

An Act

ENROLLED SENATE
BILL NO. 1074

By: McCortney of the Senate

and

West (Josh) and Osburn
(Mike) of the House

An Act relating to the Speech-Language Pathology and Audiology Licensing Act; amending 59 O.S. 2011, Section 1603, which relates to definitions; modifying definitions; amending 59 O.S. 2011, Section 1604, which relates to license required; updating professional term; amending 59 O.S. 2011, Section 1605, which relates to qualifications for licensure; updating and clarifying requirements; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to issue temporary license; amending 59 O.S. 2011, Section 1606, which relates to waiver of examination requirements; updating name of professional association; amending 59 O.S. 2011, Section 1609, which relates to meetings; providing that all Board meetings shall be in accordance with the Oklahoma Open Meeting Act; updating statutory 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.

SUBJECT: Speech-Language Pathology and Audiology Licensing Act

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:

Section 1603. 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 ~~evaluates, examines, counsels or provides rehabilitative services for persons who have or are suspected of having a speech, voice and/or language disorder, and who meets the qualifications set forth in Section 1605 of this title. A speech-language pathologist is permitted to perform such basic audiometric tests and hearing therapy procedures as are consistent with such training~~ 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;

~~6.~~ 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 ~~and/or~~, feeding or swallowing or language disorder, ~~and/or~~ 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;

~~7.~~ 10. "Audiologist" means any person who evaluates, examines, counsels or provides rehabilitative services for persons who have or are suspected of having a hearing disorder, and who meets the qualifications set forth in Section 1605 of this title. An audiologist also may provide consultation regarding noise control and hearing conservation, may conduct tests of vestibular function, may prepare ear impressions, and may provide evaluations of environment or equipment, including calibration, used in testing auditory functioning 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;

~~8.~~ 11. "Hearing disorders" include, but are not limited to, any or all conditions of decreased or impaired auditory function;

~~9.~~ 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 evaluation, examination, counseling or rehabilitation of or for persons who have or are suspected of having a hearing disorder, and/or representing oneself to be an audiologist 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; and

~~10.~~ 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", "phoniatriest", "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.

~~D.~~ E. The provision of speech-language pathology or audiology services in this state through ~~telephonic~~ telepractice, electronic or other means, regardless of the location of the speech-language pathologist shall constitute the practice of speech-language pathology ~~and/or~~ or audiology and shall require licensure in this state.

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

Section 1604. 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.

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

Section 1605. 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. Pass examinations approved by the Board, whether or not administered by the Board; application for examination for a license or for a license without examination shall be upon forms prescribed by the Board; the Board may require that the application be verified; the license fee, which shall include an examination fee of not to exceed Twenty five Dollars (\$25.00), shall accompany the application; the cost of examinations administered by the Board shall be included in the examination fee; the Board shall determine the subject and scope of the examinations, and shall provide for examinations to qualified applicants at least twice a year; an applicant who fails the examination may be reexamined at a subsequent examination upon payment of another examination fee. Only the Board has the power to determine whether an applicant's examination has been passed or failed~~ 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. Be of good moral character;

8. The applicant shall 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. Through December 31, 2006, hold not less than a master's degree, or the equivalent, with major emphasis in audiology from a regionally accredited academic institution offering a graduate or postbaccalaureate professional degree program in audiology that meets or exceeds prevailing national standards. After December 31, 2006, each audiology applicant shall hold not less than a postbaccalaureate residential or a post-master's distance education professional Doctor of Audiology degree (Au.D.), a Doctor of Philosophy degree (Ph.D.) with emphasis in audiology, or its equivalent as determined by the Board, from a regionally accredited academic institution~~ 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. Through December 31, 2006, 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. After December 31, 2006, applicants applying with a residential Doctor of Audiology professional degree (Au.D) must demonstrate~~

~~preparation that includes three years of didactic coursework and clinical education equivalent to a twelve-month, full-time clinical rotation or externship. 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. ~~Through December 31, 2006, submit evidence of completion of supervised postgraduate professional experience, as approved by the Board and described in the rules. After December 31, 2006, applicants will be required to present to the Board only a copy of the Doctor of Audiology diploma along with a transcript demonstrating clinical experience equivalent to a twelve-month, full-time clinical rotation or externship, a copy of the Doctor of Philosophy diploma with an emphasis in audiology and a transcript reflecting a twelve-month, full-time clinical rotation or externship, or the equivalent as determined by the Board, from an accredited academic institution in order to demonstrate completion of the clinical rotation or externship requirement. 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. ~~Pass examinations approved by the Board, whether or not administered by the Board; application for examination for a license or for a license without examination shall be upon forms prescribed by the Board; the Board may require that the application be verified; the license fee, which shall include an examination fee not to exceed Twenty-five Dollars (\$25.00), shall accompany the application; the cost of examinations administered by the Board shall be included in the examination fee; the Board shall determine the subject and scope of the examinations and shall provide for examinations to qualified applicants at least twice a year; an applicant who fails the examination may be reexamined at a subsequent examination upon payment of another examination fee. Only the Board has the power to determine whether an applicant's~~

~~examination has been passed or failed~~ 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. Be of good moral character; and

8. 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 an intern, the applicant must be in the process of fulfilling the supervised clinical experience required in paragraph 2 of subsection A of this section, or be a student, intern or resident in speech-language pathology or audiology, pursuing a course of study at an accredited university or college, or working in a training center recognized by the applicant's accredited university or college, if these activities and services constitute a part of the applicant's supervised course of study, and if such person is designated by such title as "speech-language pathology intern", "speech-language pathology trainee", "audiology intern", "audiology trainee" or other such title clearly indicating the training status appropriate to the applicant's level of training~~ 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 ~~in the employ of and~~ 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 ~~employees~~ licensees.

E. To be eligible for licensure by the Board as a speech-language ~~pathology or audiology temporary license holder~~ pathologist, audiologist, speech-language clinical fellow or speech-language pathology assistant, the applicant must meet all the requirements specified in ~~subsection A of this section~~. ~~A temporary license will be issued following a credentials review, such temporary license being valid until the next regularly held Board meeting~~ 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.

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

Section 1606. 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 and Hearing Association~~ 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.

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

Section 1609. 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 ~~open and public except that the Board may hold a closed executive session:~~

~~1. To prepare, approve, grade or administer examinations; and~~

~~2. Upon request of an applicant who fails an examination to prepare a response indicating the cause of the applicant's failure 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 ~~this act~~ Section 1601 et seq. of this title.

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

Section 1617. The Board of Examiners for Speech-Language Pathology and Audiology shall publish a list of all ~~licensed speech-language pathologists and licensed audiologists~~ licensees, including the name and business address of each ~~licensed person~~ 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the district court, by subpoena issued over the signature of the chairman or vice-chairman and the seal of the Board.

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

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

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

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

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

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

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

F. As used in this section:

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

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

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

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

Passed the Senate the 5th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 1st day of May, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____