

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 715

By: McCortney and Yen of the
Senate

and

Derby of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Speech-Language Pathology and
12 Audiology Licensing Act; amending 59 O.S. 2011,
13 Section 1603, which relates to definitions;
14 clarifying various definitions; specifying conduct
15 for certain representation; requiring certain
16 designation under certain circumstances; amending 59
17 O.S. 2011, Section 1604, which relates to licensure;
18 amending 59 O.S. 2011, Section 1605, which relates to
19 qualifications for licensure; requiring certain
20 examinations, certifications, documentation and other
21 stipulations for licensure; permitting issuance of
22 temporary licenses under certain circumstances;
23 specifying expiration of temporary licenses; amending
24 59 O.S. 2011, Section 1606, which relates to waiver
 of examination requirements; amending 59 O.S. 2011,
 Section 1609, which relates to meetings; amending 59
 O.S. 2011, Section 1617, which relates to licensees;
 amending 59 O.S. 2011, Section 1619, as amended by
 Section 10, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
 2016, Section 1619), which relates to disciplinary
 actions; clarifying language; and declaring an
 emergency.

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

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

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

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

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

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

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

1 communication (AAC) systems for individuals with severe speech,
2 expressive and/or language comprehension disorders. A speech-
3 language pathologist is permitted to perform such basic audiometric
4 tests and hearing therapy procedures as are consistent with such
5 training;

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

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

18 ~~6.~~ 7. "Practice of speech-language pathology" means the
19 rendering or offering to render to any person or the public any
20 speech, voice, swallowing or language evaluation, examination,
21 counseling or rehabilitation of or for persons who have or are
22 suspected of having a speech, voice, swallowing and/or language
23 disorder, and/or representing oneself to be a speech-language
24 pathologist or speech-language pathology assistant. Services may

1 also be provided for persons who want to learn how to communicate
2 more effectively, including, but not limited to, accent modification
3 and other forms of communication enhancement;

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

1 ~~8.~~ 9. "Hearing disorders" include, but are not limited to, any
2 or all conditions of decreased or impaired auditory function;

3 ~~9.~~ 10. "Balance disorders" include, but are not limited to, any
4 or all conditions of the decreased or impaired vestibular function;

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

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

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

1 "logopedics", "logopedist", "communicology", "communicologist",
2 "aphasiologist", "phoniatriest", "speech clinician", "speech clinic",
3 "speech center" or any similar or related term or terms.

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

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

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

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

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

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

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

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

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

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

1 pertaining thereto, as long as such hearing-aid dealer or fitter
2 does not represent himself or herself to be an audiologist;

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

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

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

21 C. Notwithstanding any other provision of this section, a
22 person licensed in this state to perform speech-language pathology
23 or audiology services is hereby designated to be a practitioner of
24 the healing art for purposes of making a referral for speech_

1 language pathology or audiology services pursuant to the provisions
2 of the Individuals with Disabilities Education Act, Public Law 105-
3 17, as amended, and Section 504 of the Rehabilitation Act of 1973.

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

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

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

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

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

22 4. Pass examinations approved by the Board, ~~whether or not~~
23 ~~administered by the Board; application for examination for a license~~
24 ~~or for a license without examination shall be upon forms prescribed~~

1 ~~by the Board; the Board may require that the application be~~
2 ~~verified; the license fee, which shall include an examination fee of~~
3 ~~not to exceed Twenty five Dollars (\$25.00), shall accompany the~~
4 ~~application; the cost of examinations administered by the Board~~
5 ~~shall be included in the examination fee; the Board shall determine~~
6 ~~the subject and scope of the examinations, and shall provide for~~
7 ~~examinations to qualified applicants at least twice a year; an~~
8 ~~applicant who fails the examination may be reexamined at a~~
9 ~~subsequent examination upon payment of another examination fee.~~
10 ~~Only the Board has the power to determine whether an applicant's~~
11 ~~examination has been passed or failed. The Board shall approve the~~
12 ~~subject and scope of the examination. An applicant who fails the~~
13 ~~examination may be reexamined at a subsequent examination. Only the~~
14 ~~Board may determine whether an applicant has passed or failed an~~
15 ~~examination. The application for licensure shall be upon forms~~
16 ~~prescribed by the Board. The Board may require the application to~~
17 ~~be verified. A license fee shall accompany the application;~~

