

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Adult Day Care (ADC) Administrator	<a href="#">Long-Term Care Administrators, Oklahoma State Board of Examiners for</a>	4 year College degree (NHA only); Possible areas of study include community health and related resource programs/relationships; nursing home law; nursing home economics and finance; the physical, psychological, and social aspects of aging; personnel management and group dynamics; nursing home administration; special health studies and health care delivery; and inter-professional relationships. 560 hours of Administrator In-Training internship (NHA only) \ "Administrator University\ " - an 18 week long (one day a week) course that exposes the student to many aspects of state and federal requirements and prepares them for the State Standards exam (NHA only). All others receive specialized training for the type of administrator they are applying to become from an institute of higher learning or from a nationally recognized source that has been approved by the Board.	21 years of age; Sound physical and mental health; Passing the applicable National Association of Board (NAB) and/or State Standards Examinations; No criminal background. All current requirements can be reviewed at OAC 490, Chapter 10 or online at <a href="http://www.ok.gov/osbeltca">www.ok.gov/osbeltca</a> .	<a href="#">63 Chapter 12 O.S. § 330.51 - 330.65</a>	Application Fee - \$100 License Fee - \$200/yr Renewal Fee - \$100/yr All applicable training Fees and exam Fees paid separately. NAB Exam - \$350 State Standards Exam - \$100 State Standards Review - \$100

# Occupational Licensing Blueprint

## **License Details**

What is the license? ADC (Adult Day Care Administrator)

What does the license cover? A person with this license can be the administrator of ONLY an Adult Day Care Center/Facility.

What Board regulates the license? OSBELTCA (Oklahoma State Board of Examiners for Long-Term Care Administrators)

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above listed in the Annex, Item 1.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above are of concern. Action by lawmakers at the federal level required licensure, originally interpreted to mean only for Nursing Facilities/Nursing Homes. The federal Social Security Act established the requirement to license facilities/institutions where nursing care was being provided in circa 1970 AND a subsequent requirement to license the administrator where facility/institutional licensure is required. The OSDH (Oklahoma State Department of Health) licenses these centers/facilities and institutions because nursing care is being provided; OSBELTCA licenses the administrators. The Social Security Act cites also that where public funds are being expended (such as Social Security, Medicaid/Medicare) that there shall be an administrator licensed. The Administrator is licensed to ensure all of these aspects are properly tended to, to include resident rights. This Board ensures that only qualified persons are licensed and tasked with the privilege of overseeing these complicated issues, noting very few complaints during the recent pandemic. The Board provides the training and administers the examination relevant to state statutes and rules prior to issuance of a license. There is currently no requirement for a NAB examination for this license. NOTE: It may be worthwhile to note here that on the spectrum of "long term care," Adult Day Care is at the lowest end beyond Home Health and Hospice; ADC came to OSBELTCA and asked to be licensed. Home Health and Hospice lies closer to the Assisted Living portion of the spectrum yet they are still licensed/certified by an entity within the OSDH for some reason even though those licensees attend the same "continuing education programs" as even a Nursing Home Administrator or others under the purview of OSBELTCA. Many people believe Home Health and Hospice Administrators also belong under the purview of OSBELTCA.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest?  
(see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 15

How many of them are active market participants? (see Annex, item 5) There are only 2 ADC Administrators on the Board per state statute; however, 8 of the 15 are "long term care administrators" and someone has interpreted that the majority is of the profession. Yet, they are also not the "owners" of the facilities and while no specific license type has anything close to a majority and there are not supposed to be any owners on our Board, recent legislation (SB719) proposed to transfer this Board under the OSDH's "Long Term Care Facility Advisory Board" functions which would be placing actual "owners" in control of this profession, with no expertise, and would also be contrary to the federal mandate of no fiduciary interest for Board members licensing administrators. Yet, we do comply with the current requirement to have the AG's office review Board decisions...because 8 of the 15 are, technically, "long term care administrators" from the 4 lines of service we actually license. So OUR answer to the next question would be NO regarding ADC Administrators... but someone has determined that 8 of the 15 Board members being "long term care administrators" does mean it's being controlled by active market participants. We should perhaps answer YES because we do get our decisions reviewed by the AG's office per Executive Order to be most conservative and compliant. Reading Justice Alito's opinion in the Annex notes, 2 ADC administrators would not even be a controlling number of a minimal quorum of 8 required to be present for any Board decisions, but, again, it could happen that all 8 making a decision are "long term care administrators" (but this Board had only 2 ADC Administrators among the 15 Board members).

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Again, we do have the AG's office review Board decisions as required by Executive Order, but we don't believe it's necessary (see above) because there is no majority of any of the individual license types even possible and no participation from the actual "owners" of the facilities involved (nor is it supposed to be permitted). And perhaps notably, the AG's office has never overturned or even questioned any of the decisions made to date.

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Nursing Home Administrator (NHA)	<a href="#">Long-Term Care Administrators, Oklahoma State Board of Examiners for</a>	4 year College degree (NHA only); Possible areas of study include community health and related resource programs/relationships; nursing home law; nursing home economics and finance; the physical, psychological, and social aspects of aging; personnel management and group dynamics; nursing home administration; special health studies and health care delivery; and inter-professional relationships. 560 hours of Administrator In-Training internship (NHA only) \ "Administrator University\ " - an 18 week long (one day a week) course that exposes the student to many aspects of state and federal requirements and prepares them for the State Standards exam (NHA only). All others receive specialized training for the type of administrator they are applying to become from an institute of higher learning or from a nationally recognized source that has been approved by the Board.	21 years of age; Sound physical and mental health; Passing the applicable National Association of Board (NAB) and/or State Standards Examinations; No criminal background. All current requirements can be reviewed at OAC 490, Chapter 10 or online at <a href="http://www.ok.gov/osbeltca">www.ok.gov/osbeltca</a> .	<a href="#">63 Chapter 12 O.S. § 330.51 - 330.65</a>	Application Fee - \$100 License Fee - \$200/yr Renewal Fee - \$200/yr (NHA) Original license - \$200 RC/AL - \$175/yr RC and Adult Day Care - \$100/yr All applicable training fees and exam fees paid separately NAB Exam - \$350 State Standards Exam - \$100 State Standards Review - \$100

# Occupational Licensing Blueprint

## **License Details**

What is the license? NHA (Nursing Home Administrator)

What does the license cover? A person with this license can be the administrator of a Skilled Nursing Facility/Nursing Facility (SNF/NF), an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), an Assisted Living Facility (ALF), a Residential Care Facility (RCF), or an Adult Day Care Center.

What Board regulates the license? OSBELTCA (Oklahoma State Board of Examiners for Long-Term Care Administrators)

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above listed in the Annex, Item 1.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above are of concern. Action by lawmakers at the federal level required licensure, originally interpreted to mean only Nursing Facilities/Nursing Homes. The federal Social Security Act established the requirement to license facilities/institutions where nursing care was being provided in circa 1970 AND a subsequent requirement to license the administrator where facility/institutional licensure is required. The OSDH (Oklahoma State Department of Health) licenses these facilities and institutions because nursing care is being provided; OSBELTCA licenses the administrators. The Social Security Act cites also that where public funds are being expended (such as Social Security, Medicaid/Medicare) that there shall be an administrator licensed. The Administrator is licensed to ensure all of these aspects are properly tended to, to include resident rights. This Board ensures that only qualified persons are licensed and tasked with the privilege of overseeing these complicated issues, noting very few complaints during the recent pandemic. The Board provides the training, oversees an internship and, administers the examination relevant to state statutes and rules and uses the NAB NHA Administrator examinations to ensure the highest standards of understanding regarding the Domains of Practice are understood at an entry level of knowledge required for this profession prior to issuance of a license.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest?  
(see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 15

How many of them are active market participants? (see Annex, item 5) There are only 2 NHA Administrators on the Board per state statute; however, 8 of the 15 are "long term care administrators" and someone has interpreted that the majority is of the profession. Yet, they are also not the "owners" of the facilities and while no specific license type has anything close to a majority and there are not supposed to be any owners on our Board, recent legislation (SB719) proposed to transfer this Board under the OSDH's "Long Term Care Facility Advisory Board" functions which would be placing actual "owners" in control of this profession, with no expertise, and would also be contrary to the federal mandate of no fiduciary interest for Board members licensing administrators. Yet, we do comply with the current requirement to have the AG's office review Board decisions...because 8 of the 15 are, technically, "long term care administrators" from the 4 lines of service we actually license. So OUR answer to the next question would be NO regarding NHA Administratorss... but someone has determined that 8 of the 15 Board members being "long term care administrators" does mean it's being controlled by active market participants. We should perhaps answer YES because we do get our decisions reviewed by the AG's office per Executive Order to be most conservative and compliant. Reading Justice Alito's opinion in the Annex notes, 2NHAs would not even be a controlling number of a minimal quorum of 8 required to be present for any Board decisions, but, again, it could happen that all 8 making a decision are "long term care administrators" (but this Board had only 2 NHAs among the 15 Board members).

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Again, we do have the AG's office review Board decisions as required by Executive Order, but we don't believe it's necessary (see above) because there is no majority of any of the individual license types even possible and no participation from the actual "owners" of the facilities involved (nor is it supposed to be permitted). And perhaps notably, the AG's office has never overturned or even questioned any of the decisions made to date.

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Certified Nursing Home Assistant Administrator (CAA)	<a href="#">Long-Term Care Administrators, Oklahoma State Board of Examiners for</a>	HS or GED, completion of Administrators University (see NHA)	21 years of age; Sound physical and mental health; Passing the applicable National Association of Board (NAB) and/or State Standards Examinations; No criminal background. All current requirements can be reviewed at OAC 490, Chapter 10 or online at <a href="http://www.ok.gov/osbeltc">www.ok.gov/osbeltc</a> .	<a href="#">63 Chapter 12 O.S. § 330.51 - 330.65</a>	Application Fee - \$100 License Fee - \$200 Renewal Fee - \$75

# Occupational Licensing Blueprint

## **License Details**

What is the license? CAA (Certified Assistant Administrator)

What does the license cover? A person with this CERTIFICATION (it is NOT considered a license...) can serve ONLY under the supervision of a licensed NHA (Nursing Home Administrator) of a nursing facility. The concept is quite like a PA working for a doctor or a CNA providing assistance to a nurse. This enables one NHA under specific conditions to be the Administrator-of-Record (AOR) of more than one facility but requires that a CAA be employed at each facility and limits the number of beds to 120 OCCUPIED beds and that the facilities are within 50 miles and owned by the same owner. Oklahoma is the only state known to have this entity. It can be a stepping stone for someone to become a license Nursing Home Administrator if they pursue meeting additional qualifications.

What Board regulates the license? OSBELTCA (Oklahoma State Board of Examiners for Long-Term Care Administrators)

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above listed in the Annex, Item 1.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above are of concern. Action by lawmakers at the federal level required licensure, originally interpreted to mean only for Nursing Facilities/Nursing Homes. The federal Social Security Act established the requirement to license facilities/institutions where nursing care was being provided in circa 1970 AND a subsequent requirement to license the administrator where facility/institutional licensure is required. The OSDH (Oklahoma State Department of Health) licenses these facilities and institutions because nursing care is being provided; OSBELTCA licenses the administrators. The Social Security Act cites also that where public funds are being expended (such as Social Security, Medicaid/Medicare) that there shall be an administrator licensed. The Administrator is licensed to ensure all of these aspects are properly tended to, to include resident rights. This Board ensures that only qualified persons are licensed (certified in this instance) and tasked with the privilege of overseeing these complicated issues, noting very few complaints during the recent pandemic. The Board provides the training and administers the examination relevant to state statutes and rules prior to issuance of this CERTIFICATION (again, not a license). There is currently no requirement for a NAB examination for this entity.



Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest?  
(see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 15

How many of them are active market participants? (see Annex, item 5) There are ZERO CAAs represented on the Board per state statute; however, 8 of the 15 are "long term care administrators" and someone has interpreted that the majority is of the profession. Yet, they are also not the "owners" of the facilities and while no specific license type has anything close to a majority and there are not supposed to be any owners on our Board, recent legislation (SB719) proposed to transfer this Board under the OSDH's "Long Term Care Facility Advisory Board" functions which would be placing actual "owners" in control of this profession, with no expertise, and would also be contrary to the federal mandate of no fiduciary interest for Board members licensing administrators. Yet, we do comply with the current requirement to have the AG's office review Board decisions...because 8 of the 15 are, technically, "long term care administrators" from the 4 lines of service we actually license. So OUR answer to the next question would be NO regarding CAAs... but someone has determined that 8 of the 15 Board members being "long term care administrators" does mean it's being controlled by active market participants. We should perhaps answer YES because we do get our decisions reviewed by the AG's office per Executive Order to be most conservative and compliant. Reading Justice Alito's opinion in the Annex notes, ZERO (0) CAAs would never be a controlling number of a minimal quorum of 8 required to be present for any Board decisions, but, again, it could happen that all 8 making a decision are "long term care administrators" (but this Board had ZERO (0) CAAs among the 15 Board members).

