

1 **SENATE FLOOR VERSION**

2 February 12, 2018

3 **AS AMENDED**

4 SENATE BILL NO. 1074

By: McCortney of the Senate

and

West (Josh) of the House

8 An Act relating to the Speech-Language Pathology and
9 Audiology Licensing Act; amending 59 O.S. 2011,
10 Section 1603, which relates to definitions; modifying
11 definitions; amending 59 O.S. 2011, Section 1604,
12 which relates to license required; updating
13 professional term; amending 59 O.S. 2011, Section
14 1605, which relates to qualifications for licensure;
15 updating and clarifying requirements; authorizing the
16 Board of Examiners for Speech-Language Pathology and
17 Audiology to issue temporary license; amending 59
18 O.S. 2011, Section 1606, which relates to waiver of
19 examination requirements; updating name of
20 professional association; amending 59 O.S. 2011,
21 Section 1609, which relates to meetings; providing
22 that all Board meetings shall be in accordance with
23 the Oklahoma Open Meeting Act; updating statutory
24 reference; amending 59 O.S. 2011, Section 1617, which
relates to licensees; updating language; amending 59
O.S. 2011, Section 1619, as amended by Section 10,
Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2017, Section
1619), which relates to disciplinary actions;
clarifying language; and **declaring an emergency.**

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1603, is
amended to read as follows:

1 Section 1603. A. As used in the Speech-Language Pathology and
2 Audiology Licensing Act:

3 1. "Board" means the Board of Examiners for Speech-Language
4 Pathology and Audiology;

5 2. "Person" means any individual, partnership, organization or
6 corporation, except that only individuals may be licensed under the
7 Speech-Language Pathology and Audiology Licensing Act;

8 3. "Licensed speech-language pathologist", "licensed speech-
9 language pathology fellow", "licensed speech-language pathology
10 assistant" or "licensed audiologist" means an individual to whom a
11 license has been issued pursuant to the provisions of the Speech-
12 Language Pathology and Audiology Licensing Act, which license has
13 not expired or has not been suspended or revoked;

14 4. "Speech-language pathologist" (SLP) means any person who
15 ~~evaluates, examines, counsels or provides rehabilitative services~~
16 ~~for persons who have or are suspected of having a speech, voice~~
17 ~~and/or language disorder, and who meets the qualifications set forth~~
18 ~~in Section 1605 of this title~~ works to prevent, assess, diagnose and
19 treat speech, language, social communication, cognitive
20 communication and swallowing disorders in children and adults and
21 who meets the qualifications set forth in Section 1605 of this
22 title, as well as providing augmentative and alternative
23 communication (AAC) systems for individuals with severe speech,
24 expressive or language comprehension disorders. A speech-language

1 pathologist is permitted to perform such basic audiometric tests and
2 hearing therapy procedures as are consistent with such training;

3 5. "Speech-language pathology assistant" (SLPA) means any
4 person who, after acquiring academic coursework, fieldwork, and on-
5 the-job training as set forth by rules promulgated by the Board,
6 performs tasks prescribed, directed, and supervised by licensed
7 speech-language pathologists. The speech-language pathology
8 assistant may implement prescribed therapies in children and adults
9 in specific treatment areas in which he or she has academic and
10 clinical training as prescribed by the OBESPA and under the license
11 of a speech-language pathologist;

12 6. "Speech, voice, swallowing or language disorders" include,
13 but are not limited to, any and all conditions that impede the
14 normal process of human vocal communication;

15 ~~6.~~ 7. "Practice of speech-language pathology" means the
16 rendering or offering to render to any person or the public any
17 speech, voice, swallowing or language evaluation, examination,
18 counseling or rehabilitation of or for persons who have or are
19 suspected of having a speech, voice, swallowing ~~and/or~~ language
20 disorder, ~~and/or~~ representing oneself to be a speech-language
21 pathologist or speech-language pathology assistant. Services may
22 also be provided for persons who want to learn how to communicate
23 more effectively including, but not limited to, accent modification
24 and other forms of communication enhancement;