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

1 1. ~~Through December 31, 2006, hold not less than a master's~~
2 ~~degree, or the equivalent, with major emphasis in audiology from a~~
3 ~~regionally accredited academic institution offering a graduate or~~
4 ~~postbaccalaureate professional degree program in audiology that~~
5 ~~meets or exceeds prevailing national standards. After December 31,~~
6 ~~2006, each audiology applicant shall hold not less than a~~
7 ~~postbaccalaureate residential or a post-master's distance education~~
8 ~~professional Doctor of Audiology degree (Au.D.), a Doctor of~~
9 ~~Philosophy degree (Ph.D.) with emphasis in audiology, or its~~
10 ~~equivalent as determined by the Board, from a regionally accredited~~
11 ~~academic institution;~~

12 2. ~~Through December 31, 2006, submit evidence of completion of~~
13 ~~supervised clinical practicum experience that meets or exceeds~~
14 ~~prevailing national standards from a regionally accredited~~
15 ~~educational institution or its cooperating programs, the content of~~
16 ~~which shall be approved by the Board and delineated in the rules.~~
17 ~~After December 31, 2006, applicants applying with a residential~~
18 ~~Doctor of Audiology professional degree (Au.D) must demonstrate~~
19 ~~preparation that includes three years of didactic coursework and~~
20 ~~clinical education equivalent to a twelve-month, full-time clinical~~
21 ~~rotation or externship;~~

22 3. ~~Through December 31, 2006, submit evidence of completion of~~
23 ~~supervised postgraduate professional experience, as approved by the~~
24 ~~Board and described in the rules. After December 31, 2006,~~

1 ~~applicants will be required to present to the Board only a copy of~~
2 ~~the Doctor of Audiology diploma along with a transcript~~
3 ~~demonstrating clinical experience equivalent to a twelve month,~~
4 ~~full-time clinical rotation or externship, a copy of the Doctor of~~
5 ~~Philosophy diploma with an emphasis in audiology and a transcript~~
6 ~~reflecting a twelve-month, full-time clinical rotation or~~
7 ~~externship, or the equivalent as determined by the Board, from an~~
8 ~~accredited academic institution in order to demonstrate completion~~
9 ~~of the clinical rotation or externship requirement;~~

10 4. ~~Pass examinations approved by the Board, whether or not~~
11 ~~administered by the Board; application for examination for a license~~
12 ~~or for a license without examination shall be upon forms prescribed~~
13 ~~by the Board; the Board may require that the application be~~
14 ~~verified; the license fee, which shall include an examination fee~~
15 ~~not to exceed Twenty five Dollars (\$25.00), shall accompany the~~
16 ~~application; the cost of examinations administered by the Board~~
17 ~~shall be included in the examination fee; the Board shall determine~~
18 ~~the subject and scope of the examinations and shall provide for~~
19 ~~examinations to qualified applicants at least twice a year; an~~
20 ~~applicant who fails the examination may be reexamined at a~~
21 ~~subsequent examination upon payment of another examination fee.~~
22 ~~Only the Board has the power to determine whether an applicant's~~
23 ~~examination has been passed or failed Hold not less than a~~
24 ~~postbaccalaureate residential or a postmaster's distance education~~

1 professional Doctor of Audiology (AuD) degree, a Doctor of
2 Philosophy (PhD) degree with an emphasis in audiology or its
3 equivalent as determined by the Board;

4 2. If applying with a Doctor of Audiology (AuD) professional
5 degree, demonstrate preparation that includes three (3) years of
6 didactic coursework and clinical education equivalent to a twelve-
7 month full-time rotation or externship;

8 3. Submit to the Board a copy of the Doctor of Audiology (AuD)
9 diploma and a transcript demonstrating clinical experience
10 equivalent to a twelve-month full-time clinical rotation or
11 externship, a copy of the Doctor of Philosophy (PhD) diploma with an
12 emphasis in audiology and a transcript reflecting a twelve-month
13 full-time clinical rotation or externship, or their equivalents as
14 determined by the Board; provided, such equivalents shall be from an
15 accredited academic institution in order to demonstrate completion
16 of the clinical rotation or externship requirement;

17 4. Pass an examination approved by the Board. The Board shall
18 approve the subject and scope of the examination. Any applicant who
19 fails the examination may be reexamined at a subsequent examination.
20 Only the Board may determine whether an applicant's examination has
21 been passed or failed. The application for a license shall be upon
22 forms prescribed by the Board. The Board may require an application
23 to be verified. A license fee shall accompany the application;
24

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

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

5 7. Be of good moral character.

