 of Title 59 of the Oklahoma Statutes;

4. "Certified assistant behavior analyst" means an individual who is certified by the nationally accredited Behavior Analyst Certification Board as a Board-Certified Assistant Behavior Analyst and certified by the Developmental Disabilities Services Division of the Department of Human Services;

5. "Licensed behavior analyst" means an individual who is certified by the nationally accredited Behavior Analyst Certification Board as a Board-Certified Behavior Analyst and licensed by the Developmental Disabilities Services Division of the Department; and

6. "Supervisee" means a person who acts under the extended authority of a licensed behavior analyst to provide applied behavior analysis services or a person who is in training to provide such services.

B. Each person wishing to practice as a licensed behavior analyst or a certified assistant behavior analyst shall apply to the Developmental Disabilities Services Division of the Department of Human Services using a form and in a manner prescribed by the Division and shall furnish evidence satisfactory to the Division that such person:

1. Is of good moral character;

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

3. Has passed the Board examination and is certified by the Board as a Board-Certified Behavior Analyst or a Board-Certified Assistant Behavior Analyst, as applicable;

4. Has not had a professional license or certification refused, revoked, suspended, or restricted and does not have a complaint, allegation, or investigation pending in any regulatory jurisdiction in the United States or in another country for reasons that relate to unprofessional conduct unless the Division finds, to its satisfaction, that the conduct has been corrected or that mitigating circumstances exist that prevent its resolution; and

5. Has at least the minimum graduate or undergraduate degree, appropriate for the level of certification, from an accredited institution of higher learning in a qualifying field of study, as determined by the Board.

C. A person holding a state license or state certification shall apply for renewal of the state license or state certification on or before April 30 of each odd-numbered year. The application shall be accompanied by a renewal fee to be set by the Division in accordance with paragraph 3 of subsection F of this section.

D. A person licensed or certified by the Developmental Disabilities Services Division of the Department under this section shall:

1. Maintain active status and fulfill all requirements for renewal of national certification or recertification with the Board; and

2. Conduct professional activities in accordance with accepted standards such as the Guidelines for Responsible Conduct and Professional Disciplinary Standards of the Board.

E. 1. No person shall claim the title of licensed behavior analyst or certified assistant behavior analyst unless that person meets the applicable requirements in this section. No person shall practice applied behavior analysis without obtaining a license or certification in accordance with this section. Supervisees may only provide applied behavior analysis under the supervision of a licensed behavior analyst. This section shall not restrict the practice of applied behavior analysis by human services professionals, provided such individuals are working within the scope of their professions and the practice of applied behavior analysis is commensurate with their level of training and experience.

2. A violation of this subsection shall be punishable by a fine of not more than Five Hundred Dollars ($500.00), the suspension or revocation of a license or certification issued pursuant to this section, or both such fine and loss of licensure or certification.

F. The Division shall:

1. Investigate all complaints relating to:

a. the practice or supervision of applied behavior analysis by any person licensed by the Developmental Disabilities Services Division of the Department as a behavior analyst or certified by the Division as an assistant behavior analyst, or

b. any person alleged to be practicing or providing supervision without a state license or state certification;

2. Refer any substantiated complaints to the Board; and

3. Charge reasonable fees for a license or for certification, not to exceed One Hundred Dollars ($100.00).

G. 1. A person having a qualifying degree, as provided for in paragraph 5 of subsection B of this section, and participating in the applied behavior analysis treatment pilot project established in Section 3 of this act shall be exempt from the requirements of this section while such person is actively participating in the project.

2. Persons employed by a school district in this state who provide services solely to the school district under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C., Section 1400 et seq., shall be exempt from the requirements of this section.

H. The Department shall promulgate rules to implement the provisions of this section.
Added by Laws 2009, c. 127, § 1, eff. Nov. 1, 2009.

§59-1930. Short title.
This act shall be identified as Chapter 44B of Title 59 of the Oklahoma Statutes and shall be known and may be cited as the "Licensed Behavioral Practitioner Act".
Added by Laws 1999, c. 133, § 1, emerg. eff. April 28, 1999.

§59-1931. Definitions.
For the purpose of the Licensed Behavioral Practitioner Act:
1. "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;
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;
3. "Board" means the State Board of Behavioral Health Licensure;
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;
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;
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;

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

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

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

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.

Added by Laws 1999, c. 133, § 2, emerg. eff. April 28, 1999. Amended by Laws 2000, c. 53, § 14, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 27, eff. Nov. 1, 2013.

§59-1932. Professions excluded from application of act - Practice of other professions by LBP forbidden - Exemptions from licensure requirements.

A. The Licensed Behavioral Practitioner Act shall not be construed to include the pursuits of the following professionals acting within the scope of their duties as such professionals, nor shall the title "Licensed Behavioral Practitioner" or "LBP" be used by such professionals:

1. Physicians, psychologists, social workers, licensed professional counselors, marital and family therapists, and attorneys, who are licensed by their respective licensing authorities;

2. Rehabilitation counselors, vocational evaluation specialists, psychiatric and mental health nurses, alcohol and drug counselors, school administrators, school teachers, and school counselors, who are certified by their respective certifying authorities;

3. Persons in the employ of accredited institutions of higher education, or in the employ of local, state, or federal government; and

4. Members of the clergy and lay pastoral counselors.

B. The Licensed Behavioral Practitioner Act shall not be construed to allow the practice of any of the professions specified in subsection A of this section by a licensed behavioral practitioner unless the licensed behavioral practitioner is also licensed or accredited by an appropriate agency, institution, or board.

C. 1. The activities and services of a person in the employ of a private nonprofit behavioral services provider contracting with the state to provide behavioral services with the state shall be exempt from licensure as a Licensed Behavioral Practitioner if such

activities and services are a part of the official duties of such person with the private nonprofit agency.

2. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions:

a. psychologist, psychology, or psychological,
b. licensed social worker,
c. clinical social worker,
d. certified rehabilitation specialist,
e. licensed professional counselor,
f. psychoanalyst,
g. marital and family therapist, or
h. licensed behavioral practitioner.

3. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the nonprofit agency contracting with the state. Such exemption will not be applicable to any other setting.

4. State agencies contracting to provide behavioral health services shall strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly.

5. The persons exempt under the provisions of this subsection shall provide services that are consistent with their training and experience.

6. Agencies shall also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

D. 1. The activities and services of a person in the employ of a private for-profit behavioral services provider contracting with the state to provide behavioral services to youth and families in the care and custody of the Office of Juvenile Affairs or the Department of Human Services on March 14, 1997, shall be exempt from licensure as a Licensed Behavioral Practitioner if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

2. Any person who is unlicensed and operating pursuant to the exemptions specified in this subsection shall not use any of the following official titles or descriptions:

a. psychologist, psychology, or psychological,
b. licensed social worker,
c. clinical social worker,
d. certified rehabilitation specialist,
e. licensed professional counselor,
f. psychoanalyst,

g. marital and family therapist, or

h. licensed behavioral practitioner.

3. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the for-profit agency contracting with the state. Such exemption shall only be available for ongoing contracts and contract renewals with the same state agency and will not be applicable to any other setting.

4. State agencies contracting to provide behavioral health services shall strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly.

5. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience.

6. Agencies shall also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

Added by Laws 1999, c. 133, § 3, emerg. eff. April 28, 1999.
Amended by Laws 2000, c. 53, § 15, emerg. eff. April 14, 2000.

§59-1933. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§59-1934. Powers of State Board of Behavioral Health Licensure.

A. The State Board of Behavioral Health Licensure shall:

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 Board shall 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;

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.

Added by Laws 1999, c. 133, § 5, emerg. eff. April 28, 1999. Amended by Laws 2013, c. 229, § 28, eff. Nov. 1, 2013.

§59-1935. Application for license - Qualifications - Educational requirements.

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

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

1. Pass an examination based on standards promulgated by the Board pursuant to the Licensed Behavioral Practitioner Act;

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 grounds for denying, revoking, or suspending a license pursuant to the Licensed Behavioral Practitioner Act; and

4. 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 Board 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.

D. Applicants with degrees from schools outside the United States may qualify with Board approval by providing the Board with an acceptable comprehensive evaluation of the degree performed by a foreign credential evaluation service that is acceptable to the Board, and any other requirement the Board deems necessary.
Added by Laws 1999, c. 133, § 6, emerg. eff. April 28, 1999. Amended by Laws 2004, c. 523, § 15, emerg. eff. June 9, 2004; Laws 2007, c. 133, § 1, eff. Nov. 1, 2007; Laws 2013, c. 229, § 29, eff. Nov. 1, 2013; Laws 2014, c. 367, § 3, eff. Nov. 1, 2014; Laws 2019, c. 363, § 66, eff. Nov. 1, 2019.

§59-1936. Examinations.

A. Examinations for licensure shall be held at such times, at such place, and in such manner as the State Board of Behavioral Health Licensure directs. The examination shall be held at least annually. The 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 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.
Added by Laws 1999, c. 133, § 7, emerg. eff. April 28, 1999. Amended by Laws 2000, c. 53, § 17, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 30, eff. Nov. 1, 2013.

§59-1937. Issuance of license – Renewal – Forfeiture - Expiration.

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 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 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 Board requesting reinstatement in a manner prescribed by the 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 Board in writing and returning the license to the 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.

Added by Laws 1999, c. 133, § 8, emerg. eff. April 28, 1999. Amended by Laws 2000, c. 53, § 18, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 31, eff. Nov. 1, 2013.

§59-1938. License by endorsement.

The 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 Board deems such applicant to have qualifications comparable to those required under the Licensed Behavioral Practitioner Act and if the Board finds the applicant meets the standards, provided by rule, for license by endorsement.

Added by Laws 1999, c. 133, § 9, emerg. eff. April 28, 1999. Amended by Laws 2000, c. 53, § 19, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 32, eff. Nov. 1, 2013.

§59-1939. Disclosure of information - Exceptions.

A. No person licensed pursuant to the provisions of the Licensed Behavioral Practitioner Act shall disclose any information the licensee may have acquired from persons consulting the licensee in the licensee’s professional capacity as a behavioral practitioner or be compelled to disclose such information except:

1. With the written consent of the client, or in the case of death or disability of the client, the consent of the client's personal representative or other person authorized to sue or the beneficiary of any insurance policy on the client's life, health, or physical condition;

2. If the client is a child under the age of eighteen (18) years and the information acquired by the licensed person indicated that the child was the victim or subject of a crime, the licensed person may be required to testify fully in relation thereto upon an examination, trial, or other proceeding in which the commission of such a crime is a subject of the inquiry;

3. If the client waives the privilege by bringing charges against the licensed person;

4. When failure to disclose such information presents a danger to the health of any person; or

5. If the licensed behavioral practitioner is a party to a civil, criminal, or disciplinary action arising from such therapy, in which case any waiver of the privilege accorded by this section shall be limited to that action.

B. No information shall be treated as privileged and there shall be no privileges created by the Licensed Behavioral Practitioner Act as to any information acquired by the person licensed pursuant to the Licensed Behavioral Practitioner Act when such information pertains to criminal acts or violation of any law.

C. The Licensed Behavioral Practitioner Act shall not be construed to prohibit any licensed person from testifying in court hearings concerning matters of adoption, child abuse, child neglect, battery, or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors on behalf of this client.
Added by Laws 1999, c. 133, § 10, emerg. eff. April 28, 1999.

§59-1940. Representing to be a "Licensed Behavioral Practitioner" or "LBP" – Advertisement or offer to perform behavioral health services without license – Penalties - Injunction.

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 Board of Behavioral Health Licensure.

Added by Laws 1999, c. 133, § 11, emerg. eff. April 28, 1999. Amended by Laws 2000, c. 53, § 20, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 33, eff. Nov. 1, 2013.

§59-1941. Denial, revocation, suspension, or placement on probation of license – Administrative hearing for applicant with felony conviction – Definitions.

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 and poses a reasonable threat to public safety;

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

3. 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;

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

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

6. 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.

Added by Laws 1999, c. 133, § 12, emerg. eff. April 28, 1999. Amended by Laws 2009, c. 220, § 4, eff. Nov. 1, 2009; Laws 2013, c. 229, § 34, eff. Nov. 1, 2013; Laws 2015, c. 183, § 13, eff. Nov. 1, 2015; Laws 2019, c. 363, § 67, eff. Nov. 1, 2019.

§59-1942. Rules – Violations - Administrative penalties.

A. The State Board of 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 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 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.

Added by Laws 1999, c. 133, § 13, emerg. eff. April 28, 1999. Amended by Laws 2013, c. 229, § 35, eff. Nov. 1, 2013.

§59-1943. Hearings and records of hearings - Conformity with statute.

The hearings provided for by the Licensed Behavioral Practitioner Act shall be conducted in conformity with, and records made thereof as provided by, the provisions of Article II of the Administrative Procedures Act.

Added by Laws 1999, c. 133, § 14, emerg. eff. April 28, 1999.

§59-1944. Statement of Professional Disclosure - Furnishing to client.

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 Behavioral Health Licensure. A current copy of the document shall be on file with the Board at all times.
Added by Laws 1999, c. 133, § 15, emerg. eff. April 28, 1999. Amended by Laws 2000, c. 53, § 21, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 36, eff. Nov. 1, 2013.

§59-1945. Professional specialty designation.

A. A professional specialty designation area may be established by the State 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 Board may establish minimum standards for specialty designations.

B. Upon receipt of credentials from the appropriate certification agency, the 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 Board and the appropriate certification agency.
Added by Laws 1999, c. 133, § 16, emerg. eff. April 28, 1999. Amended by Laws 2007, c. 133, § 2, eff. Nov. 1, 2007; Laws 2013, c. 229, § 37, eff. Nov. 1, 2013.

§59-1946. Licensed Behavioral Practitioners Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of 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 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 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.
Added by Laws 1999, c. 133, § 17, emerg. eff. April 28, 1999. Amended by Laws 2012, c. 304, § 290; Laws 2013, c. 229, § 38, eff. Nov. 1, 2013.

§59-1947. Fees.

A. Licensing fees and annual renewal fees shall be amounts fixed by the State Board of 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.
Added by Laws 1999, c. 133, § 18, emerg. eff. April 28, 1999. Amended by Laws 2000, c. 53, § 22, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 39, eff. Nov. 1, 2013.

§59-1948. Continuing education requirement.

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 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 American Association of Masters in Psychology, its designees or successors.
Added by Laws 1999, c. 133, § 19, emerg. eff. April 28, 1999. Amended by Laws 2013, c. 229, § 40, eff. Nov. 1, 2013; Laws 2020, c. 41, § 1, emerg. eff. May 18, 2020.

§59-1949. Licensing of persons practicing since before January 1, 2002 - Waiver of supervised experience requirement.

A. Until January 1, 2002, the State Board of 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 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 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.

Added by Laws 1999, c. 133, § 20, emerg. eff. April 28, 1999. Amended by Laws 2000, c. 53, § 23, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 41, eff. Nov. 1, 2013.

§59-1949.1. Reimbursement under medical or hospital insurance plan - Construction of act.

Nothing in the Licensed Behavioral Practitioner Act shall be construed to require reimbursement under the policies of health insurers and nonprofit hospital or medical service plans unless the contract specifically calls for reimbursement to licensed behavioral practitioners.

Added by Laws 1999, c. 133, § 21, emerg. eff. April 28, 1999.

§59-1950. Short title.

This act shall be known and may be cited as the "Oklahoma Rental-Purchase Act".

Added by Laws 1988, c. 106, § 1, eff. Nov. 1, 1988.

§59-1951. Definitions

As used in the Oklahoma Rental-Purchase Act:

1. "Administrator" means the Administrator of the Department of Consumer Credit as designated in Section 6-501 of Title 14A of the Oklahoma Statutes;

2. "Advertisement" means any commercial message in any medium that promotes, directly or indirectly, a consumer rental-purchase agreement;

3. "Consummation" means the time a lessee becomes contractually obligated on a consumer rental-purchase agreement;

4. "Displayed or offered primarily for rental-purchase" means personal property displayed or offered at a physical location which derives fifty percent (50%) or more of its revenue from rental-purchase agreements;

5. "Initial fee" means any fee charged to initiate a contract however designated;

6. "Initial period" means from the date of inception to the first scheduled renewal payment;

7. "Lessee" means a natural person who rents personal property under a consumer rental-purchase agreement;

8. "Lessor" means a person who regularly provides the use of property through consumer rental-purchase agreement; and

9. "Rental-purchase agreement" means an agreement for the use of personal property by a consumer for personal, family, or household purposes, for an initial period of four (4) months or less, that is renewable with each payment after the initial period, and that permits the consumer to become the owner of the property. An agreement that complies with this definition is not a consumer credit sale as defined in Section 2-104 of Title 14A of the Oklahoma Statutes, or a consumer loan as defined in Section 3-104 of Title 14A of the Oklahoma Statutes, or a refinancing or consolidation thereof, or a consumer lease as defined in Section 2-106 of Title 14A of the Oklahoma Statutes, or a lease or agreement which constitutes a security interest as defined in paragraph (35) of subsection (b) of Section 1-201 of Title 12A of the Oklahoma Statutes or a lease or agreement which constitutes a sale of goods as defined in subsection (4) of Section 2-105 of Title 14A of the Oklahoma Statutes.

Added by Laws 1988, c. 106, § 2, eff. Nov. 1, 1988. Amended by Laws 1989, c. 106, § 1, emerg. eff. April 26, 1989; Laws 2000, c. 371, § 177, eff. July 1, 2001; Laws 2016, c. 278, § 1, eff. Nov. 1, 2016.

§59-1952. License required - Contents - Display - Transferability - Multiple licenses - Exemptions - Applications - Contents - Modifications - Forms.

A. No person shall engage in business as a rental-purchase lessor without first obtaining a license issued by the Administrator. Each license shall state the address of the office from which business is to be conducted and the name of the licensee. The license shall be displayed at the place of business named in the license. The license shall not be transferable or assignable except upon approval by the Administrator. A separate license shall be

required for each office operated pursuant to the Oklahoma Rental-Purchase Act. The Administrator may issue more than one license to any one person upon compliance with this section as to each license. This subsection shall not be construed to require a license for any place of business devoted to accounting or other record keeping and where rental-purchase agreements are not made.

B. Each person shall file a license application form with the Administrator within thirty (30) days prior to commencing business in this state for each place of business in which rental-purchase agreements are transacted, and thereafter, by December 1st of each year. The license application must state:

1. The name of the person;

2. The name in which business is transacted if different from paragraph 1 or 3 of this subsection;

3. The address of the principal office;

4. An indication that the lessor engages in the business of making rental-purchase agreements;

5. The address of the designated agent upon whom service of process may be made in this state; and

6. Such other relevant information as the Administrator may desire.

C. If information in an application becomes inaccurate after filing, modifications to the application shall be brought to the attention of the Department of Consumer Credit within thirty (30) days from such change.

D. The license application shall be on a form or forms provided by the Administrator.

Added by Laws 1988, c. 106, § 3, eff. Nov. 1, 1988. Amended by Laws 1989, c. 106, § 2, emerg. eff. April 26, 1989.

§59-1953. Investigation, license, and annual renewal fee.

A. Lessors shall pay an initial investigation and license fee and an annual license renewal fee per place of business, which fees shall accompany the license renewal form. Lessors shall also pay a fee for any returned check, address or license change, or duplicate license request. There shall be a late fee for a late application for renewal of a license received after December 1 of each year. This late fee shall consist of a charge of Ten Dollars ($10.00) per day, for up to thirty (30) days.

B. Lessors shall pay a rental-purchase agreement reviewal fee as prescribed by rule of the Commission on Consumer Credit for any rental-purchase agreement submitted to the Administrator of Consumer Credit for review and approval. The Commission may prescribe by rule a process for submitting rental-purchase agreements to the Administrator for review and approval.

Added by Laws 1988, c. 106, § 4, eff. Nov. 1, 1988. Amended by Laws 2010, c. 415, § 21, eff. July 1, 2010; Laws 2019, c. 107, § 3, eff. Nov. 1, 2019.

§59-1954. Disclosures required - Prohibited provisions - Reinstatement rights - Advertisement contents

A. The disclosures required by the Oklahoma Rental-Purchase Act:

1. Shall be made clearly and conspicuously;

2. Shall be in writing, a copy of which shall be delivered to the lessee;

3. May use terminology different from that employed in the Oklahoma Rental-Purchase Act if it conveys substantially the same meaning;

4. May be supplemented by additional information or explanations supplied by the lessor;

5. Shall comply with the provisions of the Oklahoma Rental-Purchase Act although rendered inaccurate by any act, occurrence, or agreement, subsequent to the required disclosure;

6. Shall be made to the person who signs the rental-purchase agreement, except that in a transaction involving more than one lessee, a disclosure statement or a copy of the agreement need not be given to more than one of the lessees; and

7. Shall be made by the lessor specified on the rental-purchase license.

B. A rental-purchase agreement shall disclose the following items, as applicable:

1. Whether the property is new or used;

2. The period and amount of payments;

3. The total number of payments necessary and the total amounts to be paid to acquire ownership of the merchandise;

4. The amount and purpose of any other payment, charge or fee in addition to the regular periodic payments;

5. Whether the consumer is liable for loss or damage to the rental property, and if so, the maximum amount for which the consumer may be liable;

6. The amount of any deposit required by lessor and the conditions under which it shall be refundable or nonrefundable;

7. If applicable, that the lessee may purchase from the lessor insurance to cover the property or a waiver of liability for damage to or destruction of the property, and the amount of any such charge or fee. The insurance or waiver of liability coverage may be offered to the lessee at any time during the term of the rental-purchase agreement; and

8. That the consumer does not acquire ownership rights unless the consumer has complied with the ownership terms of the agreement.

C. A rental-purchase agreement may not contain a provision:

1. Requiring a confession of judgment;

2. Authorizing a lessor or an agent of the lessor to commit a breach of the peace in the repossession of rental property;

3. Waiving any defense, counterclaim, or right the lessee may have against the lessor or an agent of the lessor;

4. Requiring the purchase of insurance from the lessor to cover the rental property; provided, however, that the lessor may offer to the lessee any such insurance if it is clearly and conspicuously disclosed on the face of the agreement of insurance, in print not less than 8-point boldface type, that the purchase of any such insurance by the lessee from the lessor is optional. Lessors offering any such insurance must comply with the rules and regulations governing the offering for sale and sale of insurance in the State of Oklahoma, and the offering for sale and sale of such insurance shall be governed and regulated by the State of Oklahoma Commissioner of Insurance;

5. Requiring the purchase of a waiver of liability from the lessor for damage to or destruction of the property; provided, however, that the lessor may offer to the lessee any such waiver of liability if it is clearly and conspicuously disclosed on the face of the waiver of liability agreement, in print not less than 8-point boldface type, that the purchase of any such waiver of liability by the lessee from the lessor is optional; and

6. Requiring the payment of any fee in an amount that is in excess of the range of fees usually or customarily charged by providers of similar services or products. Any rent due and charges or fees assessed may be held from the payment or may be accrued and collected when possible.

D. A rental-purchase agreement shall provide reinstatement rights as follows:

1. A consumer who fails to make a timely payment may reinstate a rental-purchase agreement without losing rights or options previously acquired, by arranging with the lessor to make the past due payments, within two (2) days after the due date of the payment and by arranging to pay any fees due or by returning the property within two (2) days if the lessor so requests. Provided, nothing herein shall prevent the lessor from modifying payment arrangements to allow the consumer to make the account current and to accrue any charges due or any rent due to be paid at some future agreed upon date. Partial payment agreements shall provide for the rent to be prorated with notice to the consumer of the next due date; and

2. If the rental property is returned during the reinstatement period, other than through judicial process, the right to reinstate the agreement shall be extended for a period of not less than thirty (30) days after the date of the return of the property. Upon reinstatement, the lessor shall provide the lessee with the same rental property or substitute property of comparable quality and

condition. If substitute property is provided, the lessor shall provide the lessee with the disclosures required in subsection B of this section. Notice of the right to reinstate shall be disclosed in the agreement.

E. An advertisement for a rental-purchase agreement that states the amount of a payment and the right to acquire ownership of any one particular item must clearly and conspicuously state:

1. That the transaction advertised is a rental-purchase agreement; and

2. The total amount and the number of payments necessary to acquire ownership.

F. Any consumer neglect of the merchandise resulting in reasonable repairs will be the responsibility of the consumer and charges for such repair may be received in payments agreed upon by the lessor according to an agreed upon payment schedule.

G. When property that is not displayed or offered primarily for rental-purchase is offered for rental-purchase, the following shall be separately disclosed prior to the disclosures required by subsection B of this section:

1. The cash price of the property;

2. The amount of the periodic rental payment; and

3. The total number and amount of periodic rental payments necessary to acquire ownership of the property.

H. In addition to the disclosures required by subsections B and G of this section, if the property that is the subject of a rental-purchase agreement was not displayed or offered primarily for rental-purchase prior to the rental-purchase transaction, the following additional disclosures shall be made on a separate page titled "Acknowledgment of Rental-Purchase Transaction" and signed by the lessee:

1. That the agreement is a rental-purchase agreement and the lessee does not own the merchandise but can obtain ownership by using ownership options provided in the agreement;

2. That the agreement is not a credit transaction;

3. That the lessee has the right to return the merchandise to the lessor without additional charge or penalty at any time and will owe nothing further except unpaid rent charges and fees;

4. That if the lessee returns the property, the agreement offers reinstatement rights which allow the lessee to get the property back if the lessee has complied with the agreement and the law;

5. That the lessee has been advised of and reviewed the lessor's cash price of the property, the amount of any periodic payment and the total number and amount of periodic payments necessary to acquire ownership of the property; and

6. That the lessee has reviewed and acknowledged the terms of the agreement, including the purchase option rights and the total cost if all scheduled payments are made.

Added by Laws 1988, c. 106, § 5, eff. Nov. 1, 1988. Amended by Laws 1989, c. 106, § 3, emerg. eff. April 26, 1989; Laws 1991, c. 83, § 1, emerg. eff. April 22, 1991; Laws 1992, c. 261, § 4, eff. Sept. 1, 1992; Laws 2016, c. 278, § 2, eff. Nov. 1, 2016.

§59-1955. Consumer right to damages - Enforcement - Assessment of cost of examination - Hearings - Application of Administrative Procedures Act - Recovery by multiple lessees - Lessor adjustment of error - Bona fide errors.

A. A consumer damaged by a violation of the Oklahoma Rental-Purchase Act by a lessor is entitled to recover from the lessor:

1. Actual damages;

2. Twenty-five percent (25%) of an amount equal to the total amount of payments required to obtain ownership of the merchandise involved, except that the amount recovered under this section shall not be less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or in the case of a class action, an amount the court may allow, except that as to each member of the class no minimum recovery may be applicable and the total recovery other than for actual damages in any class action or series of class actions arising out of the same failure to comply by the same lessor shall not be more than the lesser of Five Hundred Thousand Dollars ($500,000.00) or one percent (1%) of the net worth of the lessor; and

3. Reasonable attorney fees and court costs.

B. In addition to the enforcement powers provided in Section 6-102 of Title 14A of the Oklahoma Statutes, the Administrator of Consumer Credit or a duly authorized representative of the Administrator may investigate the books, accounts, papers, correspondence and records of any lessor licensed under the Oklahoma Rental-Purchase Act. For the purposes of this section, any person who advertises for, solicits or holds himself or herself out as willing to make rental-purchase transactions, shall be presumed to be a rental-purchase lessor. Each lessor shall pay to the Administrator an examination fee as prescribed by rule of the Commission on Consumer Credit. The Administrator may require payment of an examination fee either at the time of initial application, renewal of the license, or after an examination has been conducted.

C. The Administrator may promulgate rules and regulations necessary for the enforcement of the Oklahoma Rental-Purchase Act and consistent with all its provisions.

D. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged

violations of the Oklahoma Rental-Purchase Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. The independent hearing examiner shall have authority to recommend penalties authorized by the Oklahoma Rental-Purchase Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. Any person aggrieved by a final agency order of the Administrator may obtain judicial review in accordance with the Administrative Procedures Act. The jurisdiction and venue of any such action shall be in the district court of Oklahoma County or the county of the aggrieved. Hearing costs may be assessed against the respondent, unless the respondent is the prevailing party.

E. After notice and hearing, the Administrator may decline to renew a license, or suspend or revoke any license issued pursuant to the Oklahoma Rental-Purchase Act for violating any provision of the Oklahoma Rental-Purchase Act or any rules promulgated by the Administrator, or in lieu of or in addition to such denial, suspension or revocation, order the refund of any unlawful or excessive fees, enter a cease and desist order or impose an administrative fine in an amount not less than One Hundred Dollars ($100.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) for each violation of the Oklahoma Rental-Purchase Act, not to exceed Five Thousand Dollars ($5,000.00) for all violations of a lessor.

F. Except as otherwise expressly provided in the Oklahoma Rental-Purchase Act, the Administrative Procedures Act, Sections 250.3 through 323 of Title 75 of the Oklahoma Statutes, applies to and governs all administrative actions and civil proceedings taken by the Administrator pursuant to the Oklahoma Rental-Purchase Act.

G. Where there are multiple lessees to a rental-purchase agreement, there shall be no more than one recovery under the Oklahoma Rental-Purchase Act for a violation.

H. A lessor is not liable under the Oklahoma Rental-Purchase Act for a violation thereof caused by the lessor's error if before the sixtieth day after the date the lessor discovers the error, and before an action under this section is filed or written notice of the error is received by the lessor from the lessee, the lessor gives the lessee written notice of the error and makes adjustments in the lessee's account as necessary to ensure that the lessee will not be required to pay an amount in excess of the amount disclosed and that the agreement otherwise complies with this subsection. Nor may a lessor be held liable in any action brought under the Oklahoma Rental-Purchase Act for a violation of the Oklahoma Rental-Purchase

Act if the lessor shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error. A bona fide error includes, but is not limited to, a clerical, calculation, computer malfunction in programming, and printing error, but not an error of legal judgment with respect to a lessor's disclosure obligations under the Oklahoma Rental-Purchase Act.

I. Any entity or individual offering to engage or engaged as a rental-purchase lessor in this state without a license shall be subject to an administrative fine not to exceed Five Thousand Dollars ($5,000.00).

J. The Administrator may impose an administrative fine as prescribed in subsection I of this section, after notice and hearing in accordance with Article II of the Administrative Procedures Act. Any administrative order or settlement agreement may be enforced in the same manner as civil judgments in this state. The Administrator may file an application to enforce an administrative order or settlement agreement in the district court of Oklahoma County or the county of the aggrieved.

Added by Laws 1988, c. 106, § 6, eff. Nov. 1, 1988. Amended by Laws 2010, c. 415, § 22, eff. July 1, 2010; Laws 2016, c. 278, § 3, eff. Nov. 1, 2016; Laws 2017, c. 241, § 3, eff. Nov. 1, 2017.

§59-1956. Repealed by Laws 2010, c. 415, § 38, eff. July 1, 2010.

§59-1957. Application of act - Violations - Penalties.

The Oklahoma Rental-Purchase Act applies to persons, who in this state make or solicit rental-purchase agreements, or who directly collect payments from or enforce rights against debtors arising from the rental-purchase agreement, wherever they are made; or who engage in rental-purchase transactions subject to the provisions of the Oklahoma Rental-Purchase Act. A person who willfully engages in the business of making rental-purchase agreements without a license in violation of the provisions of this act pertaining to authority to make rental-purchase agreements, upon conviction, is guilty of a misdemeanor and may be sentenced to pay a fine not exceeding Five Thousand Dollars ($5,000.00), or to imprisonment not exceeding one (1) year, or both.

Added by Laws 1988, c. 106, § 8, eff. Nov. 1, 1988.

§59-2000. Short title.

Sections 2000 through 2009 of Title 59 of the Oklahoma Statutes and Sections 9 through 11 of this act shall be known and may be cited as the Oklahoma Health Spa Act.

Added by Laws 1987, c. 217, § 2, eff. Nov. 1, 1987. Amended by Laws 1988, c. 215, § 2, eff. Nov. 1, 1988. Renumbered from Title 15, § 775 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988.

§59-2001. Definitions.

As used in the Oklahoma Health Spa Act:

1. "Administrator" means the Administrator of Consumer Credit as defined in Section 6-501 of Title 14A of the Oklahoma Statutes;

2. "Business day" means any day except a Sunday or a legal holiday;

3. "Buyer/Member" means a natural person who enters into a health spa contract or membership;

4. "Membership agreement" means any agreement between a member and a health spa for use of health spa services;

5. "Health spa" means and includes any person, firm, corporation, organization, club or association engaged in a program of physical exercise, which includes the use of one or more of a sauna, whirlpool, weight-lifting room, massage, steam room, or exercising machine or device, or exercise rooms, or engaged in the sale of the right or privilege to use exercise equipment or facilities, such as a sauna, whirlpool, weight-lifting room, massage, steam room or exercising machine or device or exercise rooms. The term "health spa" shall not include the following:

a. bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association, Young Women's Christian Association, or similar organizations whose functions as health spas are only incidental to their overall functions and purposes,

b. any private club owned and operated by its members,

c. any organization solely operated for the purpose of teaching a particular form of self-defense such as judo or karate,

d. any facility owned or operated by the United States,

e. any facility owned or operated by this state or any of its political subdivisions,

f. any nonprofit public or private school, college or university,

g. any facility operated solely for aerobics or toning, and

h. any facility that only offers month-to-month memberships and does not charge any application, process, cancellation, or other service fees;

6. "Health spa services" means and includes services, privileges, or rights offered for sale or provided by a health spa;

7. "Initiation fee" means a nonrecurring fee charged at or near the beginning of a health spa membership;

8. "Monthly fee" means the total consideration, including but not limited to, equipment or locker rental, credit check, finance, medical and dietary evaluation, class and training fees, and all other similar fees or charges and interest, but excluding any initiation fee, to be paid by a buyer, divided by the total number of months of health spa service use allowed by the buyer's contract or membership, including months or time periods called "free" or "bonus" months or time periods and such months or time periods which are described in any other terms suggesting that they are provided free of charge, which months or time periods are given or contemplated when the contract or membership is initially executed;

9. "Prepayment" means any amount paid in advance of the maturity of the health spa membership, to include payment in part or in full, accelerated monthly fees or any required down payment or initiation fee;

10. "Program" means any use of a health spa facility for the purpose of physical exercise in a structured or nonstructured environment; and

11. "Presale" means payment of any consideration for services or the use of facilities made prior to the day on which the services or facilities of the health spa are fully open and available for regular use by the members.

Added by Laws 1987, c. 217, § 3, eff. Nov. 1, 1987. Amended by Laws 1988, c. 215, § 3, eff. Nov. 1, 1988. Renumbered from Title 15, § 775.1 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988. Amended by Laws 1991, c. 96, § 1, eff. Sept. 1, 1991; Laws 2013, c. 94, § 1, eff. Nov. 1, 2013.

§59-2002. Registration of health or health spa services.

A. No health spa shall offer or advertise health spa services unless first being registered with the Administrator of Consumer Credit. The registration shall:

1. Disclose the address, ownership, date of first sales and date of first opening of the health spa;

2. State the name and address of the registered agent of the registrant, if the registrant is a corporation;

3. Be renewed each succeeding calendar year; and

4. Be accompanied by an initial investigation and registration fee and an annual registration fee as prescribed by rule of the Commission on Consumer Credit.

B. Each separate location where health spa services are offered shall be considered a separate health spa and shall file a separate registration, even though the separate locations are owned or operated by the same owner.

C. The Commission on Consumer Credit shall prescribe by rule a fee for each registration change, duplicate registration, or returned check.

D. The Commission on Consumer Credit shall prescribe by rule a late fee for a registration not renewed on or before the expiration date of the registration.

E. A health spa shall pay a contract reviewal fee as prescribed by rule of the Commission on Consumer Credit for each health spa contract submitted to the Administrator for review and approval. The Commission may prescribe by rule a process for submitting health spa contracts for review and approval by the Administrator.
Added by Laws 1987, c. 217, § 4, eff. Nov. 1, 1987. Amended by Laws 1988, c. 215, § 4, eff. Nov. 1, 1988. Renumbered from § 775.2 of Title 15 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988. Amended by Laws 1991, c. 96, § 2, eff. Sept. 1, 1991; Laws 2010, c. 415, § 23, eff. July 1, 2010.

§59-2003. Presale contracts or membership agreements - Notification of location - Deposit of funds - Withdrawal of funds - Refunds - Exemptions.

A. 1. Except as otherwise provided in this section, each health spa which offers or sells contracts or membership agreements or health spa services on a presale basis shall notify the Administrator of the proposed location of the spa for which presale monies will be solicited and shall deposit all funds received from such presale contracts or membership agreements in an account established in a financial institution authorized to transact business in this state until the health spa has commenced operations and has remained open for a period of sixty (60) days. The account shall be established and maintained only in a financial institution which agrees in writing with the Administrator to hold all funds deposited and not to release such funds until receipt of written authorization from the Administrator. The presale funds deposited will be eligible for withdrawal by the health spa after the health spa has been open and providing services pursuant to its health spa contracts or membership agreements for sixty (60) days and the Administrator gives written authorization for withdrawal.

2. Any buyer who has paid money which is on deposit in a presale account may, upon written authorization from the Administrator, obtain a refund from the financial institution holding such account if the health spa has not been substantially completed and opened within six (6) months of the date of the buyer's health spa contract or membership agreement.

B. The provisions of subsection A of this section shall not apply to:

1. a. any health spa duly registered under the provisions of Section 2002 of this title which has filed with the Administrator a current financial statement, certified by an accounting firm or individual holding a permit

to practice public accounting in this state indicating:

(1) a net worth in excess of One Million Dollars ($1,000,000.00), or

(2) total assets in excess of Five Million Dollars ($5,000,000.00).

b. For purposes of this paragraph:

(1) "current" means that the ending period of the financial statement is not over eighteen (18) months prior to the date of the filing of such statement, and

(2) the financial statement filed by the health spa may include the financial results of any corporation controlled by, or that is under common control with, the health spa; or

2. any health spa duly registered under the provisions of Section 2002 of Title 59 of the Oklahoma Statutes which has posted a bond or letter of credit in the amount of Seventy Thousand Dollars ($70,000.00) as provided for in Section 2007 of this title and has been in continuous operation in Oklahoma for at least eighteen (18) months prior to the sale of prepayment contracts or membership agreements.

Added by Laws 1987, c. 217, § 5, eff. Nov. 1, 1987. Amended by Laws 1988, c. 215, § 5, eff. Nov. 1, 1988. Renumbered from Title 15, § 775.3 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988; Laws 1991, c. 96, § 3, eff. Sept. 1, 1991.

§59-2004. Provisions to be included in contract or membership agreement.

Every health spa contract or membership agreement for the sale of future health spa services which are paid for in advance or which the buyer agrees to pay for in future installments shall be in writing and shall contain the following provisions:

1. A provision for the penalty-free cancellation of the contract or membership agreement within three (3) business days of its making and refund upon such notice, of all monies paid under the contract or membership agreement;

2. A provision for the cancellation of the contract or membership agreement if the health spa relocates or goes out of business and fails to provide alternative facilities within eight (8) miles of the location designated in the health spa contract or membership agreement. Upon receipt of such notice, the health spa shall refund to the buyer funds paid or accepted in payment of the contract or membership agreement in an amount computed by dividing the contract price by the number of weeks in the contract or membership agreement term and multiplying the result by the number of weeks remaining in the contract or membership agreement term;

3. A provision for the cancellation of the contract or membership agreement if the buyer dies or becomes physically unable to use a substantial portion of the services for thirty (30) or more consecutive days. Upon receipt of such notice, the health spa shall refund to the buyer funds paid or accepted in payment of the contract or membership agreement in an amount computed by dividing the contract price by the number of weeks in the contract or membership agreement term and multiplying the result by the number of weeks remaining in the contract or membership agreement term. In the case of disability, the health spa may require the buyer to submit to a physical examination by a doctor agreeable to the buyer and the health spa. The cost of the examination shall be borne by the health spa;

4. A provision that:

a. to cancel a contract or membership agreement, the buyer shall notify the health spa of cancellation in writing, by certified mail, return receipt requested, or personal delivery, to the address specified in the health spa contract or membership agreement,

b. all moneys to be refunded upon cancellation of the health spa contract or membership agreement shall be paid within thirty (30) days of receipt of the notice of cancellation, and

c. if the customer has executed any credit or lien agreement with the health spa to pay for all or part of health spa services, any such agreement executed by the buyer shall also be returned within sixty (60) days after such cancellation;

5. A provision for the penalty-free cancellation of the contract or membership agreement if the health spa changes ownership and relocates and fails to provide notice of the change of ownership and relocation within thirty (30) days through certified mail to the buyer; and

6. A provision for the penalty-free cancellation of the contract or membership agreement if the health spa changes ownership and relocates and fails to obtain written authorization from the buyer to continue to collect automatic bank draft deductions. If the health spa fails to secure written authorization from the buyer, the health spa shall refund to the buyer any funds drafted after the change of ownership and relocation.

Added by Laws 1987, c. 217, § 6, eff. Nov. 1, 1987. Renumbered from Title 15, § 775.4 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988. Amended by Laws 1991, c. 96, § 4, eff. Sept 1, 1991; Laws 2012, c. 258, § 3, emerg. eff. May 15, 2012.

§59-2005. Delivery of contract or membership agreement to buyer - Form and contents of contracts or membership or agreement - Term -

Other laws - Void or voidable contract or membership agreement - Waiver - Notice of liability.

A. A copy of every health spa contract or membership agreement shall be delivered to the buyer at the time the contract or membership agreement is executed. All health spa contracts or membership agreements shall:

1. be in writing, signed by the buyer;

2. designate the date on which the buyer actually signed the contract or membership agreement and length of membership;

3. identify services and facilities to be provided;

4. contain the provisions set forth in Section 6 of this act under a conspicuous caption: "BUYER'S RIGHT TO CANCEL"; and

5. read substantially as follows:

If you wish to cancel this contract or membership agreement, you may cancel by making or delivering written notice to this health spa. The notice must say that you do not wish to be bound by the contract or membership agreement and must be delivered or mailed before midnight of the third business day after you sign this contract or membership agreement. The notice must be delivered or mailed to:

.....