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Again, we do have the AG's office review Board decisions as required by Executive Order, but we don't believe it's necessary (see above) because there is no majority of any of the individual license types even possible and no participation from the actual "owners" of the facilities involved (nor is it supposed to be permitted). And perhaps notably, the AG's office has never overturned or even questioned any of the decisions made to date.

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Residential Care/Assisted Living (RCAL) Administrator	<a href="#">Long-Term Care Administrators, Oklahoma State Board of Examiners for</a>	4 year College degree (NHA only); Possible areas of study include community health and related resource programs/relationships; nursing home law; nursing home economics and finance; the physical, psychological, and social aspects of aging; personnel management and group dynamics; nursing home administration; special health studies and health care delivery; and inter-professional relationships. 560 hours of Administrator In-Training internship (NHA only) \ "Administrator University\ " - an 18 week long (one day a week) course that exposes the student to many aspects of state and federal requirements and prepares them for the State Standards exam (NHA only) All others receive specialized training for the type of administrator they are applying to become from an institute of higher learning or from a nationally recognized source that has been approved by the Board.	21 years of age; Sound physical and mental health; Passing the applicable National Association of Board (NAB) and/or State Standards Examinations; No criminal background. All current requirements can be reviewed at OAC 490, Chapter 10 or online at <a href="http://www.ok.gov/osbeltca">www.ok.gov/osbeltca</a>	<a href="#">63 Chapter 12 O.S. § 330.51 - 330.65</a>	Application Fee - \$100 License Fee - \$200/yr Renewal Fee - \$200/yr (NHA) Original license - \$200 RC/AL - \$175/yr RC and Adult Day Care - \$100/yr All applicable training Fees and exam Fees paid separately. NAB Exam - \$350 State Standards Exam - \$100 State Standards Review - \$100

# Occupational Licensing Blueprint

## **License Details**

What is the license? RCAL (Residential Care/Assisted Living Administrator)

What does the license cover? A person with this license can be the administrator of an Assisted Living Facility (ALF) or Residential Care Facilities (RCFs)

What Board regulates the license? OSBELTCA (Oklahoma State Board of Examiners for Long-Term Care Administrators)

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above listed in the Annex, Item 1.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above are of concern. Action by lawmakers at the federal level required licensure, originally interpreted to mean only for Nursing Facilities/Nursing Homes. The level of care given in ALFs now is similar to the level of care provided at the time of the requirement. The federal Social Security Act established the requirement to license facilities/institutions where nursing care was being provided in circa 1970 AND a subsequent requirement to license the administrator where facility/institutional licensure is required. The OSDH (Oklahoma State Department of Health) licenses these facilities and institutions because nursing care is being provided; OSBELTCA licenses the administrators. The Social Security Act cites also that where public funds are being expended (such as Social Security, Medicaid/Medicare) that there shall be an administrator licensed. The Administrator is licensed to ensure all of these aspects are properly tended to, to include resident rights. This Board ensures that only qualified persons are licensed and tasked with the privilege of overseeing these complicated issues, noting very few complaints during the recent pandemic. The Board reviews and is the approval authority for the training provided by third parties, administers the examination relevant to state statutes and rules and uses the NAB RCAL Administrator examinations to ensure the highest standards of understanding regarding the Domains of Practice are understood at an entry level of knowledge required for this profession prior to issuance of a license.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest?  
(see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 15

How many of them are active market participants? (see Annex, item 5) There are only 2 RCAL Administrators on the Board per state statute; however, 8 of the 15 are "long term care administrators" and someone has interpreted that the majority is of the profession. Yet, they are also not the "owners" of the facilities and while no specific license type has anything close to a majority and there are not supposed to be any owners on our Board, recent legislation (SB719) proposed to transfer this Board under the OSDH's "Long Term Care Facility Advisory Board "functions" which would be placing actual "owners" in control of this profession, with no expertise, and would also be contrary to the federal mandate of no fiduciary interest for Board members licensing administrators. Yet, we do comply with the current requirement to have the AG's office review Board decisions...because 8 of the 15 are, technically, "long term care administrators" from the 4 lines of service we actually license. So OUR answer to the next question would be NO regarding RCAL Administrators... but someone has determined that 8 of the 15 Board members being "long term care administrators" does mean it's being controlled by active market participants. We should perhaps answer YES because we do get our decisions reviewed by the AG's office per Executive Order to be most conservative and compliant. Reading Justice Alito's opinion in the Annex notes, 2 RCAL Administrators would not even be a controlling number of a minimal quorum of 8 required to be present for any Board decisions, but, again, it could happen that all 8 making a decision are "long term care administrators" (but this Board had only 2 RCAL Administrators among the 15 Board members).

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Again, we do have the AG's office review Board decisions as required by Executive Order, but we don't believe it's necessary (see above) because there is no majority of any of the individual license types even possible and no participation from the actual "owners" of the facilities involved (nor is it supposed to be permitted). And perhaps notably, the AG's office has never overturned or even questioned any of the decisions made to date.

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Residential Care Administrator (RC)	<a href="#">Long-Term Care Administrators, Oklahoma State Board of Examiners for</a>	4 year College degree (NHA only) Possible areas of study include community health and related resource programs/relationships; nursing home law; nursing home economics and finance; the physical, psychological, and social aspects of aging; personnel management and group dynamics; nursing home administration; special health studies and health care delivery; and inter-professional relationships. 560 hours of Administrator In-Training internship (NHA only) \ "Administrator University\ " - an 18 week long (one day a week) course that exposes the student to many aspects of state and federal requirements and prepares them for the State Standards exam (NHA only) All others receive specialized training for the type of administrator they are applying to become from an institute of higher learning or from a nationally recognized source that has been approved by the Board	21 years of age; Sound physical and mental health; Passing the applicable National Association of Board (NAB) and/or State Standards Examinations; No criminal background. All current requirements can be reviewed at OAC 490, Chapter 10 or online at <a href="http://www.ok.gov/osbeltca">www.ok.gov/osbeltca</a>	<a href="#">63 Chapter 12 O.S. § 330.51 - 330.65</a>	Application Fee - \$100 License Fee - \$200/year Renewal Fee - \$200/year (NHA) Original license - \$200 RC/AL - \$175/year RC and Adult Day Care - \$100/year All applicable training Fees and exam Fees paid separately NAB Exam - \$350 State Standards Exam - \$100 State Standards Review - \$100

# Occupational Licensing Blueprint

## **License Details**

What is the license? RC (Residential Care Administrator)

What does the license cover? A person with this license can be the administrator of ONLY a Residential Care Facility (RCF).

What Board regulates the license? OSBELTCA (Oklahoma State Board of Examiners for Long-Term Care Administrators)

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above listed in the Annex, Item 1.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Public health, public safety, fundamental rights, AND a substantial fiduciary interest. All of the above are of concern. Action by lawmakers at the federal level required licensure, originally interpreted to mean only for Nursing Facilities/Nursing Homes. The federal Social Security Act established the requirement to license facilities/institutions where nursing care was being provided in circa 1970 AND a subsequent requirement to license the administrator where facility/institutional licensure is required. The OSDH (Oklahoma State Department of Health) licenses these facilities and institutions because nursing care is being provided; OSBELTCA licenses the administrators. The Social Security Act cites also that where public funds are being expended (such as Social Security, Medicaid/Medicare) that there shall be an administrator licensed. The Administrator is licensed to ensure all of these aspects are properly tended to, to include resident rights. This Board ensures that only qualified persons are licensed and tasked with the privilege of overseeing these complicated issues, noting very few complaints during the recent pandemic. The Board reviews and is the approval authority for the training provided by third parties, and administers the examination relevant to state statutes and rules prior to issuance of a license. There is currently no requirement for a NAB examination for this license.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 15

How many of them are active market participants? (see Annex, item 5) There are only 2 RC Administrators on the Board per state statute; however, 8 of the 15 are "long term care administrators" and someone has interpreted that the majority is of the profession. Yet, they are also not the "owners" of the facilities and while no specific license type has anything close to a majority and there are not supposed to be any owners on our Board, recent legislation (SB719) proposed to transfer this Board under the OSDH's "Long Term Care Facility Advisory Board" functions which would be placing actual "owners" in control of this profession, with no expertise, and would also be contrary to the federal mandate of no fiduciary interest for Board members licensing administrators. Yet, we do comply with the current requirement to have the AG's office review Board decisions...because 8 of the 15 are, technically, "long term care administrators" from the 4 lines of service we actually license. So OUR answer to the next question would be NO regarding RC Administrators... but someone has determined that 8 of the 15 Board members being "long term care administrators" does mean it's being controlled by active market participants. We should perhaps answer YES because we do get our decisions reviewed by the AG's office per Executive Order to be most conservative and compliant. Reading Justice Alito's opinion in the Annex notes, 2 RC administrators would not even be a controlling number of a minimal quorum of 8 required to be present for any Board decisions, but, again, it could happen that all 8 making a decision are "long term care administrators" (but this Board had only 2 RC Administrators among the 15 Board members).

Is the board controlled by these active market participants? (see Annex, item 6)

Yes       No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes       No

Again, we do have the AG's office review Board decisions as required by Executive Order, but we don't believe it's necessary (see above) because there is no majority of any of the individual license types even possible and no participation from the actual "owners" of the facilities involved (nor is it supposed to be permitted). And perhaps notably, the AG's office has never overturned or even questioned any of the decisions made to date.

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Dental Assistant Permit	<a href="#">Dentistry, Board of</a>	<p>Basic Dental Assistant Permit does not require a formal training program. Each expanded function is added on to the Dental Assistant Permit thereafter.</p> <p>Dental Assistant Expanded Functions: 195:15-1-2</p> <ol style="list-style-type: none"> <li>1. Radiographs (x-ray) – 7 hours of classroom study and 200 successful x-rays completed during employment for certification.</li> <li>2. Coronal Polishing – 14 hours of classroom study and 2 hours of clinical experience.</li> <li>3. Sealants – 12 hours, including minimum of 6 hours clinical experience and written exam.</li> <li>4. Nitrous Oxide (assisting in the administration of)– 12 hours of training including 2 hours of clinical experience and written exam.</li> </ol> <p>*Completion of a CODA approved dental assisting program, includes the expanded function permits</p>	None	<a href="#">59 O.S. § 328 et.</a>	\$50 annually \$10 ea expanded function
Dental Hygiene License	<a href="#">Dentistry, Board of</a>	Graduate of a two or four year accredited dental hygiene school. Possible areas of study include general and dental anatomy, histology, pathology, radiology, chemistry, and nutrition. Dental Hygiene Program must be accredited by the Commission on Dental Accreditation of the American Dental Association.	Must have passed a theoretical exam such as the National Boards; A clinical examination substantially equivalent to requirements recognized by Oklahoma.	<a href="#">59 O.S. § 328 et.</a>	Application by exam Fee - \$100 Renewal Fee - \$100



## Occupational Licensing Blueprint

### **License Details**

What is the license? Dental Assistant

What does the license cover? Dental Assistant; medical health

What Board regulates the license? Oklahoma Board of Dentistry

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Health and Safety

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? licensing oversight

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 0

How many of them are active market participants? (see Annex, item 5) 0

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

## Occupational Licensing Blueprint

### **License Details**

What is the license? Hygiene

What does the license cover? Registered dental hygiene license; medical health

What Board regulates the license? Oklahoma Board of Dentistry

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Health and Safety

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? licensing oversight

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 1

How many of them are active market participants? (see Annex, item 5) 1

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Dental License	<a href="#">Dentistry, Board of</a>	<p>General Dentist</p> <p>Applicant must be a graduate with a D.D.S. or D.M.D. degree from a 4-year school accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association (ADA) and pass National Boards and a live-patient exam. The curriculum covers the basic level of all aspects of dentistry, including but not limited to endodontics, pharmacology, pathology, orthodontics, periodontics, pediatric dentistry. A residency program is completed during the last two years in the practice clinic.</p> <p>Specialty Dental License (12 types of licenses available)</p> <p>Applicant must have meet the requirements as a general dentist, and complete a 1-6 year residency program. General dentistry surgery residency – 1 year, dental public health, endodontics, orthodontics, pediatric dentistry, prosthodontics, dental anesthesiology, oral medicine and orofacial pain – 2 years, oral maxillofacial surgery residence – 4 years, oral maxillofacial surgery fellowship – 6 years. Fellowships concentrate on head and neck cancer, cosmetic facial surgery, craniofacial surgery and cranio-maxillofacial trauma.</p>	Must have passed a theoretical exam such as the National Boards.	<a href="#">59 O.S. § 328 et.</a>	Application Fee - \$200 All License Renewal Fee - \$200

## Occupational Licensing Blueprint

### **License Details**

What is the license? Dental

What does the license cover? Doctor of Dental Surgery license; medical health

What Board regulates the license? Oklahoma Board of Dentistry

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Health and Safety

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? \_\_\_\_\_

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 11

How many of them are active market participants? (see Annex, item 5) 8

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Board Orders and Findings must be approved by the Attorney General's office unless it is an agreed upon order. An appeal to District Court is also available.