1 ~~7.~~ 8. "Audiologist" means any person who ~~evaluates, examines,~~
2 ~~counsels or provides rehabilitative services for persons who have or~~
3 ~~are suspected of having a hearing disorder, and who meets the~~
4 ~~qualifications set forth in Section 1605 of this title. An~~
5 ~~audiologist also may provide consultation regarding noise control~~
6 ~~and hearing conservation, may conduct tests of vestibular function,~~
7 ~~may prepare ear impressions, and may provide evaluations of~~
8 ~~environment or equipment, including calibration, used in testing~~
9 auditory functioning participates in the prevention, identification,
10 assessment, habilitation and rehabilitation of hearing, auditory
11 function, balance, and other related systems for those individuals
12 of any age suspected of having a hearing or balance disorder, and
13 who meets the qualifications set forth in Section 1605 of this
14 title. An audiologist may also select, fit and dispense hearing
15 aids, hearing assistive technology, special fitting technology which
16 may include, but not limited to, cochlear implants, and provide
17 assessment and follow-up services. An audiologist may provide
18 consultation regarding noise control and participate in noise
19 conservation programs which may include, but not be limited to, the
20 fitting of hearing protection devices. Audiologists may participate
21 in research related to all of these domains;

22 ~~8.~~ 9. "Hearing disorders" include, but are not limited to, any
23 or all conditions of decreased or impaired auditory function;
24

1 ~~9.~~ 10. "Balance disorders" include, but are not limited to, any
2 or all conditions of the decreased or impaired vestibular function;

3 11. "Practice of audiology" means the rendering, or offering to
4 render, to any person or the public, ~~the evaluation, examination,~~
5 ~~counseling or rehabilitation of or for persons who have or are~~
6 ~~suspected of having a hearing disorder, and/or representing oneself~~
7 ~~to be an audiologist~~ the prevention, identification, assessment, or
8 rehabilitation of or for persons who have or are suspected of having
9 a hearing or balance disorder, or representing oneself to be an
10 audiologist; and

11 ~~10.~~ 12. "Hearing screening" means one or more procedures used
12 to identify individuals who may have a hearing loss. Measurements
13 of auditory thresholds are not included in hearing screening
14 programs; and

15 13. "Telepractice" means the use of audio, video or data
16 communication to provide speech-language pathology and audiology
17 services to clients who are not present at the same site as the
18 licensee when the service is provided.

19 B. A person represents himself or herself to be a speech-
20 language pathologist when such person holds himself or herself out
21 to the public by any title or description of services incorporating
22 the words "speech-language pathology", "speech-language
23 pathologist", "speech pathology", "speech pathologist", "speech
24 therapy", "speech therapist", "speech correction", "speech

1 correctionist", "language therapy", "language therapist", "voice
2 pathology", "voice pathologist", "voice therapy", "voice therapist",
3 "logopedics", "logopedist", "communicology", "communicologist",
4 "aphasiologist", "phoniatriest", "speech clinician", "speech clinic",
5 "speech center" or any similar or related term or terms.

6 C. A person represents himself or herself to be a speech-
7 language pathology assistant when such person holds himself or
8 herself out to the public by any title or description of services as
9 listed for speech-language pathologist and is working under the
10 license of a speech-language pathologist. Anyone not holding
11 credentials for independent practice shall hold the designation of
12 assistant and be required to work under supervision.

13 ~~C.~~ D. A person represents himself or herself to be an
14 audiologist when such person holds himself or herself out to the
15 public by any title or description of services incorporating the
16 terms "audiology", "audiologist", "audiometry", "audiometrist",
17 "hearing therapy", "hearing therapist", "hearing conservation",
18 "hearing conservationist", "hearing clinician", "hearing clinic",
19 "hearing center", "audiological", "audiometrics", or any similar or
20 related term or terms.

21 ~~D.~~ E. The provision of speech-language pathology or audiology
22 services in this state through ~~telephonic~~ telepractice, electronic
23 or other means, regardless of the location of the speech-language
24 pathologist shall constitute the practice of speech-language

1 pathology ~~and~~/or audiology and shall require licensure in this
2 state.