(Health spa shall insert its name and mailing address)

You may also cancel this contract or membership agreement if this spa moves or goes out of business and fails to provide alternative facilities within eight (8) miles of the location designated in this contract or membership agreement. You may also cancel if you become disabled; and your estate may cancel in the event of your death. You must prove such disability by a doctor's certificate, and the health spa may also require that you submit to a physical examination by a doctor agreeable to you and the health spa. If you cancel, the health spa may retain or collect a portion of the contract or membership agreement price equal to the proportionate value of the services or use of facilities you have already received.

B. No health spa contract or membership agreement shall have a duration for a period longer than thirty-six (36) months, however, the contract or membership agreement may give the buyer a right of renewal.

C. The provisions of the Oklahoma Health Spa Act are not exclusive and do not relieve the parties or the contracts or membership agreements subject thereto from compliance with all other applicable provisions of law.

D. Any health spa contract or membership agreement which does not comply with the applicable provisions of the Oklahoma Health Spa Act shall be voidable at the option of the buyer.

E. Any health spa contract or membership agreement entered into by the buyer upon any false or misleading information,

representation, notice or advertisement of the health spa or the health spa's agents shall be void and unenforceable.

F. Any waiver by the buyer of the provisions of the Oklahoma Health Spa Act shall be deemed contrary to public policy and shall be void and unenforceable.

G. All health spa contracts or membership agreements and any promissory note executed by the buyer in connection therewith shall contain the following provision on the face thereof in at least ten-point, boldface type:

NOTICE

ANY HOLDER OF THIS CONTRACT OR MEMBERSHIP AGREEMENT IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF GOODS OR SERVICES OBTAINED WITH THE PROCEEDS HEREOF. RECOVERY HEREUNDER BY THE DEBTOR SHALL NOT EXCEED AMOUNTS PAID BY THE DEBTOR HEREUNDER.

Added by Laws 1987, c. 217, § 7, eff. Nov. 1, 1987. Renumbered from Title 15, § 775.5 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988; Laws 1991, c. 96, § 5, eff. Sept. 1, 1991.

§59-2006. Notes for payments to third parties upon breach prohibited - Rights of actions and defenses not cut off by assignment.

A. A contract or membership agreement for health spa services shall not require the execution of any note or series of notes by the buyer which, if separately negotiated, will require the buyer to make payments to third parties on a note or notes if the contract or membership agreement for the health spa services is breached by the health spa.

B. Whether or not the health spa has complied with the notice requirements of Section 7 of this act, any right of action or defense arising out of a health spa contract or membership agreement which the buyer has against the health spa, and which would be cut off by assignment, shall not be cut off by assignment of the contract or membership agreement to any third party holder, whether or not the holder acquires the contract in good faith and for value.

Added by Laws 1987, c. 217, § 8, eff. Nov. 1, 1987. Renumbered from Title 15, § 775.6 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988; Laws 1991, c. 96, § 6, eff. Sept. 1, 1991.

§59-2007. Bond or letter of credit required.

A. 1. Every health spa, before it enters into a health spa contract or membership agreement or accepts an initiation or prepayment fee in excess of Fifty Dollars ($50.00), shall file and maintain with the Administrator, in form and substance satisfactory to him, a bond with a corporate surety, from a company authorized to transact business in this state or a letter of credit from a bank

insured by the Federal Deposit Insurance Corporation in the amounts indicated below:

| Number of unexpired contracts or membership agreements exceeding six (6) months | Amount of bond or letter of credit |
|---|---|
| 500 or less | $30,000.00 |
| 501 to 1000 | $40,000.00 |
| 1001 to 1500 | $50,000.00 |
| 1501 to 2000 | $60,000.00 |
| 2001 or more | $70,000.00 |

2. The number of unexpired contracts or membership agreements exceeding six (6) months shall be separately calculated for each location where health spa services are offered.

3. Each separate location where health spa services are offered shall be considered a separate health spa and shall file a separate bond or letter of credit with respect thereto, even though the separate locations are owned or operated by the same owner.

4. No owner shall be required to file with the Administrator bonds or letters of credit in excess of Seventy Thousand Dollars ($70,000.00). If the seventy-thousand-dollar limit is applicable, then the bonds or letters of credit filed by such owner shall apply to all health spas owned or operated by the same owner.

B. The bond or letter of credit required by this section shall be in favor of the state for the benefit of:

1. any buyer injured by having paid money to the health spa posting the bond or letter of credit for health spa services in a facility which fails to open within sixty (60) days after the date upon which the buyer and the health spa entered into a contract or membership agreement or goes out of business prior to the expiration of the buyer's health spa contract or membership agreement; or

2. any buyer injured as a result of a violation of the Oklahoma Health Spa Act by the health spa posting the bond or letter of credit.

C. The aggregate liability of the bond or letter of credit to all persons for all breaches of the conditions of the bond or letter of credit shall in no event exceed the amount of the bond or letter of credit. The bond or letter of credit shall not be canceled or terminated except with the consent of the Administrator.

Added by Laws 1987, c. 217, § 9, eff. Nov. 1, 1987. Amended by Laws 1988, c. 215, § 6, eff. Nov. 1, 1988. Renumbered from Title 15, § 775.7 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988; Laws 1991, c. 96, § 7, eff. Sept. 1, 1991.

§59-2008. Change in ownership - Bond or letter of credit.

For purposes of the Oklahoma Health Spa Act, a health spa shall be considered a new health spa and subject to the requirements of a bond or letter of credit at the time the health spa changes

ownership. A change in ownership shall not release, cancel or terminate liability under any bond or letter of credit previously filed unless the Administrator agrees in writing to such release, cancellation or termination because the new owner has filed a new bond or letter of credit for the benefit of the previous owner's members or because the former owner has refunded all unearned payments to its members.
Added by Laws 1987, c. 217, § 10, eff. Nov. 1, 1987. Amended by Laws 1988, c. 215, § 7, eff. Nov. 1, 1988. Renumbered from Title 15, § 775.8 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988.

§59-2009. Violations - Penalties - Other consumer protection laws - Acts covered - Administrative hearings.

A. Any person who engages in business as a health spa without first being properly registered with the Administrator of Consumer Credit as prescribed in the Oklahoma Health Spa Act or who otherwise violates any provision of the Oklahoma Health Spa Act, upon conviction, shall be guilty of a misdemeanor and shall be punished by the imposition of a fine not to exceed Five Thousand Dollars ($5,000.00) or imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

B. The provisions of Title 14A of the Oklahoma Statutes shall also apply to those health spas registered pursuant to the Oklahoma Health Spa Act.

C. The Oklahoma Health Spa Act shall only govern those health spa contracts or membership agreements executed after November 1, 1987.

D. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Oklahoma Health Spa Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. The independent hearing examiner shall have authority to recommend penalties authorized by the Oklahoma Health Spa Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. A final agency order issued by the Administrator shall be appealable by all parties to the district court as provided in Article II of the Administrative Procedures Act. The costs of the hearing examiner may be assessed by the hearing examiner against the respondent, unless the respondent is the prevailing party.

E. After notice and hearing, the Administrator may decline to renew a registration, or suspend or revoke any registration issued pursuant to the Oklahoma Health Spa Act or any rules promulgated by

the Administrator, or in lieu of or in addition to such denial, suspension or revocation, order the refund of any unlawful charges, or enter a cease and desist order.

F. Any entity or individual offering to engage or engaged as a health spa in this state without a license shall be subject to a civil penalty not to exceed Five Thousand Dollars ($5,000.00).

G. The Administrator may impose a civil penalty as prescribed in subsection F of this section, after notice and hearing in accordance with Article II of the Administrative Procedures Act. Any administrative order or settlement agreement imposing a civil penalty pursuant to this section may be enforced as in the same manner as civil judgments in this state. The Administrator may file an application to enforce an administrative order or settlement agreement imposing a civil penalty in the district court of Oklahoma County.

Added by Laws 1987, c. 217, § 11, eff. Nov. 1, 1987. Amended by Laws 1988, c. 215, § 8, eff. Nov. 1, 1988. Renumbered from § 775.9 of Title 15 by Laws 1988, c. 215, § 12, eff. Nov. 1, 1988. Amended by Laws 1991, c. 96, § 8, eff. Sept. 1, 1991; Laws 2010, c. 415, § 24, eff. July 1, 2010.

§59-2010. Rules and regulations.

The Administrator may adopt, amend and repeal such administrative rules as are necessary to implement and enforce the provisions of the Oklahoma Health Spa Act.

Added by Laws 1988, c. 215, § 9, eff. Nov. 1, 1988.

§59-2011. Repealed by Laws 2010, c. 415, § 39, eff. July 1, 2010.

§59-2012. Repealed by Laws 1991, c. 96, § 9, eff. Sept. 1, 1991.

§59-2026. Short title.

This act shall be known and may be cited as the "Respiratory Care Practice Act".

Added by Laws 1995, c. 171, § 1, eff. Nov. 1, 1995.

§59-2027. Definitions.

As used in the Respiratory Care Practice Act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Practice of respiratory care" shall include, but not be limited to, the direct and indirect respiratory care services including but not limited to the administration of medical gases, pharmacological, diagnostic, and therapeutic agents and services related to respiratory care procedures necessary to implement and administer treatment, ventilatory support, maintenance of the airway

via natural or artificial means, specimen collection, disease prevention, pulmonary rehabilitation, or diagnostic regimen prescribed by orders of a physician; observing and monitoring signs and symptoms, physiologic measurements of the cardiopulmonary system, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general response exhibit abnormal characteristics; and implementation, based on clinical observations, of appropriate reporting, referral, respiratory care protocol, or changes in treatment, pursuant to a prescription by a person authorized to practice medicine under the laws of this state; or the initiation of emergency procedures under the rules of the Board or as otherwise permitted in the Respiratory Care Practice Act. The practice of respiratory care shall also include the terms "inhalation therapy" and "respiratory therapy". The practice of respiratory care shall not include the delivery, set-up, installation, maintenance, monitoring and the providing of instructions on the use of home oxygen and durable medical equipment;

3. "Qualified medical director" means the licensed physician responsible for respiratory care services or the licensed physician designated as such by the clinic, hospital, or employing health care facility. The physician must be a medical staff member or medical director of a health care facility licensed by the State Department of Health;

4. "Respiratory care practitioner" means a person licensed by this state and employed in the practice of respiratory care; and

5. "Respiratory therapist" means an individual who has graduated from a respiratory therapist program that is accredited by the Commission on Accreditation for Respiratory Care (CoARC) or an equivalent national respiratory care educational accreditation agency as identified by the Respiratory Care Advisory Committee and approved by the State Board of Medical Licensure and Supervision. Added by Laws 1995, c. 171, § 2, eff. Nov. 1, 1995. Amended by Laws 2013, c. 72, § 1, eff. Nov. 1, 2013.

§59-2028. Respiratory Care Advisory Committee - Members - Qualifications - Terms - Vacancies - Removal.

A. 1. There is hereby created a Respiratory Care Advisory Committee within the State Board of Medical Licensure and Supervision, hereinafter referred to as the Committee, to assist in administering the provisions of the Respiratory Care Practice Act. The Committee shall consist of nine (9) members, appointed as follows:

a. one member shall be a physician appointed by the Board from its membership,

b. one member shall be a physician appointed by the Board from a list of qualified individuals submitted by the Oklahoma State Medical Association and who is not a member of the Board,
c. one member shall be a physician appointed by the State Board of Osteopathic Examiners from its membership,
d. one member shall be a physician appointed by the State Board of Osteopathic Examiners from a list of qualified individuals submitted by the Oklahoma Osteopathic Association and who is not a member of the State Board of Osteopathic Examiners, and
e. five members shall be licensed respiratory care practitioners appointed by the Board from a list of respiratory care practitioners submitted by the Oklahoma Society for Respiratory Care (OSRC).

2. Other than the physicians appointed from the membership of the State Board of Medical Licensure and Supervision and of the State Board of Osteopathic Examiners, the physician members shall have special qualifications in the diagnosis and treatment of respiratory problems and, wherever possible, be qualified in the management of acute and chronic respiratory disorders.

3. The respiratory care practitioner members shall have been engaged in rendering respiratory care services to the public, teaching or research in respiratory care for at least five (5) years immediately preceding their appointments. These members shall at all times be holders of valid licenses for the practice of respiratory care in this state, except for the members first appointed to the Committee. These initial members shall, at the time of appointment, be credentialed as a Registered Respiratory Therapist (RRT) or current equivalent credential as identified by the Respiratory Care Advisory Committee and approved by the State Board of Medical Licensure and Supervision.

B. Members of the Committee shall be appointed for terms of four (4) years. Provided, the terms of office of the members first appointed shall begin November 1, 1995, and shall continue for the following periods: two physicians and two respiratory care practitioners for a period of three (3) years; and two physicians and three respiratory care practitioners for a period of four (4) years. Upon the expiration of a member's term of office, the appointing authority for that member shall appoint a successor pursuant to the provisions of subsection C of this section. Vacancies on the Committee shall be filled in like manner for the balance of an unexpired term. No member shall serve more than three consecutive terms. Each member shall serve until a successor is appointed and qualified.

C. Upon expiration or vacancy of the term of a member, the respective nominating authority may, as appropriate, submit to the

appointing Board a list of three persons qualified to serve on the Committee to fill the expired term of their respective member. Appointments may be made from these lists by the appointing Board, and additional lists may be provided by the respective organizations if requested by the State Board of Medical Licensure and Supervision.

D. The State Board of Medical Licensure and Supervision may remove any member from the Committee for neglect of any duty required by law, for incompetency, or for unethical or dishonorable conduct.

Added by Laws 1995, c. 171, § 3, eff. Nov. 1, 1995. Amended by Laws 2013, c. 72, § 2, eff. Nov. 1, 2013.

§59-2029. Respiratory Care Advisory Committee - Meetings - Officers - Quorum - Duties.

A. The Respiratory Care Advisory Committee shall meet at least twice each year and shall elect biennially during odd-numbered years a chair and vice-chair from among its members. The Committee may convene at the request of the chair, or a majority of the Committee, or as the Committee may determine for such other meetings as may be deemed necessary to transact its business.

B. A majority of the members of the Committee, including the chair and vice-chair, shall constitute a quorum at any meeting, and a majority of the required quorum shall be sufficient for the Committee to take action by vote.

C. The Committee shall advise the Board in developing policy and rules pertaining to the Respiratory Care Practice Act.

Added by Laws 1995, c. 171, § 4, eff. Nov. 1, 1995.

§59-2030. Duties of State Board of Medical Licensure and Supervision.

The State Board of Medical Licensure and Supervision shall:

1. Examine, license and renew the licenses of duly qualified applicants;

2. Maintain an up-to-date list of every person licensed to practice respiratory care pursuant to the Respiratory Care Practice Act. The list shall show the licensee’s last-known place of employment, last-known place of residence, and the date and number of the license;

3. Cause the prosecution of all persons violating the Respiratory Care Practice Act and incur necessary expenses therefor;

4. Keep a record of all proceedings of the Board and make such record available to the public for inspection during reasonable business hours;

5. Conduct hearings upon charges calling for discipline of a licensee, or denial, revocation or suspension of a license; and

6. Share information on a case-by-case basis of any person whose license has been suspended, revoked or denied. This information shall include the name, type and cause of action, date and penalty incurred, and the length of penalty. This information shall be available for public inspection during reasonable business hours and shall be supplied to similar boards in other states upon request.

Added by Laws 1995, c. 171, § 5, eff. Nov. 1, 1995. Amended by Laws 2024, c. 227, § 6, eff. Nov. 1, 2024.

§59-2031. Powers of State Board of Medical Licensure and Supervision - Rules.

The State Board of Medical Licensure and Supervision may:

1. Promulgate rules, consistent with the laws of this state, as may be necessary to enforce the provisions of the Respiratory Care Practice Act. Rules shall be promulgated in accordance with Article I of the Administrative Procedures Act;

2. Employ such personnel as necessary to assist the Board in performing its function;

3. Establish license renewal requirements and procedures as deemed appropriate;

4. Secure the services of resource consultants as deemed necessary by the Board. Resource consultants shall be reimbursed for all actual and necessary expenses incurred while engaged in consultative service to the Board, pursuant to the State Travel Reimbursement Act;

5. Enter into agreements or contracts, consistent with state law, with outside organizations for the purpose of developing, administering, grading or reporting the results of licensing examinations. Such groups shall be capable of providing an examination which:

   a. meets the standards of the National Commission for Health Certifying Agencies, or their equivalent,
   b. is able to be validated, and
   c. is nationally recognized as testing respiratory care competencies; and

6. Establish by rule license examination fees.

Added by Laws 1995, c. 171, § 6, eff. Nov. 1, 1995.

§59-2032. Reimbursement of expenses - Protection from liability.

A. Members of the State Board of Medical Licensure and Supervision and members of the Respiratory Care Advisory Committee shall be reimbursed for all actual and necessary expenses incurred while engaged in the discharge of official duties pursuant to this act in accordance with the State Travel Reimbursement Act.

B. Members of the Board and Committee shall enjoy the same rights of protection from personal liability as those enjoyed by

other employees of the state for actions taken while acting under the provisions of the Respiratory Care Practice Act and in the course of their duties.
Added by Laws 1995, c. 171, § 7, eff. Nov. 1, 1995.

§59-2033. License - Examination - License by endorsement.

A. The applicant, except where otherwise defined in the Respiratory Care Practice Act, shall be required to pass an examination, whereupon the State Board of Medical Licensure and Supervision may issue to the applicant a license to practice respiratory care. The Board is authorized to provide for the examination of applicants or to facilitate verification of any applicant's claim that the applicant has successfully completed the required examination for national credentialing as a respiratory care practitioner.

B. The Board may issue a license to practice respiratory care by endorsement to:

1. An applicant who is currently licensed to practice respiratory care under the laws of another state, territory or country if the qualifications of the applicant are deemed by the Board to be equivalent to those required in this state;

2. Applicants holding credentials as a respiratory therapist conferred by the National Board for Respiratory Care (NBRC) or its successor organization as identified by the Respiratory Care Advisory Committee and approved by the State Board of Medical Licensure and Supervision, provided such credentials have not been suspended or revoked; and

3. Applicants applying under the conditions of this section who certify under oath that their credentials have not been suspended or revoked.
Added by Laws 1995, c. 171, § 8, eff. Nov. 1, 1995. Amended by Laws 2013, c. 72, § 3, eff. Nov. 1, 2013.

§59-2034. Provisional license.

A. The State Board of Medical Licensure and Supervision may issue, upon payment of a fee established by the Board, a provisional license to practice respiratory care for a period of six (6) months under supervision of a consenting licensed respiratory care practitioner or consenting licensed physician. A provisional license may be issued to a person licensed in another state, territory or country who does not qualify for a license by endorsement but has applied to take the license examination and otherwise meets the qualifications of the Board. Provided, the applicant must show written evidence, verified by oath, that the applicant is currently practicing or has within the last six (6) months practiced respiratory care in another state, territory or country. A provisional license may be issued also to a graduate of

a respiratory care education program, approved by the Commission on Accreditation for Respiratory Care (CoARC) or an equivalent national respiratory care educational accrediting body as identified by the Respiratory Care Advisory Committee and approved by the State Board of Medical Licensure and Supervision, who has applied to take the license examination and otherwise meets the qualifications of the Board.

B. A currently enrolled student may receive a provisional license as set out by the rules of the Board.

C. Provisional licenses may be renewed at the discretion of the Board for additional six-month periods.

Added by Laws 1995, c. 171, § 9, eff. Nov. 1, 1995. Amended by Laws 2013, c. 72, § 4, eff. Nov. 1, 2013.

§59-2034.1. Temporary critical need license.

The State Board of Medical Licensure and Supervision may issue temporary critical need licenses for respiratory care practitioners under Section 1 of this act.

Added by Laws 2022, c. 262, § 6, eff. July 1, 2022.

§59-2035. License - Applicants who have not passed CRTT or RRT examination.

A. The State Board of Medical Licensure and Supervision may issue a license to practice respiratory care, upon payment of a fee of Seventy-five Dollars ($75.00), to persons who have qualified pursuant to Section 8 of this act.

B. 1. Other applicants who have not passed the CRTT or RRT examination and who have been practicing respiratory care in a full time capacity for a period of more than twenty-four (24) months prior to the effective date of this act may, at the discretion of the Board, be issued a license to practice respiratory care upon payment of a fee of Seventy-five Dollars ($75.00). Provided, such applicant must demonstrate through written evidence verified under oath and certified to by the employing health care facility that applicant has in fact been employed in such capacity for more than twenty-four (24) months preceding the effective date of this act.

2. All other applicants who have not passed the CRTT or RRT examinations and who have been in the full time practice of respiratory care for a period of less than twenty-four (24) months, who, through written evidence verified by oath, demonstrate as required by rules of the Board that they are currently functioning in the capacity of a respiratory care practitioner, may be given a special provisional license to practice respiratory care under the supervision of a consenting licensed respiratory care practitioner or consenting licensed physician for a period of no longer than thirty-six (36) months from the effective date of this act. Such applicants must pass an entry level examination administered by the

Board during the thirty-six-month period in order to be issued a license to practice respiratory care. The fee for a special provisional license shall be Seventy-five Dollars ($75.00). Added by Laws 1995, c. 171, § 10, eff. Nov. 1, 1995.

§59-2036. Use of title permitted - Presentation of license.

A. A person holding a license to practice respiratory care in this state may use the title "respiratory care practitioner" and the abbreviation "R.C.P."

B. A licensee shall present this license when requested. Added by Laws 1995, c. 171, § 11, eff. Nov. 1, 1995.

§59-2037. Renewal of license - Lapse and reinstatement - Inactive status - Continuing education requirements.

A. Except as otherwise provided in the Respiratory Care Practice Act, a license shall be renewed biennially. The State Board of Medical Licensure and Supervision shall mail notices at least thirty (30) calendar days prior to expiration for renewal of licenses to every person to whom a license was issued or renewed during the preceding renewal period. The licensee shall complete the notice of renewal and return it to the Board with the renewal fee of Seventy-five Dollars ($75.00) before the date of expiration.

B. Upon receipt of the notice of renewal and the fee, the Board shall verify its contents and shall issue the licensee a license for the current renewal period, which shall be valid for the period stated thereon.

C. A licensee who allows the license to lapse by failing to renew it may be reinstated by the Board upon payment of the renewal fee and reinstatement fee of One Hundred Dollars ($100.00); provided, that such request for reinstatement is received within thirty (30) days of the end of the renewal period.

D. 1. A licensed respiratory care practitioner who does not intend to engage in the practice of respiratory care shall send a written notice to that effect to the Board and is not required to submit a notice of renewal and pay the renewal fee as long as the practitioner remains inactive. Upon desiring to resume the practice of respiratory care, the practitioner shall notify the Board in writing of this intent and shall satisfy the current requirements of the Board in addition to submitting a notice of renewal and remitting the renewal fee for the current renewal period and the reinstatement fee.

2. Rules of the Board shall provide for a specific period of time of continuous inactivity after which retesting is required.

E. The Board is authorized to establish by rule fees for replacement and duplicate licenses.

F. The Board shall by rule prescribe continuing education requirements, not to exceed twelve (12) clock hours biennially, as a

condition for renewal of license. The program criteria with respect thereto shall be approved by the Board.
Added by Laws 1995, c. 171, § 12, eff. Nov. 1, 1995.

§59-2038. Deposit of fees - Appropriation to pay expenses.

Fees received by the State Board of Medical Licensure and Supervision and any other monies collected pursuant to the Respiratory Care Practice Act shall be deposited with the State Treasurer who shall place the same in the regular depository fund of the Board. Said deposit, less the ten percent (10%) gross fees paid into the General Revenue Fund, is hereby appropriated and shall be used to pay expenses incurred pursuant to the Respiratory Care Practice Act.
Added by Laws 1995, c. 171, § 13, eff. Nov. 1, 1995.

§59-2039. Where respiratory practice may be performed.

The practice of respiratory care may be performed in any clinic, physician's office, hospital, nursing facility, private dwelling or other place in accordance with the prescription or verbal order of a physician, and shall be performed under the supervision of a qualified medical director or physician licensed to practice medicine or surgery in this state.
Added by Laws 1995, c. 171, § 14, eff. Nov. 1, 1995.

§59-2040. Revocation, suspension or refusal to renew license - Probation, reprimand or denial of license.

The State Board of Medical Licensure and Supervision may revoke, suspend or refuse to renew any license or place on probation, or otherwise reprimand a licensee or deny a license to an applicant if it finds that the person:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice respiratory care;

2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency;

3. Is habitually intemperate in the use of alcoholic beverages;

4. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics;

5. Is guilty of dishonest or unethical conduct;

6. Has practiced respiratory care after the license has expired or has been suspended;

7. Has practiced respiratory care under cover of any license illegally or fraudulently obtained or issued;

8. Has violated or aided or abetted others in violation of any provision of the Respiratory Care Practice Act;

9. Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board; or

10. Is guilty of the unauthorized practice of medicine.

Added by Laws 1995, c. 171, § 15, eff. Nov. 1, 1995.

§59-2041. Investigation of complaints - Notice of hearing - Subpoenas - Publication of names and addresses of suspended, etc. practitioners.

A. Upon filing of a written complaint with the State Board of Medical Licensure and Supervision, charging a person with any of the acts described in Section 15 of this act, the authorized employee of the Board may make an investigation. If the Board finds reasonable grounds for the complaint, a time and place for a hearing shall be set, notice of which shall be served on the licensee, or applicant at least fifteen (15) calendar days prior thereto. The notice shall be by personal service or by certified or registered mail sent to the last-known address of the person.

B. The Board or its designee may issue subpoenas for the attendance of witnesses and the production of necessary evidence on any investigation or hearing before it. Upon request of the respondent or the respondent's counsel, the Board may issue subpoenas on behalf of the respondent.

C. Unless otherwise provided in the Respiratory Care Practice Act, hearing procedures shall be conducted in accordance with, and a person who feels aggrieved by a decision of the Board may make an appeal pursuant to, Article II of the Administrative Procedures Act.

D. If found to be guilty as charged, the practitioner shall pay for all costs incurred by the Board.

E. The Board shall make public on a case-by-case basis the names and addresses of persons whose licenses have been denied, surrendered, revoked, suspended or who have been denied renewal of their licenses, and persons who have been practicing respiratory care in violation of the Respiratory Care Practice Act.

Added by Laws 1995, c. 171, § 16, eff. Nov. 1, 1995.

§59-2042. Practice of respiratory care without license prohibited - Exceptions - Practices of other health care personnel not to be limited - Performance of specific functions qualified by examination not prohibited.

A. No person shall practice respiratory care or represent themselves to be a respiratory care practitioner unless licensed under the Respiratory Care Practice Act, except as otherwise provided by the Respiratory Care Practice Act.

B. The Respiratory Care Practice Act does not prohibit:

1. The practice of respiratory care which is an integral part of the program of study by students enrolled in a respiratory care

education program recognized by the State Board of Medical Licensure and Supervision. Students enrolled in respiratory therapy education programs shall be identified as "student - RCP" and shall only provide respiratory care under clinical supervision;

2. Self-care by a patient, or gratuitous care by a friend or family member who does not represent or hold out to be a respiratory care practitioner;

3. Monitoring, installation or delivery of medical devices, gases and equipment and the maintenance thereof by a nonlicensed person for the express purpose of self-care by a patient or gratuitous care by a friend or family member;

4. Respiratory care services rendered in the course of an emergency;

5. Persons in the military services or working in federal facilities from rendering respiratory care services when functioning in the course of their assigned duties;

6. The respiratory care practitioner from performing advances in the art and techniques of respiratory care learned through formalized or specialized training; and

7. For purposes of continuing education, consulting, or training, any person performing respiratory care in the state, if these services are performed for no more than thirty (30) days in a calendar year in association with a respiratory care practitioner licensed pursuant to the Respiratory Care Practice Act or in association with a licensed physician or surgeon, if:

a. the person is licensed as a respiratory care practitioner or the equivalent, as determined by the State Board of Medical Licensure and Supervision, in good standing in another state or the District of Columbia, or

b. the person holds a professional respiratory care credential as conferred by the National Board for Respiratory Care or its successor or equivalent accrediting agency as identified by the Respiratory Care Advisory Committee and approved by the State Board of Medical Licensure and Supervision.

C. Nothing in the Respiratory Care Practice Act shall limit, preclude, or otherwise interfere with the lawful practices of persons working under the supervision of the responsible physician. In addition, nothing in the Respiratory Care Practice Act shall interfere with the practices of health care personnel who are formally trained and licensed by appropriate agencies of this state.

D. An individual who, by passing an examination which includes content in one or more of the functions included in the Respiratory Care Practice Act, and who has passed an examination that meets the standards of the National Commission for Health Certifying Agencies (NCHCA) or an equivalent organization, shall not be prohibited from

performing the procedures for which they were tested. An individual who has demonstrated competency in one or more areas covered by the Respiratory Care Practice Act may perform only those functions for which the individual is qualified by examination to perform. The standards of the National Commission for Health Certifying Agencies shall serve to evaluate those examinations and examining organizations.

E. Practitioners regulated under the Respiratory Care Practice Act shall be covered under the "Good Samaritan Act", Section 5 et seq. of Title 76 of the Oklahoma Statutes.

Added by Laws 1995, c. 171, § 17, eff. Nov. 1, 1995. Amended by Laws 2013, c. 72, § 5, eff. November 1, 2013.

§59-2043. Act not to be construed to permit practice of medicine.

Nothing in the Respiratory Care Practice Act shall be construed to permit the practice of medicine.

Added by Laws 1995, c. 171, § 18, eff. Nov. 1, 1995.

§59-2044. Misdemeanor violations - Penalties.

A. It is a misdemeanor for any person to:

1. Sell, fraudulently obtain or furnish any respiratory care license or record, or aid or abet therein;

2. Practice respiratory care under cover of any respiratory care diploma, license or record illegally or fraudulently obtained or issued;

3. Practice respiratory care unless duly licensed to do so under the provisions of the Respiratory Care Practice Act;

4. Impersonate in any manner or pretend to be a respiratory care practitioner or use the title "respiratory care practitioner", the letters "R.C.P.", or other words, letters, signs, symbols or devices to indicate the person using them is a licensed respiratory care practitioner, unless duly authorized by license to perform under the provisions of the Respiratory Care Practice Act;

5. Practice respiratory care during the time a license is suspended, revoked or expired;

6. Fail to notify the State Board of Medical Licensure and Supervision of the suspension, probation, or revocation of any past or currently held licenses, certifications, or registrations required to practice respiratory care in this or any other jurisdiction;

7. Knowingly employ unlicensed persons in the practice of respiratory care in the capacity of a respiratory care practitioner;

8. Make false representations or impersonate or act as a proxy for another person or allow or aid any person or impersonate the person in connection with any examination or application for licensing or request to be examined or licensed; or

9. Otherwise violate any provisions of the Respiratory Care Practice Act.

B. Such misdemeanor shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment for each offense.

Added by Laws 1995, c. 171, § 19, eff. Nov. 1, 1995.

§59-2045. Use of other earned professional designations or credentials.

A. Nothing contained in the Respiratory Care Practice Act shall preclude a respiratory care practitioner, a respiratory therapist, or a respiratory therapy technician exempt from being licensed under the Respiratory Care Practice Act or a provisional license holder from using or displaying earned professional designations or credentials including, but not limited to, CRTT, RRT, CPFT and RPFT. However, a respiratory care practitioner may use and display the designation Respiratory Care Practitioner or RCP in conjunction with the use or display of any such other earned professional designation or credentials.

B. A provisional or special provisional license holder shall not use or display the designation Respiratory Care Practitioner or RCP but may use or display any earned professional designations or credentials.

Added by Laws 1995, c. 171, § 20, eff. Nov. 1, 1995.

§59-2051. Short title.

Sections 1 through 21 of this act shall be known and may be cited as the "Oklahoma Licensed Perfusionists Act".

Added by Laws 1996, c. 226, § 1, eff. July 1, 1996.

§59-2052. Definitions.

As used in the Oklahoma Licensed Perfusionists Act:

1. "Board" means the State Board of Examiners of Perfusionists;

2. "Extracorporeal circulation" means the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs or both;

3. "Licensed perfusionist" means a person licensed to practice perfusion pursuant to the Oklahoma Licensed Perfusionists Act;

4. "Perfusion" means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory and respiratory systems to ensure the safe management of physiologic functions by monitoring the parameters of the systems under an order and under the supervision of a licensed physician, including:

a. the use of extracorporeal circulation, cardiopulmonary support techniques, and other therapeutic and diagnostic technologies,
b. ventricular assistance, administration of cardioplegia, and isolated limb perfusion,
c. the use of techniques involving blood management, advanced life support, and other related functions, and
d. in the performance of the acts described in this paragraph:
(1) the administration of:
(a) pharmacological and therapeutic agents, or
(b) blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician,
(2) the performance and use of:
(a) anticoagulation analysis,
(b) physiologic analysis,
(c) blood gas and chemistry analysis,
(d) hypothermia,
(e) hyperthermia,
(f) hemoconcentration, and
(g) hemodilution,
(3) the observation of signs and symptoms related to perfusion services, and the determination of whether the signs and symptoms exhibit abnormal characteristics, and
(4) the implementation of appropriate reporting and perfusion protocols, and changes in, or the initiation of, emergency procedures;

5. "Perfusion protocol" means perfusion-related policies and protocols developed or approved by a licensed health facility or a physician through collaboration with administrators, licensed perfusionists, and other health professionals; and

6. "Provisional licensed perfusionist" means a person provisionally licensed by this state pursuant to the Oklahoma Licensed Perfusionists Act.

Added by Laws 1996, c. 226, § 2, eff. July 1, 1996.

§59-2053. State Board of Examiners of Perfusionists - Membership.

A. There is hereby re-created until July 1, 2027, in accordance with the provisions of the Oklahoma Sunset Law, the State Board of Examiners of Perfusionists. The Board shall administer the provisions of the Oklahoma Licensed Perfusionists Act. The Board shall consist of nine (9) members, appointed by the State Board of Medical Licensure and Supervision.

B. The initial appointments for each member shall be for progressive terms of one (1) through three (3) years so that only one term expires each calendar year; subsequent appointments shall be for five-year terms. Members of the Board shall serve at the pleasure of and may be removed from office by the appointing authority. No member shall serve more than three consecutive terms. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Five members shall constitute a quorum.

C. The Board shall be composed as follows:

1. Three members shall be members of the general public;

2. Four members shall be licensed perfusionists appointed from a list of not less than ten licensed perfusionists submitted by a statewide organization representing licensed perfusionists; and

3. Two members shall be physicians licensed pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and who are also board certified in cardiovascular surgery.

D. The licensed perfusionist members shall have been engaged in rendering perfusion services to the public, teaching perfusion care, or research in perfusion care, for at least five (5) years immediately preceding their appointments. These members shall at all times be holders of valid licenses for the practice of perfusion in this state, except for the members first appointed to the Board. These initial members shall, at the time of appointment, be credentialed as a Certified Clinical Perfusionist (CCP) conferred by the American Board of Cardiovascular Perfusion (ABCP) or its successor organization, and all shall fulfill the requirements for licensure pursuant to the Oklahoma Licensed Perfusionists Act. All members of the Board shall be residents of this state.

E. Upon expiration or vacancy of the term of a member, the respective nominating authority may, as appropriate, submit to the appointing authority a list of not less than three persons qualified to serve on the Board to fill the expired term of their respective member. Appointments may be made from these lists by the appointing authority and additional lists may be provided by the respective organizations if requested by the appointing authority.

F. It shall be a ground for removal from the Board if a member:

1. Does not have at the time of appointment the qualifications required for appointment to the Board;

2. Does not maintain during service on the Board the qualifications required for appointment to the Board;

3. Violates a prohibition established pursuant to the Oklahoma Licensed Perfusionists Act;

4. Cannot discharge the member’s term for a substantial part of the term for which the member is appointed because of illness or disability; or

5. Is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the Board.

Added by Laws 1996, c. 226, § 3, eff. July 1, 1996. Amended by Laws 2002, c. 84, § 1; Laws 2008, c. 10, § 1; Laws 2012, c. 57, § 1; Laws 2015, c. 232, § 1; Laws 2019, c. 466, § 1; Laws 2021, c. 558, § 8, eff. July 1, 2021; Laws 2024, c. 76, § 1, eff. July 1, 2024.

§59-2054. State Board of Examiners of Perfusionists - Officers - Meetings.

A. Within thirty (30) days after the members of the State Board of Examiners of Perfusionists are appointed, the Board shall meet to elect a chair and vice-chair who shall hold office according to the rules adopted by the Board.

B. The Board shall hold at least two regular meetings each year as provided by the rules and procedures adopted by the Board.

C. A majority of the members of the Board, including the chair and vice-chair shall constitute a quorum at any meeting, and a majority of the required quorum shall be sufficient for the Board to take action by vote.

D. The Board shall comply with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, the Administrative Procedures Act, and any other general act, statutorily created duty or requirement applicable to state agencies.

Added by Laws 1996, c. 226, § 4, eff. July 1, 1996.

§59-2055. State Board of Examiners of Perfusionists - Powers and duties.

A. The State Board of Examiners of Perfusionists shall promulgate rules not inconsistent with the provisions of the Oklahoma Licensed Perfusionists Act as are necessary for the governing of the proceedings of the Board, the performance of the duties of the Board, the regulation of the practice of perfusion in this state, and the enforcement of the Oklahoma Licensed Perfusionists Act.

B. The Board shall:

1. Adopt and publish standards of professional conduct for perfusionists and adopt an official seal;

2. Establish the qualifications and fitness of applicants for licenses, renewal of licenses, and reciprocal licenses;

3. Examine, certify, and renew the licenses of duly qualified applicants and establish the requirements and procedures therefor;

4. Maintain an up-to-date list of every person licensed to practice perfusion pursuant to the Oklahoma Licensed Perfusionists Act. The list shall show the license holder's last-known place of

employment, last-known place of residence and the date and number of the license;

5. Cause the prosecution of all persons violating the Oklahoma Licensed Perfusionists Act and incur necessary expenses therefor;

6. Keep a record of all proceedings of the Board and make the record available to the public for inspection during reasonable business hours;

7. Conduct hearings and issue subpoenas according to the Administrative Procedures Act, the Oklahoma Licensed Perfusionists Act, and rules promulgated by the Board.

8. Investigate or cause to be investigated alleged violations of the Oklahoma Licensed Perfusionists Act.

9. Determine and assess administrative penalties, take or request civil action, request criminal prosecution or take other administrative or civil action as specifically authorized by the Oklahoma Licensed Perfusionists Act or other law against any person or entity who has violated any of the provisions of the Oklahoma Licensed Perfusionists Act, rules promulgated thereunder, or any license or order issued pursuant thereto;

10. Enter into interagency agreements or other contracts necessary to implement the Oklahoma Licensed Perfusionists Act;

11. Share information on a case-by-case basis of any person whose license has been suspended, revoked or denied. This information shall include the name, social security number, type and cause of action, date and penalty incurred, and the length of the penalty and any other information determined necessary by the Board. This information shall be available for public inspection during reasonable business hours and shall be supplied to similar governing boards in other states upon request;

12. Establish reasonable and necessary fees for the administration and implementation of the Oklahoma Licensed Perfusionists Act;

13. Provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under the Oklahoma Licensed Perfusionists Act and their responsibilities under applicable laws relating to standards of conduct for state officers or employees;

14. Establish continuing professional education programs for licensed perfusionists and provisional licensed perfusionists pursuant to the Oklahoma Licensed Perfusionists Act, the standards of which shall be at least as stringent as those of the American Board of Cardiovascular Perfusion or its successor agency, and shall:

a. establish a minimum number of hours of continuing education required to renew a license under the Oklahoma Licensed Perfusionists Act,

b. develop a process to evaluate and approve continuing education courses,
c. identify the key factors for the competent performance by a license holder of the license holder's professional duties, and
d. adopt a procedure to assess a license holder's participation in continuing education programs;

15. By agreement, secure and provide for compensation for services that the Board considers necessary to the administration and implementation of the Oklahoma Licensed Perfusionists Act and may employ and compensate within available funds professional consultants, technical assistants, and employees on a full-time or part-time basis; and

16. Enter into agreements or contracts, consistent with state law, with outside organizations for the purpose of developing, administering, grading, or reporting the results of examinations. Such organizations must be capable of providing an examination which:

a. meets the standards of the American Board of Cardiovascular Perfusion or its successor agency,
b. is able to be validated by an independent testing professional, and
c. is nationally recognized as testing cardiovascular perfusion competencies.

Added by Laws 1996, c. 226, § 5, eff. July 1, 1996.

§59-2056. State Board of Examiners of Perfusionists - Employees and property - Executive Secretary.

A. The State Board of Examiners of Perfusionists may employ such personnel and acquire such facilities, equipment, and supplies as are necessary to assist the Board in the administration and implementation of the provisions of the Oklahoma Licensed Perfusionists Act.

B. The Board shall designate a member of the Board to serve as the Executive Secretary of the Board. The Executive Secretary shall be the administrator of the licensure activities of the Board.

C. In addition to other duties prescribed by the Oklahoma Licensed Perfusionists Act and by the Board, the Executive Secretary shall:

1. Keep full and accurate minutes of the transactions and proceedings of the Board;

2. Be the custodian of the files and records of the Board;

3. Prepare and recommend to the Board plans and procedures necessary to implement the purposes and objectives of the Oklahoma Licensed Perfusionists Act, including rules and proposals on administrative procedures consistent with the Oklahoma Licensed Perfusionists Act;

4. Exercise general supervision over persons employed by the Board in the administration of the Oklahoma Licensed Perfusionists Act;

5. Be responsible for the investigation of complaints and for the presentation of formal complaints;

6. Attend all meetings of the Board as a nonvoting participant; and

7. Handle the correspondence of the Board and obtain, assemble or prepare the reports and information that the Board may direct or authorize.

Added by Laws 1996, c. 226, § 6, eff. July 1, 1996.

§59-2057. State Board of Examiners of Perfusionists - Compensation - Liability.