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

## Blueprint for Occupational Licensing

### DENTISTRY AND RELATED LICENSES OVERSEEN BY THE OKLAHOMA BOARD OF DENTISTRY

Susan Rogers, Executive Director and General Counsel

#### **1. Dental Licenses**

What does the license cover?

The practice of dentistry as determined by 59 O.S. § 328.1 et. seq.

#### General Dentist

A general dentist applicant must be a graduate with a D.D.S. or D.M.D. degree from a 4-year school accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association (ADA) and pass National Boards and a live-patient exam. The curriculum covers the basic level of all aspects of dentistry, including but not limited to endodontics, pharmacology, pathology, orthodontics, periodontics, pediatric dentistry. A residency program is completed during the last two years of dental school in the practice clinic. Dentists complete their first year in the same medical program that medical doctors complete, learning all the anatomy and emergency procedures for the human body.

#### Specialty Dental License (12 types of licenses available)

Specialty licenses require graduate degrees after a general dental degree program D.D.S. or D.D.M. Each specialty applicant completes a 1-6 year residency program and/or has national board certification in that specialty. General dentistry surgery residency – 1-year, dental public health, endodontics, orthodontics, pediatric dentistry, prosthodontics, dental anesthesiology, oral medicine and orofacial pain – 2 years, oral maxillofacial surgery residence – 4 years, oral maxillofacial surgery fellowship – 6 years. Fellowships concentrate on head and neck cancer, cosmetic facial surgery, craniofacial surgery and cranio-maxillofacial trauma.

#### **2. What is the compelling interest that needs to be protected?**

- a. The medical related life, health and safety of Oklahoma citizens;
- b. Please see attached appendix “A” a short highlight of some of our cases and a few out of state cases. Appendix “B” has a few examples of serious potentially life-threatening issues that can happen in a dental office while seeking regular treatment.

#### **3. Is the least restrictive means that would sufficiently protect the public interest used?**

- a. Yes, licensure is a requirement for many other related laws and activities such as:

The Oklahoma Board of Dentistry is a constitutional agency that was created at Statehood. The Board is comprised of 11 members, 8 dentists, 1 hygienist and 2 public citizens not related to a licensee. Pursuant to the statutes, a hygienist is required to work under the authority of a dentist and would not be considered a market participant. The Eight dentists on the Board are active licensees. All orders are either agreed orders with the licensee, or they are approved by the Attorney General's office. The Board is very cognizant that our duty is to protect the public, not the other dentists and board members are openly vocal about that. For the past several years we have been and will continue to review our statutes to ensure that they are current with modern day medicine and the ongoing changes such as teledentistry and requesting that the legislature repeal laws that we see as potential marketplace affecting statutes. This year, we will be repealing over half of our current rules as they are now covered in statute and/or outdated and have not been utilized for years.

Many if not all of the FTC related cases against Boards are all based on a rule, not statutes. Rules are enacted by Boards, not the legislature. After review of one of the cases in Texas<sup>1</sup>, the Texas Board of dentistry voted to pass a rule and from that point it becomes a law in Texas. This is true of most states and Oklahoma is an exception. In Oklahoma, a rule has to be vetted and approved by the legislature in some form and signed by the governor before it becomes a law. However, any rule begins with an action by a Board. It is the Oklahoma Boards intention to have as few rules as possible. Legally, rules are supposed to further define an existing state statute and/or give parameters within that statute. Unfortunately, that is not true with many rules that exist today. Statutes are actual laws given by the legislature for the Boards to follow to do their job, in this case, protect the public from harm or mistreatment.

I am very familiar with the North Carolina Board of Dental Examiners v. the FTC<sup>2</sup> case and would be happy to discuss it with this committee in depth. However, since that case, the North Carolina Board of Dentistry members are still elected each year, they still review and take action on dental cases and no other entity reviews their decisions other than the FTC to ensure they are following the order they are under with them and that there are no antitrust issues. The basic issue is that a Board with Marketplace participants, cannot tell a non-licensee or other perceived competitor to stop an activity. In the North Carolina case, there was a person conducting teeth whitening in a mall using a crock-pot for their sanitary device to clean their dental instruments. The North Carolina sent a cease and desist letter to the individual telling them to stop doing the teeth whitening. Even though this was not discussed in that case, teeth whitening products can permanently change the structure of teeth and in rare cases can cause an allergic reaction. If the North Carolina Board had simply gone to district court and sought an injunction, this case would not have happened as the court would have been telling the unlicensed individual to stop the activity and not the Board.

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<sup>1</sup> See American Academy of Implant Dentistry v. Parker, No. 16-50157 (5<sup>th</sup> Cir. 2017).

<sup>2</sup> North Carolina State Board of Dental Examiners v. Federal Trade Commission, 574 U.S. 494.

5. Is there active supervision of the board's actions by the state?
  - a. Yes, all orders, not agreed upon by between the licensee and the board are required to be approved by the Attorney Generals office. Further, any Board member that is in the same district or within 50 miles of the licensee under review, is recused and shall not participate as an investigative panel member or a hearing panel member.

### **Hygiene Licenses**

A Hygiene Licenses covers the practice of Hygiene pursuant to 59 O.S. § 328.1 et. seq. Hygienists are required to have a two-year associate or a 4-year bachelor's degree in hygiene from an accredited school as well as pass a national board exam and live-patient treatment exam. The compelling public interest in this license is the same as a dentist. Hygienists are allowed to do all the procedures that a dental assistant is, as well as treatments that require in depth training and practice as there is a potential for permanent injury to patients including but not limited to , loss of teeth, nerve and gum damage. Hygienists have the responsibility to ensure safe treatment of patients just like a dentist as they have a responsibility for safety controls on blood-borne pathogens that can cause life-threatening and/or life changing permanent diseases just like a dentist. Overall, hygienists are extremely conscientious and assist the dentists in diagnosing and preparing treatment plans for patients.

There is not a controlling number of market participants on the Board as Hygienists are auxillary employees of dentists.

### **Dental Assistant Permits**

A Dental Assisting permit covers the practice of Dental Assisting pursuant to 59 O.S. § 328.1 et. seq. Dental assistants also have to have basic blood borne pathogens awareness and training. A Basic Dental Assistant Permit does not require a formal training program and lets an individual begin working while working towards their certifications for expanded functions. A new application and renewal is \$50 and there is a one-time fee of \$10 per expanded function completion. Each expanded function is added on to the Dental Assistant Permit thereafter. All dental assistants are required to complete a 2-hour infection control class during each continuing education period.

If the individual graduates with an associate degree from a CODA approved school, they should receive all four expanded functions upon completion. A large majority of these students go on to be Hygienists.

Dental Assistant Expanded Functions: 195:15-1-2

1. Radiographs (x-ray) – 7 hours of classroom study and 200 successful x-rays completed during employment for certification.
2. Coronal Polishing – 14 hours of classroom study and 2 hours of clinical experience.
3. Sealants – 12 hours, including minimum of 6 hours clinical experience and written exam.
4. Nitrous Oxide (assisting in the administration of) 12 hours of training including 2 hours of clinical experience and written exam.

In some instances, licenses and permits exist to prohibit persons from certain professions. Federal law prohibits any person who has been convicted of a felony offense relating to a controlled substance (scheduled drugs) from working in the office of a registrant (a doctor, dentist or pharmacist) without a waiver from the United States Drug Enforcement Agency (DEA)<sup>3</sup> If the registrant is found in violation of this law, they are subject to federal fines and the loss of their drug registration.

The Board conducts background checks on applicants for all licensees prior to licensure or receiving a permit. Upon an application of a dental assistant, a background check is completed for a violation of this nature and if found, this is a basis to deny a dental assisting permit. Medical offices including dental offices have direct access to drugs and practitioners are required to safeguard against the drugs via many different federal laws under DEA.

Additionally, Dental offices frequently have embezzlement cases from employees. A lot of front office staff members also apply for a dental assisting permit as many times they are needed to fill in as a dental assistant when other employees are absent or they are short-handed. The Board investigators have been involved in at least eight investigations regarding embezzlements in dental offices and in each one, the individual was also accused of embezzlement at a prior dental office.

Despite the seriousness of the responsibilities of the Board of Dentistry in protecting the public, our staff attempts to provide assistance and customer service whenever possible. In the past year, staff members traveled all over the State completing anesthesia inspections and providing free continuing education classes to all dentists and hygienists regarding opioids.

Please feel free to contact me if you have any questions or need assistance in any way.

Susan Rogers,  
Executive Director and General Counsel  
Oklahoma Board of Dentistry  
[Susan.rogers@dentistry.ok.gov](mailto:Susan.rogers@dentistry.ok.gov)

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<sup>3</sup> See Title 21 CFR § 1301.76.



Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Alcohol and Drug Substance Abuse Course Assessor	<a href="#"><u>Mental Health and Substance Abuse Services, Department of</u></a>	LBHP license or certification	2 years full time clinical experience in drug/alcohol treatment counseling and ASAM training; Background check.	<a href="#"><u>43A O.S., §. 2-101-111</u></a>	Application Fee - \$100 Renewal Fee - \$50 Training Fee - \$200
Alcohol and Drug Substance Abuse Course Facilitator	<a href="#"><u>Mental Health and Substance Abuse Services, Department of</u></a>	Bachelor's degree in behavioral or healthcare sciences with at least 2 years full-time equivalent experience in substance abuse treatment field.	Training or supervised class facilitation. Must complete training within 9 months. Must not have felony conviction within past 5 years.	<a href="#"><u>43A O.S., §. 2-101-111</u></a>	Application Fee - \$100 Renewal Fee - \$50 Training Fee - \$200
Behavioral Health Case Manager	<a href="#"><u>Mental Health and Substance Abuse Services, Department of</u></a>	Case Manager 1 - 60 college credit hours; or a high school diploma, or equivalent, from a regionally accredited institution recognized by the United States Department of Education with a total of 36 months of direct, documented experience working with persons who live with mental illness and/or substance abuse issues.	Possess good moral turpitude; Be at least 21 years of age	<a href="#"><u>43A O.S. §§ 2-101, 3-306, 3-318</u></a>	License Fee - \$25 Renewal Fee - \$15

# Occupational Licensing Blueprint

## **License Details**

What is the license? Alcohol and Drug Assessor

What does the license cover? Specified Behavioral Health Services as outlined in Title 450 Chapter 22

What Board regulates the license? Board of Mental Health and Substance Abuse Services

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Health, Public Safety, Fundamental Rights

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Occupational Licensing

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

## **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 9

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

## **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Active state supervision is provided in the Oklahoma Administrative Procedures Act, specifically 75 O.S. §308a - §323, and Title 450, Chapter 1, Subchapter 5 of the Oklahoma Administrative Code. Pursuant to these provisions, final agency orders are subject to rehearing, reopening or reconsideration. Furthermore, any party aggrieved is "entitled to certain, speedy, adequate and complete judicial review" (75 O.S. §318(A)). This includes appellate review by the Oklahoma Supreme Court.