3 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1604, is
4 amended to read as follows:

5 Section 1604. A. Except as otherwise provided by this section,
6 no person shall practice speech-language pathology or audiology
7 unless such person is licensed pursuant to the Speech-Language
8 Pathology and Audiology Licensing Act.

9 B. The Speech-Language Pathology and Audiology Licensing Act
10 shall not be construed to prevent:

11 1. A person licensed under any other law of this state from
12 engaging in the profession or occupation for which such person is
13 licensed, provided such person does not represent himself or herself
14 to be a speech-language pathologist or audiologist;

15 2. An employee of the federal government, state, county or
16 municipal government, or an agency or political subdivision thereof,
17 from engaging in such employee's duties of employment;

18 3. The hearing testing or any other act conducted by licensed
19 physicians within the scope of their licensed profession or by
20 persons conducting hearing tests or other acts under the direct
21 supervision of the physician;

22 4. The activities and services of a hearing-aid dealer or
23 fitter so long as the activities and services of such dealer or
24 fitter are limited to the selection, adaptation, distribution or

1 sale of hearing aids, and the testing, instruction, and counseling
2 pertaining thereto, as long as such hearing-aid dealer or fitter
3 does not represent himself or herself to be an audiologist;

4 5. A teacher of the deaf and hard of hearing, certified by the
5 Oklahoma State Department of Education, or certified nationally by
6 the Council on Education of the Deaf, from engaging in the
7 profession for which such teacher is trained. The services of a
8 teacher of the deaf and hard-of-hearing shall be directed solely to
9 those persons having or suspected of having a hearing disorder;

10 6. Any person not a resident of this state and who has not
11 established offices in this state, from engaging in the practice of
12 speech-language pathology or audiology in this state for a period
13 that, in the aggregate, does not exceed seven (7) days in any
14 calendar year, if such a person's education and experience is the
15 substantial equivalent to that of a licensed speech-language
16 pathologist or audiologist as described in Section 1605 of this
17 title; and

18 7. The activities of hearing screening programs which are
19 conducted by employees or trained volunteers who are providing these
20 services under the auspices of public or private charitable
21 agencies.

22 C. Notwithstanding any other provision of this section, a
23 person licensed in this state to perform speech-language pathology
24 or audiology services is hereby designated to be a practitioner of

1 the healing art for purposes of making a referral for speech_
2 language pathology or audiology services pursuant to the provisions
3 of the Individuals with Disabilities Education Act, Public Law 105-
4 17, as amended, and Section 504 of the Rehabilitation Act of 1973.

5 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1605, is
6 amended to read as follows:

7 Section 1605. A. To be eligible for licensure by the Board of
8 Examiners for Speech-Language Pathology and Audiology as a speech-
9 language pathologist, the applicant must:

10 1. Hold not less than a master's degree, or the equivalent,
11 with a major emphasis in speech-language pathology or audiology from
12 a regionally accredited academic institution offering a graduate
13 program in speech-language pathology or audiology that meets or
14 exceeds prevailing national standards;

15 2. Submit evidence of completion of supervised clinical
16 practicum experience that meets or exceeds prevailing national
17 standards from a regionally accredited educational institution or
18 its cooperating programs, the content of which shall be approved by
19 the Board and delineated in the rules;

20 3. Submit evidence of completion of supervised postgraduate
21 professional experience as approved by the Board and described in
22 the rules;

23 4. ~~Pass examinations approved by the Board, whether or not~~
24 ~~administered by the Board; application for examination for a license~~