A. Members of the State Board of Examiners of Perfusionists shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred while engaged in the discharge of official duties pursuant to the Oklahoma Licensed Perfusionists Act in accordance with the State Travel Reimbursement Act.

B. Members of the Board shall enjoy the same rights of protection from personal liability as those enjoyed by other employees of the state for actions taken while acting under the provisions of the Oklahoma Licensed Perfusionists Act and in the course of their duties.

Added by Laws 1996, c. 226, § 7, eff. July 1, 1996.

§59-2058. Perfusionists Licensure Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Examiners of Perfusionists to be designated the "Perfusionists Licensure Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of fees received by the Board and any other monies collected pursuant to the Oklahoma Licensed Perfusionists Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board for any purpose which is reasonably necessary to carry out the provisions of the Oklahoma Licensed Perfusionists 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.

Added by Laws 1996, c. 226, § 8, eff. July 1, 1996. Amended by Laws 2012, c. 304, § 291.

§59-2059. License - Requirements - Application - Education programs - Notice of qualification or nonqualification.

A. Except as otherwise provided in the Oklahoma Licensed Perfusionists Act, no person shall practice perfusion in this state unless licensed pursuant to the provisions of the Oklahoma Licensed Perfusionists Act.

B. No person shall be licensed to practice perfusion in this state except upon a finding by the State Board of Examiners of Perfusionists that such person:

1. Has fully complied with all applicable licensure requirements of the Oklahoma Licensed Perfusionists Act; and

2. Has produced satisfactory evidence to the Board of the ability of the applicant to practice perfusion with reasonable skill and safety.

C. An applicant for a perfusionist license must submit a sworn application accompanied by an application fee specified in Section 2071 of this title in an amount set by rule of the Board.

D. The Board shall prescribe the form of the application and by rule may establish dates by which applications and fees must be received. These rules must not be inconsistent with present rules of the State Board of Medical Licensure and Supervision related to application dates of other licenses. The Board may review and verify medical credentials and screen applicant records through recognized national information services.

E. To qualify for the examination for licensure, the applicant must have successfully completed a perfusion education program approved by the Board.

F. In approving perfusion education programs necessary for qualification for examination, the Board shall approve only a program that has educational standards that are at least as stringent as those established by the Accreditation Committee for Perfusion Education and approved by the Committee on Allied Health Education and Accreditation of the American Medical Association or their successors.

G. Not later than the forty-fifth day after the date of receipt of a properly submitted and timely application and not later than the thirtieth day before the next examination date, the Board shall notify an applicant in writing that the applicant's application and any other relevant evidence pertaining to applicant qualifications established by the Board by rule have been received and investigated. The notice shall state whether the application and other evidence submitted have qualified the applicant for examination. If the applicant has not qualified for examination, the notice shall state the reasons for lack of qualification.
Added by Laws 1996, c. 226, § 9, eff. July 1, 1996. Amended by Laws 2000, c. 29, § 1, emerg. eff. April 6, 2000; Laws 2017, c. 19, § 1, eff. Nov. 1, 2017; Laws 2019, c. 363, § 68, eff. Nov. 1, 2019.

§59-2060. Licenses - Examination.

A. The applicant, except where otherwise provided in the Oklahoma Licensed Perfusionists Act, shall be required to pass an examination, whereupon the State Board of Examiners of Perfusionists may issue to the applicant a license to practice perfusion. Examinations shall be prepared or approved by the Board and administered to qualified applicants at least once each calendar year.

B. An examination prescribed by the Board may be or may include the written and oral examinations given by the American Board of Cardiovascular Perfusion or by a national or state testing service in lieu of an examination prepared by the Board.

C. Not later than thirty (30) days after the date on which an examination is administered under the provisions of the Oklahoma Licensed Perfusionists Act, the Board shall notify each examinee of the results of the examination. If an examination is graded or reviewed by a national or state testing service, the Board shall notify examinees of the results of the examination within two (2) weeks after the date the Board receives the results from the testing service. If the notice of examination results will be delayed for more than ninety (90) days after the examination date, the Board shall notify the examinee of the reason for the delay before the ninetieth day.

D. If requested in writing by a person who fails the examination, the Board shall furnish the person with an analysis of the person's performance on the examination.

E. The Board by rule may establish a limit on the number of times an applicant who fails an examination may retake the examination and the requirements for retaking the examination. Added by Laws 1996, c. 226, § 10, eff. July 1, 1996.

§59-2061. Licenses - Waiver of examination.

A. Upon the receipt of an application and application fee, the State Board of Examiners of Perfusionists shall waive the examination requirement and issue a license to practice perfusion by endorsement to an applicant who:

1. Is currently permitted, licensed or certified by another state, territory, or possession of the United States if the requirements of that state, territory, or possession for the permit, license or certificate are deemed by the Board to be equivalent to those required in this state by the Oklahoma Licensed Perfusionists Act; or

2. Holds a license as a Certified Clinical Perfusionist (CCP) by the American Board of Cardiovascular Perfusion prior to January 1, 1997, provided such license has not been not renewed, suspended or revoked; or

3. Has been practicing perfusion in a full-time capacity for a period of more than twenty-four (24) months prior to January 1, 1997; and

4. Meets and complies with all other requirements specified by the Oklahoma Licensed Perfusionists Act or rules promulgated thereto.

B. An applicant applying for a license pursuant to the provisions of this section shall certify under oath that the applicant's credentials have not been suspended, revoked, or not renewed or the applicant has not been placed on probation, or reprimanded.

Added by Laws 1996, c. 226, § 11, eff. July 1, 1996.

§59-2062. Licenses - Provisional license.

A. 1. Upon the receipt of an application and application fee, the State Board of Examiners of Perfusionists may issue a provisional license to practice perfusion for a period of one (1) year to a person permitted, licensed or certified in another state, territory, or possession of the United States who does not qualify for a licensure by endorsement pursuant to Section 11 of this act but has applied to take the examination and otherwise meets the qualifications of the Board. Provided, the applicant must show written evidence, verified by oath, that the applicant is currently practicing or has within the last six (6) months practiced perfusion in another state, territory, or possession of the United States.

2. A graduate of a perfusion education program approved by the Accreditation Committee for Perfusion Education and approved by the Committee on Allied Health Education and Accreditation of the American Medical Association or their successors, who has applied to take the examination and otherwise meets the qualifications of the Board.

3. A student currently enrolled in a perfusion education program approved by the Accreditation Committee for Perfusion Education and approved by the Committee on Allied Health Education and Accreditation of the American Medical Association or their successors may receive a provisional license as set out by the rules of the Board.

B. A person to whom a provisional license is issued pursuant to this section shall be under the supervision and direction of a licensed perfusionist at all times during which the provisional licensed perfusionist performs perfusion. Rules promulgated by the Board governing such supervision and direction shall require the immediate physical presence of the supervising licensed perfusionist.

Added by Laws 1996, c. 226, § 12, eff. July 1, 1996.

§59-2062.1. Temporary critical need license.

The State Board of Examiners of Perfusionists may issue temporary critical need licenses for perfusionists under Section 1 of this act.
Added by Laws 2022, c. 262, § 7, eff. July 1, 2022.

§59-2063. Licenses - Issuance.

The Board may issue a license to practice perfusion upon payment of a licensure fee specified by Section 21 of this act to any person who has:

1. Qualified pursuant to Section 10 or Section 11 of this act; or

2. Been practicing perfusion in a full-time capacity for a period of more than twenty-four (24) months prior to January 1, 1997; provided, such applicant must demonstrate through written evidence verified under oath and certified to by the employing health care facility that the applicant has in fact been employed in such capacity for more than twenty-four (24) months preceding January 1, 1997.
Added by Laws 1996, c. 226, § 13, eff. July 1, 1996.

§59-2064. Licenses - Title - Display - Copy in records - Change of address - Surrender on demand.

A. A person holding a license to practice perfusion in this state may use the title "licensed perfusionist" and the abbreviation "L.P.".

B. A license holder must:

1. Display the license in an appropriate and public manner; or

2. Maintain on file at all times during which the license provides services in a health care facility a true and correct copy of the license in the appropriate records of the facility; and

3. Keep the State Board of Examiners of Perfusionists informed of any change of address.

C. A licensure issued by the Board is the property of the Board and shall be surrendered on demand.
Added by Laws 1996, c. 226, § 14, eff. July 1, 1996.

§59-2065. Licenses - Renewal.

A. Except as otherwise provided in the Oklahoma Licensed Perfusionists Act, a license shall be renewed annually. The State Board of Examiners of Perfusionists shall mail notices at least thirty (30) calendar days prior to the expiration for renewal of licenses to every person to whom a license was issued or renewed during the preceding renewal period. A person may renew an unexpired license by submitting proof satisfactory to the Board of compliance with the continuing professional education requirements prescribed by the Board and paying a renewal fee as specified by

Section 21 of this act to the Board before the expiration date of the license.

B. If a person's license has been expired for not more than ninety (90) days, the person may renew the license by submitting proof satisfactory to the Board of compliance with the continuing professional education requirements prescribed by the Board and paying to the Board a renewal fee as specified by Section 21 of this act.

C. If a person's license has been expired for more than ninety (90) days but less than two (2) years, the person may renew the license by submitting proof satisfactory to the Board of compliance with the continuing professional education requirements prescribed by the Board and paying to the Board all unpaid renewal fees and a reinstatement fee as specified by Section 21 of this act.

D. If a person's license has been expired two (2) years or more, the person may not be permitted to renew the license, but such person may obtain a new license by submitting to reexamination and complying with the current requirements and procedures for obtaining a license.

E. No penalty for late renewal shall be charged to any license holder whose license expires while the holder is in military service if an application for renewal is made within one (1) year following such holder's service discharge.

F. The Board is authorized to establish by rule fees for replacement and duplicate licenses.

Added by Laws 1996, c. 226, § 15, eff. July 1, 1996.

§59-2066. Exempt persons.

The provisions of the Oklahoma Licensed Perfusionists Act shall not apply to:

1. A person licensed by another health professional licensing board if:
   a. the person does not represent to the public, directly or indirectly, that the person is licensed pursuant to the provisions of the Oklahoma Licensed Perfusionists Act, and does not use any name, title, or designation indicating that the person is licensed pursuant to the Oklahoma Licensed Perfusionists Act, and
   b. the person confines the person's acts or practice to the scope of practice authorized by the other health professional licensing laws;
2. A student enrolled in an accredited perfusion education program if perfusion services performed by the student:
   a. are an integral part of the student's course of study, and
   b. are performed under the direct supervision of a licensed perfusionist assigned to supervise the

student and who is on duty and immediately available in the assigned patient care area;

3. The practice of any legally qualified perfusionist employed by the United States government which is in the discharge of official duties; or

4. A person performing autotransfusion or blood conservation techniques under the supervision of a licensed physician.

Added by Laws 1996, c. 226, § 16, eff. July 1, 1996.

§59-2067. Disciplinary proceedings - Penalties.

The State Board of Examiners of Perfusionists may assess administrative penalties, revoke, suspend, or refuse to renew any license, place on probation, or otherwise reprimand a license holder or deny a license to an applicant if it finds that the person:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice perfusion;

2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetence;

3. Is habitually intemperate in the use of alcoholic beverages;

4. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics;

5. Is guilty of dishonest or unethical conduct;

6. Has practiced perfusion after the license has expired or has been suspended, revoked or not renewed;

7. Has practiced perfusion under cover of any permit, license, or certificate illegally or fraudulently obtained or issued;

8. Has violated or aided or abetted others in violation of any provision of the Oklahoma Licensed Perfusionists Act;

9. Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board;

10. Is guilty of the unauthorized practice of medicine; or

11. Has been found to be in violation of any provision of the Oklahoma Licensed Perfusionists Act or rules promulgated thereto.

Added by Laws 1996, c. 226, § 17, eff. July 1, 1996.

§59-2068. Disciplinary proceedings - Investigation - Hearing - Costs - Publication of names and addresses.

A. Upon the filing of a written complaint with the State Board of Examiners of Perfusionists charging a person with any of the acts described in Section 17 of this act, an authorized employee of the Board may make an investigation. If the Board finds reasonable grounds for the complaint, a time and place for a hearing shall be set, notice of which shall be served on the license holder, or applicant at least fifteen (15) calendar days prior thereto. The notice shall be by personal service or by certified or registered mail sent to the last-known address of the person.

B. Hearing procedures shall be conducted in accordance with, and a person who feels aggrieved by a decision of the Board may make an appeal pursuant to, Article II of the Administrative Procedures Act.

C. Any person who has been determined to be in violation of the Oklahoma Licensed Perfusionists Act or any rule promulgated thereto, in addition to any administrative penalty assessed by the Board pursuant to Section 20 of this act, shall pay for all costs incurred by the Board.

D. The Board shall make public on a case-by-case basis the names and addresses of persons whose licenses have been denied, surrendered, revoked, suspended, or who have been denied renewal of their licenses, placed on probation or otherwise reprimanded, and persons who have been practicing perfusion in violation of the Oklahoma Licensed Perfusionists Act.

Added by Laws 1996, c. 226, § 18, eff. July 1, 1996.

§59-2069. Criminal violations.

It is a misdemeanor for any person to:

1. Sell, fraudulently obtain or furnish any perfusion license or record, or aid or abet therein;

2. Practice perfusion under cover of any perfusion diploma, license, or record illegally or fraudulently obtained or issued;

3. Practice perfusion unless duly licensed to do so pursuant to the provisions of the Oklahoma Licensed Perfusionists Act;

4. Impersonate in any manner or pretend to be a perfusionist or use the title "licensed perfusionist", the letters "L.P." or other words, letters, signs, symbols, or devices to indicate the person using them is a licensed perfusionist unless duly authorized by a license to perform under the provisions of the Oklahoma Licensed Perfusionists Act;

5. Practice perfusion during the time a license is suspended, revoked, or expired or not renewed;

6. Fail to notify the Board of the suspension, probation, or revocation of any past or currently held permits, licenses, or certificates required to practice perfusion in this or any other jurisdiction;

7. Knowingly employ unlicensed persons in the practice of perfusion in the capacity of a perfusionist;

8. Make false representations or impersonate or act as a proxy for another person or allow or aid any person or impersonate the person in connection with any examination or application for licensure or request to be examined or licensed; or

9. Otherwise violate any provision of the Oklahoma Licensed Perfusionists Act.

Added by Laws 1996, c. 226, § 19, eff. July 1, 1996.

§59-2070. Penalties for violation.

A. 1. Any person who has been determined by the State Board of Examiners of Perfusionists to have violated any provision of the Oklahoma Licensed Perfusionists Act or any rule or order issued pursuant thereto may be liable for an administrative penalty of not more than Five Hundred Dollars ($500.00) for each day that said violation continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars ($10,000.00) for any related series of violations that do not constitute immediate jeopardy to patients. Penalties of not more than One Thousand Dollars ($1,000.00) per day may be imposed for violations constituting immediate jeopardy to residents.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of paragraph 1 of this subsection, after notice and hearing. In determining the amount of the penalty, the Board shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation, the repetitive nature of the violation of the person, the previous degree of difficulty in obtaining compliance with the Oklahoma Licensed Perfusionists Act or the rules promulgated pursuant thereto and, with respect to the person found to have committed the violation, the degree of culpability, and substantial show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Licensed Perfusionists Act.

3. Any license holder may elect to surrender the license of such holder in lieu of said penalty but shall be forever barred from obtaining a reissuance of the license pursuant to the Oklahoma Licensed Perfusionists Act.

B. Any person determined to be in violation of any provision of the Oklahoma Licensed Perfusionists Act, upon conviction thereof, shall be guilty of a misdemeanor and shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment for each offense.

Added by Laws 1996, c. 226, § 20, eff. July 1, 1996.

§59-2071. Fees.

The maximum fees to be charged pursuant to the Oklahoma Licensed Perfusionists Act are as follows:

| | |
|---|---|
| Application fee for licensure | $100.00 |
| License to practice perfusion | $300.00 |
| Provisional license to practice perfusion | $300.00 |
| Renewal for unexpired license to practice perfusion | $300.00 |
| Renewal for expired license to practice perfusion if made prior to ninety (90) days after expiration of license | $400.00 |

Renewal for expired license to practice perfusion if made between ninety (90) days and two (2) years after expiration of license $500.00

Added by Laws 1996, c. 226, § 21, eff. July 1, 1996.

§59-2081. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2082. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2083. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2084. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2085. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2086. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2087. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2088 . Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2089. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2090. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2091. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2092. Repealed by Laws 2009, c. 190, § 30, eff. July 1, 2009.

§59-2093. Repealed by Laws 2010, c. 415, § 40, eff. July 1, 2010.

§59-2095. Short title.

Sections 3 through 29 of this act shall be known and may be cited as the "Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act".

Added by Laws 2009, c. 190, § 3, eff. July 1, 2009.

§59-2095.1. Legislative findings.

The activities of mortgage brokers, mortgage lenders, and mortgage loan originators and the origination, offering, servicing or modification of financing for residential real property have a direct, valuable, and immediate impact upon Oklahoma's consumers, the Oklahoma economy, the neighborhoods and communities of Oklahoma, and the housing and real estate industry. Therefore, the Legislature finds that accessibility to mortgage credit is vital to the state's citizens. The Legislature also finds that it is essential for the protection of the citizens of Oklahoma and the stability of the Oklahoma economy that reasonable standards for licensing and regulation of the business practices of mortgage brokers, mortgage lenders, and mortgage loan originators be imposed. The Legislature further finds that the obligations of mortgage brokers, mortgage lenders, and mortgage loan originators to consumers in connection with originating or making, modifying or servicing residential mortgage loans are such as to warrant the regulation of the mortgage lending and servicing process. The purpose of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act is to protect consumers seeking mortgage loans and to ensure that the mortgage lending and servicing industry is operating without unfair, deceptive, and fraudulent practices on the part of mortgage brokers, mortgage lenders, and mortgage loan originators. Therefore, the

# Legislature establishes within the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act:

1. An effective system of supervision and enforcement of the mortgage lending and servicing industry, including:

a. the authority to issue licenses to conduct business under this act, including the authority to write rules or regulations or adopt procedures necessary to the licensing of entities or individuals covered pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act,

b. the authority to censure, deny, place on probation, suspend or revoke licenses issued pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, and

c. the authority to examine, investigate, and conduct enforcement actions as necessary to carry out the intended purposes of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, including the authority to subpoena witnesses and documents, enter orders, including cease and desist orders, order restitution and monetary penalties, and order the removal and ban of individuals from office or employment; and

2. Broad administrative authority for the Administrator of Consumer Credit to administer, interpret, and enforce the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act and promulgate rules, subject to approval of the Commission on Consumer Credit, in order to carry out the intentions of the Legislature. Added by Laws 2009, c. 190, § 4, eff. July 1, 2009. Amended by Laws 2015, c. 320, § 1, eff. Nov. 1, 2015.

§59-2095.2. Definitions.

As used in the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act:

1. "Administrator" means the Administrator of Consumer Credit;

2. "Affiliate" means an entity which directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with the entity specified;

3. "Borrower" means any individual who consults with or retains a mortgage broker or mortgage loan originator in an effort to obtain or seek advice or information on obtaining or applying to obtain or modify a residential mortgage loan for himself, herself, or individuals including himself or herself, regardless of whether the individual actually obtains or modifies such a loan;

4. "Branch office" means any location, other than a mortgage lender's or mortgage broker's principal place of business or a remote location, where the licensee or its employees or independent contractors maintain a physical presence for the purpose of conducting business;

5. "Commission" means the Commission on Consumer Credit;

6. "Compensation" means anything of value or any benefit including points, commissions, bonuses, referral fees and loan origination fees;

7. "Depository institution" has the same meaning as in Section 3 of the Federal Deposit Insurance Act and includes any credit union;

8. "Entity" means a corporation, company, limited liability company, partnership or association;

9. "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration and the Federal Deposit Insurance Corporation;

10. "Immediate family member" means a spouse, child, sibling, parent, grandparent or grandchild and includes stepparents, stepchildren, stepsiblings and adoptive relationships;

11. "Individual" means a natural person and also includes a sole proprietorship;

12. a. "Loan processor or underwriter" means an entity or individual who performs support duties as an employee at the direction of and subject to the supervision and instruction of an entity or individual licensed or exempt from licensing as provided in Section 2095.3 of this title.

    b. For purposes of this paragraph, the term "clerical or support duties" may include subsequent to the receipt of an application, the receipt collection, distribution and analysis of information necessary for the processing or underwriting or modification of a loan, to the extent that such communication does not include offering or negotiating or modifying loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

    c. An entity or individual engaging solely in loan processor or underwriter activities shall not represent to the public through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that such entity or individual can or will perform any of the activities of a mortgage broker or mortgage loan originator;

13. a. "Mortgage broker" means an entity who for compensation or gain or in the expectation of compensation or gain:
(1) takes a residential mortgage loan application,
(2) offers, negotiates or modifies the terms of a residential mortgage loan, or
(3) services a residential mortgage.
b. Mortgage broker does not include:
(1) an entity engaged solely as a loan processor or underwriter except as otherwise provided in Section 2095.5 of this title,
(2) an entity that only performs real estate brokerage activities and is licensed or registered in accordance with Oklahoma law, unless the entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker or other mortgage loan originator, and
(3) an entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C., Section 101(53D);

14. "Mortgage lender" means an entity that takes an application for a residential mortgage loan, makes a residential mortgage loan or services a residential mortgage loan and is an approved or authorized:
a. mortgagee with direct endorsement underwriting authority granted by the United States Department of Housing and Urban Development,
b. seller or servicer of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, or
c. issuer for the Government National Mortgage Association;

15. a. "Mortgage loan originator" means an individual who for compensation or gain or in the expectation of compensation or gain:
(1) takes a residential mortgage loan application, or
(2) offers or negotiates or modifies the terms of a residential mortgage loan.
b. Mortgage loan originator does not include:
(1) an individual engaged solely as a loan processor or underwriter except as otherwise provided in Section 2095.5 of this title,
(2) an individual that only performs real estate brokerage activities and is licensed or registered in accordance with Oklahoma law, unless the individual is compensated by a lender,

a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, and

(3) an individual solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C., Section 101(53D);

16. "Nationwide Multistate Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage brokers and mortgage loan originators;

17. "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage;

18. "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

a. acting as a real estate agent or real estate broker for a buyer, seller, lessor or lessee of real property,

b. bringing together parties interested in the sale, purchase, lease, rental or exchange of real property,

c. negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental or exchange of real property, other than in connection with providing financing with respect to any such transaction,

d. engaging in any activity for which an entity engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law, and

e. offering to engage in any activity or act in any capacity described in this paragraph;

19. "Registered mortgage loan originator" means any individual who:

a. meets the definition of mortgage loan originator and is an employee of:

(1) a depository institution,

(2) a subsidiary that:

(a) is owned and controlled by a depository institution, and

(b) is regulated by a federal banking agency, or

(3) an institution regulated by the Farm Credit Administration, and

b. is registered with, and maintains a unique identifier through, the Nationwide Multistate Licensing System and Registry;

20. "Remote location" means a location, other than the principal place of business or a branch office, at which the employees or independent contractors of a licensee may conduct mortgage business. Licensable activities from a remote location shall be permitted when conducted under the supervision of the licensee and when all requirements in Section 22 of this act are satisfied;

21. "Residential mortgage loan" means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling as defined in Section 103(v) of the Truth in Lending Act or residential real estate upon which is constructed or intended to be constructed such a dwelling;

22. "Residential real estate" means any real property located in this state upon which is constructed or intended to be constructed a dwelling as defined in paragraph 21 of this section;

23. "Servicing" means the administration of a resident mortgage loan following the closing of such loan. An entity shall be deemed to be servicing if it either holds the servicing rights, or engages in any activities determined to be servicing, including:

a. collection of monthly mortgage payments,
b. the administration of escrow accounts,
c. the processing of borrower inquiries and requests, and
d. default management; and

24. "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Multistate Licensing System and Registry.

Added by Laws 2009, c. 190, § 5, eff. July 1, 2009. Amended by Laws 2013, c. 98, § 1, eff. Nov. 1, 2013; Laws 2024, c. 218, § 1, eff. Nov. 1, 2024.

§59-2095.3. Exemptions.

The following are exempt from all provisions of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act:

1. Registered mortgage loan originators, when acting for an entity described in divisions (1), (2) and (3) of subparagraph a of paragraph 19 of Section 2095.2 of this title;

2. An individual who offers or negotiates or modifies terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;

3. An individual who offers or negotiates or modifies terms of a residential mortgage loan secured by a dwelling that served as the individual's residence;

4. A licensed attorney who negotiates or modifies the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker or other

mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator;

5. Entities described in divisions (1), (2) and (3) of subparagraph a of paragraph 19 of Section 2095.2 of this title; or

6. Any entity that is an organization recognized by the Internal Revenue Service as a 501(c)(3) charitable entity that meets the conditions set forth in (B) through (F) of subparagraph (ii), paragraph (7), subsection (e) of Section 1008.103 of Title 12 of the Code of Federal Regulations.

Added by Laws 2009, c. 190, § 6, eff. July 1, 2009. Amended by Laws 2010, c. 415, § 25, eff. July 1, 2010; Laws 2015, c. 320, § 2, eff. Nov. 1, 2015; Laws 2021, c. 151, § 1, eff. Nov. 1, 2021; Laws 2024, c. 218, § 2, eff. Nov. 1, 2024.

§59-2095.4. Unique identifier required on documents.

The unique identifier of any licensed mortgage broker, mortgage lender or licensed mortgage loan originator shall be clearly shown on all residential mortgage loan application forms, solicitations or advertisements, including business cards or websites, and any other documents as established by rule.

Added by Laws 2009, c. 190, § 7, eff. July 1, 2009. Amended by Laws 2013, c. 98, § 2, eff. Nov. 1, 2013.

§59-2095.5. License and registration requirements - Independent contractors - Rules and procedures.

A. 1. An entity or individual, unless specifically exempted from the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, as provided in Section 2095.3 of this title, shall not engage in the business of a mortgage broker, mortgage lender or mortgage loan originator with respect to any dwelling located in this state without first obtaining and maintaining annually a license under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. Each licensed mortgage broker, mortgage lender and mortgage loan originator must register with and maintain a valid unique identifier issued by the Nationwide Multistate Licensing System and Registry.

2. In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage marketplace, the effective date for licensing all entities and individuals as provided in this subsection, including those currently licensed as mortgage brokers or mortgage loan originators, shall be July 31, 2010, or such later date approved by the Secretary of the U.S. Department of Housing and Urban Development, pursuant to the authority granted under 12 U.S.C., Section 5107.

B. A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless such independent contractor loan processor or underwriter obtains and maintains a license as required by the

Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. Each independent contractor loan processor or underwriter licensed as a mortgage broker or mortgage loan originator must have and maintain a valid unique identifier issued by the Nationwide Multistate Licensing System and Registry.

C. For the purposes of implementing an orderly and efficient licensing process, the Administrator of Consumer Credit may establish licensing rules, upon approval by the Commission on Consumer Credit, and the Administrator may establish interim procedures for licensing and acceptance of applications. For previously registered or licensed entities or individuals, the Administrator may establish expedited review and licensing procedures.

Added by Laws 2009, c. 190, § 8, eff. July 1, 2009. Amended by Laws 2010, c. 415, § 26, eff. July 1, 2010; Laws 2013, c. 98, § 3, eff. Nov. 1, 2013; Laws 2024, c. 218, § 3, eff. Nov. 1, 2024.

§59-2095.6. License and registration - Application and renewal - Fees.

A. Applicants for a license shall apply on a form as prescribed by the Administrator of Consumer Credit.

B. In order to fulfill the purposes of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, the Administrator is authorized to establish relationships or contracts with the Nationwide Multistate Licensing System and Registry or other entities designated by the Nationwide Multistate Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other entities or individuals subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act.

C. In connection with an application for licensing as a mortgage loan originator, the applicant shall, at a minimum, furnish to the Nationwide Multistate Licensing System and Registry information concerning the applicant’s identity including:

1. Fingerprints for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive such information for a state, national and international criminal history background check; and

2. Personal history and experience in a form prescribed by the Nationwide Multistate Licensing System and Registry and the Administrator to obtain:

   a. an independent credit report obtained from a consumer reporting agency defined in 15 U.S.C., Section 1681a(p), and
   b. information related to any administrative, civil or criminal findings by any governmental jurisdiction.

D. In connection with an application for licensing as a mortgage broker or mortgage lender, the applicant shall, at a minimum, furnish to the Nationwide Multistate Licensing System and Registry information concerning each owner, officer, director or partner, as applicable including:

1. Fingerprints for submission to the Federal Bureau of Investigation and any governmental agency or entity authorized to receive such information for a state, national and international criminal history background check; and

2. Personal history and experience in a form prescribed by the Nationwide Multistate Licensing System and Registry and the Administrator to obtain:

a. an independent credit report obtained from a consumer reporting agency described in 15 U.S.C., Section 1681a(p), and

b. information related to any administrative, civil or criminal findings by any governmental jurisdiction.

E. For purposes of this section and in order to reduce points of contact which the Federal Bureau of Investigation may have to maintain for purposes of paragraph 1 and subparagraph b of paragraph 2 of subsection D of this section, the Administrator may use the Nationwide Multistate Licensing System and Registry as a channeling agent for requesting information from and distributing information to the United States Department of Justice or any governmental agency.

F. For the purposes of this section and in order to reduce the points of contact which the Administrator may have to maintain for purposes of subparagraphs a and b of paragraph 2 of subsection D of this section, the Administrator may use the Nationwide Multistate Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the Administrator.

G. A license issued under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act shall be valid for a period of one (1) year, unless otherwise revoked or suspended by the Administrator as provided in the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act.

H. The Administrator, on determining that the applicant is qualified and upon payment of the fees by the applicant, shall issue a license to the applicant. An applicant who has been denied a license may not reapply for the license for sixty (60) days from the date of the previous application. A new license issued on or after November 1 shall be effective through December 31 of the following calendar year.

I. A licensee shall pay the renewal fee on or before December 1. If the license is not renewed by December 1, the licensee shall pay a late renewal fee as prescribed by rule of the Commission on

Consumer Credit. Licenses not renewed by December 31 shall expire and the licensee shall not act as a mortgage broker, mortgage lender or mortgage loan originator until a new license is issued pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. A license shall not be granted to the holder of an expired license except as provided in the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act for the issuance of an original license.

J. A licensee shall prominently display the mortgage broker, mortgage lender or mortgage loan originator license in the principal place of business of the mortgage broker, mortgage lender or mortgage loan originator and any branch office of the mortgage broker or mortgage lender.

K. 1. An applicant for a mortgage broker or mortgage lender license shall pay a fee of One Thousand Two Hundred Dollars ($1,200.00). This fee shall cover the application fee and examination fee for all registered locations, including any changes of address.

2. Mortgage broker or mortgage lender licenses may be renewed by submitting an annual assessment fee. The annual assessment fee shall:

a. be based on the dollar volume of loans originated for residential real property located in Oklahoma during the twelve-month period ending June 30,
b. be based on the dollar volume of loans serviced for residential real property located in Oklahoma as reported on the Q2 mortgage call report for the period ending on June 30,
c. be determined by applying a factor of eight-thousandths of a percent (0.008%) of the dollar volume of loans originated and the dollar volume of loans serviced in Oklahoma, and
d. cover:
    (1) the renewal fee for the principal office and any branches, and
    (2) any examination-related costs incurred by the Department of Consumer Credit.

3. Beginning November 1, 2024, the annual assessment fee shall not be:

a. less than One Thousand Dollars ($1,000.00),
b. more than Forty Thousand Dollars ($40,000.00) for the portion of the assessment calculated according to subparagraph a of paragraph 2 of this subsection, nor
c. more than Seventeen Thousand Five Hundred Dollars ($17,500.00) for the portion of the assessment calculated according to subparagraph b of paragraph 2 of this subsection.

4. Beginning November 1, 2025, the annual assessment fee shall not be:

a. less than One Thousand Dollars ($1,000.00),

b. more than Forty Thousand Dollars ($40,000.00) for the portion of the assessment calculated according to subparagraph a of paragraph 2 of this subsection, nor

c. more than Twenty-seven Thousand Five Hundred Dollars ($27,500.00) for the portion of the assessment calculated according to subparagraph b of paragraph 2 of this subsection.

5. Beginning November 1, 2026, the annual assessment fee shall not be:

a. less than One Thousand Dollars ($1,000.00),

b. more than Forty Thousand Dollars ($40,000.00) for the portion of the assessment calculated according to subparagraph a of paragraph 2 of this subsection, nor

c. more than Thirty-five Thousand Dollars ($35,000.00) for the portion of the assessment calculated according to subparagraph b of paragraph 2 of this subsection.

6. Beginning November 1, 2027, the annual assessment fee shall not be:

a. less than One Thousand Dollars ($1,000.00),

b. more than Forty Thousand Dollars ($40,000.00) for the portion of the assessment calculated according to subparagraph a of paragraph 2 of this subsection, nor

c. more than Forty Thousand Dollars ($40,000.00) for the portion of the assessment calculated according to subparagraph b of paragraph 2 of this subsection.

7. A late renewal fee shall be as prescribed by rule of the Commission on Consumer Credit.

8. Branch offices shall be registered with the Department and shall be accompanied by an initial registration fee of One Hundred Fifty Dollars ($150.00).

9. A fee as prescribed by rule of the Commission on Consumer Credit shall be charged for each license change, duplicate license or returned check.

10. A fee as prescribed by rule of the Commission on Consumer Credit shall be paid by applicants and licensees into the Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund as provided for in Section 2095.20 of this title for each initial application and each renewal application.

11. Each additional trade name used by a licensee shall be registered with the Department and shall be accompanied by an initial registration fee of One Hundred Fifty Dollars ($150.00).

12. The Administrator of Consumer Credit may reinstate a license within thirty-one (31) days of the expiration of the license if the licensee pays the assessment fees and a reinstatement fee of

Five Hundred Dollars ($500.00). A licensee shall not be reinstated when the renewal application, fees, or any required information is received on or after February 1 of the following year that the renewal application was due.

13. The Administrator may reduce annual assessment fees on a pro rata basis for a specific renewal period by reducing the factor applied to the dollar volume of loans originated and serviced. The Administrator shall notify licensees of an annual assessment fee reduction prior to November 1 of the specific license renewal period. An annual assessment fee does not include an initial license fee for purposes of this subsection.

L. 1. An applicant for an initial mortgage loan originator license shall pay a fee of Four Hundred Fifty Dollars ($450.00).

2. An applicant renewing a mortgage loan originator license shall pay a fee of Two Hundred Fifty Dollars ($250.00).

3. A late renewal fee shall be as prescribed by rule of the Commission on Consumer Credit.

4. A fee as prescribed by rule of the Commission shall be paid by applicants and licensees into the Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund, as provided in Section 2095.20 of this title, for each initial application and each renewal application.

Added by Laws 2009, c. 190, § 9, eff. July 1, 2009. Amended by Laws 2010, c. 415, § 27, eff. July 1, 2010; Laws 2013, c. 98, § 4, eff. Nov. 1, 2013; Laws 2015, c. 320, § 3, eff. Nov. 1, 2015; Laws 2024, c. 218, § 4, eff. Nov. 1, 2024.

§59-2095.7. Findings required for issuance of a mortgage loan originator license – Definitions.

A. The Administrator of Consumer Credit shall not issue a mortgage loan originator license unless the Administrator makes at a minimum the following findings:

1. The applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation;

2. The applicant has not been convicted of, or pled guilty or nolo contendere to a felony crime that substantially relates to the occupation of a mortgage loan originator and poses a reasonable threat to public safety in a domestic, foreign or military court:

a. during the seven-year period preceding the date of the application for licensing and registration, or

b. at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, a breach of trust or money laundering.

Provided, that any pardon of a conviction shall not be a conviction for purposes of this paragraph;

3. The applicant has demonstrated financial responsibility and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly and efficiently within the purposes of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. For purposes of this paragraph, an individual has shown that he or she is not financially responsible when he or she has shown a disregard in the management of his or her own financial condition. A determination that an individual has not shown financial responsibility may include, but not be limited to:

a. current outstanding judgments, except judgments solely as a result of medical expenses,
b. current outstanding tax liens or other government liens and filings,
c. foreclosures within the past three (3) years, or
d. pattern of seriously delinquent accounts within the past three (3) years;

4. The applicant has completed the prelicensing education requirement described in Section 2095.8 of this title;

5. The applicant has passed a written test that meets the test requirement described in Section 2095.9 of this title;

6. The applicant has paid into the Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund as required by paragraph 10 of subsection K of Section 2095.6 of this title; and

7. The applicant is sponsored by a licensed mortgage broker or mortgage lender. The Administrator of Consumer Credit may authorize an entity exempt from the requirements of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act to sponsor an applicant that is an independent contractor of the exempt entity. The Administrator of Consumer Credit may promulgate administrative rules, subject to approval of the Commission on Consumer Credit, to implement sponsorship procedures and requirements.

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.

Added by Laws 2009, c. 190, § 10, eff. July 1, 2009. Amended by Laws 2010, c. 415, § 28, eff. July 1, 2010; Laws 2013, c. 98, § 5, eff. Nov. 1, 2013; Laws 2019, c. 363, § 69, eff. Nov. 1, 2019; Laws 2024, c. 218, § 5, eff. Nov. 1, 2024.

§59-2095.8. Prelicense education requirements - Course approval.

A. In order to meet the prelicensing education requirement referred to in Section 2095.7 of this title, an individual shall complete at least twenty (20) hours of education approved in accordance with subsection B of this section, which shall include at least:

1. Three (3) hours of federal law and regulations;

2. Three (3) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues;

3. Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace; and

4. One (1) hour of Oklahoma law and regulations.

B. For purposes of subsection A of this section, prelicensing education courses shall be reviewed and approved by the Nationwide Multistate Licensing System and Registry based upon reasonable standards. Review and approval of a prelicensing education course shall include review and approval of the course provider.

C. Nothing in this section shall preclude any prelicensing education course as approved by the Nationwide Multistate Licensing System and Registry that is provided by the employer of the applicant or an entity which is affiliated with the applicant by an agency contract or any subsidiary or affiliate of such employer or entity.

D. Prelicensing education may be offered either in a classroom, online or by any other means approved by the Nationwide Multistate Licensing System and Registry.

E. The prelicensing education requirements approved by the Nationwide Multistate Licensing System and Registry in paragraph 1 of subsection A and subsections B and C of this section for any state shall be accepted as credit towards completion of prelicensing education requirements in this state.

F. An individual previously licensed pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, subsequent to July 1, 2009, and applying to be licensed again, must prove completion of all of the continuing education requirements for the year in which the license was last held.

Added by Laws 2009, c. 190, § 11, eff. July 1, 2009. Amended by Laws 2015, c. 320, § 4, eff. Nov. 1, 2015; Laws 2024, c. 218, § 6, eff. Nov. 1, 2024.

§59-2095.9. Written test requirement.

A. In order to meet the written test requirement referred to in Section 2095.7 of this title, an individual shall pass, in accordance with standards established under this section, a qualified written test developed by the Nationwide Multistate Licensing System and Registry and administered by a test provider approved by the Nationwide Multistate Licensing System and Registry based upon reasonable standards.

B. A written test shall not be treated as a qualified written test for purposes of subsection A of this section unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including:

1. Ethics;

2. Federal law and regulations pertaining to mortgage origination;

3. State law and regulation pertaining to mortgage origination; and

4. Federal and state law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace and fair lending issues.

C. Nothing in this section shall prohibit a test provider approved by the Nationwide Multistate Licensing System and Registry from providing a test at the location of the employer of the applicant or the location of any subsidiary or affiliate of the employer of the applicant or the location of any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

D. 1. An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than seventy-five percent (75%) correct answers to questions.

2. An individual may retake a test three consecutive times with each consecutive taking occurring at least thirty (30) days after the preceding test.

3. After failing three consecutive tests, an individual shall wait at least six (6) months before taking the test again.

4. A licensed mortgage loan originator who fails to maintain an active and valid license for a period of five (5) years or longer shall retake the test, not taking into account any time during which such individual is a registered mortgage loan originator.

Added by Laws 2009, c. 190, § 12, eff. July 1, 2009. Amended by Laws 2024, c. 218, § 7, eff. Nov. 1, 2024.

§59-2095.10. Minimum standards for mortgage loan originator license renewal.

A. The minimum standards for license renewal for mortgage loan originators shall include the following:

1. The mortgage loan originator continues to meet the minimum standards for license issuance under Section 2095.7 of this title;

2. The mortgage loan originator has satisfied the annual continuing education requirements described in Section 2095.21 of this title; and

3. The mortgage loan originator has paid all required fees for renewal of the license.

B. The license of a mortgage loan originator failing to satisfy the minimum standards for license renewal shall expire. The Administrator of Consumer Credit may adopt procedures in addition to the requirements of Section 2095.6 of this title for the reinstatement of expired licenses consistent with the standards established by the Nationwide Multistate Licensing System and Registry.
Added by Laws 2009, c. 190, § 13, eff. July 1, 2009. Amended by Laws 2024, c. 218, § 8, eff. Nov. 1, 2024.

§59-2095.11. Findings required for issuance of a mortgage broker license – Definitions.

A. The Administrator of Consumer Credit shall not issue a mortgage broker license unless the Administrator makes at a minimum the following findings:

1. The applicant or any owner, officer, director or partner has never had a mortgage broker or mortgage loan originator license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation;

2. Any owner, officer, director or partner of the applicant has not been convicted of, or pled guilty or nolo contendere to, a felony crime that substantially relates to the occupation of a mortgage broker and poses a reasonable threat to public safety in a domestic, foreign or military court:

a. during the seven-year period preceding the date of the application for licensing and registration, or

b. at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, a breach of trust or money laundering.