6 C. To be eligible for licensure by the Board as ~~an intern, the~~
7 ~~applicant must be in the process of fulfilling the supervised~~
8 ~~clinical experience required in paragraph 2 of subsection A of this~~
9 ~~section, or be a student, intern or resident in speech language~~
10 ~~pathology or audiology, pursuing a course of study at an accredited~~
11 ~~university or college, or working in a training center recognized by~~
12 ~~the applicant's accredited university or college, if these~~
13 ~~activities and services constitute a part of the applicant's~~
14 ~~supervised course of study, and if such person is designated by such~~
15 ~~title as "speech language pathology intern", "speech language~~
16 ~~pathology trainee", "audiology intern", "audiology trainee" or other~~
17 ~~such title clearly indicating the training status appropriate to the~~
18 ~~applicant's level of training~~ a speech-language pathology clinical
19 fellow, the applicant must currently be in the process of fulfilling
20 the supervised clinical fellowship required by this section and
21 possess a designation of the title "Clinical Fellow" indicating the
22 status appropriate to the applicant's level of training. To be
23 eligible for licensure as a clinical fellow, the applicant shall
24 meet all requirements specified by paragraphs 1, 2, 5, 6 and 7 of

1 subsection A of this section. Speech-language pathologist
2 applicants completing the supervised postgraduate professional
3 experience in this state shall possess a license issued by the
4 Board.

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

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

1 application and the applicant's approval for licensure by the Board.
2 A temporary license shall expire upon the Board's approval of a
3 permanent license, or ten (10) calendar days following the Board's
4 denial of an application for a permanent license.

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

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

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

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

21 Section 1609. A. The Board of Examiners for Speech-Language
22 Pathology and Audiology shall hold a regular annual meeting at its
23 last meeting of the fiscal year at which it shall elect from its
24 membership a chairman, a vice-chairman, and a secretary. Other

1 regular meetings shall be held at such times as the rules of the
2 Board may provide. Special meetings may be held at such times as
3 may be deemed necessary or advisable by a majority of the Board
4 members. At least one (1) week's notice of all meetings shall be
5 given in a manner prescribed by the rules of the Board.

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

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

9 2. ~~Upon request of an applicant who fails an examination to~~
10 ~~prepare a response indicating the cause of the applicant's failure~~
11 in accordance with the Oklahoma Open Meeting Act.

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

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

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

20 Section 1617. The Board of Examiners for Speech-Language
21 Pathology and Audiology shall publish a list of all ~~licensed speech-~~
22 ~~language pathologists and licensed audiologists~~ licensees, including
23 the name and business address of each ~~licensed person~~ licensee, the
24 area in which the person is licensed, and such other information as

1 the Board deems appropriate. This list will be published on the
2 website for the Board of Examiners for Speech-Language Pathology and
3 Audiology in printable format and updated quarterly. A copy of the
4 list will be placed on file with the Secretary of State annually.
5 Copies will be furnished to licensees and the public upon request.

6 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1619, as
7 amended by Section 10, Chapter 183, O.S.L. 2015 (59 O.S. Supp. 2016,
8 Section 1619), is amended to read as follows:

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

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

22 2. Has aided or abetted a person who is not a licensed speech-
23 language pathologist and/or audiologist and who is ~~not an employee~~
24 ~~of and~~ under the supervision of a licensed speech-language

1 pathologist or audiologist and subject to the rules of the Board, in
2 illegally engaging in the practice of speech-language pathology or
3 audiology within this state;

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

8 F. As used in this section:

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

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03/28/2017 -
23 DO PASS, As Amended.
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