1 ~~or for a license without examination shall be upon forms prescribed~~
2 ~~by the Board; the Board may require that the application be~~
3 ~~verified; the license fee, which shall include an examination fee of~~
4 ~~not to exceed Twenty-five Dollars (\$25.00), shall accompany the~~
5 ~~application; the cost of examinations administered by the Board~~
6 ~~shall be included in the examination fee; the Board shall determine~~
7 ~~the subject and scope of the examinations, and shall provide for~~
8 ~~examinations to qualified applicants at least twice a year; an~~
9 ~~applicant who fails the examination may be reexamined at a~~
10 ~~subsequent examination upon payment of another examination fee.~~
11 ~~Only the Board has the power to determine whether an applicant's~~
12 ~~examination has been passed or failed~~ Obtain a passing score on
13 examinations approved by the Board. The Board shall determine the
14 score required to pass an examination. An applicant who fails the
15 examination may retake the examination in accordance with the
16 timeline and procedures of the approved testing organization, and
17 the rules promulgated by the Board;

18 5. Attest to their status as either a United States citizen, a
19 United States noncitizen national or a qualified alien;

20 6. Have not committed any acts described in Section 1619 of
21 this title for which disciplinary action may be justified; and

22 7. Be of good moral character;
23
24

1 8. The applicant shall make application to the Board upon a
2 form prescribed by the Board and pay to the Board the application
3 fee.

4 B. To be eligible for initial licensure by the Board as an
5 audiologist, the applicant must:

6 1. ~~Through December 31, 2006, hold not less than a master's~~
7 ~~degree, or the equivalent, with major emphasis in audiology from a~~
8 ~~regionally accredited academic institution offering a graduate or~~
9 ~~postbaccalaureate professional degree program in audiology that~~
10 ~~meets or exceeds prevailing national standards. After December 31,~~
11 ~~2006, each audiology applicant shall hold not less than a~~
12 ~~postbaccalaureate residential or a post-master's distance education~~
13 ~~professional Doctor of Audiology degree (Au.D.), a Doctor of~~
14 ~~Philosophy degree (Ph.D.) with emphasis in audiology, or its~~
15 ~~equivalent as determined by the Board, from a regionally accredited~~
16 ~~academic institution~~ Hold not less than a post-baccalaureate
17 residential or post-masters' distance education professional Doctor
18 of Audiology (AuD) degree, a Doctor of Philosophy (PhD) degree with
19 an emphasis in audiology or its equivalent as determined by the
20 Board;

21 2. ~~Through December 31, 2006, submit evidence of completion of~~
22 ~~supervised clinical practicum experience that meets or exceeds~~
23 ~~prevailing national standards from a regionally accredited~~
24 ~~educational institution or its cooperating programs, the content of~~

1 ~~which shall be approved by the Board and delineated in the rules.~~

2 ~~After December 31, 2006, applicants applying with a residential~~

3 ~~Doctor of Audiology professional degree (Au.D) must demonstrate~~

4 ~~preparation that includes three years of didactic coursework and~~

5 ~~clinical education equivalent to a twelve-month, full-time clinical~~

6 ~~rotation or externship~~ If applying with a Doctor of Audiology (AuD)

7 professional degree, demonstrate preparation that includes three (3)

8 years of didactic coursework and clinical education equivalent to a

9 twelve-month full-time rotation or externship;

10 3. ~~Through December 31, 2006, submit evidence of completion of~~

11 ~~supervised postgraduate professional experience, as approved by the~~

12 ~~Board and described in the rules. After December 31, 2006,~~

13 ~~applicants will be required to present to the Board only a copy of~~

14 ~~the Doctor of Audiology diploma along with a transcript~~

15 ~~demonstrating clinical experience equivalent to a twelve-month,~~

16 ~~full-time clinical rotation or externship, a copy of the Doctor of~~

17 ~~Philosophy diploma with an emphasis in audiology and a transcript~~

18 ~~reflecting a twelve-month, full-time clinical rotation or~~

19 ~~externship, or the equivalent as determined by the Board, from an~~

20 ~~accredited academic institution in order to demonstrate completion~~

21 ~~of the clinical rotation or externship requirement~~ Submit to the

22 Board a copy of the Doctor of Audiology (AuD) diploma and a

23 transcript demonstrating clinical experience equivalent to a twelve-

24 month full-time clinical rotation or externship; a copy of the

1 Doctor of Philosophy (PhD) diploma with an emphasis in audiology and
2 a transcript reflecting a twelve-month full-time clinical rotation
3 or externship, or their equivalents as determined by the Board;
4 provided, such equivalents shall be from an accredited academic
5 institution in order to demonstrate completion of the clinical
6 rotation or externship requirements;