Provided, that any pardon of a conviction shall not be a conviction for purposes of this paragraph;

3. The applicant’s owners, officers, directors or partners have demonstrated financial responsibility and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage broker will operate honestly, fairly and efficiently within the purposes of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. For purposes of this paragraph, an applicant’s owners, officers, directors or partners have shown they are not financially responsible when they have shown a disregard in the management of their own financial condition. A determination that an owner, officer, director or partner has not shown financial responsibility may include, but not be limited to:

a. current outstanding judgments, except judgments solely as a result of medical expenses,

b. current outstanding tax liens or other government liens and filings,

c. foreclosures within the past three (3) years, or

d. a pattern of seriously delinquent accounts within the past three (3) years;

4. The applicant has paid into the Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund as required by paragraph 10 of subsection K of Section 2095.6 of this title; and

5. The applicant has paid all required fees for issuance of the license.

B. Each mortgage broker applicant shall designate and maintain a principal place of business for the transaction of business. The applicant shall specify the address of the principal place of business and designate a licensed mortgage loan originator to oversee the operations of the principal place of business. If an applicant wishes to maintain one or more branch offices for the transaction of business in addition to a principal place of business, the applicant shall first register the branch office location with the Administrator and designate a licensed mortgage loan originator for each branch office to oversee the operations of that branch office. The applicant shall submit a fee as set forth in paragraph 8 of subsection K of Section 2095.6 of this title for each branch office registered. If the address of the principal place of business or of any branch office is changed, the licensee shall immediately notify the Administrator of the change and the Administrator shall endorse the change of address on the license for a fee as prescribed in paragraph 6 of subsection K of Section 2095.6 of this title.

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.

Added by Laws 2009, c. 190, § 14, eff. July 1, 2009. Amended by Laws 2019, c. 363, § 70, eff. Nov. 1, 2019; Laws 2024, c. 218, § 9, eff. Nov. 1, 2024.

§59-2095.11.1. Findings required for issuance of a mortgage lender license.

The Administrator of Consumer Credit shall not issue a mortgage lender license unless the Administrator makes at a minimum the following findings:

1. The applicant or any owner, officer, director or partner has never had a mortgage lender, mortgage broker or mortgage loan originator license revoked in any governmental jurisdiction, except

that a subsequent formal vacation of such revocation shall not be deemed a revocation;

2. Any owner, officer, director or partner of the applicant has not been convicted of, or pled guilty or nolo contendere to, a felony crime that substantially relates to the occupation of a mortgage lender and poses a reasonable threat to public safety in a domestic, foreign or military court:

a. during the seven-year period preceding the date of the application for licensing and registration, or

b. at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, a breach of trust or money laundering.

Provided, that any pardon of a conviction shall not be a conviction for purposes of this paragraph;

3. The applicant and the applicant's owners, officers, directors or partners have demonstrated financial responsibility and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage lender will operate honestly, fairly and efficiently within the purposes of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. For purposes of this paragraph, an applicant's owners, officers, directors or partners have shown they are not financially responsible when they have shown a disregard in the management of their own financial condition. A determination that an owner, officer, director or partner has not shown financial responsibility may include, but not be limited to:

a. current outstanding judgments, except judgments solely as a result of medical expenses,

b. current outstanding tax liens or other government liens and filings,

c. foreclosures within the past three (3) years, or

d. a pattern of seriously delinquent accounts within the past three (3) years;

4. The applicant has filed a bond in the amount of One Hundred Thousand Dollars ($100,000.00) securing the applicant's or licensee's faithful performance of all duties and obligations of a licensee. The bond shall meet the following requirements:

a. the bond shall be in a form acceptable to the Administrator,

b. the bond shall be issued by an insurance company authorized to conduct business in this state,

c. the bond shall be payable to the Department of Consumer Credit,

d. the bond is continuous in nature and shall be maintained at all times as a condition of licensure,

e. the bond may not be terminated without thirty (30) days' prior written notice to the Administrator and approval of the Administrator,
f. the bond shall be available for the recovery of expenses, civil penalties and fees assessed pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act and for losses or damages which are determined by the Administrator to have been incurred by any borrower or consumer as a result of the applicant's or licensee's failure to comply with the requirements of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act,
g. when an action is commenced on a licensee's bond, the Administrator may require the filing of a new bond, and
h. whenever the principal sum of the bond is reduced by one or more recoveries or payments thereon, the licensee shall furnish a new or additional bond so that the total or aggregate principal sum of such bond or such bonds shall equal One Hundred Thousand Dollars ($100,000.00) or shall furnish an endorsement duly executed by the corporate surety reinstating the bond to the required principal sum;

5. The applicant has a net worth of at least Twenty-five Thousand Dollars ($25,000.00) as reflected by an audited financial statement prepared by a certified public accountant in accordance with generally accepted accounting principles that is accompanied by an opinion acceptable to the Administrator and is dated within fifteen (15) months of the date of application;

6. The applicant has paid all required fees for issuance of the license. The license fees for a mortgage lender shall be in the same amount as license fees applicable to a mortgage broker;

7. Each mortgage lender applicant shall designate and maintain a principal place of business for the transaction of business. If the mortgage lender applicant engages in activity that satisfies the definition of a mortgage broker, the mortgage lender shall designate a licensed mortgage loan originator to oversee the mortgage loan origination operations of the principal place of business and any branch office location where the mortgage lender applicant engages in activity that satisfies the definition of a mortgage broker. If an applicant wishes to maintain one or more branch offices for the transaction of business in addition to a principal place of business, the applicant shall first register the branch office location with the Administrator. The applicant shall submit a fee as set forth in paragraph 8 of subsection K of Section 2095.6 of this title for each branch office registered. If the address of the principal place of business or of any branch office is changed, the

licensee shall immediately notify the Administrator of the change and the Administrator shall endorse the change of address on the license for a fee as prescribed in paragraph 9 of subsection K of Section 2095.6 of this title; and

8. A separate mortgage broker license is not required for a mortgage lender that engages in activity that satisfies the definition of a mortgage broker as provided in the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. A mortgage lender that engages in activity that satisfies the definition of a mortgage broker shall comply with all requirements of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act regarding mortgage brokers.

Added by Laws 2013, c. 98, § 6, eff. Nov. 1, 2013. Amended by Laws 2019, c. 363, § 71, eff. Nov. 1, 2019; Laws 2024, c. 218, § 10, eff. Nov. 1, 2024.

§59-2095.12. Minimum standards for mortgage broker license renewal.

A. The minimum standards for license renewal for mortgage brokers shall include the following:

1. The mortgage broker continues to meet the minimum standards for license issuance under Section 2095.11 of this title; and

2. The mortgage broker has paid all required fees for renewal of the license.

B. The license of a mortgage broker failing to satisfy the minimum standards for license renewal shall expire. The Administrator of Consumer Credit may adopt procedures in addition to the requirements of paragraph 12 of subsection K of Section 2095.6 of this title for the reinstatement of expired licenses consistent with the standards established by the Nationwide Multistate Licensing System and Registry.

Added by Laws 2009, c. 190, § 15, eff. July 1, 2009. Amended by Laws 2024, c. 218, § 11, eff. Nov. 1, 2024.

§59-2095.12.1. Minimum standards for license renewal of mortgage lenders.

A. The minimum standards for license renewal for mortgage lenders shall include the following:

1. The mortgage lender continues to meet the minimum standards for license issuance under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act; and

2. The mortgage lender has paid all required fees for renewal of the license.

B. The license of a mortgage lender failing to satisfy the minimum standards for license renewal shall expire. The Administrator of Consumer Credit may adopt procedures in addition to the requirements set forth in paragraph 12 of subsection K of Section 2095.6 of this title for the reinstatement of expired

licenses consistent with the standards established by the Nationwide Multistate Licensing System and Registry.
Added by Laws 2013, c. 98, § 7, eff. Nov. 1, 2013. Amended by Laws 2024, c. 218, § 12, eff. Nov. 1, 2024.

§59-2095.13. Participation in the Nationwide Mortgage Licensing System and Registry.

In addition to any other duties imposed upon the Administrator of Consumer Credit by law, the Administrator shall require mortgage brokers, mortgage lenders and mortgage loan originators to be licensed and registered through the Nationwide Multistate Licensing System and Registry. In order to carry out this requirement, the Administrator is authorized to participate in the Nationwide Multistate Licensing System and Registry. For this purpose, the Administrator, upon approval of the Commission on Consumer Credit, may establish requirements by rule as necessary and consistent with the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, including but not limited to:

1. Background checks for:
    a. criminal history through fingerprint or other databases,
    b. civil or administrative records,
    c. credit history, or
    d. any other information as deemed necessary by the Nationwide Multistate Licensing System and Registry;
2. The payment of fees to apply for or renew licenses through the Nationwide Multistate Licensing System and Registry;
3. The setting or resetting as necessary of renewal or reporting dates; and
4. Requirements for amending or surrendering a license or any other such activities as the Administrator deems necessary for participation in the Nationwide Multistate Licensing System and Registry.

Added by Laws 2009, c. 190, § 16, eff. July 1, 2009. Amended by Laws 2013, c. 98, § 8, eff. Nov. 1, 2013; Laws 2024, c. 218, § 13, eff. Nov. 1, 2024.

§59-2095.14. Rules for challenging information.

The Administrator of Consumer Credit shall, upon approval by the Commission on Consumer Credit, establish by rule a process whereby mortgage brokers, mortgage lenders and mortgage loan originators may challenge information entered into the Nationwide Multistate Licensing System and Registry by the Administrator.
Added by Laws 2009, c. 190, § 17, eff. July 1, 2009. Amended by Laws 2013, c. 98, § 9, eff. Nov. 1, 2013; Laws 2024, c. 218, § 14, eff. Nov. 1, 2024.

§59-2095.15. Written agreement with a lender - Disclosures - Copies and forwarding of appraisals and reports - Rules.

A. A mortgage broker or mortgage loan originator shall have a written correspondent or loan brokerage agreement with a lender before any solicitation of, or contracting with, the public.

B. Upon receipt of a loan application and before the receipt of any monies from a borrower, a mortgage broker or mortgage loan originator shall provide to a borrower the disclosures required by the Real Estate Settlement Procedures Act, 12 U.S.C., Section 2601 et seq. (RESPA) and Regulation X, 24 C.F.R., Section 3500.1 et seq., as promulgated by HUD. Compliance with the disclosure requirements mandated by RESPA and HUD's Regulation X constitutes compliance with this act.

C. If a borrower is unable to obtain or modify a loan for any reason and the borrower has paid for an appraisal, title report, or credit report, the mortgage broker or mortgage loan originator shall give a copy of the appraisal, title report, or credit report to the borrower and transmit the originals to any other mortgage broker or lender to whom the borrower directs that the documents be transmitted. The mortgage broker or mortgage loan originator must provide the copies or transmit the documents within five (5) business days after the borrower has made the request in writing.

D. 1. Except as otherwise permitted by this subsection, no mortgage broker or mortgage loan originator shall receive a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering or modification of a residential mortgage loan unless a borrower actually obtains a loan or has a loan modified from or by a lender on the terms and conditions agreed upon by the borrower and mortgage broker or mortgage loan originator.

2. If a mortgage broker, banker or mortgage loan originator has assisted a borrower in obtaining a residential mortgage loan and the borrower decides to refinance or sell the property in question, the lender shall be prohibited from charging back any fee income paid by the lender to the mortgage broker, banker or loan originator unless the mortgage broker, banker or loan originator is involved in such refinance.

3. A mortgage broker or mortgage loan originator may solicit or receive fees for third-party provider goods or services in advance and may solicit and receive a reasonable administrative fee to recoup administrative costs, provided such a fee shall be disclosed in advance and shall be consistent across all borrowers. The mortgage broker or mortgage loan originator may not charge more for the goods and services than the actual costs of the goods or services charged by the third-party provider.

E. The Commission on Consumer Credit, in accordance with the Administrative Procedures Act shall have the authority to adopt

rules not inconsistent with disclosures mandated by RESPA and HUD's Regulation X and which are within, but not beyond, the statutory scope and other provisions of this act to facilitate compliance with the disclosure and other requirements of this act.

F. The provisions of subsections B and C of this section shall not apply to a depository institution as defined in Section 5 of this act, its subsidiaries and affiliates or any employee or exclusive agent thereof.

Added by Laws 2009, c. 190, § 18, eff. July 1, 2009.

§59-2095.16. Trust account.

A. A mortgage broker or mortgage loan originator shall deposit, prior to the end of the next business day, all monies received from borrowers for third-party provider services in a trust account of a federally insured financial institution. The trust account shall be designated and maintained for the benefit of borrowers. Monies maintained in the trust account shall be exempt from execution, attachment, or garnishment. A mortgage broker or mortgage loan originator shall not in any way encumber the corpus of the trust account or commingle any other operating funds with trust account funds.

B. Withdrawals from the trust account shall be only for the payment of bona fide services rendered by a third-party provider or for refunds to borrowers. Any interest earned on the trust account shall be refunded or credited to the borrowers at closing. Any monies remaining in the trust account after payment to third-party providers shall be refunded to the borrower.

C. The mortgage broker or mortgage loan originator shall pay third-party providers no later than thirty (30) days after completion of the third-party service.

D. A mortgage broker or mortgage loan originator shall maintain accurate, current, and readily available records of the trust account until at least three (3) years have elapsed following the effective period to which the records relate. The records shall be subject to audit by the Administrator of Consumer Credit pursuant to an examination or investigation.

E. The provisions of this section shall not apply to a depository institution as defined in Section 2095.2 of this title, its subsidiaries and affiliates or any employee or exclusive agent thereof.

Added by Laws 2009, c. 190, § 19, eff. July 1, 2009. Amended by Laws 2010, c. 415, § 29, eff. July 1, 2010.

§59-2095.17. Penalties authorized - Cease and desist orders - Administrative hearings.

A. In order to ensure the effective supervision and enforcement of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing

Act, the Administrator of Consumer Credit may, after notice and hearing pursuant to Article II of the Administrative Procedures Act, impose any or any combination of the following penalties:

1. Deny, suspend, revoke, censure, place on probation or decline to renew a license for a violation of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, any rules promulgated pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act and any order of the Administrator or an independent hearing examiner issued pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act;

2. Deny, suspend, revoke, censure, place on probation or decline to renew a license if an applicant or licensee fails at any time to meet the requirements of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act or withholds information or makes a material misstatement in an application for a license or renewal of a license;

3. Order restitution against entities or individuals subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act for violations of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act; or

4. Issue orders or directives under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act as follows:

a. order or direct entities or individuals subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act to cease and desist from conducting business, including immediate temporary orders to cease and desist,

b. order or direct entities or individuals subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act to cease any harmful activities or violations of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, including immediate temporary orders to cease and desist,

c. enter immediate temporary orders to cease business under a license issued pursuant to the authority of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act if the Administrator or an independent hearing examiner determines that such license was erroneously granted or the licensee is currently in violation of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act,

d. order or direct such other affirmative action as the Administrator or an independent hearing examiner deems necessary, or

e. impose a civil penalty of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) for each violation of the

Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act against a licensee or any other entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, not to exceed Five Thousand Dollars ($5,000.00) for all violations resulting from a single incident or transaction.

B. Any immediate temporary order to cease and desist issued pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act shall comply with the requirements for emergency orders under Article II of the Administrative Procedures Act.

C. Any administrative order or settlement agreement imposing a civil penalty pursuant to this section may be enforced in the same manner as civil judgments in this state. The Administrator may file an application to enforce an administrative order or settlement agreement in the district court of Oklahoma County.

D. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. The independent hearing examiner shall have authority to recommend penalties authorized by the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. Any person aggrieved by a final agency order of the Administrator may obtain judicial review in accordance with the Oklahoma Administrative Procedures Act. The venue of any such action shall be in the district court of Oklahoma County. The costs of the hearing examiner may be assessed against the respondent, unless the respondent is the prevailing party. Added by Laws 2009, c. 190, § 20, eff. July 1, 2009. Amended by Laws 2010, c. 415, § 30, eff. July 1, 2010; Laws 2013, c. 98, § 10, eff. Nov. 1, 2013.

§59-2095.18. Specific violations.

It is a violation of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act for an entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act to:

1. Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any entity or individual;

2. Engage in any unfair or deceptive practice toward any entity or individual;

3. Obtain property by fraud or misrepresentation;

4. Solicit or enter into a contract with a borrower that provides in substance that the entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act may earn a fee or commission through "best efforts" to obtain or modify a loan even though a loan is not actually obtained or modified for the borrower;

5. Solicit, advertise or enter into a contract for specific interest rates, points or other financing terms unless the terms are actually available at the time of soliciting, advertising or contracting;

6. Conduct any business covered by the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act without holding a valid license as required under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act or assist or aide and abet any entity or individual in the conduct of business under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act without a valid license as required under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act;

7. Fail to make disclosures as required by the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act and any other applicable state or federal law including regulations thereunder;

8. Fail to comply with the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act or rules promulgated under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act or fail to comply with any other state or federal law, including any rules thereunder, applicable to any business authorized or conducted under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act;

9. Make, in any manner, any false or deceptive statement or representation, including, with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising;

10. Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the Nationwide Multistate Licensing System and Registry or in connection with any investigation conducted by the Administrator of Consumer Credit or another governmental agency;

11. Make any payment, threat or promise, directly or indirectly, to any entity or individual for the purposes of influencing the independent judgment of the entity or individual in connection with a residential mortgage loan or make any payment, threat or promise, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

12. Collect, charge, attempt to collect or charge or use or propose any agreement purporting to collect or charge any fee prohibited by the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act;

13. Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer; or

14. Fail to truthfully account for monies belonging to a party to a residential mortgage loan transaction.

Added by Laws 2009, c. 190, § 21, eff. July 1, 2009. Amended by Laws 2024, c. 218, § 15, eff. Nov. 1, 2024.

§59-2095.19. Fines - Injunctions and restraining orders.

A. In addition to any other penalties provided by law, any entity or individual without a license as required by the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act who engages in the business of a mortgage broker, mortgage lender or mortgage loan originator or who willingly and knowingly violates any provision of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, upon conviction, shall be guilty of a misdemeanor which shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00) for each violation. Each violation shall be a separate offense under this section.

B. In addition to any civil or criminal actions authorized by law, the Administrator of Consumer Credit, the Attorney General, or the district attorney may apply to the district court in the county in which a violation of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act has allegedly occurred for an order enjoining or restraining the entity or individual from continuing the acts specified in the complaint. The court may grant any temporary or permanent injunction or restraining order, without bond, as it deems just and proper.

Added by Laws 2009, c. 190, § 22, eff. July 1, 2009. Amended by Laws 2013, c. 98, § 11, eff. Nov. 1, 2013.

§59-2095.20. Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund - Reimbursement and payments.

A. 1. There is hereby created in the State Treasury a revolving fund for the Commission on Consumer Credit to be designated the "Oklahoma Mortgage Broker and Mortgage Loan Originator Recovery Fund". The fund shall consist of fees received by the Administrator of Consumer Credit to be paid into the fund.

2. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Administrator. Monies accruing to the credit of this fund are hereby appropriated and may be budgeted and expended by the Commission, pursuant to rules promulgated by the Commission,

for the purposes specified in subsection B of this section. The provisions of this paragraph shall have retroactive and prospective application.

3. 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. Subject to the limitations of this subsection, monies in the fund shall be used to reimburse any entity or individual in an amount not to exceed Ten Thousand Dollars ($10,000.00) who has been adjudged by a court of competent jurisdiction to have suffered monetary damages by an entity or individual required to have a license under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act in any transaction or series of transactions for which a license is required under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act because of the acquisition of money or property by fraud, misrepresentation, deceit, false pretenses, artifice, trickery, or by any other act which would constitute a violation of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act.

2. Payments for claims based on judgments against any one person required to have a license under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act shall not exceed in the aggregate Sixty Thousand Dollars ($60,000.00).

3. Payments for claims may only be made for a cause of action which has accrued on or after November 1, 1997, and which has accrued not more than two (2) years prior to filing the action in district court.

Added by Laws 2009, c. 190, § 23, eff. July 1, 2009. Amended by Laws 2012, c. 304, § 292; Laws 2024, c. 218, § 16, eff. Nov. 1, 2024.

§59-2095.21. Licensed mortgage loan originator continuing education requirements.

A. In order to meet the annual continuing education requirements as provided in subsection A of Section 2095.10 of this title, a licensed mortgage loan originator shall complete at least eight (8) hours of education approved as provided in subsection B of this section, which shall include at least:

1. Three (3) hours of federal law and regulations;

2. Two (2) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues; and

3. Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace.

B. For purposes of subsection A of this section, continuing education courses shall be reviewed and approved by the Nationwide Multistate Licensing System and Registry based upon reasonable

standards. Review and approval of a continuing education course shall include review and approval of the course provider.

C. Nothing in this section shall preclude any education course as approved by the Nationwide Multistate Licensing System and Registry that is provided by the employer of the mortgage loan originator or an entity which is affiliated with the mortgage loan originator by an agency contract or any subsidiary or affiliate of such employer or entity.

D. Continuing education may be offered either in a classroom, online or by any other means approved by the Nationwide Multistate Licensing System and Registry.

E. A licensed mortgage loan originator, except as provided in subsection B of Section 2095.10 of this title and subsection I of this section:

1. May only receive credit for a continuing education course in the year in which the course is taken; and

2. May not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

F. A licensed mortgage loan originator who is an approved instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of two (2) hours credit for every one (1) hour taught.

G. An individual having successfully completed the education requirements approved by the Nationwide Multistate Licensing System and Registry in paragraph 1 of subsection A and subsections B and C of this section for any state shall be accepted as credit towards completion of continuing education requirements in this state.

H. A licensed mortgage loan originator who subsequently becomes unlicensed must complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

I. An individual meeting the requirements of paragraphs 1 and 2 of subsection A of Section 2095.10 of this title may make up any deficiency in continuing education as established by rule.

Added by Laws 2009, c. 190, § 24, eff. July 1, 2009. Amended by Laws 2013, c. 98, § 12, eff. Nov. 1, 2013; Laws 2015, c. 320, § 5, eff. Nov. 1, 2015; Laws 2024, c. 218, § 17, eff. Nov. 1, 2024.

§59-2095.22. Supervisory information sharing.

In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing:

1. Except as otherwise provided in 12 U.S.C., Section 5111, the requirements under federal or Oklahoma law regarding the privacy or confidentiality of any information or material provided to the Nationwide Multistate Licensing System and Registry and any

privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the Nationwide Multistate Licensing System and Registry. Such information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal or Oklahoma law.

2. For these purposes, the Administrator of Consumer Credit is authorized to enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the American Association of Residential Mortgage Regulators or other associations representing governmental agencies.

3. Information or material that is subject to a privilege or confidentiality under paragraph 1 of this section shall not be subject to:

a. disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state, or

b. subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Multistate Licensing System and Registry with respect to such information or material, the entity or individual to whom such information or material pertains waives, in whole or in part, in the discretion of such entity or individual, that privilege.

4. Any provision of Oklahoma law relating to the disclosure of confidential supervisory information or any information or material described in paragraph 1 of this section that is inconsistent with paragraph 1 of this section shall be superseded by the requirements of this section.

5. This section shall not apply with respect to the information or material relating to the employment history of and publicly adjudicated disciplinary and enforcement actions against mortgage brokers and mortgage loan originators that is included in the Nationwide Multistate Licensing System and Registry for access by the public.

Added by Laws 2009, c. 190, § 25, eff. July 1, 2009. Amended by Laws 2024, c. 218, § 18, eff. Nov. 1, 2024.

§59-2095.23. Authority to conduct investigations and examinations.

A. In addition to any authority allowed under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, the

Administrator of Consumer Credit shall have the authority to conduct investigations and examinations of the following:

1. Criminal, civil and administrative history information, including nonconviction data;

2. Personal history and experience information including independent credit reports obtained from a consumer reporting agency described in 15 U.S.C., Section 1681a(p);

3. The financial condition and internal management policies and procedures of any entity licensed or required to be licensed as a mortgage lender for purposes of determining that the entity is operating honestly, fairly and efficiently within the purposes of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act; and

4. Any other documents, information or evidence the Administrator deems relevant to the inquiry or investigation regardless of the location, possession, control or custody of such documents, information or evidence.

B. For the purposes of investigating violations or complaints arising under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act or for the purposes of examination, the Administrator may review, investigate or examine any licensee or entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, as often as necessary in order to carry out the purposes of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. The Administrator may direct, subpoena or order the attendance of and examine under oath all individuals whose testimony may be required about the loans or the business or subject matter of any such examination or investigation and may direct, subpoena or order such individual to produce books, accounts, records, files and any other documents the Administrator deems relevant to the inquiry. Any examination or investigation report and any information obtained during an examination or investigation shall not be subject to disclosure under the Oklahoma Open Records Act. However, any examination or investigation report and any information obtained during an examination or investigation shall be subject to disclosure pursuant to a court order and may also be disclosed in an individual proceeding and any order issued pursuant to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act.

C. Each licensee or entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act shall make available to the Administrator, upon request, any books and records relating to the requirements of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. The Administrator shall have access to such books and records and interview the officers, principals, mortgage loan originators, employees, independent contractors, agents and customers of the licensee,

entities or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act concerning the requirements of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act. Books and records shall be maintained for a period of time required by rule of the Administrator.

D. Each licensee or entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act shall make or compile reports or prepare other information as directed by the Administrator in order to carry out the purposes of this section including, but not limited to:

1. Accounting compilations;

2. Information lists and data concerning loan transactions in a format prescribed by the Administrator; or

3. Such other information deemed necessary to carry out the purposes of this section.

E. In making any examination or investigation authorized by the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, the Administrator may control access to any documents and records of the licensee or entity or individual under examination or investigation. The Administrator may take possession of the documents and records or place an entity or individual in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, no entity or individual shall remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the Administrator. Unless the Administrator has reasonable grounds to believe the documents or records of the licensee have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, the licensee or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

F. In order to carry out the purposes of this section, the Administrator may:

1. Retain attorneys, accountants, or other professionals and specialists as examiners, auditors or investigators to conduct or assist in the conduct of examinations or investigations;

2. Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures and documents, records, information or evidence obtained under this section;

3. Use, hire, contract or employ public or privately available analytical systems, methods or software to examine or investigate the licensee, entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act;

4. Accept and rely on examination or investigation reports made by other government officials, within or without this state;

5. Accept audit reports made by an independent certified public accountant for the licensee or entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation or other writing of the Administrator; or

6. Participate in multistate mortgage examinations as scheduled by the Multistate Mortgage Committee established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

G. The authority of this section shall remain in effect, whether such a licensee or entity or individual subject to the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act acts or claims to act under any licensing or registration law of this state or claims to act without such authority.

H. No licensee or entity or individual subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records, computer records or other information.

Added by Laws 2009, c. 190, § 26, eff. July 1, 2009. Amended by Laws 2010, c. 415, § 31, eff. July 1, 2010; Laws 2013, c. 98, § 13, eff. Nov. 1, 2013; Laws 2024, c. 218, § 19, eff. Nov. 1, 2024.

§59-2095.24. Submission of reports of condition.

Each licensee shall submit to the Nationwide Multistate Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Multistate Licensing System and Registry may require.

Added by Laws 2009, c. 190, § 27, eff. July 1, 2009. Amended by Laws 2024, c. 218, § 20, eff. Nov. 1, 2024.

§59-2095.25. Reporting of violations and enforcement actions.

Notwithstanding or subject to state privacy law, the Administrator of Consumer Credit is required to regularly report violations of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act as well as enforcement actions and other relevant information to the Nationwide Multistate Licensing System and Registry subject to the provisions contained in Section 2095.22 of this title.

Added by Laws 2009, c. 190, § 28, eff. July 1, 2009. Amended by Laws 2024, c. 218, § 21, eff. Nov. 1, 2024.

§59-2095.26. Repealed by Laws 2010, c. 415, § 41, eff. July 1, 2010.

§59-2095.27. Permitting employees and independent contractors to work at remote locations.

A licensee may permit its employees or independent contractors to work at remote locations in compliance with the licensee's written policies and procedures subject to the following conditions:

1. The licensee has written policies and procedures for supervision of employees and independent contractors working from remote locations;

2. Access to a licensee's platforms and customer information shall be in accordance with the licensee's comprehensive written information security plan;

3. No in-person customer interaction shall occur at an employee's or independent contractor's residence unless such residence is a licensed or registered location;

4. Physical records shall not be maintained at a remote location;

5. Interactions with and conversations about consumers shall be in compliance with federal and state information security requirements, including applicable provisions under the Gramm-Leach-Bliley Act and the Safeguards Rule established under the Federal Trade Commission, set forth in 16 CFR Part 314, as such may be amended from time to time;

6. Employees or independent contractors working at a remote location shall have access to the licensee's secure systems, including a cloud-based system, directly from any out-of-office device that such employee or independent contractor may use including, but not limited to, a laptop, mobile phone, desktop computer, or tablet, via a virtual private network, or comparable system, that ensures secure connectivity and requires passwords or forms of authentication to access;

7. The licensee shall ensure that appropriate security updates, patches, or other alterations to the security of all devices used at remote locations are installed and maintained;

8. The licensee shall have an ability to remotely lock or erase company-related contents of any device or other otherwise remotely limit all access to the licensee's secure systems; and

9. The Nationwide Multistate Licensing System and Registry record of a mortgage loan originator that works from a remote location shall designate the principal place of business as his or her registered location unless such mortgage loan originator elects to choose a licensed branch office as a registered location.

Added by Laws 2024, c. 218, § 22, eff. Nov. 1, 2024.

§59-2301. Short title.

This act shall be known and may be cited as the "Oklahoma Licensed Pedorthists Act".

Added by Laws 2001, c. 190, § 1, eff. Nov. 1, 2001.

§59-2302. Definitions.

As used in the Oklahoma Licensed Pedorthists Act:

1. "Accommodative device" means a device designed with a primary goal of conforming to the individual's anatomy;

2. "Board" means the State Board of Medical Licensure and Supervision;

3. "Certified Pedorthist (C. Ped.)" means a professional whose competence in the practice of pedorthics is attested to by issuance of a credential by the Board for Certification in Pedorthics;

4. "Committee" means the Advisory Committee on Pedorthics created by Section 5 of this act;

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

6. "Licensed Pedorthist" means a person who is licensed as required by the Oklahoma Licensed Pedorthists Act, who regularly practices pedorthics, and who is therefore entitled to represent himself or herself to the public by a title or description of services that includes the term "pedorthist";

7. "Pedorthic devices" means therapeutic shoes, shoe modifications made for therapeutic purposes, partial foot prostheses, and custom made orthoses, inserts, inlays or variants thereof for use from the ankle and below, but does not include nontherapeutic accommodative inlays or nontherapeutic accommodative footwear, regardless of method of manufacture, unmodified over-the-counter shoes, or prefabricated foot care products;

8. "Practice of pedorthics" means the practice, pursuant to a written prescription from a physician when addressing a medical condition, of evaluating, planning treatment, measuring, designing, fabricating, assembling, fitting, adjusting, managing of the patient, or servicing necessary to accomplish the application of a pedorthic device for the prevention or amelioration of painful and/or disabling conditions of the foot and ankle; and

9. "Therapeutic device" means a device that addresses a medical condition.

Added by Laws 2001, c. 190, § 2, eff. Nov. 1, 2001.

§59-2303. Persons to whom act does not apply.

The Oklahoma Licensed Pedorthists Act shall not apply to:

1. Physicians licensed by this state to practice medicine and surgery (M.D.), chiropractic (D.C.), osteopathy (D.O.), or podiatry (D.P.M.) when engaging in the practice or practices for which the person is licensed;

2. A person licensed by this state as a physical therapist when engaging in the practice for which licensed;

3. Persons whose competence is credentialed by a certifying agency recognized by the State Board of Medical Licensure and Supervision; or

4. The practice of pedorthics by:

a. a person who is employed by the United States government or any entity thereof while in the discharge of the employee's assigned duties,

b. a student enrolled in a school of pedorthics recognized by the Board, or

c. a student participating in a Board-recognized work experience program or internship in pedorthics.

Added by Laws 2001, c. 190, § 3, eff. Nov. 1, 2001.

§59-2304. Powers of Board of Medical Licensure and Supervision.

A. The State Board of Medical Licensure and Supervision is hereby authorized to adopt and promulgate rules, pursuant to the Oklahoma Administrative Procedures Act, that it deems necessary for the implementation and enforcement of the Oklahoma Licensed Pedorthists Act, including but not limited to, qualifications for licensure, qualifications for registration, renewals, reinstatements, continuing education requirements, and fees. In doing so the Board shall give utmost consideration to the recommendations of the Advisory Committee on Pedorthics.

B. The Board is hereby empowered to perform investigations, to require the production of records and other documents relating to practices regulated by the Oklahoma Licensed Pedorthists Act, and to seek injunctive relief.

Added by Laws 2001, c. 190, § 4, eff. Nov. 1, 2001.

§59-2305. Advisory Committee on Pedorthics – Members - Duties.

A. There is hereby established an Advisory Committee on Pedorthics, which shall consist of five (5) voting members to be appointed by the State Board of Medical Licensure and Supervision to three-year terms ending December 31; provided, initial appointments shall be staggered such that two members are appointed for one (1) year, two members are appointed for two (2) years, and one member is appointed for three (3) years.

B. One member shall be a licensed physician who is a member of the State Board of Medical Licensure and Supervision. One member shall be a physician licensed to practice podiatric medicine by the Board of Podiatric Medical Examiners. One member shall be a member of the public who is a consumer of pedorthic services. Two members shall be pedorthists certified by the American Board for Certification in Orthotics, Prosthetics and Pedorthics or pedorthists licensed by the State Board of Medical Licensure and Supervision.

C. Members shall serve until their successors are appointed and qualified; provided, no member shall serve more than eight (8) consecutive years or two full terms, whichever is greater.

D. The Committee shall annually elect a chair and vice chair from among the members. The chair or vice chair and two other members shall constitute a quorum. Members shall be reimbursed from funds available to the State Board of Medical Licensure and Supervision pursuant to the State Travel Reimbursement Act.

E. 1. The Committee shall advise the Board on matters pertaining to pedorthics, including but not limited to:

a. scope and standards of practice,
b. licensure and registration requirements, examination requirements, exceptions thereto, renewal requirements, temporary licensure or registration, and endorsement or reciprocity requirements,
c. methods and requirements for ensuring the continued competence of licensed and registered persons,
d. grounds for probation, revocation or suspension of license or registration, reinstatement provisions,
e. fees, and
f. all other matters which may pertain to the practice of pedorthics.

2. The Committee shall review and make recommendations to the Board on all applications for licensure and registration.

3. The Committee shall assist and advise the Board in all hearings related to the enforcement of the Oklahoma Licensed Pedorthists Act.

Added by Laws 2024, c. 27, § 1, eff. July 1, 2024.

§59-2306. Licensure and registration – Qualifications - Alternative qualification contracts - Licensure and registration without examination.

A. The State Board of Medical Licensure and Supervision, with the assistance of the Advisory Committee on Pedorthics, shall establish qualifications for licensure and registration under the Oklahoma Licensed Pedorthists Act. The Board shall also provide, as set forth herein, an alternative qualification licensure opportunity for current practitioners in this state and for practitioners coming into this state prior to November 1, 2004, who are unable to meet standard qualifications.

B. To be licensed to practice pedorthics according to standard qualifications, a person shall have passed all examinations required for certification by an entity approved by the Board as a certification organization for licensure purposes. Once licensed, a pedorthist shall meet continuing education and annual renewal requirements to maintain pedorthic licensure. The licensed pedorthist shall also adhere to a code of ethics adopted by the

Board upon recommendation of the Committee. Absent another professional certification or credential, a licensed pedorthist shall not diagnose, prescribe, provide prognosis, perform invasive procedures, or make, without a prescription, any custom or customized shoe, device, or modification addressing a medical condition.

C. To be licensed under alternative qualification a person shall:

1. Pass an examination, which may be an available examination designated by the State Board of Medical Licensure and Supervision or an examination developed by the Board; or

2. Enter into an alternative qualification contract with the State Board of Medical Licensure and Supervision, the conditions of which shall be based on the Board's evaluation of the applicant's experience and the Board's determination of further experience needed or other requirements to be met, which contract shall specify a period of time not to exceed ten (10) years for completion of the further experience or requirements.

D. Upon execution of the alternative qualification contract, the Board shall issue a license and shall renew the license subject to the licensee’s making satisfactory progress as required by the contract. Persons who satisfactorily complete the alternative qualification contract shall be thereafter considered as having met the qualification necessary for license renewal.

E. No person shall be permitted to enter into an alternative qualification contract after October 31, 2004. A person who has not done so by October 31, 2004, shall not be issued a license to practice pedorthics without meeting standard qualifications.

F. Notwithstanding any other provision of this section, a person who has practiced full time during the three-year period immediately preceding the effective date of this act in a pedorthic facility as a pedorthist, may file an application with the Board within ninety (90) days from the effective date of this act for permission to continue to practice at his or her identified level of practice. The Board, after verifying the applicant’s work history and receiving payment of the application fee as established pursuant to this act, shall without examination of the applicant, issue the applicant a license or certificate of registration. For making investigations necessary to verify the work history, the Board may require that the applicant complete a questionnaire regarding the work history and scope of practice. The Board shall take no more than six (6) months to make the investigations necessary to verify the work history. Applicants applying after the ninety-day application period of this subsection has expired, shall meet the qualifications elsewhere set forth for standard or alternative qualification for licensure or for registration as determined by the Board.

Added by Laws 2001, c. 190, § 6, eff. Nov. 1, 2001. Amended by Laws 2008, c. 149, § 4, emerg. eff. May 12, 2008.

§59-2307. Circumstances under which care or services may be provided - Practice without license or registration - Fines.

A. A licensed pedorthist may only provide care or services pursuant to an order from a licensed podiatrist, physician, or chiropractor, when addressing a medical condition, or when evaluating, planning treatment, measuring, designing, fabricating, assembling, fitting, adjusting, managing of the patient, or servicing necessary to accomplish the application of a pedorthic device for the prevention or amelioration of painful or disabling conditions of the foot and ankle.

B. Effective January 1, 2002, any person who holds himself or herself out to be a pedorthist or uses the title pedorthist or common variants of that title without holding an appropriate license issued by the State Board of Medical Licensure and Supervision, or who, without being registered by the Board, dispenses pedorthic devices, or who is in violation of any provision of the Oklahoma Licensed Pedorthists Act shall be subject to an administrative fine for each day found to be in violation. The amount of any fine shall be determined by the Board within limits set by the Board pursuant to rules adopted and promulgated by the Board and may be in addition to any other penalty provided by the Board or otherwise provided by law.

Added by Laws 2001, c. 190, § 7, eff. Nov. 1, 2001.

§59-2308. Public roster of names and addresses.

The State Board of Medical Licensure and Supervision shall maintain a current roster of the names and addresses of all persons licensed or registered pursuant to the Oklahoma Licensed Pedorthists Act and of all persons whose licenses or registrations have been suspended or revoked pursuant to the act. This roster shall be a public document available pursuant to the Oklahoma Open Records Act.

Added by Laws 2001, c. 190, § 8, eff. Nov. 1, 2001.

§59-3001. Short title.

This act shall be known and may be cited as the "Orthotics and Prosthetics Practice Act".

Added by Laws 2001, c. 158, § 1, eff. Nov 1, 2001.

§59-3002. Definitions.

As used in the Orthotics and Prosthetics Practice Act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Committee" means the Advisory Committee on Orthotics and Prosthetics;

3. "Licensed orthotist" means a person licensed under the Orthotics and Prosthetics Practice Act to practice orthotics and who is entitled to represent himself or herself to the public by a title or description of services that includes the term "orthotic" or "orthotist";

4. "Licensed prosthetist" means a person licensed under the Orthotics and Prosthetics Practice Act to practice prosthetics and who is entitled to represent himself or herself to the public by a title or description of services that includes the term "prosthetic" or "prosthetist";

5. "Orthosis" means a custom-fabricated or custom-fitted brace or support designed to provide for alignment, correction, or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, not excluding those of the foot; provided, however, "orthosis" does not include soft goods such as fabric or elastic supports, corsets, arch supports, low-temperature plastic splints, trusses, elastic hose, canes, crutches, soft cervical collars, dental appliances, or essentially equivalent devices commonly sold as over-the-counter items requiring no professional advice or judgment in either size selection or use;

6. "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis under a prescription from a licensed physician for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity;

7. "Orthotist" means a person who evaluates, measures, designs, fabricates, assembles, fits, adjusts, or services an orthosis as prescribed by a licensed physician for the support or correction of disabilities caused by neuro-musculoskeletal diseases, injuries, or deformities;

8. "Prosthesis" means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or another external human body part including an artificial limb, hand, or foot; provided, however, "prosthesis" does not include artificial eyes, ears, fingers, toes, dental applicances, cosmetic devices such as artificial breasts, eyelashes, or wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body;

9. "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing prostheses under a prescription from a licensed physician;

10. "Prosthetist" means a person who evaluates, measures, designs, fabricates, fits, or services a prosthesis as prescribed by a licensed physician for the replacement of external parts of the human body lost due to amputation or congenital deformities or absences;

11. "Registered prosthetist/orthotist assistant" means a person registered under the Orthotics and Prosthetics Practice Act who, under the direct supervision of a licensed orthotist or prosthetist, assists with patient care services or the fabrication of orthoses or prostheses;

12. "Registered prosthetic/orthotic technician" means a person registered under the Orthotics and Prosthetics Practice Act who, under the direct supervision of a licensed orthotist or prosthetist, assists with the fabrication of orthoses or prostheses but who does not provide direct patient care; and

13. "Resident" means a person who has completed an education program in either orthotics or prosthetics recognized by the Board and is continuing clinical education in a residency recognized by the Board and accredited by the National Commission on Orthotic and Prosthetic Education or other accrediting group recognized by the Board.

Added by Laws 2001, c. 158, § 2, eff. Nov 1, 2001.

§59-3003. Persons to whom act does not apply.

The Orthotics and Prosthetics Practice Act shall not apply to:

1. Persons licensed by this state as practitioners of the healing arts when engaging in the practice or practices for which licensed;

2. A person who is employed by the government of the United States or any entity thereof while in the discharge of the employee's assigned duties;

3. A student enrolled in a school of orthotics or prosthetics recognized by the State Board of Medical Licensure and Supervision or a resident as defined by Section 3002 of this title who is continuing clinical education;

4. A person licensed by this state as a physical therapist, occupational therapist, or physician assistant when engaging in the practice for which licensed;

5. A person certified by the Board for Certification in Pedorthics when practicing pedorthics at the ankle or below; or

6. A person engaged in the practice of orthotics as an employee or authorized representative of an orthotics manufacturer with employment responsibilities that include, but are not limited to, evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, training, repairing, replacing or delivering an orthotic device under order, direction or prescription of a physician or health-care provider operating within the licensed scope of practice of such physician or health-care provider.