# Occupational Licensing Blueprint

## **License Details**

What is the license? Alcohol and Drug Substance Abuse Course Facilitator

What does the license cover? Specified Behavioral Health Services as outlined in Title 450 Chapter 21

What Board regulates the license? Board of Mental Health and Substance Abuse Services

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Health, Public Safety, Fundamental Rights

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Occupational Licensing

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

## **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 9

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

## **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
Active state supervision is provided in the Oklahoma Administrative Procedures Act, specifically 75 O.S. §308a - §323, and Title 450, Chapter 1, Subchapter 5 of the Oklahoma Administrative Code. Pursuant to these provisions, final agency orders are subject to rehearing, reopening or reconsideration. Furthermore, any party aggrieved is "entitled to certain, speedy, adequate and complete judicial review" (75 O.S. §318(A)). This includes appellate review by the Oklahoma Supreme Court.

# Occupational Licensing Blueprint

## **License Details**

What is the license? Certified Behavioral Health Case Manager

What does the license cover? Specified Behavioral Health Services as outlined in Title 450 Chapter 50

What Board regulates the license? Board of Mental Health and Substance Abuse Services

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Health, Public Safety, Fundamental Rights

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Occupational Licensing

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

## **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 9

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

## **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Active state supervision is provided in the Oklahoma Administrative Procedures Act, specifically 75 O.S. §308a - §323, and Title 450, Chapter 1, Subchapter 5 of the Oklahoma Administrative Code. Pursuant to these provisions, final agency orders are subject to rehearing, reopening or reconsideration. Furthermore, any party aggrieved is "entitled to certain, speedy, adequate and complete judicial review" (75 O.S. §318(A)). This includes appellate review by the Oklahoma Supreme Court.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Peer Recovery Support Specialists	<u>Mental Health and Substance Abuse Services, Department of</u>	None	Have demonstrated recovery from a mental illness, substance use disorder or both. Be at least 18 years of age; Be employed by or volunteer with the state, a behavioral service provider or an advocacy agency contracting with the state to provide behavioral health services, or a behavioral health services provider certified by ODMHSAS; Pass an examination.	<u>43A O.S. §§ 2-101, and 3-326</u>	License Fee - \$50 Renewal Fee - \$25

# Occupational Licensing Blueprint

## **License Details**

What is the license? Certified Peer Recovery Support Specialist

What does the license cover? Specified Behavioral Health Services as outlined in Title 450 Chapter 53

What Board regulates the license? Board of Mental Health and Substance Abuse Services

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Health, Public Safety, Fundamental Rights

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Occupational Licensing

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

## **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 9

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

## **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Active state supervision is provided in the Oklahoma Administrative Procedures Act, specifically 75 O.S. §308a - §323, and Title 450, Chapter 1, Subchapter 5 of the Oklahoma Administrative Code. Pursuant to these provisions, final agency orders are subject to rehearing, reopening or reconsideration. Furthermore, any party aggrieved is "entitled to certain, speedy, adequate and complete judicial review" (75 O.S. §318(A)). This includes appellate review by the Oklahoma Supreme Court.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Commercial Motorcycle Training School Instructor	<a href="#">Public Safety, Oklahoma Department of</a>	High school diploma or equivalent; Instructor's certificate issued by the Motorcycle Safety Foundation.	Valid Oklahoma driver's license with motorcycle endorsement; At least 21 years of age; Driver record must meet approval of the Department of Public Safety; No felony convictions.	<a href="#">47 O.S. § 951 - 967</a>	License fee - \$5
Commercial Truck Driver Training School Instructor	<a href="#">Public Safety, Oklahoma Department of</a>	High school diploma or equivalent and a minimum of five years verifiable experience in the type of vehicles used by the school for instructional purposes.	Valid Oklahoma driver's license; At least 21 years of age; Driving record must meet approval of the Department of Public Safety; Minimum of 20/40 vision in each eye corrected or uncorrected. No felony convictions.	<a href="#">47 O.S. § 951 - 967</a>	License fee - \$5
Driver License - Designated Examiners	<a href="#">Public Safety, Oklahoma Department of</a>	Examiners are Nationally Certified through The American Association of Motor Vehicle Administrators (AAMVA).	Valid Oklahoma driver's license; At least 21 years of age; Driving record must meet approval of the Department of Public Safety; No felony convictions; DPS training.	<a href="#">47 O.S. § 6-110</a>	Application Fee - \$1000 Renewal - \$500
Driver License - Third Party Examiners	<a href="#">Public Safety, Oklahoma Department of</a>	Examiners are Nationally Certified through The American Association of Motor Vehicle Administrators (AAMVA).	Valid Oklahoma driver's license; At least 21 years of age; Driving record must meet approval of the Department of Public Safety; No felony convictions; DPS training.	<a href="#">47 O.S. § 6-110</a>	

## Occupational Licensing Blueprint

### **License Details**

What is the license? Commercial Motorcycle Training School Instructor

What does the license cover? Provision of approved Motorcycle Safety Foundation training for licensees attempting to obtain an "M" endorsement.

What Board regulates the license? Department of Public Safety

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Safety - To ensure only fully qualified and fully vetted licensees interact with the public.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Occupational license.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? NA

How many of them are active market participants? (see Annex, item 5) 0

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.



## Occupational Licensing Blueprint

### **License Details**

What is the license? Commercial Truck Driver Training School Instructor

What does the license cover? Providing class room and behind the wheel training for Class A,B, or C driver license applicants.

What Board regulates the license? Department of Public Safety

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Safety - To ensure that only fully qualified and fully vetted licensees interact with the public.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Occupational License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? NA

How many of them are active market participants? (see Annex, item 5) NA

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

## Occupational Licensing Blueprint

### **License Details**

What is the license? Designated Examiner

What does the license cover? Administers the Class D driving skills portion of the Oklahoma driving examination.

What Board regulates the license? Department of Public Safety

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Safety - To ensure that only fully qualified and fully vetted licensees interact with the public.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Occupational license

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? N/A

How many of them are active market participants? (see Annex, item 5) N/A

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
N/A

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

## Occupational Licensing Blueprint

### **License Details**

What is the license? Third Party Examiner

What does the license cover? Administers the Class A, B or C driving skills portion of the Oklahoma driving examination.

What Board regulates the license? Department of Public Safety

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Safety - To ensure that only fully qualified and fully vetted licensees interact with the public.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Occupational license

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? N/A

How many of them are active market participants? (see Annex, item 5) N/A

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
N/A

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Driver Training Commercial School Instructor	<a href="#">Public Safety, Oklahoma Department of</a>	High school diploma Minimum of six hours of Driver Education I and Driver Education II, and minimum of three semester hours of General Safety Education at an accredited college or university, or an equivalent course approved by the Department of Public Safety and offered by a nationally recognized commercial driver instructor.	Valid Oklahoma driver's license; At least 21 years of age; Driving record must meet approval of the Department of Public Safety; No felony convictions.	<a href="#">47 O.S. § 951 - 967</a>	License Fee - \$5

# Occupational Licensing Blueprint

## **License Details**

What is the license? Driver Training Commercial School Instructor

What does the license cover? An instructor employed by a public or commercial school who offers driver training and classroom instruction.

What Board regulates the license? Department of Public Safety

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Safety - To ensure that only fully qualified and fully vetted licensees interact with the public.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Occupational license

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

## **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? N/A

How many of them are active market participants? (see Annex, item 5) N/A

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

## **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
N/A

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Wrecker Service Operator	<u>Public Safety, Oklahoma Department of</u>	No education level requirements. Working knowledge of the vehicle, equipment and the regulations is necessary.	All operators must be at least 18 years of age not convicted of a felony, larceny or theft and not a registered sex offender. Must have at least one operating wrecker vehicle and must be an Oklahoma resident or Oklahoma corporation/company. Must have appropriate certificate of insurance. All wrecker vehicles and facilities must have passed an inspection by an officer of the Department of Public Safety. Must have a minimum of 2 years of experience or 16 hours of DPS approved training in: Traffic Incident Management, Wrecker vehicle recovery controls, connecting or loading vehicle onto wrecker, tie down and secure of vehicle on wrecker, wrecker operation safety and must complete 4 hours of continuing education approved by DPS.	<u>47 O.S. § 951 - 967</u>	Original Fee - \$100 Renewal - \$50

# Occupational Licensing Blueprint

## **License Details**

What is the license? Wrecker Service Operator

What does the license cover? Engaging in the business of or performing the act of towing or offering to tow any vehicle within the boundaries of the state of Oklahoma.

What Board regulates the license? Department of Public Safety

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Safety - To ensure that only fully qualified and fully vetted licensees interact with the public.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Occupational license

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

## **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? N/A

How many of them are active market participants? (see Annex, item 5) N/A

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

## **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
N/A

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Active Broker License	<a href="#">Real Estate Commission, Oklahoma</a>	Evidence of successful completion of a 90 clock hour advanced real estate course or six college credit hours that are equivalent real estate instruction, as determined by the Commission, is required. Possible areas of study include broker supervision; trust accounts, management skills, contract law, finance, real estate brokerage, broker relationships, professional conduct and Oklahoma Real Estate License Code and Rules; two (2) years' licensure within the previous five (5) years or its equivalent; documentation verifying ten (10) real estate transactions within the past five (5) years or its equivalent as determined by the Commission; pass broker examination.	18 years of age or older; Evidence of citizenship or qualified alien status; submit to a criminal history background check; completion of two-year licensure as a Sales Associate.	<a href="#">59 O.S. § 858-208</a>	License Fee - \$295 (includes \$15 Education and Recovery Fund Fee) Fingerprint Fee - \$60; Exam Fee - \$75 Application Fee - \$35
Broker Associate License	<a href="#">Real Estate Commission, Oklahoma</a>	Evidence of successful completion of a 90 clock hour advanced real estate course or six college credit hours that are equivalent real estate instruction, as determined by the Commission, is required. Possible areas of study include broker supervision; trust accounts, management skills, contract law, finance, real estate brokerage, broker relationships, professional conduct and Oklahoma Real Estate License Code and Rules; two years' licensure within the previous five (5) years as a sales associate or provisional sales associate, or its equivalent.	18 years of age or older; Evidence of citizenship or qualified alien status; submit to a criminal history background check; completion of two-year licensure as a Sales Associate.	<a href="#">59 O.S. § 858-208</a>	License Fee - \$260 (includes \$15 Education and Recovery Fund Fee) Fingerprint Fee - \$60 Exam Fee - \$75 Application Fee - \$35



## **Blueprint for Occupational Licensing**

### Broker License

#### What is the license?

A real estate Broker license ensures the protection of public safety and welfare by establishing the minimum competency standards necessary for real estate industry professionals to perform transactions for the public and to supervise the activities of sales associates. The license is provided after an applicant completes the requisite education coursework, felony criminal background check and the relevant examination (if applying from with a license held in another jurisdiction). The Broker is designated as a supervisory role and is ultimately responsible for all transactions and activities of Sales Associates within a given brokerage. All real estate professionals in the country are subject to various federal and state laws, as well as varying codes of ethics. Due to the nature of the increased responsibility, Broker licenses in every state require increased levels of experience and education. In Oklahoma, a person may obtain a Broker license by completing at least two years of Sales Associate experience, completing at least 10 transactions in the past five years, and by completing the requisite broker education coursework. Alternatively, a person may obtain a Broker license by applying with equivalent coursework and licensure achieved in another jurisdiction. The completion of the required broker coursework is a benchmark for the Broker to demonstrate they have obtained minimum standards of education and experience to supervise other professionals and engage in real estate activities for which they are licensed. Such activities involve knowledge of federal and state laws, contracts, as well as facts and concepts which licensees must be knowledgeable in order to safely and confidently conduct and supervise real estate negotiations and transactions in the public's best interest. Licensees who seek licensure as a Broker typically wish to affirm, they have the knowledge and capacity to perform supervisory Broker responsibilities and own their own brokerage firm or branch office of a parent brokerage.

#### What does the license cover?

The license covers Brokers with the ability to perform and supervise real estate transactions and activities for Sales Associates and Broker Associates. Real estate transactions include, but are not limited to buying, selling, leasing, renting, or exchanging real estate on another's behalf. Specific activities that a Broker may perform include but are not limited to supervising soliciting, advertising, showing or viewing properties with members of the public, presenting offers or counteroffers, entering into agreements and closing agreements. Brokers gain the ability to have unsupervised access to homes and properties across the state. Real estate transactions are subject to numerous state and federal laws with respect to financing, disclosures, contracts and procedures designed to protect the public due to the general lack of knowledge and expertise that most consumers face. A Broker license covers basic and minimum requirements of criminal eligibility, education, and reasonable supervision in order to protect the public and state's housing and economic growth.