7 4. ~~Pass examinations approved by the Board, whether or not~~
8 ~~administered by the Board; application for examination for a license~~
9 ~~or for a license without examination shall be upon forms prescribed~~
10 ~~by the Board; the Board may require that the application be~~
11 ~~verified; the license fee, which shall include an examination fee~~
12 ~~not to exceed Twenty-five Dollars (\$25.00), shall accompany the~~
13 ~~application; the cost of examinations administered by the Board~~
14 ~~shall be included in the examination fee; the Board shall determine~~
15 ~~the subject and scope of the examinations and shall provide for~~
16 ~~examinations to qualified applicants at least twice a year; an~~
17 ~~applicant who fails the examination may be reexamined at a~~
18 ~~subsequent examination upon payment of another examination fee.~~
19 ~~Only the Board has the power to determine whether an applicant's~~
20 ~~examination has been passed or failed~~ Obtain a passing score on
21 examinations approved by the Board. The Board shall determine the
22 score required to pass an examination. An applicant who fails the
23 examination may retake the examination in accordance with the
24

1 timeline and procedures of the approved testing organization, and
2 the rules promulgated by the Board;

3 5. Attest to their status as either a United States citizen, a
4 United States noncitizen national or a qualified alien;

5 6. Have not committed any acts described in Section 1619 of
6 this title for which disciplinary action may be justified; ~~and~~

7 7. Be of good moral character; and

8 8. Make application to the Board upon a form prescribed by the
9 Board and pay to the Board the application fee.

10 C. To be eligible for licensure by the Board as ~~an intern, the~~
11 ~~applicant must be in the process of fulfilling the supervised~~
12 ~~clinical experience required in paragraph 2 of subsection A of this~~
13 ~~section, or be a student, intern or resident in speech-language~~
14 ~~pathology or audiology, pursuing a course of study at an accredited~~
15 ~~university or college, or working in a training center recognized by~~
16 ~~the applicant's accredited university or college, if these~~
17 ~~activities and services constitute a part of the applicant's~~
18 ~~supervised course of study, and if such person is designated by such~~
19 ~~title as "speech-language pathology intern", "speech-language~~
20 ~~pathology trainee", "audiology intern", "audiology trainee" or other~~
21 ~~such title clearly indicating the training status appropriate to the~~
22 ~~applicant's level of training~~ a speech-language pathology clinical
23 fellow, the applicant must currently be in the process of fulfilling
24 the supervised clinical fellowship required by this section and

1 possess a designation of the title "Clinical Fellow" indicating the
2 status appropriate to the applicant's level of training. To be
3 eligible for licensure as a clinical fellow, the applicant shall
4 meet all requirements specified by paragraphs 1, 2, 5, 6 and 7 of
5 subsection A of this section. Speech-language pathologist
6 applicants completing the supervised postgraduate professional
7 experience in this state shall possess a license issued by the
8 Board.

9 D. To be eligible for licensure by the Board as a speech-
10 language pathology or audiology assistant, the applicant must be
11 assisting in the practice of speech-language pathology or audiology
12 while ~~in the employ of and~~ under the supervision of a licensed
13 speech-language pathologist or audiologist, subject to the rules of
14 the Board. The licensed speech-language pathologist or audiologist
15 is legally and ethically responsible for the professional activities
16 of such ~~employees~~ licensees.

17 E. To be eligible for licensure by the Board as a speech-
18 language ~~pathology or audiology temporary license holder~~
19 pathologist, audiologist, speech-language clinical fellow or speech-
20 language pathology assistant, the applicant must meet all the
21 requirements specified in ~~subsection A of this section. A temporary~~
22 ~~license will be issued following a credentials review, such~~
23 ~~temporary license being valid until the next regularly held Board~~
24 ~~meeting~~ The Board may authorize the executive secretary to issue a

1 temporary license upon verification that the applicant meets all
2 applicable requirements of licensure. A temporary license shall
3 authorize the applicant to practice speech-language pathology or
4 audiology for the time period between the submission of the
5 application and the applicant's approval for licensure by the Board.
6 A temporary license shall expire upon the Board's approval of a
7 permanent license, or ten (10) calendar days following the Board's
8 denial of an application for a permanent license.