Added by Laws 2001, c. 158, § 3, eff. Nov 1, 2001. Amended by Laws 2004, c. 523, § 13, emerg. eff. June 9, 2004; Laws 2005, c. 357, § 2, emerg. eff. June 6, 2005.

NOTE: Laws 2005, c. 285, § 3 repealed by Laws 2006, c. 16, § 43, emerg. eff. March 29, 2006.

§59-3004. Rules – Investigations - Injunctions.

A. The State Board of Medical Licensure and Supervision is hereby authorized to adopt and promulgate rules, pursuant to the Administrative Procedures Act, that it deems necessary for the implementation and enforcement of the Orthotics and Prosthetics Practice Act, including but not limited to, qualifications for licensure, qualifications for registration, renewals, reinstatements, continuing education requirements, and fees. In so doing the Board shall give utmost consideration to the recommendations of the Advisory Committee on Orthotics and Prosthetics created by Section 5 of this act.

B. The Board is hereby empowered to perform investigations, require the production of records and other documents relating to practices regulated by the Orthotics and Prosthetics Practice Act, and seek injunctive relief.

Added by Laws 2001, c. 158, § 4, eff. Nov. 1, 2001.

§59-3005. Advisory Committee on Orthotics and Prosthetics - Assistance and advice to the Board.

A. There is hereby established an Advisory Committee on Orthotics and Prosthetics, which shall consist of seven (7) voting members to be appointed by the State Board of Medical Licensure and Supervision to three-year terms ending December 31; provided, initial appointments shall be staggered such that two members are appointed for one (1) year, two members are appointed for two (2) years, and three members are appointed for three (3) years.

B. One member shall be a licensed physician who is a member of the State Board of Medical Licensure and Supervision. Two members shall be lay persons who are consumers of orthotic or prosthetic services. Two members shall be licensed orthotists, not more than one of whom may also be a licensed prosthetist. Two members shall be licensed prosthetists, not more than one of whom may also be a licensed orthotist; provided, licensure under the Orthotics and Prosthetics Practice Act not being possible until the act is implemented, two of the initial appointees to positions requiring licensure as an orthotist or prosthetist shall, in lieu of licensure, be certified by the American Board for Certification in Orthotics, Prosthetics and Pedorthics and two shall be certified in orthotics or prosthetics by the Board of Certification/Accreditation.

C. Members shall serve until their successors are appointed and qualified; provided, no member shall serve more than eight (8) consecutive years or two full terms, whichever is greater.

D. The Committee shall annually elect a chair and vice chair from among the members required to be licensed. The chair or vice chair and three other members shall constitute a quorum. Members shall be reimbursed from funds available to the State Board of Medical Licensure and Supervision pursuant to the State Travel Reimbursement Act.

E. 1. The Committee shall advise the Board on matters pertaining to orthotics and prosthetics, including, but not limited to:

a. scope and standards of practice,
b. licensure and registration requirements, examination requirements, exceptions thereto, renewal requirements, temporary licensure or registration, and endorsement or reciprocity requirements,
c. methods and requirements for ensuring the continued competence of licensed and registered persons,
d. grounds for probation, revocation, or suspension of license or registration, reinstatement provisions,
e. fees, and
f. all other matters which may pertain to the practice of orthotics or prosthetics.

2. The Committee shall review and make recommendations to the Board on all applications for licensure and registration.

3. The Committee shall assist and advise the Board in all hearings related to the enforcement of the Orthotics and Prosthetics Practice Act.

Added by Laws 2001, c. 158, § 5, eff. Nov. 1, 2001. Amended by Laws 2007, c. 22, § 1; Laws 2013, c. 347, § 1; Laws 2019, c. 465, § 1; Laws 2021, c. 558, § 10, eff. July 1, 2021; Laws 2024, c. 27, § 2, eff. July 1, 2024.

§59-3006. Qualifications for licensure and registration - Alternative requirements – Temporary licensure without examination.

A. The State Board of Medical Licensure and Supervision, with the assistance of the Advisory Committee on Orthotics and Prosthetics, shall establish qualifications for licensure and registration under the Orthotics and Prosthetics Practice Act. Until November 1, 2004, the Board shall provide, as set forth herein, an alternative qualification licensure opportunity for current practitioners in this state who are unable to meet standard qualifications. Persons meeting the qualifications of more than one discipline may be licensed in more than one discipline.

B. To be licensed to practice orthotics or prosthetics according to standard qualifications, a person shall:

1. Demonstrate certification by the Board for Orthotist/Prosthetist Certification (BOC), or the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC); or

2. a. Possess a baccalaureate degree from an institution of higher education accredited by a general accrediting agency recognized by the Oklahoma State Regents for Higher Education;
b. Have completed an orthotic or prosthetic education program that meets or exceeds the requirements, including clinical practice, of the Commission on Accreditation of Allied Health Education Programs;
c. Have completed a clinical residency in the professional area for which the license is sought that meets or exceeds the standards, guidelines, and procedures for residencies of the National Commission on Orthotic and Prosthetic Education or of any other such group that is recognized by the State Board of Medical Licensure and Supervision; and
d. Demonstrate attainment of internationally accepted standards of orthotic and prosthetic care as outlined by the International Society of Prosthetics and Orthotics professional profile for Category I orthotic and prosthetic personnel.

C. To be licensed to practice orthotics or prosthetics under alternative qualification requirements, a person shall:

1. Pass an examination in the area of licensure, which may be an available examination designated by the State Board of Medical Licensure and Supervision or an examination developed by the Board; and

2. Execute an alternative qualification contract with the State Board of Medical Licensure and Supervision the conditions of which shall be based on the Board's evaluation of the applicant's experience and the Board's determination of further experience needed or other requirements to be met, which contract shall specify a period of time not to exceed ten (10) years for completion of the further experience or requirements.

D. Upon execution of the alternative qualification contract, the Board shall issue a license and shall renew the license subject to the licensee's making satisfactory progress as required by the contract. Persons who satisfactorily complete the alternative qualification contract shall be thereafter considered as having met the qualifications necessary for license renewal.

E. No person shall be permitted to enter into an alternative qualification contract after October 31, 2004. A person who has not done so by October 31, 2004, shall not be issued a license to practice orthotics or prosthetics without meeting standard qualifications.

F. Notwithstanding any other provision of this section, a person who has practiced full time during the three-year period preceding the effective date of this act in a prosthetic or orthotic

facility as a prosthetist or orthotist and has a high school diploma or equivalent, or who has practiced as an assistant or technician, may file an application with the Board within ninety (90) days from the effective date of this act for permission to continue to practice at his or her identified level of practice. The Board, after verifying the applicant's work history and receiving payment of the application fee as established pursuant to this act, shall, without examination of the applicant, issue the applicant a license or certificate of registration. To make the investigations necessary to verify the applicant's work history, the Board may require that the applicant complete a questionnaire regarding the work history and scope of practice. The Board shall take no more than six (6) months to verify the work history. Applicants applying after the ninety-day application period of this subsection has expired shall meet the qualifications elsewhere set forth for standard or alternative qualification for licensure or for registration as determined by the Board.

G. The Board may authorize the Board Secretary to issue a temporary license for up to two (2) years to individuals who have graduated from a program and completed their residency as outlined in subsection B of this section, but not yet passed the licensure exam. A temporary license authorizing practice under supervision shall be granted only when the Board Secretary is satisfied as to the qualifications of the applicant to be licensed under the Orthotics and Prosthetics Practice Act except for examination. A temporary license shall be granted only to an applicant demonstrably qualified for a full and unrestricted license under the requirements set by the Orthotics and Prosthetics Practice Act and the rules of the Board.

Added by Laws 2001, c. 158, § 6, eff. Nov. 1, 2001. Amended by Laws 2009, c. 261, § 9, eff. July 1, 2009.

§59-3007. Prescription from licensed physician required - Penalties for practicing without license.

A. A licensed orthotist may only provide care or services pursuant to a prescription from a licensed physician. A licensed prosthetist may only provide care or services pursuant to a prescription from a licensed physician.

B. Effective July 1, 2002, any person who holds himself or herself out as an orthotist or prosthetist or uses the titles Orthotist, Prosthetist, Orthotist/Prosthetist, or common variants of those titles without holding an appropriate license issued by the State Board of Medical Licensure and Supervision, or who, without being registered by the Board, represents himself or herself to be a prosthetic/orthotic technician, or prosthetist/orthotist assistant, or who is in violation of any provision of the Orthotics and Prosthetics Practice Act shall be subject to an administrative fine

for each day found to be in violation. The amount of any fine shall be determined by the Board within limits set by the Board pursuant to rules adopted and promulgated by the Board and may be in addition to any other penalty provided by the Board or otherwise provided by law.
Added by Laws 2001, c. 158, § 7, eff. Nov. 1, 2001.

§59-3008. Roster of names and addresses.
The State Board of Medical Licensure and Supervision shall maintain a current roster of the names and addresses of all persons licensed or registered pursuant to the Orthotics and Prosthetics Practice Act and of all persons whose licenses or registrations have been suspended or revoked. This roster shall be a public document available pursuant to the Oklahoma Open Records Act.
Added by Laws 2001, c. 158, § 8, eff. Nov. 1, 2001.

§59-3009. Repealed by Laws 2006, c. 207, § 7, eff. Nov. 1, 2006.

§59-3010. Repealed by Laws 2006, c. 207, § 7, eff. Nov. 1, 2006.

§59-3011. Repealed by Laws 2006, c. 207, § 7, eff. Nov. 1, 2006.

§59-3020. Short title.
This act shall be known and may be cited as the "Elevator Safety Act".
Added by Laws 2006, c. 207, § 1, eff. Nov. 1, 2006.

§59-3021. Legislative findings - Elevator mechanic's license required - Temporary cessation of operation - Hearings - Registration of elevator - Exemptions - Other laws - Interference with Commissioner.
A. The Legislature, finding that the protection of public health and safety requires that elevators and similar devices be installed, maintained, and regularly inspected in compliance with recognized safety standards and codes, declares that elevator contractors, elevator mechanics, and elevator inspectors shall be licensed by this state pursuant to the Elevator Safety Act.
B. 1. Except as otherwise provided for by the Elevator Safety Act or rules promulgated pursuant thereto, no person shall erect, construct, install, wire, alter, replace, maintain, remove, repair, or dismantle any elevator unless the person holds a valid elevator mechanic's license pursuant to the Elevator Safety Act and is employed by a person or business entity licensed as an elevator contractor pursuant to the Elevator Safety Act.
2. Whenever an emergency exists in this state due to disaster, act of God or work stoppage, and the number of persons in the state holding licenses issued by the Commissioner of Labor is insufficient

to cope with the emergency, licensed elevator contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall apply for an emergency elevator mechanic license from the Department of Labor within five (5) business days after commencing work requiring a license. The Commissioner shall issue emergency elevator mechanic licenses. The licensed elevator contractor shall furnish proof of competency as the Commissioner may require. Each such license shall state that it is valid for a period of forty-five (45) days from the date thereof and for such particular elevators or geographical areas as the Commissioner may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic license issued pursuant to the Elevator Safety Act. The Commissioner shall renew an emergency elevator mechanic license upon proper application during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic license or renewal thereof.

3. A licensed elevator contractor shall notify the Commissioner of Labor when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Commissioner issue temporary elevator mechanic licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have any combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately apply for a temporary elevator mechanic license from the Commissioner and shall pay such fee as the Commissioner shall determine. Each such license shall state that it is valid for a period not to exceed thirty (30) days and while employed by the licensed elevator contractor that certified the individual as qualified. The Commissioner shall renew such licenses upon proper application and payment of any required fees as long as the shortage of license holders shall continue.

4. The Commissioner of Labor or an authorized representative may issue a written order for the temporary cessation of operation of an elevator if it has been determined after inspection to be hazardous, unsafe, or in violation of any provisions of the Elevator Safety Act or rules promulgated by the Commissioner. Operations shall not resume until such conditions are corrected to the satisfaction of the Commissioner. The Commissioner or an authorized representative may inspect any elevator without notice. The Commissioner or an authorized representative may issue a written order for the temporary cessation of any licensing violations and/or

any violations of any rule or order promulgated pursuant to the provisions of the Elevator Safety Act.

5. Any alleged violator of paragraph 2 of this subsection shall be afforded an opportunity for a fair and swift administrative hearing. The hearing may be conducted by the Commissioner or his/her designated hearing officer in conformity with, and records made thereof as provided by, Sections 308a through 323 of Title 75 of the Oklahoma Statutes.

6. Any order issued by the Commissioner or an authorized representative may be enforced in the district court in an action for an injunction or writ of mandamus upon the petition of the district attorney or Attorney General, upon the request of the Commissioner. Provided further, an injunction without bond may be granted by the district court to the Commissioner, for the purpose of enforcing the Elevator Safety Act.

C. Except as otherwise provided by the Elevator Safety Act, every elevator in this state shall be subject to the provisions as required by the Elevator Safety Act. The owner or lessee of every elevator in service or put into service shall register the elevator with the Department of Labor, giving the type, rated load and speed, name of manufacturer, location of the elevator, and purpose for which used, as well as such other information as the Commissioner of Labor may require. Elevators newly constructed or installed shall be registered and inspected before being put into service.

D. The provisions of the Elevator Safety Act shall not apply to elevators that are:

1. In or adjacent to buildings or excavations owned by and/or under the operational control of the government of the United States or located on federal property and/or a sovereign tribal nation. Such elevators shall be inspected if the authorized representative of the owner request such an inspection in writing and agrees to pay inspection fees established pursuant to the Elevator Safety Act;

2. In an existing owner-occupied private residence or an existing building of not more than two floors owned by a municipal public trust that is used solely for independent living apartments for persons sixty-two (62) years of age or older; provided, such elevators shall be inspected if the property owner so requests and pays inspection fees established pursuant to the Elevator Safety Act. Inspection of an elevator pursuant to this paragraph shall not cause any other provision of the Elevator Safety Act to apply to the owner with respect to the private residence or building; or

3. Located in or adjacent to a building or structure within a manufacturing, utility or industrial facility. Such elevators shall be inspected if the authorized representative of the facility requests such an inspection in writing and agrees to pay inspection fees established pursuant to the Elevator Safety Act.

E. Nothing in the Elevator Safety Act shall be construed as prohibiting municipalities, counties, or other political subdivisions of the state from enacting and enforcing licensure requirements or safety standards exceeding those required by the Elevator Safety Act.

F. Provisions of Section 863.1 et seq. of Title 19 of the Oklahoma Statutes that are in conflict with provisions of the Elevator Safety Act shall prevail over provisions of the Elevator Safety Act unless the provisions of Section 863.1 et seq. of Title 19 of the Oklahoma Statutes are less stringent than the provisions of the Elevator Safety Act.

G. No person, firm, or corporation shall interfere with, obstruct, or hinder by force or otherwise the Commissioner of Labor or an authorized representative while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the laws over which he or she has supervision under the provisions of the Elevator Safety Act, or refuse them admittance to any place where an elevator is located which is affected by the Elevator Safety Act.

Added by Laws 2006, c. 207, § 2, eff. Nov. 1, 2006. Amended by Laws 2008, c. 4, § 16, eff. Nov. 1, 2008; Laws 2008, c. 312, § 16, eff. Nov. 1, 2008; Laws 2009, c. 2, § 15, emerg. eff. March 12, 2009; Laws 2010, c. 230, § 1, eff. Nov. 1, 2010; Laws 2018, c. 46, § 1, eff. Nov. 1, 2018.

NOTE: Laws 2008, c. 260, § 4 repealed by Laws 2009, c. 2, § 16, emerg. eff. March 12, 2009.

§59-3022. Definitions.

As used in the Elevator Safety Act:

1. "Agency" means the Oklahoma Department of Labor;

2. "Certificate of operation" means a document issued by the Commissioner and affixed to an elevator that indicates that the elevator has been inspected and tested and found to be in compliance with all applicable standards of operation as determined by the Department of Labor;

3. "Certificate of operation - temporary" means a document issued by the Commissioner that permits temporary use of a noncompliant elevator by the general public for not more than thirty (30) days while minor repairs are being completed;

4. “Commissioner” means the Commissioner of Labor or his/her authorized representative;

5. “Chief elevator inspector” means the chief elevator inspector appointed under the Elevator Safety Act;

6. "Deputy inspector" means an inspector appointed by the chief elevator inspector subject to the approval of the Commissioner under the provisions of the Elevator Safety Act;

7. a. "Elevator" means any device for lifting or moving people, cargo, or freight within, or adjacent and connected to, a structure or excavation, and includes any escalator, power-driven stairway, moving walkway or stairway chair lift.

b. The term "elevator" does not mean any:

(1) amusement ride or device subject to inspection and regulation under the provisions of Section 460 et seq. of Title 40 of the Oklahoma Statutes,

(2) mining equipment subject to inspection and regulation by the Department of Mines,

(3) aircraft, railroad car, boat, barge, ship, truck, or other self-propelled vehicle or component thereof,

(4) boiler grate stoker or other similar firing mechanism subject to inspection under the provisions of the Oklahoma Boiler and Pressure Vessel Safety Act,

(5) dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar devices used for the primary purpose of elevating or lowering materials, or

(6) elevator, conveyance, manlift or similar device in grain elevators, grain warehouses, seed processing facilities, feed mills and/or flour mills which is used by employees, but is not accessible to or used by customers or members of the general public.

This list is not exhaustive;

8. "Elevator apprentice" means an unlicensed person registered with the Department of Labor who works under the direct supervision of a licensed elevator mechanic, licensed elevator contractor, or licensed elevator inspector;

9. "Licensed elevator contractor" means a person or business entity that possesses a valid elevator contractor's license issued by the Department of Labor pursuant to the provisions of the Elevator Safety Act and is thus entitled to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators;

10. "Licensed elevator inspector" means a person who possesses a valid elevator inspector's license issued by the Department of Labor pursuant to the provisions of the Elevator Safety Act and is thus entitled to engage in the business of inspecting elevators;

11. "Licensed elevator mechanic" means a person who possesses a valid elevator mechanic's license issued by the Department of Labor in accordance with the provisions of the Elevator Safety Act and is thus, when employed by a licensed elevator contractor, entitled to

install, construct, alter, service, repair, perform electrical work on, test, and maintain elevators; and

12. "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling that is occupied by members of a single-family unit.

Added by Laws 2006, c. 207, § 3, eff. Nov. 1, 2006. Amended by Laws 2007, c. 42, § 5, eff. Jan. 1, 2008.

NOTE: Laws 2007, c. 38, § 1 repealed by Laws 2008, c. 3, § 31, emerg. eff. Feb. 28, 2008.

§59-3023. Elevator Inspection Bureau - Adoption and promulgation of rules – Inspections.

A. There is hereby established an Elevator Inspection Bureau in the Department of Labor under the direction of the chief elevator inspector, who shall be responsible to the Commissioner of Labor or a duly authorized representative for the supervision, inspection, alteration, installation, testing, and maintenance of elevators and other such devices within the definitions of the Elevator Safety Act.

The Elevator Inspection Bureau shall be furnished with sufficient personnel, deputy inspectors, and clerical aids to perform the assigned duties within the limits prescribed by the Commissioner of Labor.

The chief elevator inspector and deputy inspectors, under the supervision of the Commissioner of Labor, shall:

1. Take action necessary for the enforcement of the Elevator Safety Act and these rules;

2. Make available upon request copies of the rules promulgated by the agency; and

3. Issue, suspend or revoke for cause certificates, licenses, and registrations as may be issued by the provisions of the Elevator Safety Act, and administer other disciplinary actions as prescribed in rules as promulgated by the Commissioner of Labor.

B. The Commissioner of Labor is authorized to adopt and promulgate rules pursuant to the Administrative Procedures Act. Definitions, rules, and regulations so adopted shall be based upon and follow generally accepted national engineering standards, formula, and practices. The Commissioner of Labor may adopt an existing American national standard known as the Safety Code for Elevators and Escalators of the American Society of Mechanical Engineers (ASME).

C. Under the provisions of the Elevator Safety Act, the Commissioner of Labor is responsible to provide rules for the safety of life, limb, and property and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules. Inspection during construction and installation shall certify as to the minimum requirements for safety

as defined in the American Society of Mechanical Engineers Code or other construction standards acceptable to the Commissioner of Labor. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions such as:

1. History of previous experience, previous records of inspection, performance, and maintenance;

2. Location, with respect to personnel hazard;

3. Quality of inspection and operating personnel;

4. Provisions for related safe operating controls; and

5. Interrelation with other operations outside the scope of the Elevator Safety Act.

D. Inspections required by the Elevator Safety Act shall be conducted by inspectors licensed by the Department of Labor.

E. Inspections conducted for the issuance of a certificate of operation for new nonresidential installations shall be performed by the Commissioner or his or her designee.

F. Periodic inspections shall be performed by:

1. A licensed third party inspector who at the time of inspection possesses a valid elevator inspector's license issued by the Department of Labor;

2. An elevator inspector employed by the liability insurance company of record of the owner of the elevator or device who at the time of inspection is in possession of a valid elevator inspector's license issued by the Department of Labor; or

3. An elevator inspector employed by the Department of Labor.

G. Elevator Inspectors, not employed by the Department of Labor, shall submit to the Commissioner of Labor, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in this state to provide general liability coverage of a least One Million Dollars ($1,000,000.00) for injury or death of any number of persons in any one occurrence, with the coverage of at least Five Hundred Thousand Dollars ($500,000.00) for property damage in any one occurrence and proof of workers' compensation coverage.

H. Elevators, escalators, and other such devices within the definitions of the Elevator Safety Act shall receive an inspection for the purpose of obtaining a certificate of operation:

1. Two-floor to four-floor elevator units, not to exceed two (2) years;

2. Any wire-rope elevator, regardless of floors, annually;

3. Escalators and moving walkways, annually;

4. Wheelchair lifts, triennially;

5. Temporary elevators shall be inspected at each erection and every ninety (90) days or as the code requires; and

6. Any elevator or other such device subject to the provisions of the Elevator Safety Act located in a structure whose occupants

are mobility restricted, such as hospitals, nursing homes, and residential care facilities, shall be inspected annually.
Added by Laws 2006, c. 207, § 4, eff. Nov. 1, 2006. Amended by Laws 2008, c. 312, § 17, eff. Nov. 1, 2008; Laws 2016, c. 93, § 9, eff. Nov. 1, 2016; Laws 2018, c. 46, § 2, eff. Nov. 1, 2018.

§59-3023.1. Application for Elevator Inspector

A. Any person, sole proprietor, partnership, firm, joint venture, association, corporation or any other business entity wishing to engage in the business of elevator, escalator, moving walk or platform or stairway chairlift inspections within the jurisdiction of this state shall make application for a license with the Department of Labor on a form to be provided by the Department. An inspector shall possess those qualifications established by rule of the Department of Labor.

B. No inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the Commissioner of Labor that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.
Added by Laws 2016, c. 93, § 3, eff. Nov. 1, 2016.

§59-3023.2. Private residences - Inspection - Certificate of operation fee.

A. The certificate of operation fee for newly installed elevators, platform lifts, and stairway chairlifts for private residences shall be subsequent to an inspection by a third party inspector or by the Commissioner or his or her designee.

B. A third party inspector or the Commissioner, or his or her designee, shall inspect, in accordance with the requirements set forth in this chapter, all newly installed elevators, platform lifts, and stairway chairlifts for private residences. For newly installed residential elevators and other residential elevators, the inspector shall note on the inspection report compliance with the applicable codes governing protection of hoist way openings, commonly known as the 3x5 rule.

C. An owner, operator or installer of a new residential elevator may voluntarily request the Department of Labor to conduct a review of a planned new installation for compliance with the provisions of the Elevator Safety Act and Department regulations. The review shall be performed in accordance with Department regulations regarding installation permits. The Department may charge a fee for the review as established by rule. The review shall not subject the owner, operator or installer to any additional responsibilities under the Elevator Safety Act, which are not otherwise required prior to the voluntary review.
Added by Laws 2016, c. 93, § 4, eff. Nov. 1, 2016. Amended by Laws 2018, c. 46, § 3, eff. Nov. 1, 2018.

§59-3023.3. Liability insurance required

Elevator inspectors, not employed by the authority having jurisdiction, shall submit to the Department of Labor an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least One Million Dollars ($1,000,000.00) for injury or death of any number of persons in any one occurrence and with coverage of at least Five Hundred Thousand Dollars ($500,000.00) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.
Added by Laws 2016, c. 93, § 5, eff. Nov. 1, 2016.

§59-3023.4. Enforcement program - Investigations

A. It shall be the duty of the Department of Labor to develop an enforcement program which will ensure compliance with regulations and requirements referenced in this chapter. An enforcement program may include, but is not limited to, regulations for identification of property locations which are subject to the regulations and requirements; issuing notifications to violating property owners or operators; random on-site inspections and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, sole proprietors, firms or corporations; and assisting in the development of public awareness programs.

B. Any person may request an investigation into an alleged violation of this chapter by giving notice to the Department of Labor of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request.

C. Upon receipt of a notification, if the Commissioner determines that there are reasonable grounds to believe that a violation or danger exists, the Commissioner shall cause to be made an investigation in accordance with this chapter as soon as practicable to determine if such violation or danger exists. If the Commissioner determines that there are no reasonable grounds to believe that a violation or danger exists, the Department of Labor shall notify the party in writing of such determination.
Added by Laws 2016, c. 93, § 6, eff. Nov. 1, 2016.

§59-3023.5. Scope of responsibility or liability

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing or repairing any elevator or other related mechanism covered by this chapter for damages to person or property caused by any defect therein, nor does the state

assume any such liability or responsibility therefor or any liability to any person for whatever reason whatsoever by the enactment of this chapter or any acts or omissions arising hereunder.
Added by Laws 2016, c. 93, § 7, eff. Nov. 1, 2016.

§59-3023.6. Initial and annual inspections.

A. Initial inspections shall be conducted by the Commissioner or his or her designee. It shall be the responsibility of the owners of all new and existing conveyances located in any building or structure to have the conveyances inspected annually (ASME A17.1, category one) by a licensed elevator inspector. Subsequent to inspection, the licensed elevator inspector shall supply the property owner or lessee and the Commissioner with a written inspection report describing any and all violations. Property owners shall have thirty (30) days from the date of the published inspection report, or a reasonable period of time as determined by the Commissioner beyond the 30-day period, to be in full compliance with correcting the violations.

B. It shall be the responsibility of the owners of conveyances to have a licensed elevator inspector, as described in this chapter, ensure that the required tests are performed at intervals in compliance with ASME A17.1, ASME A18.1 and ASCE 21.

C. All tests shall be performed by a licensed elevator mechanic.
Added by Laws 2016, c. 93, § 8, eff. Nov. 1, 2016. Amended by Laws 2018, c. 46, § 4, eff. Nov. 1, 2018.

§59-3024. Commissioner of Labor, powers and duties - Fees - Deposit of revenues - License and certification renewal

A. The Commissioner of Labor shall have the following powers and duties:

1. The Commissioner shall:
   a. adopt or determine standards of elevator safety,
   b. license elevator contractors, elevator mechanics, and elevator inspectors,
   c. register elevator apprentices,
   d. determine qualifications for examination, establish application processes, and examine applicants for licensure,
   e. establish terms of licensure and renewal procedures,
   f. attempt to achieve reciprocity agreements whereby licenses issued by other jurisdictions may be accepted in this state in lieu of examination,
   g. establish grounds for revocation, suspension, and nonrenewal of licenses and policies for reinstatement

of licenses and for imposition of lesser disciplinary measures,

h. establish continuing education requirements,

i. provide for the inspection and certification of elevators,

j. provide for the enforcement of the Elevator Safety Act,

k. hear appeals pursuant to the Administrative Procedures Act,

l. establish a procedure for the reporting and investigation of accidents, and

m. establish a procedure to allow variances from the literal requirement of the code;

2. The Commissioner shall publish informational brochures about license examinations that indicate the scope of the examinations, include suggestions about how to prepare for the examinations, and may include sample questions of the type to be expected, but shall never include test items that will be used in future examinations. In no case shall information about forthcoming examinations, that is not generally available, be given to any school, coaching service, or individual privately; and

3. The Commissioner shall have subpoena powers and shall have the right to seek injunctive relief to prevent the operation of elevators lacking a certificate of operation after November 1, 2006, or failing inspection. For any violation of the Elevator Safety Act, the Commissioner may assess an administrative fine , which fine may be assessed in addition to any other penalties provided pursuant to the Elevator Safety Act. The Commissioner of Labor may promulgate rules establishing a schedule of administrative fines for violations of the Elevator Safety Act. Upon collection of an assessed fine, the funds shall be deposited in the Department of Labor Administrative Penalty Revolving Fund created in Section 11 of this act.

B. The Commissioner of Labor may promulgate rules establishing a schedule of administrative fees for the implementation of the Elevator Safety Act. The following fees shall remain in effect until such rules become effective, at which time the fees contained in this subsection shall be superseded by rule. Fees shall be as follows:

| | | |
|---|---|---|
| 1. | Elevator contractor examination | $100.00 |
| 2. | Elevator inspector examination | $100.00 |
| 3. | Elevator mechanic examination | $100.00 |
| 4. | Initial and renewal elevator contractor license | $100.00 |
| 5. | Initial and renewal elevator inspector License | $ 75.00 |

| | | |
|---|---|---|
| 6. | Initial and renewal elevator mechanic License | $ 50.00 |
| 7. | Annual elevator apprentice registration | $ 25.00 |
| 8. | Late renewal - in addition to license fee | $ 10.00 |
| 9. | Replacement of lost or mutilated license | $ 10.00 |
| 10. | Reinstatement - in addition to license fee | $100.00 |
| 11. | Existing elevator - certification of operation | $ 25.00 |
| 12. | New elevator - inspection and certification | $150.00 |
| 13. | Elevator temporary certification | $ 25.00 |
| 14. | Elevator temporary mechanic license for 30 days | $ 10.00 |
| 15. | Labor for chief elevator inspector or deputy elevator inspector to perform inspection for issuance of certificate of operation: | |
| | a. any escalator or moving walkway | $125.00 |
| | b. elevator, two-four floors | $ 75.00 |
| | c. elevator, five-ten floors | $100.00 |
| | d. elevator, eleven floors and over | $125.00 |
| | e. wheelchair lift | $ 25.00 |

C. All revenues received shall be deposited to the Department of Labor Revolving Fund. It is the intent of the Legislature that fees charged pursuant to the Elevator Safety Act be adjusted to provide sufficient income, but not substantially more than sufficient income, to ensure elevator safety as provided by the Elevator Safety Act. Accordingly, the Commissioner of Labor shall make an annual study of the revenues to and expenditures from the Department of Labor Revolving Fund related to elevator safety and shall prepare a report indicating what fee adjustments, if any, shall be recommended. The report shall be submitted by September 1 each year to the Director of the Office of Management and Enterprise Services, the Chair of the Appropriations Committee of the Senate, and the Chair of the Appropriations and Budget Committee of the House of Representatives, and shall be filed with the Department of Labor.

D. Licenses and certifications issued in accordance with the provisions of the Elevator Safety Act shall be renewed according to the following schedule:

1. Elevator contractor, elevator inspector, elevator mechanic licenses and elevator apprentice registration shall be renewed

annually prior to the last day of the calendar month in which the license or registration was initially issued;

2. Any such license, registration or certificate required by the Elevator Safety Act not renewed by the last day of the calendar month in which renewal is required shall be subject to a late fee as provided by this act;

3. Any elevator contractor, elevator inspector, elevator mechanic license or apprentice registration having been expired for a period of not less than thirty (30) days nor more than three hundred sixty-five (365) days shall be subject to a reinstatement fee as provided for in the Elevator Safety Act; and

4. Any elevator contractor, elevator inspector, elevator mechanic license or apprentice registration being expired for a period of one (1) year or longer from the last day of the month in which renewal was required shall be considered void and the licensee shall be subject to all requirements for new issuance.

Added by Laws 2006, c. 207, § 5, eff. Nov. 1, 2006. Amended by Laws 2008, c. 312, § 18, eff. Nov. 1, 2008; Laws 2010, c. 414, § 4, eff. July 1, 2010; Laws 2012, c. 304, § 293; Laws 2016, c. 93, § 10, eff. Nov. 1, 2016.

§59-3025. Repealed by Laws 2010, c. 414, § 5, eff. July 1, 2010.

§59-3040.1. Short title – Shepherd's Law.

This act shall be known and may be cited as "Shepherd's Law".

Added by Laws 2020, c. 40, § 1, eff. Nov. 1, 2020.

§59-3040.2. Definitions.

As used in Shepherd's Law:

1. "Certified Nurse-Midwife" or "nurse-midwife" shall have the same meaning as provided by Section 567.3a of Title 59 of the Oklahoma Statutes;

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

3. "Committee" means the Advisory Committee on Midwifery;

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

5. "Licensed midwife" means a person who practices midwifery and is licensed under this act;

6. "Midwifery" means the practice of:

   a. providing the necessary supervision, care and advice to a woman during normal pregnancy, labor and the postpartum period,

   b. conducting a normal delivery of a child,

   c. providing normal newborn care, and

   d. providing routine well-woman care and screenings;

7. "Newborn" means an infant from birth through the first six weeks of life;

8. "Normal" means, as applied to pregnancy, labor, delivery, the postpartum period and the newborn period, and as defined by rules of the State Commissioner of Health, circumstances under which a midwife has determined that a client does not have a condition that requires medical intervention;

9. "Postpartum period" means the first six weeks after a woman has given birth; and

10. "Unlicensed midwife" means a person who offers midwifery services or holds himself or herself out to be a midwife who is not licensed under this act.

Added by Laws 2020, c. 40, § 2, eff. Nov. 1, 2020.

§59-3040.3. Application.

Shepherd's Law does not apply to:

1. A Certified Nurse-Midwife, a physician or another health care professional licensed by the state and operating within the scope of the person's license;

2. A student midwife who is providing midwifery care under the direct supervision of a qualified, licensed midwife preceptor;

3. A natural childbirth educator; or

4. A person other than a midwife who assists childbirth in an emergency.

Added by Laws 2020, c. 40, § 3, eff. Nov. 1, 2020.

§59-3040.4. Promulgation of rules.

A. The State Commissioner of Health is hereby authorized to promulgate rules, pursuant to the Administrative Procedures Act, that the Commissioner deems necessary for the implementation and enforcement of Shepherd's Law including, but not limited to:

1. Scope of practice;

2. A formulary of prescription drugs that a licensed midwife may obtain, transport and administer when providing midwifery services;

3. A list of routine tests and procedures for which informed consent or refusal must be obtained;

4. Qualifications for licensure;

5. Renewals and reinstatements;

6. Fees;

7. Continuing education requirements;

8. Complaints;

9. Violations; and

10. Penalties.

In so doing, the Commissioner shall give utmost consideration to the recommendations of the Advisory Committee on Midwifery as created in Section 5 of this act.

B. The Commissioner shall have the power to, for good cause and in accordance with the Administrative Procedures Act:

1. Deny, revoke or suspend any license to practice midwifery;

2. Develop a schedule of fines and penalties not to exceed Five Thousand Dollars ($5,000.00); and

3. Otherwise discipline a licensee.

C. As used in this section, good cause shall include, but not be limited to:

1. Violation of Shepherd's Law; or

2. Denial, revocation or suspension of the midwife's certification, assessment of a penalty or imposition of other disciplinary action by the North American Registry of Midwives, the American Midwifery Certification Board or a successor organization approved by the Commissioner.

D. The Commissioner is hereby empowered to perform investigations, require the production of records and other documents relating to practices regulated by Shepherd's Law, and seek injunctive relief.

Added by Laws 2020, c. 40, § 4, eff. Nov. 1, 2020.

§59-3040.5. Advisory Committee on Midwifery.

A. There is hereby created, to continue until July 1, 2026, an Advisory Committee on Midwifery, which shall consist of seven (7) voting members to be appointed by the State Commissioner of Health as follows:

1. Three licensed midwives, each of whom has at least three (3) years of experience in the practice of midwifery;

2. One Certified Nurse-Midwife;

3. One physician who is certified by a national professional organization of physicians that certifies obstetricians and gynecologists and supports the practice of midwifery;

4. One physician who is certified by a national professional organization of physicians that certifies family practitioners or pediatricians and supports the practice of midwifery; and

5. One member of the general public who is not practicing or trained in a health care profession, and who is a parent with at least one child born with the assistance of a licensed midwife or a Certified Nurse-Midwife.

B. Members of the Committee shall be divided into three classes. The initial terms of the first class shall expire on January 31, 2023, and subsequent terms shall expire on January 31 of each sixth year thereafter. The initial terms of the second class shall expire on January 31, 2025, and subsequent terms shall expire on January 31 of each sixth year thereafter. The initial terms of the third class shall expire on January 31, 2027, and subsequent terms shall expire on January 31 of each sixth year thereafter. Members shall serve until a qualified successor has been duly appointed. The Commissioner shall fill a vacancy no later than

sixty (60) days from the date the vacancy occurs. No person shall be appointed to serve more than two (2) consecutive terms.

C. The Committee shall annually elect a chair and vice-chair from among its members.

D. The Committee shall meet at least semiannually and at any other time at the call of the chair or the Commissioner.

E. The Committee shall meet in accordance with the Oklahoma Open Meeting Act.

F. A majority of the members of the Committee, including at least two licensed midwives, shall constitute a quorum for the conduct of Committee business.

G. 1. The Committee shall advise the Commissioner on all matters pertaining to midwifery including but not limited to:

a. scope and standards of practice,
b. licensure requirements, examination requirements, exceptions thereto, renewal requirements, temporary licensure and endorsement or reciprocity requirements,
c. methods and requirements for ensuring the continued competence of licensed and registered persons including the type of courses and number of hours required to meet the basic midwifery education course and continuing midwifery education course requirements, and instructors or facilities used in the basic and continuing education requirements,
d. procedures for reporting of outcomes including, but not limited to, live births and fetal, newborn or maternal deaths,
e. grounds for reporting and processing complaints, violations, probation, revocation or suspension of license or reinstatement provisions, and
f. all other matters which may pertain to the practice of midwifery.

2. The Committee shall review and make recommendations to the Commissioner on all applications for licensure.

3. The Committee shall assist and advise the Commissioner in all hearings related to the enforcement of Shepherd's Law. The Committee shall review all complaints and make recommendations to the Commissioner on appropriate disciplinary action including, but not limited to, administrative fines, license revocation and license suspension.

Added by Laws 2020, c. 40, § 5, eff. Nov. 1, 2020. Amended by Laws 2021, c. 411, § 1, eff. Nov. 1, 2021.

§59-3040.6. Application for licensure.

A. The State Commissioner of Health shall, with the assistance of the Advisory Committee on Midwifery, establish qualifications for licensure under Shepherd's Law.

B. No person who is certified as, or holds himself or herself out to be, a Certified Professional Midwife or a Certified Midwife shall practice midwifery in this state without first applying for and obtaining a license from the State Commissioner of Health.

C. Application shall be made to the Commissioner on a form created by the Department and posted on the website of the Department. The application shall be accompanied by a nonrefundable application fee of One Thousand Dollars ($1,000.00) and such other information required by the Committee as established by rule. The license shall be valid for three (3) years from the date of issuance.

D. An applicant for an initial license shall provide the Committee with documentary evidence that the person has been certified by the North American Registry of Midwives, the American Midwifery Certification Board or a successor organization approved by the Commissioner.

Added by Laws 2020, c. 40, § 6, eff. Nov. 1, 2020.

§59-3040.7. Prohibited practices.

A licensed midwife shall not:

1. Provide midwifery care in violation of the rules of the State Commissioner of Health, except in an emergency that poses an immediate threat to the life of a woman or newborn;

2. Administer a prescription drug to a client other than as provided by the formulary or as ordered by a physician;

3. Use forceps, a vacuum extractor or any prescription drug to advance or retard labor or delivery; or

4. Make on a birth certificate a false or misleading statement or record.

Added by Laws 2020, c. 40, § 7, eff. Nov. 1, 2020.

§59-3040.8. Limits on advertising, identification statements and titles.

A. A licensed or unlicensed midwife shall not:

1. Advertise or represent that the midwife is a physician or a graduate of a medical school unless the midwife is licensed to practice medicine by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners or can show proof of graduation from a medical school;

2. Use advertising or an identification statement that is false, misleading or deceptive; or

3. Except as authorized by rules adopted by the Oklahoma Board of Nursing, use in combination with the term "midwife" the term "nurse" or another title, initial or designation that implies that the midwife is licensed as a Registered Nurse or vocational nurse.

B. An unlicensed midwife shall not use a title in an identification statement or advertisement that would lead a reasonable person to believe that the midwife is certified.

C. All midwives licensed pursuant to Shepherd's Law shall include in any title, identification statement or advertisement that the midwife is licensed in this state and the credential the midwife possesses.

Added by Laws 2020, c. 40, § 8, eff. Nov. 1, 2020.

§59-3040.9. Violations – Administrative fines.

A. Effective July 1, 2021, any person who holds himself or herself out to be, represents himself or herself to be or uses the title of Certified Professional Midwife or Certified Midwife, without holding a license issued by the State Commissioner of Health, or who is in violation of any provision of Shepherd's Law shall be subject to an administrative fine for each day found to be in violation. The amount of any fine shall be determined by the Commissioner within limits set by the Commissioner pursuant to rules adopted and promulgated by the Commissioner and may be in addition to any other penalty provided by the Commissioner or otherwise provided by law.

B. The Advisory Committee on Midwifery may cause to be investigated all reported violations of Shepherd's Law. Information obtained during investigations of possible violations of Shepherd's Law shall be kept confidential but may be introduced by the State Department of Health in proceedings before the Committee, whereupon the information admitted shall become public record. Public records maintained by the Department shall be administrative records, not civil or criminal records.