#### What board regulates the license?

The Oklahoma Real Estate Commission (the "Commission") regulates all licensees who hold a Broker license. The Commission joins all fifty (50) states in the nation by requiring licensure for real estate professionals with regulations in place addressing brokers through an occupational licensing board.

The Oklahoma Real Estate Commission provides thorough review of all applicants applying for a Broker license by examining relevant prerequisite coursework and experience or for those applying with licensure from another jurisdiction, reviewing a criminal background checks and verifying sufficient examination scores. Once the applicant has been issued a license the Oklahoma Real Estate Commission regulates the ongoing licensure of a Broker through affirming completion of the required continuing education courses before allowing Broker to renew their licensure in their 36-month term. Additionally, the Oklahoma Real Estate Commission regulates the Broker through investigations performed for any potential code and rule violation driven by complaint filed from the public or an office inspection performed by the Commission itself.

### ***Compelling Public Interest***

#### What is the compelling public interest?

Ownership of property is a core and founding principle for what it means to be an American and an Oklahoman. Real estate professionals are provided unsupervised access to homes and properties across the State. The regulation of real estate professionals is an essential compelling public interest to protect public safety and public health. For most Oklahomans and families, the purchase or sale of real estate is the single largest financial transaction/commitment they will make in their lifetime. In the overwhelming majority of real estate transactions, the public directly relies on the competence and performance of a real estate professional. It is essential to maintain minimum competency requirements due to the substantial issues that can result from a transaction performed incorrectly, negligently or in violation of local, state or federal laws. It is also essential to protect the public from persons with specific felony convictions that relate to the services a real estate professional provides.

Without proper oversight and review of a criminal background check, Oklahoma citizens would be at increased risk of harm both physically and financially. Real estate professionals are often meeting alone with their clients to assess a property or view a prospective property for purchase. Criminal background checks and ongoing regulatory functions help provide assurance that the hired real estate professional has not had any violent or relevant convictions with state and federal law enforcement. The public entrusts real estate professionals to handle large amounts of earnest money. A criminal background check can help provide assurance that the hired real estate professional has not had any relatable felonies regarding money fraud, embezzlement, burglary, theft, etc.

Further, the Oklahoma legislature entrusted the Commission with authority over the Education and Recovery Fund (59 *Okla. Stat.* § 858 601 *et seq.*) which provides an important benefit to the public by helping Oklahomans who have been financially harmed as a result of the actions of a licensed real estate professional to recover funds. Without this benefit to the public, the average Oklahoman would not be able to afford a private attorney to seek civil remedies. In fact, in a substantial number of civil cases, Oklahomans are unable to collect upon judgments granted to them because the defendants do not possess adequate money or assets to pay them back.

Lastly, the Commission is responsible for drafting, updating and distributing real estate contracts, forms and agreements for every type of real estate transaction performed in Oklahoma. These contracts and forms are created and modified by the Contract Forms Committee (59 *Okla. Stat.* § 858-208, *Okla. Admin. Code* § 605:1-1-4(f)), which is comprised of members of the Oklahoma Bar Association, Oklahoma Association of Realtors, and the Oklahoma Real Estate Commission. This statutorily created committee under the Commission provides free access to quality contracts, agreements, disclosures and other documents that assist the public and all real estate licensees with performing real estate transactions in compliance with state and federal laws that are constantly changing. Having free access to documents like these is essential in assisting the public with complex transactions and also serves to assist courts in Oklahoma and taxpayer dollars by providing increased consistency and predictability with respect to contract language and standards of practice.

Is this public interest a demonstrated, real, significant, and probable harm?

Every state in the country requires real estate professionals to be licensed due to their unsupervised access to homes and properties coupled with the substantial and long-term financial impact associated with real estate transactions. Further, because of how unique real estate is, there are federal, state, and local laws, guidelines, ordinances and rules that must be complied with when conducting transactions. Reasonable regulation is necessary to protect Oklahomans and provide access to professionals with minimum competency to responsibly consummate real estate transactions. Due to the magnitude of citizens that interact with real estate professionals and the significant amount of financial impact that selling or purchasing a home can have on an individual or family, it is essential that real estate professionals are regulated and prove that they demonstrate a minimum standard of education and competence in order to professionally interact with the public.

The Oklahoma Real Estate Commission is modeled in significant part on the codes and regulations that have been substantially adopted by most states in the country to assure the real estate professional can demonstrate minimum competence standards. The Commission routinely prevents convicted felons with convictions that substantially relate to the practice of real estate from obtaining unsupervised access to homes and properties. Further, the Commission routinely investigates and prosecutes unlicensed individuals and companies for violating state laws and regulations designed to protect Oklahomans. Without reasonable regulation, citizens would be forced to obtain private legal counsel to resolve disputes, which most Oklahomans cannot afford. Further, the public would be at increased risk with respect to predatory contracts, terms, and practices. Without reasonable regulation, Oklahomans would have substantially less protection and required standards that serve to promote ethical business practices and consumer protection.

The reasonable regulation of real estate professionals protects more than just the public's physical safety – it also protects the consumers' fiscal welfare and helps the consumer avoid significant financial loss.

Due to the lack of legal education and lack of available financial resources, many Oklahoma citizens would fall victim to unethical or illegal acts, especially as real estate becomes more nationalized with non-resident individuals and companies trying to conduct transactions in Oklahoma while intentionally making themselves harder to identify, serve, and prosecute or hold accountable when appropriate.

## ***Lease Restrictive Means***

What means is used to protect the public interest?

Based on the list of means used to protect the public interest, the Broker is regulated through an Occupational or Professional licensure.

Is it the least restrictive means, which sufficiently protects the interest?

Yes - The Oklahoma Real Estate Commission joins every U.S. State and territory in requiring individuals and companies to obtain a real estate license in order to protect the public health and safety in a unique industry that allows unsupervised access to homes and properties as well as access to large sums of money and responsibility for complex legal transactions that serves as the single largest financial commitment that most citizens will make in their lifetime. The Commission strives to provide access to the real estate industry by implementing streamlined paths to licensure, while also maintaining minimum qualification standards through criminal background checks, education, and examination requirements.

The Commission joins every U.S. State and territory in requiring successful completion of a national examination testing minimum competency requirements in order to become a licensed Broker.

The criminal background check is a standardized review process involving the Oklahoma State Bureau of Investigation (OSBI). Once the applicant's fingerprint submission is received by OSBI, a full background report is conducted to review state and federal charges. Applicants with felony convictions that substantially relate to the practice of real estate (e.g. fraud, burglary, grand larceny, embezzlement, forgery etc.) are denied in order to protect the public health and safety. Applicants may appeal a denial before the formal Commission in conjunction with the Oklahoma Attorney General's Office or to Oklahoma County District Court.

Any reduced measures would inappropriately place the public at greater risk of harm and would leave Oklahoma as the sole U.S. state to deviate from the minimum qualifications required across the United States.

## ***Controlling Number of Market Participants on the Board***

How many members are on the regulatory board?

There are seven commissioners all appointed by the Governor.

How many of them are active market participants?

There are five commissioners that are licensed real estate Brokers (all with at least five years' experience prior to their appointment), one commissioner is an active representative of a school of real estate in Oklahoma, and one is a lay member.

Is the board controlled by these active market participants?

From the definition of controlling number provided, the Oklahoma Real Estate Commission is controlled by the referenced active market participants.

## ***Active Supervision of the Board***

Is there active state supervision of the board?

The Oklahoma Real Estate Commission is actively supervised through a variety of state agencies and regulations. The Attorney General's office has oversight of all board orders and decisions and is actively present at all Commission meetings in which board members are voting on various agenda items and administrative actions. Any removal of licensure for an individual or brokerage that could be determined as "harmful to competition" is also reviewed and analyzed by the Attorney General's office and the vote by Commissions is witnessed by the Attorney General's office. The Attorney General's office also is present and participates in the Oklahoma Real Estate Commission's yearly strategic meetings where the agencies duties, current opportunities, issues, and goals are addressed.

The Commission follows standard State practice and submits all code and rule changes through the legislature. This legislation process involves analysis and review directly from the Attorney General's office before submission to the Office of Administrative Rules.

The Oklahoma Real Estate Commission has financial oversight through the Office of Management and Enterprise Services (OMES). The Commission is a non-appropriated agency and works directly with OMES to ensure 10% of all licensing fees are transferred to the State's General Fund. OMES also works with the Commission to ensure that budget analysis is performed adequately and reviews all agencies with above normal variances in actual expenditures vs. budgeted expenditures.

The Oklahoma Real Estate Commission is overseen by OMES for Human Resource matters as well. The Commission actively seeks guidance and approved processes for hiring, terminating, promoting, and issuing raises or lowering salaries for all staff members. No changes may be made to employment, salary, or benefits without the oversight of OMES.

## Blueprint for Occupational Licensing

### Broker Associate License

#### What is the license?

A real estate Broker Associate license ensures the protection of public safety and welfare by establishing the minimum competency standards necessary for real estate industry professionals to perform transactions for the public and to supervise the activities of sales associates. The license is provided after an applicant completes the requisite education coursework, felony criminal background check and the relevant examination (if applying from with a license held in another jurisdiction). The Broker Associate is designated as a supervisory role and is responsible for any transactions and activities assigned to them by a Managing Broker within a given brokerage. All real estate professionals in the country are subject to various federal and state laws, as well as varying codes of ethics. Due to the nature of the increased responsibility, Broker Associate licenses in every state require increased levels of experience and education. In Oklahoma, a person may obtain a Broker Associate license by completing at least one year of Sales Associate experience, and by completing the requisite broker education coursework. Alternatively, a person may obtain a Broker Associate license by applying with equivalent coursework and licensure achieved in another jurisdiction. The completion of the required broker coursework is a benchmark for the Broker Associate to demonstrate they have obtained minimum standards of education and experience to supervise other professionals and engage in real estate activities for which they are licensed. Such activities involve knowledge of federal and state laws, contracts, as well as facts and concepts which licensees must be knowledgeable in order to safely and confidently conduct and supervise real estate negotiations and transactions in the public's best interest. Licensees who seek licensure as a Broker Associate typically wish to affirm, they have the knowledge and capacity to perform supervisory Broker responsibilities.

#### What does the license cover?

The license covers Broker Associates with the ability to perform broker duties and responsibilities pursuant to 59 *Okla. Stat.* § 858-353 and supervise real estate transactions and activities for Sales Associates. Real estate transactions include, but are not limited to buying, selling, leasing, renting, or exchanging real estate on another's behalf. Specific activities that a Broker Associate may perform include but are not limited to supervising soliciting, advertising, showing or viewing properties with members of the public, presenting offers or counteroffers, entering into agreements and closing agreements. Broker Associates gain the ability to have unsupervised access to homes and properties across the state. Real estate transactions are subject to numerous state and federal laws with respect to financing, disclosures, contracts and procedures designed to protect the public due to the general lack of knowledge and expertise that most consumers face. A Broker Associate license covers basic and minimum requirements of criminal eligibility, education, and reasonable supervision in order to protect the public and state's housing and economic growth.

#### What board regulates the license?

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### ***Compelling Public Interest***

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contracts and forms are created and modified by the Contract Forms Committee (59 Okla. Stat. § 858-208, Okla. Admin. Code § 605:1-1-4(f)), which is comprised of members of the Oklahoma Bar Association, Oklahoma Association of Realtors, and the Oklahoma Real Estate Commission. This statutorily created committee under the Commission provides free access to quality contracts, agreements, disclosures and other documents that assist the public and all real estate licensees with performing real estate transactions in compliance with state and federal laws that are constantly changing. Having free access to documents like these is essential in assisting the public with complex transactions and also serves to assist courts in Oklahoma and taxpayer dollars by providing increased consistency and predictability with respect to contract language and standards of practice.

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## ***Lease Restrictive Means***

What means is used to protect the public interest?

Based on the list of means used to protect the public interest, the Broker Associate is regulated through an Occupational or Professional licensure.

Is it the least restrictive means, which sufficiently protects the interest?

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The Commission joins every U.S. State and territory in requiring successful completion of a national examination testing minimum competency requirements in order to become a licensed Broker Associate.

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How many members are on the regulatory board?

There are seven commissioners all appointed by the Governor.

How many of them are active market participants?