9 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1606, is
10 amended to read as follows:

11 Section 1606. A. The Board of Examiners for Speech-Language
12 Pathology and Audiology shall waive the examination and grant a
13 license to applicants who present proof of current licensure in a
14 state or country whose requirements for licensure are substantially
15 equivalent to those of the Speech-Language Pathology and Audiology
16 Licensing Act.

17 B. The Board shall waive the examination and grant a license to
18 those who hold the Certificate of Clinical Competence of the
19 ~~American Speech and Hearing Association~~ American Speech-Language-
20 Hearing Association or its current equivalent in the area for which
21 they are applying for licensure, provided the requirements for such
22 certification are equivalent to or greater than those for licensure.

23 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1609, is
24 amended to read as follows:

1 Section 1609. A. The Board of Examiners for Speech-Language
2 Pathology and Audiology shall hold a regular annual meeting at its
3 last meeting of the fiscal year at which it shall elect from its
4 membership a chairman, a vice-chairman, and a secretary. Other
5 regular meetings shall be held at such times as the rules of the
6 Board may provide. Special meetings may be held at such times as
7 may be deemed necessary or advisable by a majority of the Board
8 members. At least one (1) week's notice of all meetings shall be
9 given in a manner prescribed by the rules of the Board.

10 B. All meetings of the Board shall be ~~open and public except~~
11 ~~that the Board may hold a closed executive session:~~

- 12 ~~1. To prepare, approve, grade or administer examinations; and~~
13 ~~2. Upon request of an applicant who fails an examination to~~
14 ~~prepare a response indicating the cause of the applicant's failure~~
15 in accordance with the Oklahoma Open Meeting Act.

16 C. Three members of the Board shall constitute a quorum.

17 D. An executive secretary shall be appointed by the Board, and
18 shall hold office at the pleasure of the Board. The Board may
19 employ such other persons and may rent or purchase such space and
20 equipment as it deems necessary or desirable to carry out the
21 provisions of ~~this act~~ Section 1601 et seq. of this title.

22 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1617, is
23 amended to read as follows:

24

1 Section 1617. The Board of Examiners for Speech-Language
2 Pathology and Audiology shall publish a list of all ~~licensed speech-~~
3 ~~language pathologists and licensed audiologists~~ licensees, including
4 the name and business address of each ~~licensed person~~ licensee, the
5 area in which the person is licensed, and such other information as
6 the Board deems appropriate. This list will be published on the web
7 site for the Board of Examiners for Speech-Language Pathology and
8 Audiology in printable format and updated quarterly. A copy of the
9 list will be placed on file with the Secretary of State annually.
10 Copies will be furnished to licensees and the public upon request.

11 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1619, as
12 amended by Section 10, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2017,
13 Section 1619), is amended to read as follows:

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

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

1 audiologist licensee's speech-language pathology or audiology
2 services;

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

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

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

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

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

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

24

1 8. Has been convicted of or has pled guilty or nolo contendere
2 to a felony crime that substantially relates to the business
3 practices of speech-language pathology or audiology or poses a
4 reasonable threat to public safety or to a crime involving moral
5 turpitude.

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

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

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

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

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

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

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

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

23 D. 1. Any person who feels aggrieved by reason of the
24 imposition of disciplinary action may appeal to the Board for a

1 review of the case or may seek judicial review pursuant to the
2 Administrative Procedures Act.

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

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

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

10 F. As used in this section:

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

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

19 **SECTION 8. It being immediately necessary for the preservation**
20 **of the public peace, health or safety, an emergency is hereby**
21 **declared to exist, by reason whereof this act shall take effect and**
22 **be in full force from and after its passage and approval.**

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
24 February 12, 2018 - DO PASS AS AMENDED