C. Confidential investigative records shall not be subject to discovery or subpoena in any civil or criminal proceeding; provided, however, the Committee may give such information to law enforcement and other state agencies as necessary and appropriate in the discharge of the duties of that agency and only under circumstances that ensure against unauthorized access to the confidential investigative records.

Added by Laws 2020, c. 40, § 9, eff. Nov. 1, 2020. Amended by Laws 2021, c. 411, § 2, eff. Nov. 1, 2021.

§59-3040.10. Informed choice and disclosure statement.

A. A licensed or unlicensed midwife shall disclose verbally and in written form to a prospective client at the outset of the professional relationship:

1. Which credential the midwife possesses, if any;
2. The limitations of the skills and practices of a midwife;
3. Whether the midwife carries malpractice insurance; and

4. A plan for emergencies and complications to include selection of a hospital in case of emergency.

B. The Advisory Committee on Midwifery shall prescribe the form of the informed choice and disclosure statement required to be used by a licensed or unlicensed midwife under this act. The form shall be posted on the website of the Department and shall include:

1. Credential of the midwife, if any;

2. Disclosure of experience as a midwife;

3. The date the license expires, if the midwife is licensed;

4. Documentation of compliance with continuing education requirements, if the midwife is licensed;

5. A description of the transfer or referral strategy;

6. Direction on where to find the scope of practice standards of a licensed midwife, as provided by rules of the State Commissioner of Health; and

7. Additional informed choice and disclosure statements approved by the Committee and provided by rule specific to vaginal birth after Caesarean (VBAC), vaginal breech birth and vaginal multiple birth.

C. The informed choice and disclosure statement shall include a notification that state law requires a newborn to be tested for certain heritable disorders and hypothyroidism, in the absence of a signed parental waiver from the State Department of Health.

D. A licensed midwife shall disclose to a prospective or actual client the procedure for reporting complaints to the Department.

Added by Laws 2020, c. 40, § 10, eff. Nov. 1, 2020.

§59-3040.11. Advising clients to seek medical care – Emergency situations.

A. A licensed midwife shall advise a client in writing to seek medical care through consultation or referral, as specified by rules of the State Commissioner of Health, if the midwife determines that the pregnancy, labor, delivery, postpartum period or newborn period of a woman or newborn may not be within the scope of practice of the midwife.

B. A licensed midwife shall call for emergency assistance in an emergency situation that is outside of the licensed midwife's scope of practice.

Added by Laws 2020, c. 40, § 11, eff. Nov. 1, 2020.

§59-3040.12. Liability immunity for physicians or Certified Nurse-Midwives.

A physician or Certified Nurse-Midwife who issues an order directing or instructing a midwife is immune from liability arising out of the inability, failure or refusal of the midwife to comply with the order.

Added by Laws 2020, c. 40, § 12, eff. Nov. 1, 2020.

§59-3040.13. State roster of licensed midwives.

A. The State Department of Health shall maintain a roster of each person licensed as a midwife in this state. The roster shall contain for each licensed midwife the information required on the informed choice and disclosure statement under Section 3040.10 of this title and other information the Department determines necessary to accurately identify each licensed midwife. The roster shall be a public document available under the Oklahoma Open Records Act.

B. The Department shall provide each local registrar of births in a county with the name of each midwife practicing in the county.

C. Any data required to be submitted to the Department pursuant to Shepherd's Law shall not contain any personally identifying information of the client by the midwife and shall be considered confidential records collected for statistical information purposes only.

Added by Laws 2020, c. 40, § 13, eff. Nov. 1, 2020. Amended by Laws 2021, c. 411, § 3, eff. Nov. 1, 2021; Laws 2023, c. 153, § 2, eff. Nov. 1, 2023.

§59-3101. Short title.

This act shall be known and may be cited as the "Deferred Deposit Lending Act".

Added by Laws 2003, c. 240, § 1, eff. Sept. 1, 2003.

§59-3101.1. Termination of licenses upon implementation of Oklahoma Small Lenders Act.

Any person licensed pursuant to the Deferred Deposit Lending Act may make application for licensure under the Oklahoma Small Lenders Act beginning on January 1, 2020. Beginning on and after August 1, 2020, no new deferred deposit loan may be entered into or transacted by a licensee or other person; provided, however, a licensed deferred deposit lender may continue to administer and collect all outstanding deferred deposit loan payments on all loans transacted before August 1, 2020, until such loans are paid in full according to the terms of the written loan agreements, at which time the licensee's authority under the Deferred Deposit Lending Act shall terminate and expire notwithstanding any period remaining on an existing deferred deposit lender's license. All Deferred Deposit Lending Act licenses shall be terminated and be deemed to have expired on August 1, 2020, upon the implementation of the Oklahoma Small Lenders Act, except as provided herein.

Added by Laws 2019, c. 89, § 1, eff. Nov. 1, 2019.

§59-3102. Definitions.

As used in the Deferred Deposit Lending Act:

1. "Administrative Procedures Act" means the general act of this state governing administrative procedures and is cited in Section 250 et seq. of Title 75 of the Oklahoma Statutes;

2. "Administrator" means the Administrator as defined in the Uniform Consumer Credit Code;

3. "Business instrument" means a draft, check or evidence of the proceeds paid to a debtor in a deferred deposit loan transaction by a deferred deposit lender;

4. "Consecutive loan" means a new deferred deposit loan that any lender enters into with a debtor no later than seven (7) days after the date on which a previous deferred deposit loan made to the same debtor is paid in full;

5. "Debtor" means the signer of an instrument which is initially payable to a deferred deposit lender;

6. "Deferred deposit lender" or "lender" means any person licensed under this act to make deferred deposit loans, including an assignee of the lender's right to payment, but use of the term does not itself impose on an assignee any obligation of the lender with respect to events occurring before the assignment;

7. "Deferred deposit loan" means a transaction whereby a lender makes a cash advance to a debtor not as part of a revolving loan account as defined in Section 3-108 of Title 14A of the Oklahoma Statutes and, for a finance charge or other consideration, does the following:

   a. accepts a dated instrument from the debtor,
   b. agrees to hold the instrument for a period of time prior to negotiation, deposit or presentation of the instrument for payment, and
   c. advances to the debtor, credits to the debtor's account, or pays to another person on the debtor's behalf, the amount of the instrument, less the finance charge permitted by this act;

8. "Finance charge" means the finance charge as defined in Regulation Z;

9. "Instrument" means a personal check, negotiable order of withdrawal, or authorization to transfer or withdraw funds from a deposit account of the debtor signed by the debtor and made payable to a deferred deposit lender in a deferred deposit loan subject to this act;

10. "Licensed location" means the place of business where a lender is allowed to make deferred deposit loans under a license issued pursuant to this act;

11. "Licensee" means a person licensed to make deferred deposit loans pursuant to this act;

12. "Loan amount" means the principal which the debtor actually receives after signing an instrument payable initially to a deferred deposit lender;

13. "Person" includes a natural person, an individual, organization, partnership, corporation, joint venture, trust, association or any other legal entity, however organized;

14. "Principal of a deferred deposit loan" means the total of the net amount paid to, receivable by or paid or payable for the account of the debtor;

15. "Regulation Z" means Title 160, Chapter 45 of the Oklahoma Administrative Code, adopted in conformity with the Consumer Credit Protection Act, Public Law 90-321, 82 Stat. 146, as amended, including the amendments to the Federal Consumer Credit Protection Act in the Truth in Lending Simplification and Reform Act, Public Law 96-221, 94 Stat. 168-185; and

16. "Renewal" means a transaction in which a debtor pays in cash the finance charge payable under a deferred deposit loan and refinances all or part of the unpaid balance of the principal of the deferred deposit loan with a new deferred deposit loan. A transaction is also considered a renewal if a debtor pays off an existing deferred deposit loan with the proceeds of a deferred deposit loan from another lender.

Added by Laws 2003, c. 240, § 2, eff. Sept. 1, 2003. Amended by Laws 2004, c. 557, § 1, emerg. eff. June 10, 2004.

§59-3103. Application of act.

A. The scope of this act shall not apply to a supervised lender licensed under the Uniform Consumer Credit Code. Further, nothing in this act shall modify, affect, alter, change or restrict practices or operations of supervised lenders under the Uniform Consumer Credit Code, rules of the Oklahoma Department of Consumer Credit or rules or interpretations of the Administrator of the Department of Consumer Credit.

B. Except as otherwise provided in subsection A of this section, the provisions of this act shall apply to all deferred deposit loans made; provided, the following lenders shall not be subject to the licensing requirements of this act:

1. A bank, savings institution, credit union or farm credit system organized under and regulated by the laws of the United States or any state;

2. Government or governmental agencies or instrumentalities; or

3. Pawnbrokers engaged in pawn transactions as defined in the Oklahoma Pawnshop Act.

C. The provisions of this act shall apply to transactions if the lender, wherever located, enters into the transaction with the debtor by mail, brochure, telephone, print, radio, television, Internet, or any other means.

Added by Laws 2003, c. 240, § 3, eff. Sept. 1, 2003. Amended by Laws 2004, c. 557, § 2, emerg. eff. June 10, 2004.

§59-3103.1. Confidential information - Disclosure exemption.

All information contained in the database for deferred deposit lenders, which is authorized under the Deferred Deposit Lending Act, shall be confidential. The information contained in the database for deferred deposit lenders shall be exempt from disclosure under the provisions of the Oklahoma Open Records Act and the provisions of the Deferred Deposit Lending Act, including, but not limited to, Section 3104 of Title 59 of the Oklahoma Statutes, except that the information in the database may be accessed by deferred deposit lenders to verify whether any deferred deposit transaction is outstanding for a particular person and by the Oklahoma Department of Consumer Credit for regulatory purposes consistent with the provisions of the Deferred Deposit Lending Act.
Added by Laws 2012, c. 117, § 1, emerg. eff. April 23, 2012.

§59-3104. Loan agreement - Disclosure of credit terms - Payment of proceeds - Notices.

A. Each deferred deposit loan shall be documented by a written agreement executed by both the lender and the debtor. The written agreement shall contain the name or trade name of the lender, the license number of the lender, the toll-free telephone number of the Department of Consumer Credit, the transaction date, the loan amount, and a statement of the total amount of fees charged. The written agreement must expressly authorize the lender to defer presentment or deposit of the instrument until a specific date; provided, unless the debtor has entered into an installment payment plan pursuant to Section 3109 of this title, such date shall be not later than forty-five (45) days from the date the instrument is accepted by the lender.

B. The disclosure of the credit terms of a deferred deposit loan shall be according to and governed by the requirements of Regulation Z. The definitions and requirements of that act, regulation and commentary shall apply to deferred deposit loans as if those provisions are fully set out in this act.

C. A completed copy of the written agreement and "Notice of Cancellation" form as prescribed by the Administrator shall be given to and acknowledged in writing by the debtor when the written agreement is signed.

D. A lender may pay the proceeds of a deferred deposit loan to the debtor by a business instrument, money order or cash. A lender may not charge the debtor an additional fee for cashing the lender's business instrument.

E. A lender shall provide the following notices in a prominent place on each deferred deposit loan agreement in at least twelve-point type:

"A deferred deposit loan is not intended to meet long-term financial needs. This loan should be used only to meet short-term cash needs."

"You have the right to rescind this deferred deposit loan no later than 5 p.m. of the next business day following this loan transaction."

"If you enter into a deferred deposit loan and three consecutive deferred deposit loans, you have the right to pay off the fourth loan pursuant to an installment payment plan, subject to certain conditions."

F. A lender shall post at the licensed location a notice of the charges, terms, and effective annual percentage rate for deferred deposit loans made by the lender.

G. Prior to sale or assignment of instruments held by the lender as a result of a deferred deposit loan, the lender shall place a notice on the instrument in at least twelve-point type to read:

"This is a deferred deposit loan instrument regulated by the Oklahoma Department of Consumer Credit, Title 59, Sections 3101 et seq. and any holder of this check takes it subject to all claims and defenses of the originator."

and shall include the address and toll-free telephone number of the Department of Consumer Credit.

H. At the time a debtor enters into a deferred deposit loan transaction, the lender shall provide the debtor with a pamphlet, approved by the Administrator of Consumer Credit, describing the availability of debt management and credit counseling services, the debtor's right to an installment payment plan and the debtor's rights and responsibilities in the transaction. The pamphlet shall indicate a toll-free telephone number for the Administrator that the debtor may contact to receive information relating to debt management and credit counseling services.

Added by Laws 2003, c. 240, § 4, eff. Sept. 1, 2003. Amended by Laws 2004, c. 557, § 3, emerg. eff. June 10, 2004.

§59-3105. Right of rescission.

Without penalty or cost of any kind, a debtor in a deferred deposit loan transaction shall have the right to rescind in writing the deferred deposit loan until 5 p.m. on the next business day following the day the debtor signs the deferred deposit loan agreement; provided, any attempted rescission will not be effective unless the notice is timely and is accompanied by a return of the full principal advanced by the lender to the debtor. Exercising rescission entitles the debtor to a full refund of all fees paid by the debtor as part of the deferred deposit loan transaction. Rescission occurs when the debtor gives written notice of rescission to the lender at the address of the office of the licensee as stated

in the deferred deposit agreement or at the location where the transaction occurred.
Added by Laws 2003, c. 240, § 5, eff. Sept. 1, 2003.

§59-3106. Prohibited acts.

A deferred deposit lender shall not:

1. Charge fees other than, or in excess of those authorized by the Deferred Deposit Lending Act;

2. Make deferred deposit loans at unlicensed locations;

3. Alter or delete the date on an instrument after it has been accepted by the lender pursuant to a deferred deposit loan;

4. Accept an undated instrument or an instrument dated on a date other than the date of the deferred deposit loan;

5. Accept an instrument unless the account on which the instrument is drawn is a legitimate, open and active account;

6. Require a debtor to provide security for the deferred deposit loan or require a debtor to provide a guaranty from another person;

7. Advance a loan amount greater than Five Hundred Dollars ($500.00) to a borrower in one deferred deposit loan transaction exclusive of the finance charge allowed in Section 3108 of this title;

8. Engage in a deferred deposit loan with a term of less than twelve (12) days or more than forty-five (45) days;

9. Negotiate or present an instrument for payment unless the instrument is endorsed with the actual business name of the lender;

10. Negotiate any instrument presented by a borrower if the borrower has redeemed the instrument by paying the full amount due under the deferred deposit loan;

11. Make any charge for insurance in connection with a deferred deposit loan transaction;

12. Refuse the borrower’s right to rescind the deferred deposit loan at any time between the time of the deferred deposit loan transaction and 5 p.m. of the next business day following the deferred deposit loan transaction;

13. Charge the borrower an additional finance charge or fee for cashing a lender’s business instrument, if the lender pays the proceeds from the loan transaction in the form of a business instrument;

14. Require or accept more than one dated instrument per deferred deposit loan; or

15. Refuse the borrower’s right to enter into an installment payment plan, pursuant to this act.

Added by Laws 2003, c. 240, § 6, eff. Sept. 1, 2003. Amended by Laws 2004, c. 557, § 4, emerg. eff. June 10, 2004.

§59-3107. Nonpayment on account - Collection practices.

A. A lender shall collect past-due accounts in a professional, fair and lawful manner, in accordance with the federal Fair Debt Collection Practices Act.

B. A lender shall not threaten or pursue criminal action against a debtor as a result of the debtor's instrument being returned unpaid or the debtor's deferred deposit loan account not being paid.

C. A debtor shall not be subject to any criminal penalty if an instrument is dishonored.

Added by Laws 2003, c. 240, § 7, eff. Sept. 1, 2003.

§59-3108. Finance charges - Dishonored instruments.

A. Regardless of any other law governing the imposition of interest, fees, loan finance charges or the extension of credit, a deferred deposit lender may charge a finance charge for each deferred deposit loan that does not exceed Fifteen Dollars ($15.00) for every One Hundred Dollars ($100.00) advanced up to the first Three Hundred Dollars ($300.00) of the amount advanced; for the advance amounts in excess of Three Hundred Dollars ($300.00), the lender may charge an additional finance charge of Ten Dollars ($10.00) for every One Hundred Dollars ($100.00) advanced in excess of Three Hundred Dollars ($300.00). The credit terms of the deferred deposit loan shall be disclosed in accordance with Regulation Z, including the terms "finance charge" and "annual percentage rate". The finance charge under this subsection shall be deemed fully earned as of the date of the transaction. Except for a fee for a dishonored instrument and the actual database verification fee pursuant to subparagraph b of paragraph 2 of subsection B of Section 3109 of this title, the lender may charge only those charges expressly authorized in this subsection in connection with a deferred deposit loan.

B. If an instrument held by a lender as a result of a deferred deposit loan is returned to the lender from a payor financial institution due to insufficient funds, a closed account or a stop payment order, the lender shall have the right to exercise all civil means authorized by law to collect the amount of the instrument. In addition, the lender may contract for and collect a dishonored instrument charge, not to exceed Twenty-five Dollars ($25.00); however, a dishonored instrument charge shall not be allowed if the instrument is dishonored by a financial institution, or the debtor places a stop payment order, due to forgery or theft of the instrument.

Added by Laws 2003, c. 240, § 8, eff. Sept. 1, 2003. Amended by Laws 2004, c. 557, § 5, emerg. eff. June 10, 2004.

§59-3109. Renewal of deferred deposit loan transaction - Determination of outstanding loans - Completion of transaction - Repayment plan - Redemption of instrument.

A. A lender may not enter into a renewal of a deferred deposit loan transaction.

B. Upon any application being made for a deferred deposit loan, the lender shall determine if the applicant has any outstanding deferred deposit loans as follows:

1. The applicant shall be required to sign an affidavit stating whether the applicant has any deferred deposit loans outstanding with the lender or any other deferred deposit lender and if so, the status of each such loan; and

2. The lender shall be required to verify the accuracy of the affidavit through commercially reasonable means. A lender's method of so verifying shall be considered in compliance with the provisions of this section if the verification method includes a manual investigation or an electronic query of:

a. the lender's own records, including both records maintained at the location where the loan is being applied for and records maintained at other locations that are owned and operated by the lender or the lender's affiliates, and

b. any private database approved by the Administrator of Consumer Credit, if the lender subscribes to such a database; provided, all lenders shall be required to subscribe to such a database or otherwise obtain the required information in a manner approved by the Administrator not later than July 1, 2004. The lender may charge the applicant a fee for database verification not to exceed the actual fee charged to the lender by the database provider.

If the lender determines that the applicant has more than one outstanding deferred deposit loan, the loan applied for shall not be made.

C. A deferred deposit loan transaction is completed when the deferred deposit loan transaction is paid in full after the lender presents the instrument for payment or initiates an ACH debit to the debtor's bank account to collect on the instrument, or the debtor redeems the instrument by paying the full amount of the instrument to the lender. Once the debtor has completed the deferred deposit loan transaction, the lender may enter into a new deferred deposit loan agreement with the debtor, and the new deferred deposit loan transaction shall not be deemed to be a renewal of the previous deferred deposit loan; provided, a new deferred deposit loan made within thirteen (13) calendar days after a previous deferred deposit loan has been entered into between the lender and the debtor shall be considered a renewal and shall not be made.

D. If a debtor enters into a third consecutive loan, the lender shall provide the consumer an option to repay such loan and each consecutive loan pursuant to a written repayment plan subject to the following terms:

1. The debtor shall request the repayment plan, either orally or in writing, prior to the due date of the loan;

2. The debtor shall repay the loan in four equal installments with one installment due on each of the next four dates on which the customer receives regular wages or compensation from an employer, pursuant to a written repayment plan agreement;

3. The consumer shall pay a processing fee of ten percent (10%) of the principal amount of the loan per loan not to exceed Fifteen Dollars ($15.00) for administration of the payment plan;

4. The consumer shall agree not to enter into any additional deferred presentment loans during the repayment plan term and for a period of fifteen (15) days after termination of the repayment plan term; and

5. Upon positive completion of the repayment plan, the lender shall report the debtor's positive payment history to at least one national consumer credit reporting agency.

E. A lender shall negotiate or present an instrument for payment only if the instrument is endorsed with the actual business name of the lender.

F. Prior to the lender negotiating or presenting the instrument, the debtor shall have the right to redeem any instrument held by a lender as a result of a deferred deposit loan if the debtor pays to the lender the unpaid balance of the principal and all accrued fees and charges.

Added by Laws 2003, c. 240, § 9, eff. Sept. 1, 2003. Amended by Laws 2004, c. 557, § 6, emerg. eff. June 10, 2004; Laws 2014, c. 48, § 1, eff. Nov. 1, 2014.

§59-3110. Limit on number of loans - Payment in full required.

After the debtor has entered into a fifth consecutive deferred deposit loan, a lender shall not make a deferred deposit loan to a debtor until 8:00 a.m. on the second business day after the fifth consecutive deferred deposit loan has been paid in full.

Added by Laws 2003, c. 240, § 10, eff. Sept. 1, 2003. Amended by Laws 2004, c. 557, § 7, emerg. eff. June 10, 2004.

§59-3111. Advertising.

A. No lender shall engage in this state in false or misleading advertising concerning the terms or conditions of credit with respect to a deferred deposit loan.

B. Advertising which complies with Regulation Z does not violate subsection A of this section.

Added by Laws 2003, c. 240, § 11, eff. Sept. 1, 2003.

§59-3112. License required - Separate license required for each business location.

A. No person may engage in the business of making deferred deposit loans without first obtaining a license pursuant to this act, unless exempt under subsection B of Section 3 of this act. A separate license is required for each location where deferred deposit loans are made. The licensee shall post its license to engage in the business of making deferred deposit loans at each licensed location.

B. The Administrator may initiate administrative action against an unlicensed person as if the person held a license under this act if the person is found to be engaged in the business of making deferred deposit loans.

C. The Administrator may issue a license for each location at which deferred deposit loans are to be made to any person making deferred deposit loans at multiple locations; provided, if such licensee is not in compliance with this act as to each license, any action to revoke, suspend or not renew one license shall be applicable to all licenses issued to that licensee. This subsection shall not be construed to require a license for any place of business devoted to accounting or other record keeping and where deferred deposit loans are not made.

D. When a licensee wishes to move a licensed location to another licensed location, the licensee shall give thirty (30) days' written notice to the Administrator, who shall amend the license accordingly.

Added by Laws 2003, c. 240, § 12, eff. Sept. 1, 2003.

§59-3113. License qualifications - Application - Investigation of qualifications - Issuance or denial - Appeal - Fees.

A. To qualify for a license issued pursuant to the Deferred Deposit Lending Act, an applicant shall have:

1. A minimum net worth, determined in accordance with generally accepted accounting principles, of at least Twenty-five Thousand Dollars ($25,000.00) available for operation of each licensed location, with a maximum aggregate net worth requirement of Two Hundred Fifty Thousand Dollars ($250,000.00) for an owner of multiple locations; and

2. The financial responsibility, experience and general fitness so as to command the confidence of the public and to warrant the belief that the business will be operated lawfully, honestly, fairly and efficiently.

B. An application for a license pursuant to the Deferred Deposit Lending Act must be in writing, under oath, and on a form prescribed by the Administrator of Consumer Credit. The application must set forth all of the following:

1. The legal name and residence and business addresses of the applicant and, if the applicant is a partnership, association or corporation, of every member, officer, managing employee and director of it;

2. The location of the registered office of the applicant;

3. The registered agent of the applicant if the applicant is required by other law to have a registered agent;

4. The addresses of the locations to be licensed; and

5. Other information concerning the financial responsibility, background, experience and activities, such as other partnerships, associations and corporations located at or adjacent to the licensed location of the applicant and its members, officers, managing employees and directors as the Administrator may require.

C. On receipt of an application in the form prescribed by the Administrator and accompanied by the required license fee, the Administrator shall investigate whether the qualifications for license are satisfied. If the Administrator finds that the qualifications are satisfied, the Administrator shall issue to the applicant a license to engage in the business of making deferred deposit loans. If the Administrator fails to issue a license, the Administrator shall notify the applicant of the denial and the reasons for the denial. The provisions of the Administrative Procedures Act shall apply to the appeal of the denial of a license.

D. Each application, regardless of the number of locations to be operated by a single licensee, must be accompanied by payment of an application fee as prescribed by rule of the Commission on Consumer Credit and an investigation fee as prescribed by rule of the Commission on Consumer Credit. These fees shall not be refundable or abatable. If the license is granted, however, payment of the application fee shall satisfy the fee requirement for the first license year or its remainder.

E. Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. A license expires annually and may be renewed on payment of a license fee as prescribed by rule of the Commission on Consumer Credit. The annual license renewal fee for an application with more than one location shall be as prescribed by rule of the Commission on Consumer Credit for each location.

F. The Commission on Consumer Credit shall prescribe by rule a fee for each license change, duplicate license or returned check.

G. The Commission on Consumer Credit shall prescribe by rule a late fee if a license is not renewed on or before the expiration of the license.

Added by Laws 2003, c. 240, § 13, eff. Sept. 1, 2003. Amended by Laws 2010, c. 415, § 32, eff. July 1, 2010; Laws 2019, c. 363, § 72, eff. Nov. 1, 2019.

§59-3114. Examination of locations, loans, records, etc. - Assessments - Investigation of possible violations - Orders compelling compliance.

A. At such times as the Administrator of Consumer Credit shall deem necessary, the Administrator or a duly authorized representative shall make an examination of all licensed locations of each licensee and shall inquire into and examine the loans, transactions, books, accounts, papers, correspondence and records of the licensee insofar as they pertain to the business regulated by this act. In the course of the examination, the Administrator or a duly authorized representative shall have free access to the office, place of business, files, safes and vaults of the licensee, and shall have the right to make copies of the books, accounts, papers, correspondence and records. The Administrator or a duly authorized representative may, during the course of the examination, administer oaths and examine any person under oath on any subject pertinent to any matter about which the Administrator is authorized or required by this act to consider, investigate or secure information. Any licensee who shall fail or refuse to let the Administrator or a duly authorized representative examine or make copies of the books, or other relevant documents shall be deemed in violation of this act and the failure or refusal shall constitute grounds for administrative action against the licensee. The information obtained in the course of the examination shall be confidential. Each licensee shall pay to the Administrator an amount assessed by the Administrator to cover the direct and indirect cost of the examination and a proportionate share of general administrative expense, not to exceed Three Hundred Dollars ($300.00) for each location; provided, however, that for any examination which lasts in excess of eight (8) hours, the Administrator shall charge an additional fee of Fifty Dollars ($50.00) per hour for each examiner required to complete the examination; provided, further, that the Administrator may waive the examination fee for any examination which takes one (1) hour or less. If an examination fee is due and is not paid on completion of an examination, the Administrator shall bill the licensee, and there shall be a late fee of Fifty Dollars ($50.00) if the amount due is not received within thirty (30) days of the invoice date.

B. For the purpose of discovering violations of this act or of securing information required under this act, the Administrator or a duly authorized representative may investigate the books, accounts, papers, correspondence and records of any licensee or other person whom the Administrator has reasonable cause to believe is in violation of any provision of this act whether or not that person shall claim to be within the authority or scope of this act. For the purpose of this subsection, any person who advertises for, solicits or otherwise communicates a willingness to make deferred

payment loans shall be presumed to be engaged in the business of making deferred deposit loans.

C. Every licensee shall maintain on file with the Administrator a written appointment of a resident of this state as the agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this state. In case of noncompliance, such service may be made on the Administrator.

D. Each licensee shall keep or make available in this state the books and records relating to loans made under this act as are necessary to enable the Administrator to determine whether the licensee is complying with this act. The books and records shall be maintained in a manner consistent with accepted accounting practices.

E. Each licensee shall preserve or make available its books and records in the state relating to each of its loans for four (4) years from the date of the loan, or two (2) years from the date of the final entry made thereon, whichever is later. Each licensee's system of records shall be accepted if it discloses its information as may be reasonably required under this act. All deferred deposit loan agreements and notices of cancellation signed by debtors shall be kept at an office in this state designated by the licensee, except when transferred under an agreement which gives the Administrator access to the agreements.

F. Each lender shall, annually on or before the first day of May, file a report with the Administrator setting forth such relevant information as the Administrator may reasonably require concerning the business and operations during the preceding calendar year for each place of business conducted by such lender. Such report shall be made under oath and shall be in the form prescribed by the Administrator, who shall make and publish annually a consolidated analysis and recapitulation of such reports, but the individual reports and their contents shall be held confidential. There shall be a late fee of Twenty-five Dollars ($25.00) for any annual report received after May 1.

G. Any transcript of any hearing held by the Administrator or an independent hearing examiner under this act shall be a public record and open to inspection at all reasonable times.

H. On failure without lawful excuse to obey a subpoena or to give testimony and on reasonable notice to all persons affected, the Administrator or a representative may apply to a court for an order compelling compliance, as provided by the Administrative Procedures Act.

Added by Laws 2003, c. 240, § 14, eff. Sept. 1, 2003.

§59-3115. Investigations - Powers of Administrator - Subpoenas - Orders compelling compliance - Censure, probation, suspension,

revocation or refusal to renew license - Injunction - Notice and hearing - Cease and desist orders - Judicial review.

A. If the Administrator of Consumer Credit has reasonable cause to believe a lender has violated any provision of the Deferred Deposit Lending Act, the Administrator may make an investigation to determine whether the act has been committed, and, to the extent necessary for this purpose, may administer oaths or affirmations, and upon the Administrator's own motion or upon request of any party may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

B. If the person's records are located outside this state, the person shall, at the person's option, either make them available to the Administrator at a convenient location within this state, or pay the reasonable and necessary expenses for the Administrator or a representative to examine them at the place where they are maintained. Payments for such necessary expenses shall be made to the Commission on Consumer Credit. Any such payments so received by the Department shall be deposited in the Oklahoma Deferred Deposit Lending Regulatory Revolving Fund. The Administrator may designate representatives, including comparable officials of the state in which the records are located, to inspect them on the Administrator's behalf.

C. Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby the Administrator may apply to a court for an order compelling compliance, as provided by the Administrative Procedures Act, Sections 250.1 through 323 of Title 75 of the Oklahoma Statutes.

D. The Administrator shall not make public the name or identity of a person whose acts or conduct are investigated pursuant to this section or the facts disclosed in the investigation, but this subsection does not apply to disclosures in actions or enforcement proceedings pursuant to the Deferred Deposit Lending Act.

E. The Administrator may, after notice and hearing, censure, probate, suspend, revoke or refuse to renew any license or enjoin violations of the Deferred Deposit Lending Act if the Administrator finds that:

1. The licensee has failed to pay the annual license fee imposed by the Deferred Deposit Lending Act, or an examination fee, investigation fee or other fee or charge imposed by the Administrator under the authority of the Deferred Deposit Lending Act;

2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Deferred Deposit Lending Act or any rule or order lawfully made pursuant to and within the authority of the Deferred Deposit Lending Act;

3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the Administrator in refusing to issue the license;

4. The licensee has refused to permit examination by the Administrator;

5. The licensee has demonstrated incompetency or untrustworthiness to engage in the business of making deferred deposit loans; or

6. The licensee, as an individual, has been convicted of a felony or misdemeanor involving fraud, misrepresentation or deceit.

F. The hearing shall be held on not less than twenty (20) days' notice in writing setting forth the time and place of the hearing and a concise statement of the facts alleged to sustain the administrative action, and its effective date shall be set forth in a written order accompanied by finding of fact and a copy of the findings shall be delivered immediately to the licensee. The order, findings and evidence considered by the Administrator shall be filed with the public records of the Administrator.

G. Any licensee may surrender any license by delivering it to the Administrator with written notice of its surrender, but the surrender shall not affect the responsibility of the licensee for acts occurring prior to surrender of a license.

H. No revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any debtor.

I. The Administrator may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the Administrator or the independent hearing examiner in refusing originally to issue such license under these subsections.

J. Every licensee shall notify the Administrator of the conviction of or plea of guilty or nolo contendere to any felony within thirty (30) days after the plea is taken and also within thirty (30) days of the entering of an order of judgment and sentencing and shall notify the Administrator of any administrative action resulting in revocation, suspension or amendment of a license taken against the licensee in another state within thirty (30) days of the entering of the administrative order in that state.

K. Except as otherwise provided, the Administrative Procedures Act applies to and governs all administrative action taken by the Administrator pursuant to the Deferred Deposit Lending Act.

L. 1. After notice and hearing, the Administrator may order a lender or a person acting in the lender's behalf to cease and desist from engaging in violations of the Deferred Deposit Lending Act.

2. A respondent aggrieved by an order of the Administrator may obtain judicial review of the order as provided by the Administrative Procedures Act. In such a review proceeding, the Administrator may apply for a decree enforcing the order. All such proceedings shall be conducted and the court's authority in review shall be exercised in accordance with the provisions of the Administrative Procedures Act, with the following additions:

a. the court may grant any temporary relief or restraining order it deems just,
b. if the court affirms or modifies the order, it shall enter a decree enforcing and requiring compliance with the order as affirmed or as modified,
c. an objection to the order not urged at the hearing shall not be considered by the court unless the failure to urge the objection is excused for good cause shown, and
d. the copy of the testimony from the administrative hearing shall be available at reasonable times to all parties for examination without cost.

3. If no proceeding for review has been filed within the time specified by law, the Administrator or a representative may obtain from a court having jurisdiction over the respondent a decree for enforcement of the order upon a showing that the order was issued in compliance with this section, that no proceeding for review was initiated within the time specified by law, and that the respondent is subject to the jurisdiction of the court.

M. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Deferred Deposit Lending Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. The independent hearing examiner shall have authority to recommend penalties authorized by the Deferred Deposit Lending Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. A final agency order issued by the Administrator shall be appealable by all parties to the district court as provided in Article II of the Administrative Procedures Act. The costs of the hearing examiner may be assessed by the hearing examiner against the respondent, unless the respondent is the prevailing party.

Added by Laws 2003, c. 240, § 15, eff. Sept. 1, 2003. Amended by Laws 2010, c. 415, § 33, eff. July 1, 2010.

§59-3116. Additional powers of Administrator.

A. In addition to other powers granted by this act, the Administrator of Consumer Credit may, within the limitations provided by law:

1. Maintain a list of licensees, which shall be available to interested persons and the public. The Administrator shall also provide a toll-free number whereby consumers may obtain information about licensees;

2. Establish a complaint process whereby an aggrieved debtor or a member of the public may file a complaint against a licensee or nonlicensee who violates any provision of this act. The Administrator shall hold hearings upon the request of a party to the complaint, make findings of fact and conclusions of law, issue cease and desist orders and suspend or revoke a license granted under this act;

3. Take action designed to obtain voluntary compliance with this act or commence proceedings on the Administrator's own initiative;

4. Counsel persons and groups on their rights and duties under this act; and

5. With approval of the Commission on Consumer Credit, promulgate, amend and repeal administrative rules to carry out the provisions of the act, as provided by the Administrative Procedures Act.

B. The Administrator may conduct a study regarding the system of verification of the existence of deferred deposit loans as provided in paragraph 2 of subsection B of Section 9 of this act to determine:

1. If the system adequately provides lenders with information as to the existence of outstanding deferred deposit loans made by other lenders; and

2. If it is feasible for the Department of Consumer Credit to develop and maintain a database of outstanding deferred deposit loans to provide such information to lenders.

The Administrator shall consult with representatives of deferred deposit lenders, advocates for consumers of this state and other interested parties to conduct the study. The Administrator shall issue a report of any such findings to the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than December 1, 2004.

Added by Laws 2003, c. 240, § 16, eff. Sept. 1, 2003.

§59-3117. Civil penalties - Repayment of fees.

A. The Administrator of Consumer Credit may order and impose civil penalties upon a person subject to the provisions of the Deferred Deposit Lending Act for violations of the Deferred Deposit Lending Act or the rules promulgated to implement the Deferred Deposit Lending Act in an amount not to exceed One Thousand Dollars ($1,000.00) per violation. The Administrator may also order repayment of unlawful fees charged to debtors.

B. Any administrative order or settlement agreement imposing a civil penalty pursuant to this section may be enforced in the same manner as civil judgments in this state. The Administrator may file an application to enforce an administrative order or settlement agreement imposing a civil penalty in the district court of Oklahoma County.

Added by Laws 2003, c. 240, § 17, eff. Sept. 1, 2003. Amended by Laws 2010, c. 415, § 34, eff. July 1, 2010.

§59-3118. Consumer Credit Counseling Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Commission on Consumer Credit to be designated the "Consumer Credit Counseling Revolving Fund". The fund shall consist of fees received by the Administrator of Consumer Credit from deferred deposit lenders for consumer credit counseling services pursuant to the provisions of Section 3119 of this title. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Administrator. Monies accruing to the credit of this fund are hereby appropriated and may be budgeted and expended by the Administrator 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.

Added by Laws 2003, c. 240, § 18, eff. Sept. 1, 2003. Amended by Laws 2004, c. 557, § 8, emerg. eff. June 10, 2004; Laws 2010, c. 415, § 35, eff. July 1, 2010; Laws 2012, c. 304, § 294.

§59-3119. Renumbered as § 3-211 of Title 14A by Laws 2019, c. 89, § 32, eff. Aug. 1, 2020.

§59-3150. Short title - Oklahoma Small Lenders Act.

This act shall be known and may be cited as the "Oklahoma Small Lenders Act".

Added by Laws 2019, c. 89, § 2, eff. Nov. 1, 2019.

§59-3150.1. Definitions.

As used in this act, unless the context requires otherwise:

1. "Administrator" means the Administrator of the Department of Consumer Credit or the Administrator's designee;

2. "Affiliate" means a person or organization directly or indirectly controlling, controlled by or under common control with the licensee;

3. "Control" means possession, directly or indirectly, of the power to direct or cause the direction of management and policies of a person, whether through ownership of voting securities, by contract or otherwise. No individual shall be deemed to control a person solely on account of being a director, officer or employee of the person. For purposes of this paragraph, a person who directly or indirectly owns, controls, holds the power to vote or holds proxies representing twenty-five percent (25%) or more of the current outstanding voting securities issued by another person is presumed to control the other person, and the Administrator may determine whether a person, in fact, controls another person;

4. "Controlling person" means any person in control of a licensee;

5. "Department" means the Department of Consumer Credit;

6. "Small loan" means a loan made pursuant to a written agreement subject to this act between a licensee and customer establishing a credit plan under which the licensee contemplates credit transactions from time to time that:

a. shall be unsecured,

b. shall not have a term longer than twelve (12) months or less than sixty (60) days,

c. shall be fully amortized and payable in substantially equal periodic payments, and

d. are subject to prepayment in whole or in part at any time without penalty;

7. "Licensee" means a person licensed to offer small loans pursuant to this act;

8. "Person" means an individual, group of individuals, partnership, association, corporation or any other business, unit or legal entity; and

9. "Default" means:

a. the failure of a customer to make a required payment within a certain number of days of the due date as agreed upon by the licensee and the customer per the small loan agreement; provided, that such agreed-upon number of days not exceed sixty-one (61) days after a failure to make a required payment on the due date, or

b. the customer's failure to otherwise perform the obligations under the small loan agreement.

Added by Laws 2019, c. 89, § 3, eff. Nov. 1, 2019.

§59-3150.2. License required – Eligibility for licensure.

A. Beginning on August 1, 2020, no person shall engage in the business of making small loans as defined in this act, unless the

person is licensed by the Department of Consumer Credit as provided by this act. A person shall be deemed to be engaged in the business of making small loans in this state if the person regularly makes loans for a fee or induces a consumer, while located in this state, to enter into a small loan in this state through the use of facsimile, telephone, Internet or other means. A separate license shall be required for each location from which the business of making small loans is conducted.

B. Any nonresident person seeking licensure under this act shall furnish the Administrator of the Department of Consumer Credit with the name and address of a resident of this state upon whom notices or orders issued by the Administrator, or process affecting a licensee under this act, may be served. A nonresident licensee shall notify the Administrator in writing of any change in its designated agent for service of process as provided in paragraph 2 of Section 5 of this act, and the change shall not become effective until approved by the Administrator.

C. No person doing business under the authority of any law of Oklahoma or of the United States relating to banks, savings institutions, trust companies, building and loan associations, industrial loan associations or credit unions shall be eligible for licensure under this act.

Added by Laws 2019, c. 89, § 4, eff. Nov. 1, 2019.

§59-3150.3. Applicant requirements.

A. An applicant for a license to make small loans shall meet the following requirements:

1. A tangible net worth that comprises tangible assets, less liabilities, of not less than Fifty Thousand Dollars ($50,000.00) for each location; and

2. The financial responsibility, financial condition, business experience, character and general fitness of the applicant shall reasonably warrant the belief that the applicant's business shall be conducted lawfully, honestly, carefully and efficiently. In determining whether these qualifications have been met and for the purpose of investigating compliance with this act, the Administrator of the Department of Consumer Credit may review and approve:

a. the business records and the capital adequacy of the applicant,

b. the competence, experience, integrity and financial ability of any person who is a director, officer, a shareholder with ten percent (10%) or more shares of the applicant, or a person who owns or controls the applicant, and

c. any record of the applicant or any person referred to in this act for any criminal activity, fraud or other act of personal dishonesty; any act, omission or

practice that constitutes a breach of a fiduciary duty; or any suspension, revocation or removal by any agency or department of the United States or any state, from participation in the conduct of any business.

B. The Administrator shall periodically review the licensee's compliance with subsection A of this section.

Added by Laws 2019, c. 89, § 5, eff. Nov. 1, 2019.

§59-3150.4. Application for licensure.

A. On and after January 1, 2020, a person may apply for licensure pursuant to the Oklahoma Small Lenders Act; provided, however, no person is authorized to make any small loan pursuant to this act until August 1, 2020, and thereafter; and provided further, such person making any small loan must be in possession of a valid license issued pursuant to this act.

B. Each application for a license shall be in a form established by the Administrator of the Department of Consumer Credit by promulgation of an administrative rule and shall include the following:

1. The legal name, residence and business address of the applicant and, if the applicant is a partnership, association or corporation, the legal name, residence and business address of every member, officer, managing employee and director of the applicant;

2. Every person licensed under this act shall maintain an agent in this state for service of process. The name, address, telephone number and electronic mail address of the agent shall be filed with the application. The Administrator shall be notified in writing by the licensee at least five (5) days prior to any change in the status of an agent; and

3. Other data and information the Administrator may require about the applicant, its directors, trustees, officers, members, managing employees or agents.