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## ***Active Supervision of the Board***

### Is there active state supervision of the board?

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The Commission follows standard State practice and submits all code and rule changes through the legislature. This legislation process involves analysis and review directly from the Attorney General's office before submission to the Office of Administrative Rules.

The Oklahoma Real Estate Commission has financial oversight through the Office of Management and Enterprise Services (OMES). The Commission is a non-appropriated agency and works directly with OMES to ensure 10% of all licensing fees are transferred to the State's General Fund. OMES also works with the Commission to ensure that budget analysis is performed adequately and reviews all agencies with above normal variances in actual expenditures vs. budgeted expenditures.

The Oklahoma Real Estate Commission is overseen by OMES for Human Resource matters as well. The Commission actively seeks guidance and approved processes for hiring, terminating, promoting, and issuing raises or lowering salaries for all staff members. No changes may be made to employment, salary, or benefits without the oversight of OMES.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Provisional Sales License	<a href="#">Real Estate Commission, Oklahoma</a>	Evidence of successful completion of an approved basic real estate instruction course consisting of 90 clock hours, or equivalent to six hours of college credit and must complete a 45 clock hour post-license course prior to their first license expiration date. Possible areas of study include nature and description of property, rights and interests in real property, transfer of rights, contract law, finance and appraisal, broker relationships, real estate brokerage, professional conduct and Oklahoma Real Estate License Code and Rules; pass sales associate exam.	18 years of age or older; Evidence of citizenship or qualified alien status; submit to a criminal history background check.	<a href="#">59 O.S. § 858-208</a>	License Fee - \$100 (includes \$15 Education and Recovery Fund Fee) Fingerprint Fee - \$60 Exam Fee - \$60 Application Fee - \$35
Sales Associate License	<a href="#">Real Estate Commission, Oklahoma</a>	Evidence of successful completion of a basic real estate instruction course consisting of 90 clock hours, or 6 hours of college credit that is equivalent in nature, as determined by the Commission; completion of a one year license term as a Provisional Sales Associate. Possible areas of study include nature and description of property, rights and interests in real property, transfer of rights, contract law, finance, value and appraisal, law of agency, real estate brokerage, professional conduct and Oklahoma Real Estate License Code and Rules.	18 years of age or older; Evidence of citizenship or qualified alien status; submit to a criminal history background check.	<a href="#">59 O.S. § 858-208</a>	License Fee - \$215 (includes \$15 Education and Recovery Fund Fee) Fingerprint Fee - \$60 Exam Fee - \$60 Application Fee - \$35

## **Blueprint for Occupational Licensing**

### Provisional Sales Associate License

#### ***License Details***

##### What is the license?

The Provisional Sales Associate license is an entry level real estate license that ensures the protection of public safety and welfare by establishing minimum competency standards necessary for real estate professionals to perform transactions for the public. The license is provided after the applicant completes requisite education coursework, a felony criminal background check and a nationwide examination testing for minimum competency with respect to federal and state legal requirements. Real estate licenses provide unsupervised access to homes and dwellings across the state. Real estate transactions are one of the most substantial and long-lasting financial commitments most Oklahomans will ever make. A Provisional Sales Associate license protects the public from predatory, criminal, and negligent actions, schemes and provides for a minimum level of competency and accountability. Licensees must possess a minimum level of knowledge in order to safely conduct real estate negotiations and transactions in the public's best interest.

##### What does the license cover?

The license covers Provisional Sales Associates with the ability to perform real estate transactions under the supervision of a Broker. Real estate transactions include, but are not limited to buying, selling, leasing, renting, or exchanging real estate on another's behalf. Specific activities that a Provisional Sales Associate may perform include but are not limited to soliciting, advertising, showing or viewing properties with members of the public, presenting offers or counteroffers, entering into agreements and closing agreements. Provisional Sales Associates gain the ability to have unsupervised access to homes and properties across the state. Real estate transactions are subject to numerous state and federal laws with respect to financing, disclosures, contracts and procedures designed to protect the public due to the general lack of knowledge and expertise that most consumers face. A Provisional Sales Associate license covers basic and minimum requirements of criminal eligibility, education, and reasonable supervision in order to protect the public and state's housing and economic growth.

##### What board regulates the license?

The Oklahoma Real Estate Commission (the "Commission") regulates all licensees who hold a Provisional Sales Associate license. The Commission joins all fifty (50) states in the nation by requiring licensure for real estate professionals with regulations in place addressing provisional sales associates or sales associates through an occupational licensing board.

The Oklahoma Real Estate Commission provides an expedient but thorough review of all applicants applying for a Provisional Sales Associate license by examining prerequisite coursework, reviewing and investigating criminal background checks, providing for and verifying sufficient examination scores. Once an applicant has been issued a license, the Oklahoma Real Estate Commission regulates the ongoing licensure of a Provisional Sales Associate through affirming completion of the required post-licensing education course before allowing the Provisional Sales Associate to upgrade their licensure to a Sales Associate in their first 12 month term. Additionally, the Oklahoma Real Estate Commission regulates the Provisional Sales

Associate through investigations performed for any potential code and rule violation driven by complaint filed from the public or an office inspection or audit performed by the Commission itself.

### ***Compelling Public Interest***

#### What is the compelling public interest?

Ownership of property is a core and founding principle for what it means to be an American and an Oklahoman. Real estate professionals are provided unsupervised access to homes and properties across the State. The regulation of real estate professionals is an essential compelling public interest to protect public safety and public health. For most Oklahomans and families, the purchase or sale of real estate is the single largest financial transaction/commitment they will make in their lifetime. In the overwhelming majority of real estate transactions, the public directly relies on the competence and performance of a real estate professional. It is essential to maintain minimum competency requirements due to the substantial issues that can result from a transaction performed incorrectly, negligently or in violation of local, state or federal laws. It is also essential to protect the public from persons with specific felony convictions that relate to the services a real estate professional provides.

Without proper oversight and review of a criminal background check, Oklahoma citizens would be at increased risk of harm both physically and financially. Real estate professionals are often meeting alone with their clients to assess a property or view a prospective property for purchase. Criminal background checks and ongoing regulatory functions help provide assurance that the hired real estate professional has not had any violent or relevant convictions with state and federal law enforcement. The public entrusts real estate professionals to handle large amounts of earnest money. A criminal background check can help provide assurance that the hired real estate professional has not had any relatable felonies regarding money fraud, embezzlement, burglary, theft, etc.

Further, the Oklahoma legislature entrusted the Commission with authority over the Education and Recovery Fund (59 *Okla. Stat.* § 858 601 *et seq.*) which provides an important benefit to the public by helping Oklahomans who have been financially harmed as a result of the actions of a licensed real estate professional to recover funds. Without this benefit to the public, the average Oklahoman would not be able to afford a private attorney to seek civil remedies. In fact, in a substantial number of civil cases, Oklahomans are unable to collect upon judgments granted to them because the defendants do not possess adequate money or assets to pay them back.

Lastly, the Commission is responsible for drafting, updating and distributing real estate contracts, forms and agreements for every type of real estate transaction performed in Oklahoma. These contracts and forms are created and modified by the Contract Forms Committee (59 *Okla. Stat.* § 858-208, *Okla. Admin. Code* § 605:1-1-4(f)), which is comprised of members of the Oklahoma Bar Association, Oklahoma Association of Realtors, and the Oklahoma Real Estate Commission. This statutorily created committee under the Commission provides free access to quality contracts, agreements, disclosures and other documents that assist the public and all real estate licensees with performing real estate transactions in compliance with state and federal laws that are constantly changing. Having free access to documents like these is essential in assisting the public with complex transactions and also serves to assist courts in Oklahoma and taxpayer dollars by providing increased consistency and predictability with respect to contract language and standards of practice.

Is this public interest a demonstrated, real, significant, and probable harm?

Every state in the country requires real estate professionals to be licensed due to their unsupervised access to homes and properties coupled with the substantial and long-term financial impact associated with real estate transactions. Reasonable regulation is necessary to protect Oklahomans and provide access to professionals with minimum competency to responsibly consummate real estate transactions. Due to the magnitude of citizens that interact with real estate professionals and the significant amount of financial impact that selling or purchasing a home can have on an individual or family, it is essential that real estate professionals are regulated and prove that they demonstrate a minimum standard of education and competence in order to professionally interact with the public.

The Oklahoma Real Estate Commission is modeled in significant part on the codes and regulations that have been substantially adopted by most states in the country to assure the real estate professional can demonstrate minimum competence standards. The Commission routinely prevents convicted felons with convictions that substantially relate to the practice of real estate from obtaining unsupervised access to homes and properties. Further, the Commission routinely investigates and prosecutes unlicensed individuals and companies for violating state laws and regulations designed to protect Oklahomans. Without reasonable regulation, citizens would be forced to obtain private legal counsel to resolve disputes, which most Oklahomans cannot afford. Further, the public would be at increased risk with respect to predatory contracts, terms, and practices. Without reasonable regulation, Oklahomans would have substantially less protection and required standards that serve to promote ethical business practices and consumer protection.

The reasonable regulation of real estate professionals protects more than just the public's physical safety – it also protects the consumers' fiscal welfare and helps the consumer avoid significant financial loss.

Due to the lack of legal education and lack of available financial resources, many Oklahoma citizens would fall victim to unethical or illegal acts, especially as real estate becomes more nationalized with non-resident individuals and companies trying to conduct transactions in Oklahoma while intentionally making themselves harder to identify, serve, and prosecute or hold accountable when appropriate.

***Lease Restrictive Means***

What means is used to protect the public interest?

Based on the list of means used to protect the public interest, the Provisional Sales Associate is regulated through Occupational / Professional licensure.

Is it the least restrictive means, which sufficiently protects the interest?

Yes - The Oklahoma Real Estate Commission joins every U.S. State and territory in requiring individuals and companies to obtain a real estate license in order to protect the public health and safety in a unique industry that allows unsupervised access to homes and properties as well as access to large sums of money and responsibility for complex legal transactions that serves as the single largest financial commitment that most citizens will make in their lifetime. The Commission strives to provide access to the real estate industry by implementing streamlined

paths to licensure, while also maintaining minimum qualification standards through criminal background checks, education, and examination requirements.

The Commission joins every U.S. State and territory in requiring successful completion of a national examination testing minimum competency requirements in order to become a licensed Provisional Sales Associate or Sales Associate.

The criminal background check is a standardized review process involving the Oklahoma State Bureau of Investigation (OSBI). Once the applicant's fingerprint submission is received by OSBI, a full background report is conducted to review state and federal charges. Applicants with felony convictions that substantially relate to the practice of real estate (e.g. fraud, burglary, grand larceny, embezzlement etc.) are denied in order to protect the public health and safety. Applicants may appeal a denial before the formal Commission in conjunction with the Oklahoma Attorney General's Office or to Oklahoma County District Court.

Any reduced measures would inappropriately place the public at greater risk of harm and would leave Oklahoma as the sole U.S. state to deviate from the minimum qualifications required across the United States.

### ***Controlling Number of Market Participants on the Board***

How many members are on the regulatory board?

There are seven (7) commissioners appointed by the Governor.

How many of them are active market participants?

There are five (5) commissioners that are licensed real estate Brokers (all with at least five years' experience prior to their appointment), one commissioner is an active representative of a school of real estate in Oklahoma, and one is a lay member.

Is the board controlled by these active market participants?

From the definition of controlling number provided, the Oklahoma Real Estate Commission is controlled by the referenced active market participants, subject to oversight by the Oklahoma Attorney General and Oklahoma Legislature.

### ***Active Supervision of the Board***

Is there active state supervision of the board?

Yes - The Oklahoma Attorney General's office has oversight of all board orders and decisions and is actively present at all Commission meetings in which board members are voting. Any removal of licensure for an individual or brokerage that could be determined as "harmful to competition" is also reviewed and analyzed by the Attorney General's office and the vote by Commissions is witnessed by the Attorney General's office. The Attorney General's office also is present and participates in the Oklahoma Real Estate Commission's yearly strategic meetings where the agencies duties, current opportunities, issues, and goals are addressed.

The Commission follows standard State practice and submits all code and rule changes through the legislature. This legislation process involves analysis and review directly from the Attorney General's office before submission to the Office of Administrative Rules.

The Oklahoma Real Estate Commission has financial oversight through the Office of Management and Enterprise Services (OMES). The Commission is a non-appropriated agency

and works directly with OMES to ensure 10% of all licensing fees are transferred to the State's General Fund. OMES also works with the Commission to ensure that budget analysis is performed adequately and reviews all agencies with above normal variances in actual expenditures vs. budgeted expenditures.

