

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2164

By: **Roe**

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9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2011, Section 725.2, which relates
12 to use of professional designations; modifying
13 definition of doctor to include certain persons; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 725.2, is
17 amended to read as follows:

18 Section 725.2 A. The following nine classes of persons may use
19 the word "Doctor", or an abbreviation thereof, and shall have the
20 right to use, whether or not in conjunction with the word "Doctor",
21 or any abbreviation thereof, the following designations:

22 1. The letters "D.P.M." or the words podiatrist, doctor of
23 podiatry, podiatric surgeon, or doctor of podiatric medicine by a
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1 person licensed to practice podiatry under the Podiatric Medicine
2 Practice Act;

3 2. The letters "D.C." or the words chiropractor or doctor of
4 chiropractic by a person licensed to practice chiropractic under the
5 Oklahoma Chiropractic Practice Act;

6 3. The letters "D.D.S." or "D.M.D.", as appropriate, or the
7 words dentist, doctor of dental surgery, or doctor of dental
8 medicine, as appropriate, by a person licensed to practice dentistry
9 under the State Dental Act;

10 4. The letters "M.D." or the words surgeon, medical doctor, or
11 doctor of medicine by a person licensed to practice medicine and
12 surgery under the Oklahoma Allopathic Medical and Surgical Licensure
13 and Supervision Act;

14 5. The letters "O.D." or the words optometrist or doctor of
15 optometry by a person licensed to practice optometry under Sections
16 581 through 606 of this title;

17 6. The letters "D.O." or the words surgeon, osteopathic
18 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic
19 medicine by a person licensed to practice osteopathy under the
20 Oklahoma Osteopathic Medicine Act;

21 7. The letters "Ph.D.", "Ed.D.", or "Psy.D." or the words
22 psychologist, therapist, or counselor by a person licensed as a
23 health service psychologist pursuant to the Psychologists Licensing
24 Act;

1 8. The letters "Ph.D.", "Ed.D.", or other letters representing
2 a doctoral degree or the words language pathologist, speech
3 pathologist, or speech and language pathologist by a person licensed
4 as a speech and language pathologist pursuant to the Speech-Language
5 Pathology and Audiology Licensing Act and who has earned a doctoral
6 degree from a regionally accredited institution of higher learning
7 in the field of speech and language pathology; and

8 9. The letters "Ph.D.", "Ed.D.", or other letters representing
9 a doctoral degree or the word audiologist by a person licensed as an
10 audiologist pursuant to the Speech-Language Pathology and Audiology
11 Licensing Act and who has earned a doctoral degree from a regionally
12 accredited institution of higher learning in the field of audiology.

13 B. Unless otherwise specifically provided in a particular
14 section or chapter of the Oklahoma Statutes, the word "doctor" or
15 "doctors" shall mean and include each of the nine classes of persons
16 listed in subsection A of this section and the word "physician" or
17 "physicians", as provided in subsection C of this section. Any
18 other person using the term doctor, or any abbreviation thereof,
19 shall designate the authority under which the title is used or the
20 college or honorary degree that gives rise to use of the title.

21 C. Unless otherwise specifically provided in a particular
22 section or chapter of the Oklahoma Statutes, the word "physician" or
23 "physicians" shall mean and include each of the classes of persons
24 listed in paragraphs 1 through 6 and psychologists in paragraph 7 of

1 subsection A of this section and the word "doctor" or "doctors" as
2 provided in subsection B of this section. The term "physician"
3 shall not include any person specified in paragraphs 7 through 9
4 with the exception of psychologists in paragraph 7 of subsection A
5 of this section unless such person is otherwise authorized to use
6 such designation pursuant to this section.

7 D. For purposes of this section, "provider" means and includes:

8 1. Each of the nine classes of persons listed in subsection A
9 of this section and referred to in subsections B and C of this
10 section; and

11 2. Any other person using the term doctor or any abbreviation
12 thereof.

13 E. Persons in each of the nine classes listed in subsection A,
14 and referred to in subsections B and C, of this section shall
15 identify through written notice, which may include the wearing of a
16 name tag, the type of license under which the doctor is practicing,
17 utilizing the designations provided in subsections A, B and C of
18 this section. Each applicable licensing board is authorized by rule
19 to determine how its license holders may comply with this disclosure
20 requirement.

21 F. 1. Any advertisement for health care services naming a
22 provider shall:

23 a. identify the type of license of the doctor utilizing
24 the letters or words set forth in this section if the

1 person is one of the classes of persons listed in
2 subsection A of this section, and referred to in
3 subsections B and C of this section, or

4 b. utilize appropriate, accepted, and easily understood
5 words or letters, which clearly show and indicate the
6 branch of the healing art in which the person is
7 licensed to practice and is engaged in, if the person
8 is not one of the nine classes of persons listed in
9 subsection A of this section, or referred to in
10 subsections B and C of this section.

11 2. The term "advertisement" includes any printed document
12 including letterhead, video clip, or audio clip created by, for, or
13 at the direction of the provider or providers and advertised for the
14 purpose of promoting the services of the doctor or provider.

15 G. 1. It shall be unlawful for any medical doctor, doctor of
16 osteopathic medicine, doctor of dental surgery, doctor of dental
17 medicine, doctor of optometry, doctor of podiatry, doctor of
18 psychology or doctor of chiropractic to make any deceptive or
19 misleading statement, or engage in any deceptive or misleading act,
20 that deceives or misleads the public or a prospective or current
21 patient, regarding the training and the license under which the
22 person is authorized to practice.

23 2. The term "deceptive or misleading statement or act"
24 includes, but is not limited to:

- 1 a. such statement or act in any advertising medium,
2 b. making a false statement regarding the education,
3 skills, training, or licensure of a person, or
4 c. in any other way describing the profession, skills,
5 training, expertise, education, or licensure of a
6 person in a fashion that causes the public, a
7 potential patient, or current patient to believe that
8 the person is a medical doctor, doctor of osteopathic
9 medicine, doctor of dental surgery, doctor of dental
10 medicine, doctor of optometry, doctor of podiatry,
11 doctor of psychology or doctor of chiropractic when
12 that person does not hold such credentials.

13 H. Notwithstanding any other provision of this section, a
14 person licensed in this state to perform speech pathology or
15 audiology services is designated to be a practitioner of the healing
16 art for purposes of making a referral for speech pathology or
17 audiology services pursuant to the provisions of the Individuals
18 with Disabilities Education Act, Amendment of 1997, Public Law 105-
19 17, and Section 504 of the Rehabilitation Act of 1973.

20 SECTION 2. This act shall become effective November 1, 2021.
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22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/24/2021 -
23 DO PASS, As Amended and Coauthored.
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