Added by Laws 2019, c. 89, § 6, eff. Nov. 1, 2019.

§59-3150.5. Application fees – Audited financial statement – Surety bond – Criminal history records check.

A. Each application for a license required by this act shall be accompanied by:

1. A filing fee of Seven Hundred Dollars ($700.00), a license fee of Five Hundred Dollars ($500.00) and a supervision fee of Seven Hundred Dollars ($700.00). In the event of a denial of the application per Section 9 of this act, the license and supervision fees shall be returned to the applicant. The filing fee, the license fee and supervision fee shall be applicable to each location;

2. An audited financial statement including but not limited to a balance sheet, a statement of income or loss and a statement of changes in financial position for the immediately preceding fiscal year, prepared in accordance with generally accepted accounting principles by a certified public accountant or public accounting firm, neither of which is affiliated with the applicant. For a newly created entity, the Administrator of the Department of Consumer Credit may accept only a balance sheet prepared by a certified public accountant or public accounting firm, neither of which is affiliated with the applicant, accompanied by a projected income statement demonstrating that the applicant will have adequate capital after payment of start-up costs. If the applicant does not have an audited financial statement meeting the above requirements, it may submit a financial statement of its company if the financial statement is audited in accordance with generally accepted accounting principles by a certified public accountant or public accounting firm neither of which is affiliated with the applicant; and

3. A surety bond, issued by an insurer regulated under the Insurance Commissioner of this state and not affiliated with the applicant, in the amount of Twenty-five Thousand Dollars ($25,000.00) for each location. However, the aggregate amount of the surety bond required for a single licensee shall not exceed Two Hundred Thousand Dollars ($200,000.00). In lieu of the surety bond, the applicant shall file an irrevocable letter of credit, in the amount of the surety bond, issued by any federally insured bank, savings bank or credit union, none of which is affiliated with the applicant. The surety bond or irrevocable letter of credit shall be in a form satisfactory to the Administrator and shall be payable to the Department of Consumer Credit for the benefit of any person who is injured pursuant to a small loan by the fraud, misrepresentation, breach of contract, financial failure or violation of any provision of this act by a licensee. In the case of a surety bond, the aggregate liability of the surety bond shall not exceed the principal sum of the surety bond. In the case of an irrevocable letter of credit, applicants shall obtain letters of credit for terms of not less than three (3) years and renew the letters of credit annually. If the licensee fails to pay a person or the Administrator, as required by this act, then a person may bring suit against the licensee directly on the surety bond or irrevocable letter of credit in any court of competent jurisdiction, or the Administrator may bring suit in the District Court of Oklahoma County or the county of the aggrieved, which shall have exclusive venue in all matters relating to this section on behalf of those persons, in either one or successive actions. The surety bond or irrevocable letter of credit shall be maintained by the licensee for

not less than three (3) years following the expiration, revocation or surrender of the licensee's license.

B. 1. The Administrator is authorized to require an applicant for a license to consent to a criminal history records check and to provide fingerprints with the application in a form acceptable to the Administrator. The Administrator may require such consent and fingerprints from any individual who is a director, officer or ten percent (10%) or more shareholder of the applicant or who owns or controls the applicant, as well as from any other individual associated with the applicant as is reasonably necessary to meet the purposes of this act. Refusal of any person to consent to a criminal history records check or to provide fingerprints pursuant to this subsection constitutes grounds for the Administrator to deny the applicant a license.

2. Any criminal history records check conducted pursuant to this subsection shall be conducted by the Oklahoma State Bureau of Investigation, the Federal Bureau of Investigation or both, and the results of the criminal history records check shall be forwarded to the Administrator.

Added by Laws 2019, c. 89, § 7, eff. Nov. 1, 2019.

§59-3150.6. Application approval – Posting of license.

A. Upon the filing of an application in a form prescribed by the Administrator of the Department of Consumer Credit, accompanied by the fees and documents required by this act, the Administrator shall investigate to ascertain whether the requirements prescribed by this act have been satisfied. If the Administrator finds that the requirements have been satisfied and approves the documents, the Administrator shall issue to the applicant a license to engage in the business of making small loans in this state.

B. The license shall be conspicuously posted in the licensee's place of business at all times.

Added by Laws 2019, c. 89, § 8, eff. Nov. 1, 2019.

§59-3150.7. Application denial - Hearing.

A. If the Administrator of the Department of Consumer Credit determines that an applicant is not qualified to receive a license, the Administrator shall notify the applicant in writing that the application has been denied, stating the basis for denial.

B. If the Administrator denies an application, or if the Administrator fails to act on an application within ninety (90) days after the filing of a properly completed application, the applicant may make a written demand to the Administrator for a hearing before the Administrator on the question of whether the license should be granted.

C. Any hearing on the denial of a license shall be conducted pursuant to the Administrative Procedures Act; provided, that the

burden of proof that the applicant is entitled to a license shall be on the applicant. A decision of the Administrator following any hearing on the denial of a license is subject to review pursuant to the provisions of the Administrative Procedures Act.
Added by Laws 2019, c. 89, § 9, eff. Nov. 1, 2019.

§59-3150.8. License expiration - Renewal.

A. Any license issued between January 1, 2020, and December 31, 2020, shall expire on December 31, 2021. All licenses issued on and after January 1, 2021, shall expire on December 31 in the year such license is issued, unless earlier surrendered, suspended or revoked pursuant to this act. On and after January 1, 2021, an initial license fee may be prorated to correspond to the number of months between the issuing date and the expiration date of December 31 of the same year.

B. Each license may be renewed for the ensuing twelve-month period upon application by the license holder showing continued compliance with the requirements of this act and the payment to the Administrator of the Department of Consumer Credit annually by December 1 of a license renewal fee of Five Hundred Fifty Dollars ($550.00).

C. A licensee making timely and complete application for renewal of its license shall be permitted to continue to operate under its existing license until its application is approved or denied.
Added by Laws 2019, c. 89, § 10, eff. Nov. 1, 2019.

§59-3150.9. Transferability and assignability – Change of control requests.

A. A license issued pursuant to this act is not transferable or assignable.

B. 1. The prior written approval of the Administrator of the Department of Consumer Credit is required for the continued operation of a small loan business whenever a change in control of a licensee is proposed. The Administrator may require information deemed necessary to determine whether a new application is required. Reasonable and actual costs incurred by the Administrator in investigating a change-of-control request shall be paid by the person requesting approval. If the person acquiring control of a licensee is already licensed under this act, the person shall notify the Administrator thirty (30) days prior to the acquisition.

2. Whenever control is acquired or exercised in violation of this section, the license shall be deemed revoked as of the date of the unlawful acquisition of control. The licensee or its controlling person shall surrender the license to the Administrator on demand.

C. A licensee shall notify the Administrator thirty (30) days before any change in the licensee's principal place of business, branch office or name.
Added by Laws 2019, c. 89, § 11, eff. Nov. 1, 2019.

§59-3150.10. Limits on loan fees, interest rates, loan to income ratios – Payment methods.

A. A licensee authorized to make small loans under this act may charge and collect fees in a manner consistent with this section.

B. A licensee may only charge and collect a periodic interest rate not to exceed seventeen percent (17%) per month unless otherwise provided by this title.

C. The maximum aggregated principal loan amount of all small loans outstanding across all licensees per customer shall be One Thousand Five Hundred Dollars ($1,500.00) and adjusted every other year by the Administrator of the Department of Consumer Credit to reflect the percentage changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. To ensure that the maximum aggregated principal amount is not exceeded, the licensee shall verify outstanding amounts by using a private database approved by the Administrator. To comply with the verification required under this act, a lender may be charged a fee by the database provider not to exceed Two Dollars and twenty cents ($2.20) for each full or partial 30-day period that a balance is scheduled to be outstanding.

D. 1. Notwithstanding the maximum aggregate loan amount established in subsection C of this section, a lender is prohibited from making a small loan if the total scheduled payments coming due in a month exceeds twenty percent (20%) of the borrower's gross monthly income.

2. For the purposes of determining a borrower's gross monthly income under this subsection, a lender shall obtain and maintain documentation of the borrower's proof of income or third-party verification of all income considered in making the borrower's gross monthly income determination.

3. For the purposes of this subsection, "month" means a period extending from a given date in one (1) calendar month to the same date in the succeeding calendar month; or if there is no same date in the succeeding calendar month, the last day of the succeeding calendar month.

E. Any small loan under this act shall require payment in the form of cash, money order, debit card, prepaid credit card, automated clearinghouse debit (ACH payment), remotely created check debit (RCC payment) or any other instrument for payment of money on or after the due date of each billing cycle. If the borrower chooses to authorize the electronic payment of money, the lender:

1. Must get written authorization from the borrower to establish the debit;

2. Must give written notice to the borrower before the initial funds are transferred;

3. Must get additional written approval from the borrower after a second failed attempt to make a loan payment due to insufficient funds; and

4. Is permitted to provide electronic written notices to the borrower as long as the borrower consents to electronic communications.

F. If a customer defaults under the terms of a small loan and the licensee refers the customer's account to an attorney for collection, the licensee may, if the small loan so provides, charge and collect from the customer a reasonable attorney fee not to exceed fifteen percent (15%) of the outstanding amount.

G. If a check, ACH payment or RCC payment is returned to a licensee from a payor financial institution due to insufficient funds, a licensee shall have the authority to assess a twenty-five-dollar fee against the maker or drawer of the returned check. Added by Laws 2019, c. 89, § 12, eff. Nov. 1, 2019.

§59-3150.11. Written explanation to customers of fees and charges - Right of rescission.

A. A licensee shall provide each customer a written explanation, in clear, understandable language, of the fees and charges to be charged by the licensee. The style, content and method of executing the required written explanation shall comply with Oklahoma Regulation Z laws and shall contain a statement that the customer may prepay the unpaid balance in whole or in part at any time without penalty. The Administrator of the Department of Consumer Credit may promulgate administrative rules establishing additional requirements in order to assure complete and accurate disclosure of the fees and charges to be charged by a licensee under a small loan.

B. A small loan shall include, along with other state or federal law requirements:

1. A customer's right of rescission for any small loan. No lender shall be required to extend a right of rescission past the close of business on the day after loan proceeds are disbursed unless the lender is not open on the day after disbursement, in which case the right of rescission shall be extended to the subsequent day the lender is open; and

2. A notice informing the customer that complaints may be made to the Administrator, including the Administrator's telephone number and address.

C. Borrowers who default may undergo consumer credit counseling from a list of organizations approved by the Department of Consumer Credit and made available upon request by the lender.
Added by Laws 2019, c. 89, § 13, eff. Nov. 1, 2019.

§59-3150.12. Keeping and maintaining records – Unfair or deceptive acts – Device or agreement to obtain greater charges – Compliance with other laws – Jurisdiction and venue.

A. Each licensee shall keep and use in its business any books, accounts and records the Administrator of the Department of Consumer Credit may require for purposes of this act and the rules promulgated pursuant thereto. Every licensee shall preserve the books, accounts and records for at least four (4) years. Any licensee, after receiving the prior written approval of the Administrator, may maintain records at a location within or outside this state.

B. A licensee shall not engage in unfair or deceptive acts, practices or advertising in the conduct of the licensed business.

C. A licensee shall not use any device or agreement, including agreements with affiliated licensees, with the intent to obtain greater charges than otherwise would be authorized by this act.

D. A licensee shall comply with any state or federal law, rule or regulation applicable to any business authorized or conducted under this act, including but not limited to Oklahoma Regulation Z, the federal Equal Credit Opportunity Act, 15 U.S.C., Sections 1691-1691f, and the federal Fair Debt Collection Practices Act, 15 U.S.C., Section 1692 et seq.

E. 1. No small loan subject to this act shall:

a. provide that the law of a jurisdiction other than Oklahoma law applies,

b. provide that the customer consents to the jurisdiction of another state or foreign country, or

c. establish venue.

2. Any provision described in this section that is contained in a written small loan agreement made after the effective date of this act shall be void and not enforceable as a matter of public policy.
Added by Laws 2019, c. 89, § 14, eff. Nov. 1, 2019.

§59-3150.13. Applicability with other laws.

The business of making small loans in accordance with this act shall not be subject to or controlled by any other statute governing the imposition of interest, fees or loan charges. A licensee shall not have the powers enumerated in this act without first complying with the law regulating the particular transaction involved, but licensees legally exercising any of the powers set forth in this act shall not be deemed in violation of any other provision of law.
Added by Laws 2019, c. 89, § 15, eff. Nov. 1, 2019.

§59-3150.14. Promulgation of administrative rules – Examination and investigation of books, records and persons – Examination or investigation fees.

A. The Administrator of the Department of Consumer Credit may promulgate administrative rules in accordance with the Administrative Procedures Act for the enforcement of this act.

B. To assure compliance with this act, the Administrator may examine the relevant business, books and records of any licensee. Further, for the purposes of discovering violations of this act and determining whether persons are subject to this act, the Administrator may examine or investigate persons licensed under this act and persons reasonably suspected by the Administrator of conducting business that requires a license under this act by exercising authority that includes, but is not limited to, the power to summon witnesses and examine them under oath or affirmation and to compel the production of books and records that may be relevant to the examination or investigation.

C. A licensee or unlicensed person subject to the licensing requirements of this act, that is examined or investigated in accordance with this act, shall pay to the Administrator the reasonable and actual expenses of the investigation or examination, including travel expenses, in addition to the supervision fee of Seven Hundred Dollars ($700.00). Such reasonable and actual expenses shall include a fee of Fifty Dollars ($50.00) per hour for exams lasting more than eight (8) hours. In-state travel expenses shall comply with such limitations and allowances as provided by the State Travel Reimbursement Act as found in Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. The expenses shall be payable in addition to all other fees, taxes and costs required by law.
Added by Laws 2019, c. 89, § 16, eff. Nov. 1, 2019.

§59-3150.15. Independent hearing examiner – Suspension or revocation of license.

A. The Administrator of the Department of Consumer Credit shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of Title 14A of the Oklahoma Statutes. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. The independent hearing examiner shall recommend penalties authorized by Title 14A of the Oklahoma Statutes and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. The costs of the hearing examiner

may be assessed by the Administrator against the respondent, unless the respondent is the prevailing party. Any person aggrieved by a final agency order of the Administrator may obtain judicial review in accordance with the Administrative Procedures Act. The jurisdiction and venue of any such action shall be in the district court of Oklahoma County or the county of the aggrieved.

B. The Administrator may, after notice and hearing, suspend or revoke any license if the Administrator finds that the licensee has knowingly or through lack of due care:

1. Failed to pay any fees, expenses or costs imposed by the Administrator under the authority of this act;

2. Committed any fraud, engaged in any dishonest activities or made any misrepresentations;

3. Violated any provision of this act, any administrative rule promulgated pursuant to this act or any other law in the course of the licensee's dealings as a licensee;

4. Made a false statement in the application for the license or failed to give a true reply to a question in the application; or

5. Demonstrated incompetency or untrustworthiness to act as a licensee.

C. If the reason for revocation or suspension of a licensee's license at any one location is of general application to all locations operated by a licensee, the Administrator may revoke or suspend all licenses issued to a licensee.

D. A hearing shall be held on written notice given at least twenty (20) days prior to the date of the hearing and shall be conducted in accordance with the Administrative Procedures Act.
Added by Laws 2019, c. 89, § 17, eff. Nov. 1, 2019.

§59-3150.16. Violations – Actions Department may take.

After notice and opportunity for a hearing, if the Administrator of the Department of Consumer Credit finds that a person has violated this act or any administrative rule promulgated pursuant thereto, the Administrator may take the following actions or any combination of such actions:

1. Order the person to cease and desist violating the act or any administrative rule promulgated pursuant thereto;

2. Require the refund of any fees collected by the person in violation of this act; or

3. Order the person to pay to the Department of Consumer Credit a civil penalty of not more than One Thousand Dollars ($1,000.00) for each transaction in violation of this act or for each day that a violation occurs or continues.
Added by Laws 2019, c. 89, § 18, eff. Nov. 1, 2019.

§59-3150.17. Violations – Censure, suspension or bar of employment, management or control of a licensee.

A. The Administrator, after notice and opportunity for a hearing, may censure, suspend for a period not to exceed twelve (12) months or bar a person from any position of employment, management or control of a licensee, if the Administrator finds that the:

1. Censure, suspension or bar is in the public interest and that the person has committed or caused a violation of this act, administrative regulation or any rule or order of the Administrator; or

2. Person has been:

a. convicted, pled guilty to or pled nolo contendere to any crime, or

b. held liable in any civil action by final judgment or any administrative judgment by any public agency, if the criminal, civil or administrative judgment involved any offense reasonably related to the qualifications, functions or duties of a person engaged in the business of making small loans pursuant to this act.

B. Persons suspended or barred under this section are prohibited from participating in any business activity of a licensee and from engaging in any business activity on the premises where a licensee is conducting its business. This subsection shall not be construed to prohibit suspended or barred persons from having their personal transactions processed by a licensee.

Added by Laws 2019, c. 89, § 19, eff. Nov. 1, 2019.

§59-3150.18. Consent orders – Enforcement action without prior hearing.

A. The Administrator of the Department of Consumer Credit may enter into a consent order at any time with any person to resolve any matter arising under this act. A consent order shall be signed by the person to whom it is issued or a duly authorized representative and shall indicate agreement to the terms contained in the order. A consent order need not constitute an admission by any person that any provision of this act or any administrative rule or order promulgated or issued under this act has been violated, nor need it constitute a finding by the Administrator that the person has violated this act or any administrative rule or order issued under this act.

B. Notwithstanding the issuance of a consent order, the Administrator may seek civil or criminal penalties concerning matters encompassed by the consent order.

C. In cases involving extraordinary circumstances requiring immediate action, the Administrator may take any enforcement action authorized by this act without providing the opportunity for a prior hearing but shall promptly afford a subsequent hearing upon an application to rescind the action taken that is filed with the

Administrator within twenty (20) days after receipt of the notice of the Administrator's emergency action.
Added by Laws 2019, c. 89, § 20, eff. Nov. 1, 2019.

§59-3150.19. Written complaints – Investigation – Exclusive administrative power.

A. Any person aggrieved by the conduct of a licensee or unlicensed person in connection with regulated activities pursuant to this act, may file a written complaint with the Administrator of the Department of Consumer Credit who may investigate the complaint.

B. In the course of the investigation of the complaint, the Administrator may:

1. Subpoena witnesses;

2. Administer oaths;

3. Examine any individual under oath or affirmation; and

4. Compel the production of records, books, papers, contracts or other documents relevant to the investigation.

C. If any person fails to comply with a subpoena of the Administrator under this act or to testify concerning any matter about which the person may be interrogated under this act, the Administrator may petition any court of competent jurisdiction for enforcement.

D. The license of any licensee under this act who fails to comply with a subpoena of the Administrator may be suspended pending compliance with the subpoena.

E. The Administrator shall have exclusive administrative power for the State of Oklahoma to investigate and enforce any and all complaints relating to the business of making small loans filed by any person that are not criminal in nature.
Added by Laws 2019, c. 89, § 21, eff. Nov. 1, 2019.

§59-3150.20. Written report by licensee after occurrence of certain events.

Within fifteen (15) days of the occurrence of any one of the following events, a licensee shall file a written report with the Administrator of the Department of Consumer Credit describing the event and its expected impact on the activities of the licensee in this state:

1. The filing for bankruptcy or reorganization by the licensee;

2. Revocation or suspension proceedings instituted against the licensee by any state or governmental authority;

3. The denial of the opportunity to engage in the business of making loans by any state or governmental authority;

4. Any felony indictment of the licensee or any of its directors, officers or principals;

5. Any felony conviction of the licensee or any of its directors, officers or principals; and

6. Other events that the Administrator may determine and identify by administrative regulation.
Added by Laws 2019, c. 89, § 22, eff. Nov. 1, 2019.

§59-3150.21. Annual report by licensees.

A. Each licensee shall file an annual report with the Administrator of the Department of Consumer Credit on the date of the renewal application required in Section 10 of this act, containing the following information:

1. The names and addresses of persons owning a controlling interest in each licensee;

2. The location of all places of business operated by the licensee and the nature of the business conducted at each location;

3. The names and addresses of all affiliated entities regulated under Title 14A of the Oklahoma Statutes doing business in this state;

4. An audited financial statement, including, but not limited to, a balance sheet, statement of income or loss and statement of changes in financial position, for the immediately preceding fiscal year end, prepared in accordance with generally accepted accounting principles by a certified public accountant or public accounting firm, neither of which is affiliated with the licensee; and

5. If the licensee is a corporation, the names and addresses of its officers and directors; if the licensee is a partnership, the names and addresses of the partners; or if the licensee is a limited liability company, the names and addresses of the board of governors or managers of the limited liability company.

B. If the licensee holds two or more licenses or is affiliated with other licensees, a composite report may be filed but shall not be required.

C. The reports shall be filed in a form that may reasonably be required by the Administrator and shall be sworn to by a responsible officer of the licensee.

D. The information submitted by licensees shall be confidential.
Added by Laws 2019, c. 89, § 23, eff. Nov. 1, 2019.

§59-3150.22. Multistate automated licensing system – Administrator authority - Costs.

A. In addition to any other powers conferred upon the Administrator of the Department of Consumer Credit by law, the Administrator is authorized to require persons subject to this act to be licensed through a multistate automated licensing system. Pursuant to this authority, the Administrator may:

1. Promulgate administrative rules that are reasonably necessary for participation in, transition to or operation of a multistate automated licensing system;

2. Establish relationships or enter into agreements that are reasonably necessary for participation in, transition to or operation of a multistate automated licensing system. The agreements may include, but are not limited to, operating agreements, information-sharing agreements, interstate cooperative agreements and technology licensing agreements;

3. Require that applications for licensing under this act and renewals of such licenses may be filed with a multistate automated licensing system;

4. Require that any fees required to be paid under this act and required by a multistate automated licensing system may be paid through a multistate automated licensing system;

5. Establish deadlines for transitioning licensees to a multistate automated licensing system. The Administrator has the authority to deny any applications or renewal applications not filed with a multistate automated licensing system after such deadlines have passed, notwithstanding any dates established elsewhere in this act; provided, however, the Administrator shall provide reasonable notice of any transition deadlines to licensees; and

6. Take such further actions as are reasonably necessary to give effect to this section.

B. Nothing in this section shall authorize the Administrator to require a person who is not subject to this act to submit information to or to participate in a multistate automated licensing system that is operated or participated in pursuant to this act.

C. The Administrator shall retain full authority and discretion to license persons under this act and to enforce this act to its fullest extent. Nothing in this section shall be deemed to be a reduction or derogation of that authority and discretion.

D. Applicants for and holders of licenses issued under this act shall pay all costs associated with submitting an application to or transitioning a license to a multistate automated licensing system, as well as all costs required by a multistate automated licensing system for maintaining and renewing any license issued by the Administrator on a multistate automated licensing system.

Added by Laws 2019, c. 89, § 24, eff. Nov. 1, 2019.

§59-3150.23. Authority to use multistate automated licensing system for channeling information.

The Administrator of the Department of Consumer Credit is authorized to use a multistate automated licensing system as an agent for channeling information, whether criminal or noncriminal in nature, whether derived from or distributed to the United States Department of Justice or any other state or federal governmental agency, or any other source that the Administrator is authorized to request from or distribute to under this act.

Added by Laws 2019, c. 89, § 25, eff. Nov. 1, 2019.

§59-3150.24. Application of federal or state laws to information provided to a multistate automated licensing system – Agreements with other government agencies.

A. In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing, the requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to a multistate automated licensing system and any privilege arising under federal or state law, including the rules of any federal or state court with respect to such information or material, shall continue to apply to the information or material after the information or material has been disclosed to a multistate automated licensing system. The information or material may be shared with all state and federal regulatory officials with consumer credit oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal or any state law, including the protection available under the laws of the State of Oklahoma.

B. For purposes of this section, the Administrator of the Department of Consumer Credit is authorized to enter into agreements or sharing agreements with other governmental agencies, the Conference of State Bank Supervisors or other associations representing governmental agencies as established by rule or order of the Administrator.

C. Information or material that is subject to privilege or confidentiality under this section shall not be subject to:

1. Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or any agency of the federal government or the respective state; or

2. Subpoena, discovery or admission into evidence in any private civil action or administrative process, unless with respect to any privilege held by a multistate automated licensing system applicable to such information or material, the person to whom such information or material pertains waives that privilege in whole or in part in the discretion of such person.

D. This section shall supersede any inconsistent provisions of law pertaining to the records open to public inspection.

E. This section shall not apply with respect to information or material relating to publicly adjudicated disciplinary and enforcement actions against persons subject to this act that is included in a multistate automated licensing system for access by the public.

Added by Laws 2019, c. 89, § 26, eff. Nov. 1, 2019.

§59-3150.25. Local government units – Authority to regulate small loans.

Local government units including, but not limited to, cities, towns and counties shall have no authority to regulate small loans.
Added by Laws 2019, c. 89, § 27, eff. Nov. 1, 2019.

§59-3150.26. Information not to be disclosed by Administrator or employees.

Except as otherwise provided in Title 14A of the Oklahoma Statutes or Section 23 of this act, the following shall not be disclosed by the Administrator of the Department of Consumer Credit or any of its employees:

1. A report of examination of any person subject to Title 14A of the Oklahoma Statutes, including any contents thereof; and

2. Any personal or financial information pertaining to a person furnished to, or obtained by, the Administrator during the application or examination process.

Added by Laws 2019, c. 89, § 28, eff. Nov. 1, 2019.

§59-3150.27. Garnishing wages for debt collection.

In no event shall an employer be required to garnish wages, earnings or other income of an employee for the purpose of collecting debts on small loans as such term is defined in this act.
Added by Laws 2019, c. 89, § 29, eff. Nov. 1, 2019.

§59-3201. Short title.

This act shall be known and may be cited as the "Oklahoma Anesthesiologist Assistant Act".
Added by Laws 2008, c. 161, § 1, eff. Nov. 1, 2008.

§59-3202. Definitions.

As used in the Oklahoma Anesthesiologist Assistant Act:

1. "Board" means the State Board of Medical Licensure and Supervision;

2. "Anesthesiologist assistant" means a graduate of an approved program who is licensed to perform medical services delegated and directly supervised by a supervising anesthesiologist;

3. "Approved program" means a program for the education and training of anesthesiologist assistants approved by the State Board of Medical Licensure and Supervision;

4. "Direct supervision" means the on-site, personal supervision by an anesthesiologist who is present in the office when the procedure is being performed in that office, or is present in the surgical or obstetrical suite when the procedure is being performed in that surgical or obstetrical suite and who is in all instances immediately available to provide assistance and direction to the anesthesiologist assistant while anesthesia services are being performed; and

5. "NCCAA" means the National Commission for Certification of Anesthesiologist Assistants.
Added by Laws 2008, c. 161, § 2, eff. Nov. 1, 2008.

§59-3203. Duties of State Board Medical Licensure and Supervision.
The State Board of Medical Licensure and Supervision shall:
1. Examine, license and renew the licenses of duly qualified applicants;
2. Maintain an up-to-date list of every person licensed to practice pursuant to the Oklahoma Anesthesiologist Assistant Act. The list shall show the licensee's last-known place of employment, last-known place of residence, and the date and number of the license;
3. Cause the prosecution of all persons violating the Oklahoma Anesthesiologist Assistant Act and incur necessary expenses therefor;
4. Keep a record of all proceedings of the Board and make such record available to the public for inspection during reasonable business hours;
5. Conduct hearings upon charges calling for discipline of a licensee, or denial, revocation or suspension of a license; and
6. Share information on a case-by-case basis of any person whose license has been suspended, revoked or denied. The information shall include the name, type and cause of action, date and penalty incurred, and the length of penalty. The information shall be available for public inspection during reasonable business hours and shall be supplied to similar boards in other states upon request.
Added by Laws 2008, c. 161, § 3, eff. Nov. 1, 2008. Amended by Laws 2024, c. 227, § 7, eff. Nov. 1, 2024.

§59-3204. Powers of State Board of Medical Licensure and Supervision.
The State Board of Medical Licensure and Supervision may:
1. Promulgate rules, consistent with the laws of this state, as may be necessary to enforce the provisions of the Oklahoma Anesthesiologist Assistant Act. Rules shall be promulgated in accordance with Article I of the Administrative Procedures Act;
2. Employ such personnel as necessary to assist the Board in performing its function;
3. Establish license renewal requirements and procedures as deemed appropriate;
4. Secure the services of resource consultants as deemed necessary by the Board. Resource consultants shall be reimbursed for all actual and necessary expenses incurred while engaged in consultative service to the Board, pursuant to the State Travel Reimbursement Act;

5. Enter into agreements or contracts, consistent with state law, with outside organizations for the purpose of developing, administering, grading or reporting the results of licensing examinations. Such groups shall be capable of providing an examination which meets the standards of the NCCAA, or their equivalent; and

6. Establish by rule license examination fees.

Added by Laws 2008, c. 161, § 4, eff. Nov. 1, 2008.

§59-3205. Application for licensure.

A. All persons applying for licensure as an anesthesiologist assistant shall submit an application to the State Board of Medical Licensure and Supervision on forms approved by the Board.

B. The application shall not be used for more than one (1) year from the date of original submission of the application and fee. After one (1) year from the date that the original application and fee have been received in the Board office, a new application and fee shall be required from any applicant who desires licensure as an anesthesiologist assistant.

C. All application information must be submitted no later than fifteen (15) days prior to the meeting at which the applicant desires the application to be considered.

Added by Laws 2008, c. 161, § 5, eff. Nov. 1, 2008.

§59-3206. Application requirements - Exam score - Certification - Notarized statements.

A. All applicants for licensure as an anesthesiologist assistant must submit an application as set forth in Section 5 of this act. The applicant must submit two personalized and individualized letters of recommendation from anesthesiologists. Letters of recommendation must be composed and signed by the applicant’s supervising physician, or, for recent graduates, the faculty physician, and give details of the applicant’s clinical skills and ability. Each letter must be addressed to the State Board of Medical Licensure and Supervision and must have been written no more than six (6) months prior to the filing of the application for licensure.

B. The applicant must have obtained a passing score on the examination administered through the NCCAA. The passing score shall be established by the NCCAA.

C. The applicant must be certified in advanced cardiac life support.

D. The applicant must submit notarized statements containing the following information:

1. Completion of three (3) hours of all Category I, American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education

related to the practice of osteopathic medicine or under osteopathic auspices which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant shall be allowed six (6) months to complete this requirement;

2. Completion of one (1) hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the above agencies shall be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant shall be allowed six (6) months to complete this requirement; and

3. Completion of two (2) hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices.

Added by Laws 2008, c. 161, § 6, eff. Nov. 1, 2008.

§59-3207. Supervisory protocol - Authorized assistant duties.

A. Every anesthesiologist or group of anesthesiologists, upon entering into a supervisory relationship with an anesthesiologist assistant must file with the State Board of Medical Licensure and Supervision a written protocol, to include, at a minimum, the following:

1. Name, address, and license number of the anesthesiologist assistant;

2. Name, address, license number and federal Drug Enforcement Administration (DEA) number of each anesthesiologist who will supervise the anesthesiologist assistant;

3. Address of the anesthesiologist assistant's primary practice location and any other locations where the assistant may practice;

4. The date the protocol was developed and the dates of all revisions;

5. The designation and signature of the primary supervising anesthesiologist;

6. Signatures of the anesthesiologist assistant and all supervising anesthesiologists;

7. The duties and functions of the anesthesiologist assistant;

8. Conditions or procedures that require the personal provision of care by an anesthesiologist; and

9. The procedures to be followed in the event of an anesthetic emergency.

B. The protocol must be on file with the Board prior to the time the anesthesiologist assistant begins practice with the anesthesiologist or the anesthesiology group.

C. The protocol must be updated biennially.

D. Anesthesiologist assistants may perform the following duties under the direct supervision of an anesthesiologist:

1. Obtaining a comprehensive patient history and presenting the history to the supervising anesthesiologist;

2. Pretesting and calibration of anesthesia delivery systems and monitoring, obtaining and interpreting information from the systems and monitors;

3. Assisting the anesthesiologist with implementation of monitoring techniques;

4. Establishing basic and advanced airway interventions, including intubations of the trachea and performing ventilatory support;

5. Administering intermittent vasoactive drugs and starting and adjusting vasoactive infusions;

6. Administering anesthetic drugs, adjuvant drugs, and accessory drugs;

7. Assisting the anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures;

8. Administering blood, blood products, and supportive fluids;

9. Supporting life functions during anesthesia health care, including induction and intubation procedures, the use of appropriate mechanical supportive devices, and the management of fluid, electrolyte, and blood component balances;

10. Recognizing and taking appropriate corrective action for abnormal patient responses to anesthesia, adjunctive medication or other forms of therapy;

11. Participating in management of the patient while in the post-anesthesia recovery area, including the administration of supporting fluids; and

12. Placing special peripheral and central venous and arterial lines for blood sampling and monitoring as appropriate.

E. The supervising anesthesiologist shall delegate only tasks and procedures to the anesthesiologist assistant which are within the supervising physician's scope of practice. The anesthesiologist assistant may work in any setting that is within the scope of practice of the supervising anesthesiologist’s practice.

F. Continuity of supervision in practice settings requires the anesthesiologist assistant to document in the anesthesia record any change in supervisor.

G. All tasks and procedures performed by the anesthesiologist assistant must be documented in the appropriate medical record.
Added by Laws 2008, c. 161, § 7, eff. Nov. 1, 2008.

§59-3208. Malpractice insurance.

All anesthesiologist assistants shall carry malpractice insurance or demonstrate proof of financial responsibility. Any applicant for licensure shall submit proof of compliance or exemption to the Board office prior to licensure. All licensees shall submit such proof as a condition of biennial renewal or reactivation. Acceptable proof of financial responsibility shall include:

1. Professional liability coverage of at least One Hundred Thousand Dollars ($100,000.00) per claim with a minimum annual aggregate of at least Three Hundred Thousand Dollars ($300,000.00) from an authorized insurer, a surplus lines insurer, a joint underwriting association, a self-insurance plan, or a risk retention group; or

2. An unexpired irrevocable letter of credit, which is in the amount of at least One Hundred Thousand Dollars ($100,000.00) per claim with a minimum aggregate availability of at least Three Hundred Thousand Dollars ($300,000.00) and which is payable to the anesthesiologist assistant as beneficiary. Any person claiming exemption from the financial responsibility law must timely document such exemption at initial certification, biennial renewal, and reactivation.
Added by Laws 2008, c. 161, § 8, eff. Nov. 1, 2008.

§59-3209. Anesthesiologist Assistants Advisory Committee — Membership — Powers and duties.

A. There is hereby established the Anesthesiologist Assistants Advisory Committee to advise the State Board of Medical Licensure and Supervision on matters pertaining to the licensure, education, and continuing education of licensed anesthesiologist assistants and the practice of anesthesiologist assistants.

B. The Board shall appoint five (5) members to the Anesthesiologist Assistants Advisory Committee as follows:

1. Three members shall be qualified physicians who have been actively practicing anesthesiology in this state for at least five (5) years; and

2. Two members shall be licensed anesthesiologist assistants who have been actively practicing as an anesthesiologist assistant in this state for at least three (3) years.

C. The physician members of the Committee shall be appointed for staggered terms of one (1), two (2), and three (3) years, respectively.

D. Terms of office of each appointed member shall expire July 1 of that year in which they expire regardless of the calendar date when such appointments were made. Subsequent appointments shall be made for a term of three (3) years or until successors are appointed and qualified.

E. Vacancies shall be filled by the Board in the same manner as the original appointment.

F. Members of the Committee shall serve without compensation, except that members shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

G. The Committee shall have the power and duty to:

1. Meet at least twice a year or as otherwise called by the Board; and

2. Advise the Board on matters pertaining to the licensure, education, and continuing education requirements for and the practice of anesthesiologist assistants in this state.

Added by Laws 2024, c. 227, § 8, eff. Nov. 1, 2024.

§59-4000. Exemptions.

A. All state entities that are charged with oversight of occupational licenses shall establish procedures by which individuals who are convicted of a felony or misdemeanor where substance abuse or mental illness is the underlying cause of the crime, or plead guilty or nolo contendere to a felony or misdemeanor where substance abuse or mental illness is the underlying cause of the crime, may appeal to have an occupational license reinstated.

B. All state entities described in this section may consider the length of time since the plea or conviction. Other items that may be considered are education since the plea or conviction, recovery status since the plea or conviction if the underlying crime was alcohol- or drug-related, and the public safety of allowing an individual to return to the specific occupation.

C. The provisions of this section shall not apply to professional licensure boards that currently recognize and comply with the spirit and intent of this act.

Added by Laws 2006, c. 196, § 1, eff. Nov. 1, 2006.

§59-4000.1. Grounds for denial of a license or certification to practice an occupation - Request for determination on criminal history record – State oversight entities to list disqualifying offenses.

A. As used in this section:

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

2. "Pose a reasonable threat" means the nature of the 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.

B. Notwithstanding any other provision of law, a conviction, plea of guilty or nolo contendere, or pending criminal charge of a crime may be grounds for the denial of an applicant for a state license or state certification to practice an occupation only if the underlying offense substantially relates to the duties and responsibilities of the occupation and poses a reasonable threat to public safety, health, or welfare. When making a determination pursuant to this subsection, a licensing or certification authority shall consider:

1. The nature and seriousness of the offense;

2. The amount of time that has passed since the offense;

3. The age of the person at the time the offense was committed;

4. Evidence relevant to the circumstances of the offense including any aggravating or mitigating circumstances of social conditions surrounding the commission of the offense;

5. The nature of the specific duties and responsibilities for which the license or certification is required; and

6. Any evidence of rehabilitation submitted by the applicant including, but not limited to, evidence related to the person's compliance with any conditions of community supervision, parole, or mandatory supervision, the conduct and work activity of the person, programming, or treatment undertaken by the person, and testimonials or personal reference statements.

C. Notwithstanding any other provision of law, a licensing or certification authority shall not deny a state license or state certification to practice an occupation due to:

1. An arrest that was not followed by a valid plea of guilty or nolo contendere unless charges are currently pending;

2. A conviction that has been sealed, or expunged;

3. A conviction or plea of guilty or nolo contendere for which more than five (5) years have elapsed since the date of conviction, plea, or release from incarceration, whichever is later, so long as the person has not been convicted of a new crime. This paragraph shall not apply to any conviction or plea of guilty or nolo contendere for:

a. an offense enumerated in Section 571 of Title 57 of the Oklahoma Statutes,

b. a felony involving domestic assault, domestic assault and battery, or domestic abuse as defined in Section 644 of Title 21 of the Oklahoma Statutes,

c. an offense that would require registration as a sex offender pursuant to the Sex Offenders Registration Act, or

d. any equivalent law enumerated in this paragraph from another jurisdiction; or

4. A finding that an applicant lacks good character or fails to meet any other similarly vague standard where a criminal conviction is the basis for the finding.

D. Before a state licensing or state certification authority makes a final determination that a criminal conviction, plea of guilty or nolo contendere, or pending criminal charge may disqualify an applicant for licensure, that authority shall provide written notice of:

1. The specific offense that is the basis for the intended denial;

2. The reasons the offense was determined to substantially relate to the duties and responsibilities of the occupation and posed a reasonable threat to public safety, health, or welfare, including findings for each of the factors in subsection B of this section that the licensing or certification authority deemed relevant to the determination; and

3. The right to submit additional evidence relevant to each of the factors listed in subsection B of this section within thirty (30) days, which the licensing or certification authority shall consider before issuing a final determination.

E. A final determination that a criminal conviction, plea of guilty or nolo contendere, or pending criminal charge may prevent a person from receiving a license shall be in writing and include notice of the right to appeal the determination pursuant to the Administrative Procedures Act, or a more specific statutory

authority, and notice of the earliest date the applicant may reapply for a license.

F. A person with a criminal history record may request a determination of whether his or her criminal history record may disqualify him or her from obtaining the desired license or certification in the occupation from a state licensing or state certification authority at any time, including before obtaining any required education or training for such occupation. The request shall be in writing and shall include either a copy of the person's criminal history record with explanation of each conviction mentioned in the criminal history record or a statement describing each criminal conviction including the date of each conviction, the court of jurisdiction and the sentence imposed. The person may include a statement with his or her request describing additional information for consideration by the licensing or certification authority including, but not limited to, information relevant to any of the factors for consideration described in subsection B of this section.

G. Upon receipt of a written request for consideration of a criminal history record for an occupation as provided in subsection F of this section, the licensing or certification authority shall evaluate the request and make a determination based upon the information provided in such request whether the stated conviction is a disqualifying offense for the occupation. A notice of the determination shall be issued to the petitioner within sixty (60) days from the date such request was received by the licensing or certification authority; except, however, a licensing or certification authority regulating fifty thousand or more members in its occupation shall be allowed ninety (90) days to make its initial determination and issue notice to the requestor.

H. A determination made pursuant to subsection F of this subsection that a person may not be disqualified for licensure or certification due to criminal history shall be binding upon a licensing or certification authority unless, at the time a full application for a license is submitted, the applicant has subsequently pled guilty or nolo contendere to a crime, has pending criminal charges, or has previously undisclosed criminal convictions.

I. The notice of a determination made pursuant to subsection F of this section shall be in writing and mailed to the requestor at the address provided in his or her request, and shall contain the following statements:

1. Whether the person is eligible for licensure or certification in the occupation at the current time based upon the information submitted by the requestor;

2. Whether there is a disqualifying offense that would disqualify the person from engaging in the occupation at the current

time and a statement identifying such offense in the criminal history record or information submitted for consideration;

3. Any actions the person may take to remedy a disqualification, if any;

4. The earliest date the person may submit another request for consideration, if any; and

5. A statement that the determination may be rescinded if, at the time a full application for a license is submitted, the applicant has subsequently pled guilty or nolo contendere to a crime, has pending criminal charges, or has previously undisclosed criminal convictions.