The Oklahoma Real Estate Commission is overseen by OMES for Human Resource matters as well. The Commission actively seeks guidance and approved processes for hiring, terminating, promoting, and issuing raises or lowering salaries for all staff members. No changes may be made to employment, salary, or benefits without the oversight of OMES.



## Blueprint for Occupational Licensing

### Sales Associate License

#### ***License Details***

##### What is the license?

The Sales Associate license is an entry level real estate license that ensures the protection of public safety and welfare by establishing minimum competency standards necessary for real estate professionals to perform transactions for the public. The license is provided after the applicant completes requisite education coursework, a felony criminal background check and a nationwide examination testing for minimum competency with respect to federal and state legal requirements. Real estate licenses provide unsupervised access to homes and dwellings across the state. Real estate transactions are one of the most substantial and long-lasting financial commitments most Oklahomans will ever make. A Sales Associate license protects the public from predatory, criminal, and negligent actions, schemes and provides for a minimum level of competency and accountability. Licensees must possess a minimum level of knowledge in order to safely conduct real estate negotiations and transactions in the public's best interest.

##### What does the license cover?

The license covers Sales Associates with the ability to perform real estate transactions under the supervision of a Broker. Real estate transactions include, but are not limited to buying, selling, leasing, renting, or exchanging real estate on another's behalf. Specific activities that a Sales Associate may perform include but are not limited to soliciting, advertising, showing or viewing properties with members of the public, presenting offers or counteroffers, entering into agreements and closing agreements. Sales Associates gain the ability to have unsupervised access to homes and properties across the state. Real estate transactions are subject to numerous state and federal laws with respect to financing, disclosures, contracts and procedures designed to protect the public due to the general lack of knowledge and expertise that most consumers face. A Sales Associate license covers basic and minimum requirements of criminal eligibility, education, and reasonable supervision in order to protect the public and state's housing and economic growth.

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The Oklahoma Real Estate Commission provides an expedient but thorough review of all applicants applying for a Sales Associate license by examining prerequisite coursework, reviewing and investigating criminal background checks, providing for and verifying sufficient examination scores. Once an applicant has been issued a license, the Oklahoma Real Estate Commission regulates the ongoing licensure of a Sales Associate through affirming completion of the required continuing education courses before allowing the Sales Associate to renew their licensure in their 3 year term. Additionally, the Oklahoma Real Estate Commission regulates the Sales Associate through investigations performed for any potential code and rule violation driven

by complaints filed from the public, other real estate professionals or an office inspection or audit performed by the Commission itself.

### ***Compelling Public Interest***

#### What is the compelling public interest?

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### ***Lease Restrictive Means***

What means is used to protect the public interest?

Based on the list of means used to protect the public interest, the Sales Associate is regulated through Occupational / Professional licensure.

Is it the least restrictive means, which sufficiently protects the interest?

Yes - The Oklahoma Real Estate Commission joins every U.S. State and territory in requiring individuals and companies to obtain a real estate license in order to protect the public health and safety in a unique industry that allows unsupervised access to homes and properties as well as access to large sums of money and responsibility for complex legal transactions that serves as the single largest financial commitment that most citizens will make in their lifetime. The Commission strives to provide access to the real estate industry by implementing streamlined paths to licensure, while also maintaining minimum qualification standards through criminal background checks, education, and examination requirements.

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The criminal background check is a standardized review process involving the Oklahoma State Bureau of Investigation (OSBI). Once the applicant's fingerprint submission is received by OSBI,

a full background report is conducted to review state and federal charges. Applicants with felony convictions that substantially relate to the practice of real estate (e.g. fraud, burglary, grand larceny, embezzlement etc.) are denied in order to protect the public health and safety. Applicants may appeal a denial before the formal Commission in conjunction with the Oklahoma Attorney General's Office or to Oklahoma County District Court.

Any reduced measures would inappropriately place the public at greater risk of harm and would leave Oklahoma as the sole U.S. state to deviate from the minimum qualifications required across the United States.

### ***Controlling Number of Market Participants on the Board***

How many members are on the regulatory board?

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How many of them are active market participants?

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Is the board controlled by these active market participants?

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### ***Active Supervision of the Board***

Is there active state supervision of the board?

Yes - The Oklahoma Attorney General's office has oversight of all board orders and decisions and is actively present at all Commission meetings in which board members are voting. Any removal of licensure for an individual or brokerage that could be determined as "harmful to competition" is also reviewed and analyzed by the Attorney General's office and the vote by Commissions is witnessed by the Attorney General's office. The Attorney General's office also is present and participates in the Oklahoma Real Estate Commission's yearly strategic meetings where the agencies duties, current opportunities, issues, and goals are addressed.

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The Oklahoma Real Estate Commission has financial oversight through the Office of Management and Enterprise Services (OMES). The Commission is a non-appropriated agency and works directly with OMES to ensure 10% of all licensing fees are transferred to the State's General Fund. OMES also works with the Commission to ensure that budget analysis is performed adequately and reviews all agencies with above normal variances in actual expenditures vs. budgeted expenditures.

The Oklahoma Real Estate Commission is overseen by OMES for Human Resource matters as well. The Commission actively seeks guidance and approved processes for hiring, terminating, promoting, and issuing raises or lowering salaries for all staff members. No changes may be made to employment, salary, or benefits without the oversight of OMES.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Broker-Dealer Agent	<a href="#">Securities Department, Oklahoma</a>	There are no specific educational requirements; however, a working knowledge of the occupation is necessary. Knowledge areas include uniform state securities laws and general securities knowledge.	Must pass qualification examination(s) pertinent to the type of securities to be sold and to uniform state securities law.	<a href="#">71 O.S. § 1-612</a>	License Fee - \$50 Renewal Fee - \$50
Investment Adviser Representative (or Individual Investment Adviser)	<a href="#">Securities Department, Oklahoma</a>	There are no specific educational requirements; however, a working knowledge of the occupation is necessary. Knowledge areas include uniform state securities laws and general securities knowledge.	Must pass the Series 65 OR the Series 7 and Series 66	<a href="#">71 O.S. § 1-612</a>	License Fee - \$50 Renewal Fee - \$50
Issuer Agent (Non-FINRA)	<a href="#">Securities Department, Oklahoma</a>	There are no specific educational requirements; however, a working knowledge of the occupation is necessary. Knowledge areas include uniform state securities laws and general securities knowledge.	Must pass qualification examination(s) pertinent to the type of securities to be sold and to uniform state securities laws.	<a href="#">71 O.S. § 1-612</a>	License Fee - \$50 Renewal Fee - \$50
Subdivided Land Sales Agent	<a href="#">Securities Department, Oklahoma</a>	There are no specific educational requirements; however, an applicant needs a working knowledge of Oklahoma subdivided land sales law.	Must meet real estate licensing requirements of agent's home state if required by that state.	<a href="#">71 O.S. § 652</a>	License Fee - \$30 Renewal Fee - \$30

## Occupational Licensing Blueprint

### **License Details**

What is the license? Broker-Dealer Agent

What does the license cover? an individual who represents a broker-dealer in effecting or attempting to effect purchases or sales of securities to Oklahoma residents

What Board regulates the license? Oklahoma Securities Commission through the Oklahoma Department of Securities

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) public safety (prevention of fraud)

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Business license

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 5

How many of them are active market participants? (see Annex, item 5) 1

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

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If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

## Occupational Licensing Blueprint

### **License Details**

What is the license? Investment Adviser Representative

What does the license cover? an individual who represents an investment adviser in making recommendations or otherwise giving advise regarding securities, or managing accounts or portfolios of Oklahoma residents

What Board regulates the license? Oklahoma Securities Commission through the Oklahoma Department of Securities

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) public safety (prevention of fraud)

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Business license

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 5

How many of them are active market participants? (see Annex, item 5) 1

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

## Occupational Licensing Blueprint

### **License Details**

What is the license? Issuer Agent

What does the license cover? an individual offering and selling securities to Oklahoma investors on behalf of a specific issuer of a security

What Board regulates the license? Oklahoma Securities Commission through the Oklahoma Department of Securities

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) public safety (prevention of fraud)

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Business license

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 5

How many of them are active market participants? (see Annex, item 5) 0

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.



## Occupational Licensing Blueprint

### **License Details**

What is the license? Subdivided Land Sales Agent

What does the license cover? individuals who offer and sell to Oklahoma residents subdivided land that is registered under the Oklahoma Subdivided Land Sales Act

What Board regulates the license? Oklahoma Securities Commission through the Oklahoma Department of Securities

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) public safety (prevention of fraud)

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Business license

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 5

How many of them are active market participants? (see Annex, item 5) 0

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/ Qualifications	Statutory Citation	Fees
Bail Bondsman License (Professional Bondsman, Cash Bondsman, Surety Bondsman, and Property Bondsman)	<a href="#">OK Insurance Department</a>	Sixteen (16) hours of pre-license education provided by the Oklahoma Bondsman Association. Possible areas of study include subjects pertinent to duties, responsibilities, and bail law.	Citizen of United States; 21 years of age; One year state residence required; High school diploma or its equivalent.	<a href="#">59 Chapter 33 O.S. § 1301 et. seq</a>	Application Fee - \$250 Renewal Fee - \$200 (Biennial) Reinstatement Fee - \$500 (double original fee) Multicounty Agent Application Fee - \$1000 Renewal Fee - \$1000 (Biennial) Reinstatement Fee - \$2000 (double original fee) <u>Everyone</u> pays \$100 investigative fee with initial application.

# Occupational Licensing Blueprint

## **License Details**

What is the license? Bail Bondsman

What does the license cover? A multicounty agent, professional bondsman, cash bondsman, surety bondsman, or a property bondsman.

What Board regulates the license? The Oklahoma Insurance Department is the authority responsible for regulating the Bail Bond industry. There are two industry associations that assist OID to guide, direct, and monitor the Bail Industry: The Oklahoma Bondsman Association and The Associated Bail Agents of Tulsa. The Oklahoma Insurance Department also follows the National Association of Insurance Commissioners guidelines on regulation and licensing for the industry.

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Public Safety

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest? Title 59 and Title 36 gives OID the authority to regulate the individual licenses, and to protect the consumers in the State of Oklahoma from consumer fraud.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

## **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? \_\_\_\_\_

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

## **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

Application License Name	Agency Name	Required Education Level	Required Experience/ Qualifications	Statutory Citation	Fees
Adjuster - Insurance Adjuster	<a href="#">OK Insurance Department</a>	<p>No specific requirements or education required prior to examination for licensure. A working knowledge, experience or special education or training of sufficient duration and extent with reference to the handling of loss claims pursuant to insurance contracts to make the applicant competent to fulfill the responsibilities of an adjuster is necessary. Possible knowledge areas include: Property (Including Motor Vehicle Physical Damage), Casualty, Workers Compensation, Crime and Fidelity Bonds, Crop Hail and Multi Peril Crop Hail Insurance (Requires National CAPP Exam).</p> <p>***** A six-month apprentice adjuster license is available for residents of Oklahoma however it is not required to obtain a resident adjuster license.</p>	18 years of age	<a href="#">36 OS 6201- 6223 Insurance Adjusters Licensing Act</a>	<p>Application/Renewal Fee - \$30 (Biennial) Reinstatement Fee - \$60 (double original fee)</p> <p><u>2 or more Licenses</u> Application/Renewal Fee - \$50 (Biennial) Reinstatement Fee - \$100 (double original fee)</p>

# Occupational Licensing Blueprint

## **License Details**

What is the license? Insurance Adjuster Individual

What does the license cover? Insurance Adjuster Licenses in Oklahoma cover claims review and processing under the Property & Casualty lines of authority as well as the limited lines of Crime & Fidelity.

What Board regulates the license?

There is not a Board that regulates any of our licenses. The Oklahoma Insurance Department is the authority responsible for regulating licensure of these individuals and entities in the state. The Department has a licensing division which works directly with the licensee, as well as other divisions that assist in the regulation of these individuals and entities such as the Legal Division, the Market Conduct (Financial) Division, and the Consumer Assistance Division.