J. A state entity charged with oversight of an occupational license or certification may promulgate forms for requests for determinations for the occupation as authorized in subsection F of this section. Each state licensing or certification authority may charge a fee not to exceed Ninety-five Dollars ($95.00) for each initial determination of eligibility it makes for the occupation based upon the information provided by the requestor.

K. Each state licensing or state certification authority shall include in its application for a license or certification and publish on its public website the following information:

1. Whether the criminal offenses of applicants may be used as a basis for denial;

2. If criminal history may be used as a basis for denial as listed in subsection B of this section, which offenses the licensing or certification authority shall consider; and

3. Notice of the right to request a determination pursuant to subsection F of this section.

L. Each state licensing or state certification authority authorized to consider the criminal conviction of an applicant shall annually provide to the Legislature, and publish on its public website, the following:

1. The number of license applications received;

2. The number of applications that resulted in a license being granted;

3. The number of applications that resulted in a license being denied;

4. The number of applications that were denied due to criminal history;

5. A list of criminal offenses reported by individuals who were granted a license;

6. A list of criminal offenses reported by individuals who were denied a license due to criminal history along with the time elapsed since the commission of the offense; and

7. The number of petitions received by the licensing or certification authority pursuant to subsection F of this section.

M. The provisions of this section shall not be construed to apply to the Council on Law Enforcement Education and Training, the Bail Bonds Division of the Insurance Department, the State Board of Education, the boards of examiners which are established in Title 20 of the Oklahoma Statutes, the State Board of Medical Licensure and Supervision, or individuals applying to these authorities for licensure or certification.
Added by Laws 2019, c. 363, § 1, eff. Nov. 1, 2019. Amended by Laws 2022, c. 279, § 1, eff. Nov. 1, 2022; Laws 2024, c. 48, § 1, eff. Nov. 1, 2024; Laws 2024, c. 227, § 9, eff. Nov. 1, 2024.

§59-4001. Participation in execution of death sentence barred as basis for revoking, suspending, or denying professional license.

No licensing entity, board, commission, association, or agency shall file, attempt to file, initiate a proceeding, or take any action to revoke, suspend, or deny a license to any person authorized to operate as a professional in the State of Oklahoma, for the reason that the person participated in any manner in the execution of a judgment of death pursuant to Sections 1014 and 1015 of Title 22 of the Oklahoma Statutes as required or authorized by law or the Director of the Department of Corrections.
Added by Laws 2006, c. 139, § 1, eff. Nov. 1, 2006.

§59-4002. Liability for acts of licensed profession or trade.

The owner of property, or an owner’s agent, or a lumber yard or building material center, or its agents or employees, who attempts to determine cost estimates, determine various material options, secure a detailed list of materials, or prepare a material takeoff based upon a drawing, plan, computer program calculation or any professional source of written information for his or her construction project, shall not be held liable for the acts of, nor deemed to practice, a profession or trade required to be licensed in this state.
Added by Laws 2010, c. 337, § 3, emerg. eff. June 6, 2010.

§59-4003. Waiver of fees for low-income individuals.

A. Except for health care professions, every administrative body, state agency director or official with authority over any occupational or professional license or certification, and each of the respective examining and licensing boards, upon presentation of satisfactory evidence that an applicant for licensure or certification is a low-income individual, shall grant a one-time one-year waiver of any fees associated with such licensure or certification. For purposes of the section, "low-income individual" means an individual who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental

Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.

B. Each administrative body, state agency director or official with authority over any occupational or professional license or certification, and each of the respective examining and licensing boards, shall promulgate rules to implement the provisions of this section.

Added by Laws 2018, c. 284, § 1, eff. Nov. 1, 2018.

§59-4100. Short title - Military Service Occupation, Education and Credentialing Act.

This act shall be known and may be cited as the "Military Service Occupation, Education and Credentialing Act".

Added by Laws 2012, c. 226, § 1, eff. Nov. 1, 2012. Amended by Laws 2019, c. 257, § 1, eff. Nov. 1, 2019.

§59-4100.1. Legislative findings.

The Legislature finds that military service members after separating from military service are frequently delayed in getting post-military employment even though the service member may have applicable military education, training, and experience which could qualify for an occupational license or certification, or which could provide academic credit toward college, university or technical degree requirements. The Legislature finds it is advantageous to the state to create occupational and educational opportunities for post-military service members who are honorably discharged and spouses of active-duty service members who must leave work in another state to accompany their service member on transfer and assignment for military duty in this state. The Legislature additionally finds that the spouse of an active-duty service member assigned for duty in this state who possesses a valid professional license or certification with current experience in another state should be allowed to apply for the same professional license or certification in this state and such application should be expedited for better employment opportunities and based upon the person having substantially equivalent education, training and experience for licensure in this state.

Added by Laws 2012, c. 226, § 2, eff. Nov. 1, 2012.

§59-4100.2. Guide to the Evaluation of Educational Experiences in the Armed Services.

The Legislature hereby authorizes the public and private institutions of higher education and the career and technology centers in this state to utilize the Guide to the Evaluation of Educational Experiences in the Armed Services, published by the

American Council on Education (ACE), to compare and apply academic credit for education, training and experience received through military duty or service which is applicable to the selected program of study for an honorably discharged military service member who becomes a student at an institution of higher education or career and technology center within three (3) years after separation from military service.
Added by Laws 2012, c. 226, § 3, eff. Nov. 1, 2012.

§59-4100.3. Award of educational credits.

A. In addition to any other power, duty or function authorized for institutions of higher education or career and technology centers, each governing board shall adopt, not later than January 1, 2013, a policy authorizing the institution or career and technology center under the board's supervision and management to award educational credits to a student enrolled in the institution or career and technology center who is also honorably discharged from the Armed Forces of the United States within three (3) years of initial enrollment, for courses that are part of the student's military training or service and that meet the standards of the American Council on Education (ACE) or equivalent standards for awarding academic credit if the award of educational credit is based upon the institution's or technical career center's admission standards and its role, scope and mission.

B. Each governing board shall adopt necessary rules and procedures to implement the provisions of this section effective beginning with the 2013-2014 academic year, and continuing thereafter.
Added by Laws 2012, c. 226, § 4, eff. Nov. 1, 2012.

§59-4100.4. Satisfactory evidence of equivalent education.

A. Every administrative body, state agency director or official with authority over any occupational or professional license or certification, and each of the respective examining and licensing boards, shall, upon presentation of satisfactory evidence of equivalent education, training and experience by an applicant for certification or licensure, accept the education, training, and experience completed by the individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state, and apply it in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this state.

B. Each agency director or official, and each examining and licensing board, shall promulgate rules to implement the provisions of this section.

C. Any state licensing or certification authority that fails to implement rules or laws for recognizing appropriate military training and experience for its occupational or professional licensing or certification process shall be deemed in violation of this act.

Added by Laws 2012, c. 226, § 5, eff. Nov. 1, 2012. Amended by Laws 2018, c. 91, § 1, eff. Nov. 1, 2018.

§59-4100.5. Expediting endorsement of licenses or certifications for military spouses.

A. Every agency, board or commission shall establish a procedure to expedite endorsement of licenses or certifications for military spouse applicants; provided, the military service member is on active duty within this state or claims permanent residency in this state for the six (6) months prior to assignment to active duty or during the period of active duty.

B. Notwithstanding any other law to the contrary, each agency, board or commission shall establish a procedure to expedite the issuance of a license, certification or permit to perform occupational or professional services regulated by each such board to a person:

1. Who is certified or licensed in another state to perform occupational or professional services in a state other than the State of Oklahoma;

2. Whose spouse is an active-duty member of the Armed Forces of the United States;

3. Whose spouse is subject to a military transfer to this state; and

4. Who left employment in another state to accompany the person's spouse to this state.

C. The procedures to expedite licensure or certification shall include:

1. Issuing the person a license, certificate or permit, if, in the opinion of the agency, board or commission the requirements for certification or licensure of the other state are substantially equivalent to those required by this state; or

2. Developing a method to authorize the person to perform occupational or professional services regulated by the agency, board or commission in this state by issuing the person a temporary permit, certificate or license for a limited period of time to allow the person to perform occupational or professional services while completing any specific requirements in this state that were not required in the state in which the person was licensed or certified.

D. Any state licensing or certification authority that fails to implement rules or laws for recognizing appropriate military training and experience for its occupational or professional

licensing or certification process shall be deemed in violation of this act.
Added by Laws 2012, c. 226, § 6, eff. Nov. 1, 2012. Amended by Laws 2018, c. 91, § 2, eff. Nov. 1, 2018.

§59-4100.6. Automatic extension of licensure or certification.

A. Every agency, board or commission in this state with authority to issue and regulate professional licenses or certifications is authorized to provide for the automatic extension of such professional license or certification for active-duty military service members and to provide a reasonable period of time after military service to activate the license or certification for employment purposes.

B. Notwithstanding any other statutes to the contrary, any member of the Armed Forces of the United States on active duty who at the time of activation was:

1. A member in good standing with any administrative body of the state; and

2. Duly licensed or certified to engage in his or her profession or vocation in this state,

may be kept in good standing by the administrative body with which he or she is licensed or certified.

C. While a licensee or certificate holder is deployed on active duty as a member of the Armed Forces of the United States, the license or certificate referenced in subsection B of this section may be renewed without:

1. The payment of dues or fees; and

2. Obtaining continuing education credits when:

a. circumstances associated with military duty prevent obtaining training and a waiver request has been submitted to the appropriate administrative body,

b. the active-duty military member performs the licensed or certified occupation as part of his or her military duties as annotated in Defense Department Form 214 (DD 214), or

c. performing any other act typically required for the renewal of the license or certificate.

D. The license or certificate issued pursuant to the provisions of this section may be continued as long as the licensee or certificate holder is a member of the Armed Forces of the United States on active duty and for a period of at least one (1) year after discharge from active duty.
Added by Laws 2012, c. 226, § 7, eff. Nov. 1, 2012.

§59-4100.7. Interpretation of act.

Nothing in the Military Service Occupation, Education and Credentialing Act shall be construed to require the issuance of any

license or certificate to an applicant who does not otherwise meet the stated eligibility standards, criteria, qualifications or requirements for licensure or certification, nor shall the provisions be construed to automatically allow issuance of any license or certificate without testing or examination, without proper consideration by the licensing and examination board, or without proper verification that the applicant is not subject to pending criminal charges or disciplinary actions, has not been convicted of any offense prohibiting licensure or certification, and has no other impairment which would prohibit licensure or certification in this state.
Added by Laws 2012, c. 226, § 8, eff. Nov. 1, 2012. Amended by Laws 2019, c. 257, § 3, eff. Nov. 1, 2019.

§59-4100.8. Personnel in other states – Expedited temporary, reciprocal or comity license or certification.

A. Every active duty military personnel and their spouse who is licensed or certified in any occupation or profession in another state, upon receiving notice or orders for military transfer or honorable discharge to this state, may in advance of actual transfer or discharge submit a completed application to the appropriate licensing or credentialing agency in this state to request an expedited temporary, reciprocal or comity license or certification for their currently held valid license or certification from another state or territory of the United States so such person may upon entering this state be authorized to continue their licensed or certified occupation or profession without delay.

B. Every administrative body, state agency director or official with authority over any occupational or professional license or certification, and each of the respective examining and licensing boards, agencies and commissions in this state, shall, upon receipt of an active duty military application submitted as authorized in subsection A of this section, and presentation of satisfactory evidence of equivalent education, training and experience on such valid license or certification from another state, accept the valid license or certification and apply all its education, training and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification in this state, and shall issue the requested Oklahoma license or certification within thirty (30) days provided the license or certification from the other state is found to be in good standing and reasonably equivalent to the requirements of this state.

C. The temporary, reciprocal or comity license or certification issued pursuant to this section shall be valid for the same period as authorized for full license or certification in this state, unless the person is notified by the credentialing authority that

there is cause for a denial of the application or that certain documentation required by this state is lacking or unavailable. In such case, a temporary credential shall be issued to allow the person time to obtain the necessary requirement while continuing to be employed in his or her occupation or profession in this state. Any active duty military applicant receiving a notice of denial of full licensure or certification shall have the right to appeal the denial determination as provided in the Administrative Procedures Act or to obtain and submit the documentation required to complete full license or certificate requirements in this state.

D. Each credentialing authority in this state shall waive the application fee for active duty military personnel and their spouse and shall further waived the license or certificate fees for the first period of issuance for such temporary, reciprocal or comity license or certificate.

E. Any active duty military personnel who pursuant to any federal or military law, rule or regulation is not required to be licensed or credentialed while employed and performing their occupation or profession only on the premises of an assigned military base shall not be required to be licensed or credentialed in this state pursuant to the same law, rule or regulation.

F. Each agency shall promulgate rules to implement the provisions of this section and establish application forms as required.

Added by Laws 2019, c. 257, § 2, eff. Nov. 1, 2019.

§59-4150. Short title - Universal Licensing Recognition Act.

This act shall be known and may be cited as the "Universal Licensing Recognition Act".

Added by Laws 2021, c. 342, § 1, eff. Nov. 1, 2021.

§59-4150.1. Professional and occupational licensing recognition for applicants moving to and residing in Oklahoma.

A. There is hereby created professional and occupational licensing recognition for the issuance of licenses for applicants moving to and residing in Oklahoma. Unless otherwise provided by law, this act shall not apply to any laws authorizing reciprocity including interstate compacts, state-to-state reciprocal agreements and other state-to-state equivalency provisions pertaining to licensees and certificate holders and applicants from other states. For purposes of this act, "Oklahoma regulatory entity" means any administrative body or official with authority over any occupational or professional license or certification in this state.

B. A person moving to and residing in Oklahoma may make application for licensing or certification pursuant to the Universal Licensing Recognition Act if there is no conflict with any interstate compact or state-to-state reciprocity or equivalency

agreements as determined by the Oklahoma regulatory entity. When an applicant moves from a state with or without statewide licensing or certification in the discipline applied for and at the same practice level as determined by the Oklahoma regulating entity pursuant to this act and such applicant establishes verifiable proof of physical residency in this state or is married to and accompanying an active duty member of the Armed Forces of the United States to an official permanent change of station to a military installation located in this state and such spouse is not making application pursuant to the Military Service Occupation, Education and Credentialing Act, all of the following shall apply:

1. The out-of-state applicant is a person who is currently licensed or certified by another state with similar scope of work through substantially similar or equivalent licensure or certification standards of examination, minimum education requirements and, if applicable, professional work experience, education training and clinical supervision requirements and the other state verifies that the person met these requirements in order to be licensed or certified in that state, the out-of-state state license or certification is and has been maintained in good standing in all states in which the person holds a license or certification for at least one (1) year before making application to Oklahoma under this act, and there is no Oklahoma statutory authority under Title 59 of the Oklahoma Statutes for license reciprocity or interstate compact with Oklahoma in the professional discipline applied for and at the same practice level as determined by the Oklahoma regulating entity;

2. The person demonstrates verifiable proof as determined by the Oklahoma regulating entity of having work experience, education training and clinical supervision, as applicable, in the scope of work of the lawful profession for the same amount of time required for Oklahoma in-state applicants;

3. Except for Oklahoma regulating entities with statewide licensing and certifications under an interstate licensing compact or state-to-state reciprocal licensing agreement providing parity among the states and having substantially similar training or work requirements, the Oklahoma regulating entity shall apply all substantially similar and verifiable professional work experience, education training and clinical supervision in the manner most favorable towards satisfying any professional work experience, education training and clinical supervision qualifications for issuance of the requested license or certification that facilitates recognition among states for licensing in the discipline applied for and at the same practice level as determined by the Oklahoma regulating entity pursuant to the requirements of the state license or certification;

4. The person demonstrates a successful passage of an equivalent or substantially similar examination from another state or the examination for the Oklahoma examination requirement as determined by the Oklahoma regulatory entity;

5. The person pays all applicable fees, not exceeding the cost of current in-state licensure fees;

6. The person making application demonstrates verifiable proof that the person has not had and is free of any pending complaint, investigation, suspension, revocation, voluntary surrender pending investigation or resolution of complaint, or discipline imposed by any other regulating entity or jurisdiction for unprofessional conduct involving the applicant's out-of-state work or any other state license or certification directly related to the application as determined by the Oklahoma regulating entity;

7. If another jurisdiction has taken disciplinary action against the person, the originating regulating entity or jurisdiction is to determine if the cause for the action was corrected and the matter resolved with the information made accessible and reported to Oklahoma. If the matter has not been resolved by that jurisdiction, the Oklahoma regulating entity will hold an application until the matter is resolved but not longer than one (1) year from the time of application at which time the Oklahoma regulating entity will deny the application unless notified of extraordinary circumstances warranting a one-time six-month extension before the application is to be approved or denied;

8. Upon licensure or certification under this act, the licensee or certificate holder shall report to the Oklahoma regulatory entity any final determination on disciplinary actions, resignations pending discipline, suspensions or revocations imposed by the originating jurisdiction within thirty (30) days; and

9. If state law other than this act requires a review of disqualifying criminal history records for a certain license or certification, the person shall demonstrate verifiable proof pursuant to the laws of Oklahoma that there is no disqualifying criminal history, pursuant to the criminal justice reform provisions limiting criminal history prohibitions at Section 4000.1 of Title 59 of the Oklahoma Statutes, and as determined by the Oklahoma regulating entity.

C. This section shall not prevent an Oklahoma regulating entity from entering into an interstate compact or state-to-state reciprocity agreement or other equivalency agreement with another state or jurisdiction to facilitate recognition, except that the agreement shall not allow out-of-state licensees or certificate holders to obtain a license or certificate by reciprocity in Oklahoma if the applicant has not met standards that are substantially similar or equivalent to the standards required for Oklahoma as determined by the Oklahoma regulating entity in

compliance with the statutory and regulatory authority of the Oklahoma regulating entity.

D. A person who is licensed pursuant to this act is subject to the laws regulating the person's practice and license or certification in Oklahoma and is subject to the Oklahoma regulating entity's jurisdiction.

E. A statewide professional or occupational license or certificate issued pursuant to this act is valid only in Oklahoma. It shall not make the person obtaining licensure or certification under this act eligible to work in another state under an interstate compact or state-to-state reciprocity agreement unless specifically authorized for the profession applied for and at the same practice level as determined by the Oklahoma regulating entity pursuant to the requirements of this act.

F. This act shall not apply to:

1. Requirements for a criminal history background check; and

2. Criteria for a license, permit or certificate of eligibility that is established by an interstate compact or state-to-state reciprocal agreement.

G. For purposes of this act, residency may be established by demonstrating verifiable proof of a state-issued identification card and one of the following if the document contains the name and physical address of the person making application:

1. Current Oklahoma residential utility bill;

2. Documentation of filing a tax return with the Oklahoma Tax Commission as a resident of Oklahoma;

3. Documentation of current ownership, or current lease for a term of at least twelve (12) months, of a primary place of residence in Oklahoma;

4. Documentation of current in-state employment or notarized letter of promise of employment of the applicant or his or her spouse; or

5. Any other verifiable documentation demonstrating Oklahoma residency as determined by the Oklahoma regulating entity.

H. Nothing in this act shall allow any person to obtain a license or certification without satisfying substantially similar or equivalent requirements for in-state licensure or certification.

I. When an out-of-state applicant has complied with the requirements of Title 59 of the Oklahoma Statutes as determined by the Oklahoma regulatory entity and is not excluded from obtaining an Oklahoma license or certification by any provision of this act, the Oklahoma regulatory entity shall issue the appropriate license or certification.

J. Nothing in this act shall be construed to prohibit a person from applying for a statewide professional or occupational license or certification under another statute or rule in Oklahoma.

K. Nothing in this act shall be construed to prevent licensing or certification compacts or reciprocity agreements with another state or jurisdiction.

L. This act shall be applied in a manner that increases recognition of licensure and certification among states without any right of an applicant to become licensed or certified in Oklahoma.
Added by Laws 2021, c. 342, § 2, eff. Nov. 1, 2021.

§59-4200.1. Short title - Massage Therapy Practice Act

This act shall be known and may be cited as the "Massage Therapy Practice Act".
Added by Laws 2016, c. 292, § 1, eff. Aug. 26, 2016.

§59-4200.2. Definitions

As used in the Massage Therapy Practice Act:

1. "Board" means the State Board of Cosmetology and Barbering;

2. "Direct access" means the ability that the public has to seek out treatment by a massage therapist without the direct referral from a medical or health care professional;

3. "Massage therapist" means an individual who practices massage or massage therapy and is licensed under the Massage Therapy Practice Act. A massage therapist uses visual, kinesthetic, and palpatory skills to assess the body and may evaluate a condition to the extent of determining whether massage is indicated or contraindicated;

4. "Massage therapy" means the skillful treatment of the soft tissues of the human body. Massage is designed to promote general relaxation, improve movement, relieve somatic and muscular pain or dysfunction, stress and muscle tension, provide for general health enhancement, personal growth, education and the organization, balance and integration of the human body and includes, but is not limited to:

   a. the use of touch, pressure, friction, stroking, gliding, percussion, kneading, movement, positioning, holding, range of motion and nonspecific stretching within the normal anatomical range of movement, and vibration by manual or mechanical means with or without the use of massage devices that mimic or enhance manual measures, and

   b. the external application of ice, heat and cold packs for thermal therapy, water, lubricants, abrasives and external application of herbal or topical preparations not classified as prescription drugs; and

5. "Massage therapy school" means a facility providing instruction in massage therapy.
Added by Laws 2016, c. 292, § 2, eff. Aug. 26, 2016.

§59-4200.3. Licensed massage therapist - When license is required - Restrictions on practicing massage therapy

A. Unless a person is a licensed massage therapist, a person shall not:

1. Use the title of massage therapist;

2. Represent himself or herself to be a massage therapist;

3. Use any other title, words, abbreviations, letters, figures, signs or devices that indicate the person is a massage therapist; or

4. Utilize the terms "massage", "massage therapy" or "massage therapist" when advertising or printing promotional material.

B. A person shall not maintain, manage or operate a massage therapy school offering education, instruction or training in massage therapy unless the school is a licensed massage therapy school pursuant to Section 7 of this act.

C. Individuals practicing massage therapy under the Massage Therapy Practice Act shall not perform any of the following:

1. Diagnosis of illness or disease;

2. High-velocity, low-amplitude thrust;

3. Electrical stimulation;

4. Application of ultrasound;

5. Use of any technique that interrupts or breaks the skin; or

6. Prescribing of medicines.

D. Nothing in the Massage Therapy Practice Act shall be construed to prevent:

1. Qualified members of other recognized professions who are licensed or regulated under Oklahoma law from rendering services within the scope of the license of the person, provided the person does not represent himself or herself as a massage therapist. A physician or other licensed health care provider providing health care services within the scope of practice of the physician or provider shall not be required to be licensed by or registered with the State Board of Cosmetology and Barbering;

2. Students from rendering massage therapy services within the course of study when enrolled at a licensed massage therapy school;

3. Visiting massage therapy instructors from another state or territory of the United States, the District of Columbia or any foreign nation from teaching massage therapy, provided the instructor is duly licensed or registered, if required, and is qualified in the instructor's place of residence for the practice of massage therapy;

4. Any nonresident person holding a current license, registration or certification in massage therapy from another state or recognized national certification system determined as acceptable by the Board when temporarily present in this state from providing massage therapy services as a part of an emergency response team working in conjunction with disaster relief officials or at special

events such as conventions, sporting events, educational field trips, conferences, traveling shows or exhibitions;

5. Physicians or other health care professionals from appropriately referring to duly licensed massage therapists or limit in any way the right of direct access of the public to licensed massage therapists; or

6. The practice of any person in this state who uses touch, words and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established standards and ethics, provided that the services are not designated or implied to be massage or massage therapy. Practices shall include but are not limited to the Feldenkrais Method of somatic education, Rolf Movement Integration by the Rolf Institute, the Trager Approach of movement education, and Body-Mind Centering. Practitioners shall be recognized by or meet the established standards of either a professional organization or credentialing agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency, and adherence to ethical standards.

E. A physician or other licensed health care provider providing health care services within their scope of practice shall not be required to be licensed or registered with the State Board of Cosmetology.

Added by Laws 2016, c. 292, § 3, eff. Aug. 26, 2016.

§59-4200.4. Authority of State Board of Cosmetology and Barbering - Advisory Board on Massage Therapy - License fees

A. The State Board of Cosmetology and Barbering is hereby authorized to adopt and promulgate rules pursuant to the Administrative Procedures Act that are necessary for the implementation and enforcement of the Massage Therapy Practice Act, including, but not limited to, qualifications for licensure, renewals, reinstatements, and continuing education requirements.

B. The State Board of Cosmetology and Barbering is hereby empowered to perform investigations, to require the production of records and other documents relating to practices regulated by the Massage Therapy Practice Act, and to seek injunctive relief.

C. There is hereby created an Advisory Board on Massage Therapy. The Advisory Board on Massage Therapy shall assist the Board in carrying out the provisions of this section regarding the qualifications, examination, registration, regulation, and standards of professional conduct of massage therapists. The Advisory Board on Massage Therapy shall consist of five (5) members to be appointed by the Governor for four-year terms as follows:

1. Three members who shall be licensed massage therapists and have practiced in Oklahoma for not less than three (3) years prior to their appointment;

2. One member who shall be an administrator or faculty member of a nationally accredited school of massage therapy; and

3. One who shall be a citizen member.

D. The fee for any license issued between the effective date of this act and May 1, 2017, shall be Twenty-five Dollars ($25.00). The fee or renewal fee for any massage therapy license issued after May 1, 2017, shall be Fifty Dollars ($50.00) per year. A duplicate license fee shall be Ten Dollars ($10.00).

Added by Laws 2016, c. 292, § 4, eff. Aug. 26, 2016.

§59-4200.5. License requirements – Definitions.

A. Between the effective date of this act and May 1, 2017, the State Board of Cosmetology and Barbering shall issue a license to practice massage therapy to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant:

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

2. Has one or more of the following:

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

   b. an affidavit of at least five (5) years of work experience in the state, or

   c. a certificate and transcript of completion from a massage school with at least five hundred (500) hours of education;

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

4. Provides full disclosure to the Board of any criminal proceeding taken against the applicant including but not limited to pleading guilty or nolo contendere to, or receiving a conviction for, a felony crime that substantially relates to the practice of massage therapy and poses a reasonable threat to public safety.

B. To assist in determining the entry-level competence of an applicant who makes application for a license after May 1, 2017, the Board may adopt rules establishing additional standards or criteria for examination acceptance and may adopt only those examinations that meet the standards outlined in Section 4200.8 of this title.

C. 1. After May 1, 2017, except as otherwise provided in the Massage Therapy Practice Act, every person desiring to practice massage therapy in this state shall be required to first obtain a license from the Board.

2. After May 1, 2017, the Board may issue a license to an applicant who:

a. is at least eighteen (18) years of age,

b. provides documentation that the applicant has completed the equivalent of five hundred (500) hours of formal education in massage therapy from a state-licensed school,

c. provides documentation that the applicant has passed a nationally recognized competency examination approved by the Board,

d. provides proof that the applicant currently maintains liability insurance for practice as a massage therapist, and

e. provides full disclosure to the Board of any criminal proceeding taken against the applicant including pleading guilty or nolo contendere to, or receiving a conviction for, a felony crime that substantially relates to the practice of massage therapy and poses a reasonable threat to public safety.

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.

Added by Laws 2016, c. 292, § 5. Amended by Laws 2019, c. 363, § 73, eff. Nov. 1, 2019.

§59-4200.6. License posting required - License not assignable or transferable

A. A massage therapy license issued by the State Board of Cosmetology and Barbering shall at all times be posted in a conspicuous place in the principal place of business of the holder.

B. A license issued pursuant to the Massage Therapy Practice Act is not assignable or transferable.

Added by Laws 2016, c. 292, § 6, eff. Aug. 26, 2016.

§59-4200.7. Massage therapy schools - License required - Instruction as massage therapist

A. A person shall not advertise, maintain, manage or operate a massage therapy school unless the school is licensed by the Oklahoma Board of Private Vocational Schools.

B. A person shall not instruct as a massage therapist unless the instruction is within the scope of curriculum at a licensed massage therapy school.
Added by Laws 2016, c. 292, § 7, eff. Aug. 26, 2016.

§59-4200.8. Examination for licensure - Standardized national examination

The required examination approved by the State Board of Cosmetology and Barbering for licensure under the Massage Therapy Practice Act shall be a standardized national massage therapy examination that meets the following criteria:

1. Is statistically validated through a job analysis under current standards for educational and professional testing;

2. Complies with pertinent state and federal equal employment opportunity guidelines;

3. Is available to all potential licensing candidates; and

4. Is delivered through a professional testing company with high-security test centers located nationwide.
Added by Laws 2016, c. 292, § 8, eff. Aug. 26, 2016.

§59-4200.9. Out-of-state license holders - License renewal - Inactive status - Fees

A. The State Board of Cosmetology and Barbering may license an applicant, provided that the applicant possesses a valid license or registration to practice massage therapy issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia or any foreign nation and has met educational and examination requirements equal to or exceeding those established pursuant to the Massage Therapy Practice Act.

B. 1. Massage therapy licenses shall expire biennially. Expiration dates shall be established by the Board through adoption of a rule.

2. A license shall be renewed by submitting a renewal application on a form provided by the Board.

3. A thirty-day grace period shall be allowed each license holder after the end of the renewal period, during which time a license may be renewed upon payment of the renewal fee and a late fee as prescribed by the Board.

C. 1. If a massage therapy license is not renewed by the end of the thirty-day grace period, the license shall be placed on inactive status for a period not to exceed one (1) year. At the end of one (1) year, if the license has not been reactivated, it shall automatically expire.

2. If within a period of one (1) year from the date the license was placed on inactive status the massage therapist wishes to resume practice, the massage therapist shall notify the Board in writing

and, upon receipt of proof of completion of all continuing education requirements and payment of an amount set by the Board in lieu of all lapsed renewal fees, the license shall be restored in full.

D. The Board shall establish a schedule of reasonable and necessary administrative fees.

E. The Board shall fix the amount of fees so that the total fees collected shall be sufficient to meet the expenses of administering the provisions of the Massage Therapy Practice Act without unnecessary surpluses.

Added by Laws 2016, c. 292, § 9, eff. Aug. 26, 2016.

§59-4200.10. Preemption

A. The Massage Therapy Practice Act shall supersede all ordinances or regulations regulating massage therapists in any city, county, or political subdivision.

B. This section shall not affect the regulations of a city, county or a political subdivision relating to zoning requirements or occupational license fees pertaining to health care professions.

Added by Laws 2016, c. 292, § 10, eff. Aug. 26, 2016.

§59-4200.11. Disciplinary actions and proceedings

A. The State Board of Cosmetology and Barbering may take disciplinary action against a person licensed pursuant to the Massage Therapy Practice Act as follows:

1. Deny or refuse to renew a license;

2. Suspend or revoke a license;

3. Issue an administrative reprimand; or

4. Impose probationary conditions when the licensee or applicant has engaged in unprofessional conduct that has endangered or is likely to endanger the health, welfare or safety of the public.

B. The Board shall take disciplinary action upon a finding that the licensee or person has committed an act of unprofessional conduct or committed a violation of rule or law.

C. Disciplinary proceedings may be instituted by sworn complaint of any person, including members of the Board, and shall conform to the provisions of the Administrative Procedures Act.

D. The Board shall establish the guidelines for the disposition of disciplinary cases. Guidelines may include, but shall not be limited to, periods of probation, conditions of probation, suspension, revocation or reissuance of a license.

E. A license holder who has been found culpable and sanctioned by the Board shall be responsible for the payment of all costs of the disciplinary proceedings and any administrative fees imposed.

F. The surrender of a license shall not deprive the Board of jurisdiction to proceed with disciplinary action.

Added by Laws 2016, c. 292, § 11, eff. Aug. 26, 2016.

§59-4200.12. Immunity

A. No member of the State Board of Cosmetology and Barbering shall bear liability or be subject to civil damages or criminal prosecution for any action undertaken or performed within the scope of duty imposed pursuant to the Massage Therapy Practice Act.

B. No person or legal entity providing truthful and accurate information to the Board, whether as a report, a complaint or testimony, shall be subject to civil damages or criminal prosecutions.

Added by Laws 2016, c. 292, § 12, eff. Aug. 26, 2016.

§59-4200.13. Violations

A. A person who does any of the following shall be guilty of a misdemeanor upon conviction:

1. Violates a provision of the Massage Therapy Practice Act or rules adopted pursuant to the Massage Therapy Practice Act;

2. Renders or attempts to render massage therapy services or massage therapy instruction without the required current valid license issued by the State Board of Cosmetology and Barbering;

3. Advertises or uses a designation, diploma or certificate implying that the person offers massage therapy instruction or is a massage therapy school unless the person holds a current valid license issued by the Oklahoma Board of Private Vocational Schools or is a technology center school accredited by the Oklahoma State Board of Career and Technology Education; or

4. Advertises or uses a designation, diploma, or certificate implying that the person is a massage therapist unless the person holds a current valid license issued by the State Board of Cosmetology and Barbering.

B. 1. Therapists regulated by the Massage Therapy Practice Act shall be designated as "massage therapists" and entitled to utilize the term "massage" when advertising or printing promotional material.

2. Any person who uses a professional title regulated by the Massage Therapy Practice Act who is not authorized to use the professional title shall be subject to disciplinary action by the Board.

3. Any person who knowingly aids and abets one or more persons not authorized to use a professional title regulated by the Massage Therapy Practice Act or knowingly employs or contracts with a person or persons not authorized to use a regulated professional title in the course of the employment, shall also be subject to disciplinary action by the Board. It shall be a violation of the Massage Therapy Practice Act for any person to advertise massage therapy services in any combination with any escort or dating service.

Added by Laws 2016, c. 292, § 13, eff. Aug. 26, 2016.

§59-5001. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5002. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5003. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5004. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5005. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5006. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5007. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5008. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5009. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.
NOTE: Subsequent to repeal, this section was amended by Laws 2012, c. 304, § 295 to read as follows:

There is established in the State Treasury a revolving fund to be known as the "Commercial Pet Breeders Enforcement Fund". The fund shall:

1. Be a continuing fund, not subject to fiscal year limitations, and shall consist of all fees, fines, penalties, and other monies paid, donated, received, recovered, or collected under the provisions of the Commercial Pet Breeders Act; and

2. Be available to the Board solely for the payment of all expenses incurred in issuing, processing, inspecting, or supervising the issuance of commercial pet breeder licenses, and enforcement of the Commercial Pet Breeders 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.

§59-5010. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5011. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5012. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5013. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5014. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5015. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5016. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5017. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5018. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5019. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5020. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5021. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5022. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5023. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5024. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5025. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5026. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5027. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5028. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-5029. Repealed by Laws 2012, c. 302, § 18, eff. July 1, 2012.

§59-6001. State Board of Behavioral Health Licensure.

A. 1. There is hereby re-created the State Board of Behavioral Health Licensure to continue until July 1, 2025, 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. 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 section.

4. 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.

5. 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. Added by Laws 2013, c. 229, § 4, eff. Nov. 1, 2013. Amended by Laws 2019, c. 462, § 1; Laws 2022, c. 128, § 1, eff. Nov. 1, 2022; Laws 2023, c. 89, § 1.

NOTE: Editorially renumbered from § 5001 of this title to avoid a duplication in numbering.

§59-6002. Prescriptions for epinephrine auto-injectors at Emergency Public Access Stations - Use of auto-injectors--Immunity from liability.

# A. As used in this section:

1. "Emergency public access station" (EPAS) means a locked, secure container for the storage of epinephrine auto-injectors under the general oversight of a physician, which allows a lay rescuer to consult with a physician in real time by audio, televideo or other similar means of electronic communication and, upon authorization of

the consulting physician, may be unlocked to make available the epinephrine auto-injector.

2. "Epinephrine auto-injector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

3. "Physician" means a person licensed to practice medicine pursuant to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act.

B. 1. Notwithstanding any applicable provision of law to the contrary, a physician may prescribe a stock of epinephrine auto-injectors to any entity or organization for storage in an Emergency Public Access Station (EPAS) or may place a stock of supply of epinephrine auto-injectors at any entity or organization in an EPAS in accordance with protocols established by the physician.

2. A physician may provide consultation to the user of an EPAS and may make the epinephrine auto-injectors stored within available to the user in accordance with protocols established by the physician.

3. Any person may use an EPAS and may administer or provide epinephrine auto-injectors made available through the EPAS to a specific individual believed in good faith to be experiencing anaphylaxis or the parent, guardian or caregiver of such individual.

C. Any person, including any entity or organization at which an EPAS is located, a physician, and any user of an EPAS who undertakes in good faith any act or mission pursuant to this act shall not be liable for any injuries or related damages that result from any such act or omission; provided, such immunity shall not apply to acts or omissions constituting gross, willful or wanton negligence. This act shall not eliminate, limit or reduce any other immunity or defense that may be available under state law. Use of an EPAS in accordance with this act shall not constitute the practice of medicine or any other profession otherwise requiring licensure. Added by Laws 2015, c. 277, § 1, eff. Nov. 1, 2015.

§59-6005. Franchises - Employer/employee relationships

A. For purposes of this act:

1. "Franchisor" means any person who grants a franchise and participates in the franchise relationship. Unless otherwise stated, it includes subfranchisors. For purposes of this definition, a "subfranchisor" means a person who functions as a franchisor by engaging in both pre-sale activities and post-sale performance;

2. "Franchisee" means any person who is granted a franchise; and

3. "Franchise" means any continuing commercial relationship or arrangement, whatever it may be called, in which the terms of the

offer or contract specify, or the franchise seller promises or represents, orally or in writing, that:

a. the franchisee will obtain the right to operate a business that is identified or associated with the franchisor's trademark, or to offer, sell or distribute goods, services or commodities that are identified or associated with the franchisor's trademark,

b. the franchisor will exert or has authority to exert a significant degree of control over the franchisee's method of operation, or provide significant assistance in the franchisee's method of operation, and

c. as a condition of obtaining or commencing operation of the franchise, the franchisee makes a required payment or commits to make a required payment to the franchisor or its affiliate.

B. A franchisor shall not be considered the employer of a franchisee or a franchisee's employees.

C. The employees of a franchisee shall not be considered employees of the franchisor neither shall the employees of a franchisor be considered employees of a franchisee.

Added by Laws 2016, c. 327, § 1, eff. Nov. 1, 2016.

§59-6011. Temporary critical need license – Conditions - Application.

A. As used in this section:

1. "Appropriate licensing board" means:

a. for an allopathic physician, physician assistant, or respiratory care practitioner, the State Board of Medical Licensure and Supervision,

b. for an osteopathic physician, the State Board of Osteopathic Examiners,

c. for a registered nurse, licensed practical nurse, or Advanced Practice Registered Nurse, the Oklahoma Board of Nursing, or

d. for a perfusionist, the State Board of Examiners of Perfusionists; and

2. "Health care provider" means an individual who holds a valid, unexpired license or credential granted by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as the acts that any of the following are licensed to perform:

a. an allopathic physician licensed under Section 480 et seq. of Title 59 of the Oklahoma Statutes,

b. an osteopathic physician licensed under Section 620 et seq. of Title 59 of the Oklahoma Statutes,

c. a physician assistant licensed under Section 519.1 et seq. of Title 59 of the Oklahoma Statutes,
d. a registered nurse, licensed practical nurse, or Advanced Practice Registered Nurse licensed under Section 567.1 et seq. of Title 59 of the Oklahoma Statutes,
e. a respiratory care practitioner licensed under Section 2026 et seq. of Title 59 of the Oklahoma Statutes, or
f. a perfusionist licensed under Section 2051 et seq. of Title 59 of the Oklahoma Statutes.

B. The licensing staff of the appropriate licensing board may grant a health care provider a temporary critical need license under the following conditions:

1. The health care provider provides health care services within his or her scope of practice:
a. only during the period covered by one of the following:
(1) a state of emergency declared by the Governor, or
(2) a national emergency declared by the President of the United States pursuant to Section 1621 of Title 50 of the United States Code, and
b. that are directly related to the particular emergency as described in subparagraph a of this paragraph;

2. The health care provider holds a valid, unexpired license or credential granted by another state or territory; and

3. The health care provider is not currently under investigation and no restrictions or limitations are currently placed on the health care provider's license or credential by the licensing or credentialing state or territory or any other jurisdiction.

C. To apply for a temporary critical need license, the health care provider must submit an application through a form developed by the appropriate licensing board, which at minimum must contain an attestation by the applicant to abide by all state and federal statutes and regulatory rules and the applicant's:

1. Full name;
2. Date of birth;
3. Email address;
4. Residential address;
5. Temporary medical practice address;
6. Area of practice or specialty or level of licensure or credentialing;
7. Practice status in any state or territory where the applicant has been licensed or credentialed or currently holds a license or credential to practice the type of health care services for which the applicant is seeking temporary critical need licensure under this section; and

8. Social Security number.

D. Any temporary critical need license granted under this section to a health care provider shall expire ninety (90) days after the expiration of the state or national emergency declaration.

E. Nothing in this section shall be construed to allow allopathic or osteopathic physicians or surgeons, physician assistants, or Advanced Practice Registered Nurses with prescriptive authority who are issued a temporary critical need license to initiate a prescription for controlled dangerous substances including but not limited to opioids without:

1. Obtaining the proper registration from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under Section 2-301 et seq. of Title 63 of the Oklahoma Statutes and the proper registration from the United States Drug Enforcement Administration;

2. Complying with all requirements pertaining to the access of prescription monitoring information from the central repository as provided by the Anti-Drug Diversion Act, Section 2-309A et seq. of Title 63 of the Oklahoma Statutes; and

3. Complying with all other laws pertaining to the prescription of controlled dangerous substances.

F. Nothing in this section shall be construed to allow allopathic or osteopathic physicians or surgeons who are issued a temporary critical need license to recommend medical marijuana.

G. Any temporary critical need license issued under this section shall be ratified by the appropriate licensing board at the next regular meeting of the board.

H. Each appropriate licensing board may charge a fee for the issuance of a temporary critical need license under this section.

I. Each appropriate licensing board may promulgate rules to implement the provisions of this section.

Added by Laws 2022, c. 262, § 1, eff. July 1, 2022.