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1)

Protection of the Public-- Licensed Insurance Professionals have the important role of providing the public with insurance services for a variety of needs including policies and claims services. The Public and Consumers rely on the protections offered through insurance, and trust our insurance professionals to recommend appropriate and comprehensive coverage or provide fair and accurate claims support when a loss is experienced. Insurance licensing regulation is able to provide comprehensive checks of licensees in the resident state and in any other state where business has taken place. For many Oklahomans, an insurance policy is all that stands between them and financial ruin in the event of an accident, illness, or other unexpected catastrophe. Consumers must therefore be on guard against deceptive and fraudulent practices by insurers, and the Oklahoma Insurance Department is there to help them.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest?

The Oklahoma Insurance Department protects the public interest through regulation by preventing insurer insolvency, investigating & preventing fraud, assuring reasonable prices for insurance policies, increasing the availability of all types of insurance protection. The Licensing Division is tasked with ensuring all licensed professionals have the knowledge (through education), the legal background and the professional reputation to conduct business as an insurance professional in the State. The Department oversees the sales practices and claims practices of licensed professionals. In partnership with the National Association of Insurance Commissioners (NAIC) and

their subsidiary the National Insurance Producer Registry (NIPR), Oklahoma is able to participate with other state regulating authorities to ensure that uniform licensing standards are met in all jurisdictions

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

**Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? \_\_\_\_\_

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

**Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/ Qualifications	Statutory Citation	Fees
Adjuster Individual-Public	<a href="#">OK Insurance Department</a>	<p>No specific requirements or education required prior to examination for licensure. A working knowledge, experience or special education or training of sufficient duration and extent with reference to the handling of loss claims pursuant to insurance contracts to make the applicant competent to fulfill the responsibilities of an adjuster is necessary. Possible knowledge areas include: Property (Including Motor Vehicle Physical Damage), Casualty, Workers Compensation, Crime and Fidelity Bonds, Crop Hail and Multi Peril Crop Hail Insurance (Requires National CAPP Exam).</p> <p>***** A six-month apprentice adjuster license is available for residents of Oklahoma however it is not required to obtain a resident adjuster license.</p>	18 years of age	<a href="#">36 OS 6201- 6223 Insurance Adjusters Licensing Act</a>	Application/Renewal Fee - \$30 (Biennial) Reinstated License Fee - \$60

# Occupational Licensing Blueprint

## **License Details**

What is the license? Public Adjuster - Individual

What does the license cover? \_\_\_\_\_

Public Insurance Adjuster- claims review and processing on behalf of an insured for Property & Casualty claims.

What Board regulates the license?

There is not a Board that regulates any of our licenses. The Oklahoma Insurance Department is the authority responsible for regulating licensure of these individuals and entities in the state. The Department has a licensing division which works directly with the licensee, as well as other divisions that assist in the regulation of these individuals and entities such as the Legal Division, the Market Conduct (Financial) Division, and the Consumer Assistance Division.

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1)

Protection of the Public-- Licensed Insurance Professionals have the important role of providing the public with insurance services for a variety of needs including policies and claims services. The Public and Consumers rely on the protections offered through insurance, and trust our insurance professionals to recommend appropriate and comprehensive coverage or provide fair and accurate claims support when a loss is experienced. Insurance licensing regulation is able to provide comprehensive checks of licensees in the resident state and in any other state where business has taken place. For many Oklahomans, an insurance policy is all that stands between them and financial ruin in the event of an accident, illness, or other unexpected catastrophe. Consumers must therefore be on guard against deceptive and fraudulent practices by insurers, and the Oklahoma Insurance Department is there to help them.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest?

The Oklahoma Insurance Department protects the public interest through regulation by preventing insurer insolvency, investigating & preventing fraud, assuring reasonable prices for insurance policies, increasing the availability of all types of insurance protection. The Licensing Division is tasked with ensuring all licensed professionals have the knowledge (through education), the legal background and the professional reputation to conduct business as an insurance professional in the State. The Department oversees the sales practices and claims practices of licensed professionals. In partnership with the National Association of Insurance Commissioners (NAIC) and



their subsidiary the National Insurance Producer Registry (NIPR), Oklahoma is able to participate with other state regulating authorities to ensure that uniform licensing standards are met in all jurisdictions.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

***Controlling Number of Market Participants on the Board***

How many members are on the regulatory board? \_\_\_\_\_

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

***Active Supervision of the Board***

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/ Qualifications	Statutory Citation	Fees
Customer Service Rep (CSR)	<a href="#">OK Insurance Department</a>	There are no specific educational required prior to passing the examinations for the needed lines of authority; however, a working knowledge of the occupation and insurance industry is necessary. Must have a licensed sponsor to oversee their work at all times. Possible knowledge areas include Life, Accident and Health, Property (Personal and Commercial), Casualty (Personal and Commercial), Reinsurance and Variable lines.	18 years of age	<a href="#">36 - 14A O.S. § 1435.41</a>	Application/Renewal Fee - \$40 (Biennial) Reinstated License Fee - \$60
Insurance Consultant	<a href="#">OK Insurance Department</a>	There are no specific educational required prior to passing the examinations for the needed lines of authority. However, a working knowledge of the occupation and insurance industry is necessary. Possible knowledge areas include: Life, Accident and Health, Property (Personal and Commercial), Casualty (Personal and Commercial), P&C Personal Lines, Reinsurance and Variable lines. Individuals consulting on claims or losses should be licensed as a Public Adjuster.	18 years of age	<a href="#">36 - 14A O.S. § 1435.41</a>	Application/Renewal Fee - \$100 (Biennial) Reinstated License Fee - \$200

# Occupational Licensing Blueprint

## **License Details**

What is the license? Individual Customer Service Rep

What does the license cover?

CSR Licenses in Oklahoma cover a multitude of lines of authority which are the areas of insurance that licensees are authorized to work on as an insurance professional. These lines of authority may include the major lines- Life, Property, Casualty, Accident & Health or Sickness, Variable Life/Variable Annuity, Title Insurance or Personal lines. These licenses also may include the limited lines of Crop Insurance, Travel Insurance, Motor Service Club, Portable Electronics, Credit Insurance, Crime & Fidelity Bonds, or Workers' Compensation Insurance.

What Board regulates the license? \_\_\_\_\_

There is not a Board that regulates any of our licenses. The Oklahoma Insurance Department is the authority responsible for regulating licensure of these individuals and entities in the state. The Department has a licensing division which works directly with the licensee, as well as other divisions that assist in the regulation of these individuals and entities such as the Legal Division, the Market Conduct (Financial) Division, and the Consumer Assistance Division.

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) \_\_\_\_\_

Protection of the Public-- Licensed Insurance Professionals have the important role of providing the public with insurance services for a variety of needs including policies and claims services. The Public and Consumers rely on the protections offered through insurance, and trust our insurance professionals to recommend appropriate and comprehensive coverage or provide fair and accurate claims support when a loss is experienced. Insurance licensing regulation is able to provide comprehensive checks of licensees in the resident state and in any other state where business has taken place. For many Oklahomans, an insurance policy is all that stands between them and financial ruin in the event of an accident, illness, or other unexpected catastrophe. Consumers must therefore be on guard against deceptive and fraudulent practices by insurers, and the Oklahoma Insurance Department is there to help them.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest?

The Oklahoma Insurance Department protects the public interest through regulation by preventing insurer insolvency, investigating & preventing fraud, assuring reasonable prices for insurance policies, increasing the availability of all types of insurance

protection. The Licensing Division is tasked with ensuring all licensed professionals have the knowledge (through education), the legal background and the professional reputation to conduct business as an insurance professional in the State. The Department oversees the sales practices and claims practices of licensed professionals. In partnership with the National Association of Insurance Commissioners (NAIC) and their subsidiary the National Insurance Producer Registry (NIPR), Oklahoma is able to participate with other state regulating authorities to ensure that uniform licensing standards are met in all jurisdictions.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

**Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? \_\_\_\_\_  
How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_  
Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

**Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

# Occupational Licensing Blueprint

## **License Details**

What is the license? Individual Consultant

What does the license cover?

Insurance Consultant Licenses in Oklahoma cover a multitude of lines of authority which are the areas of insurance that licensees are authorized to work on as an insurance consultant. These lines of authority may include the major lines- Life, Property, Casualty, Accident & Health or Sickness, Variable Life/Variable Annuity, Title Insurance or Personal lines. These licenses also may include the limited lines of Crop Insurance, Travel Insurance, Motor Service Club, Portable Electronics, Credit Insurance, Crime & Fidelity Bonds, or Workers' Compensation Insurance.

What Board regulates the license?

There is not a Board that regulates any of our licenses. The Oklahoma Insurance Department is the authority responsible for regulating licensure of these individuals and entities in the state. The Department has a licensing division which works directly with the licensee, as well as other divisions that assist in the regulation of these individuals and entities such as the Legal Division, the Market Conduct (Financial) Division, and the Consumer Assistance Division.

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1)

Protection of the Public-- Licensed Insurance Professionals have the important role of providing the public with insurance services for a variety of needs including policies and claims services. The Public and Consumers rely on the protections offered through insurance, and trust our insurance professionals to recommend appropriate and comprehensive coverage or provide fair and accurate claims support when a loss is experienced. Insurance licensing regulation is able to provide comprehensive checks of licensees in the resident state and in any other state where business has taken place. For many Oklahomans, an insurance policy is all that stands between them and financial ruin in the event of an accident, illness, or other unexpected catastrophe. Consumers must therefore be on guard against deceptive and fraudulent practices by insurers, and the Oklahoma Insurance Department is there to help them.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest?

The Oklahoma Insurance Department protects the public interest through regulation by preventing insurer insolvency, investigating & preventing fraud, assuring reasonable prices for insurance policies, increasing the availability of all types of insurance protection. The Licensing Division is tasked with ensuring all licensed professionals have the knowledge (through education), the legal background and the professional

reputation to conduct business as an insurance professional in the State. The Department oversees the sales practices and claims practices of licensed professionals. In partnership with the National Association of Insurance Commissioners (NAIC) and their subsidiary the National Insurance Producer Registry (NIPR), Oklahoma is able to participate with other state regulating authorities to ensure that uniform licensing standards are met in all jurisdictions.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

**Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? \_\_\_\_\_

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

**Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/ Qualifications	Statutory Citation	Fees
Producer - General Lines and Variable	<a href="#">OK Insurance Department</a>	Underlying Producer License is a requirement. A working knowledge of the occupation is necessary. Possible knowledge areas include: Life, Accident and Health, Property (Personal and Commercial), Casualty (Personal and Commercial), P&C Personal Lines, Variable Life/Variable Annuity, Title, and Aircraft Title.	18 years of age	<a href="#">36-14A O.S. § 1435.2-1435.41</a>	<p>Producer General Lines Application/Renewal Fee - \$60; Nonresident Application/Renewal Fee - \$100 (Biennial) Reinstatement Fee - Resident \$120; Nonresident - \$200</p> <p>Variable Lines Producer Resident Application/Renewal Fee - \$60; Nonresident \$100 in addition to an underlying Producer Fee - \$60 Reinstatement Fee - Resident \$120; Nonresident - \$200</p>

# Occupational Licensing Blueprint

## **License Details**

What is the license? Individual Producer General Lines & Variable

What does the license cover? Licenses in Oklahoma cover a multitude of lines of authority which are the areas of insurance that licensees are authorized to work on as an insurance professional. These lines of authority may include the major lines- Life, Property, Casualty, Accident & Health or Sickness, Variable Life/Variable Annuity, Title Insurance or Personal lines.

What Board regulates the license? There is not a Board that regulates any of our licenses. The Oklahoma Insurance Department is the authority responsible for regulating licensure of these individuals and entities in the state. The Department has a licensing division which works directly with the licensee, as well as other divisions that assist in the regulation of these individuals and entities such as the Legal Division, the Market Conduct (Financial) Division, and the Consumer Assistance Division.

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) \_\_\_\_\_  
Protection of the Public-- Licensed Insurance Professionals have the important role of providing the public with insurance services for a variety of needs including policies and claims services. The Public and Consumers rely on the protections offered through insurance, and trust our insurance professionals to recommend appropriate and comprehensive coverage or provide fair and accurate claims support when a loss is experienced. Insurance licensing regulation is able to provide comprehensive checks of licensees in the resident state and in any other state where business has taken place. For many Oklahomans, an insurance policy is all that stands between them and financial ruin in the event of an accident, illness, or other unexpected catastrophe. Consumers must therefore be on guard against deceptive and fraudulent practices by insurers, and the Oklahoma Insurance Department is there to help them.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest?

The Oklahoma Insurance Department protects the public interest through regulation by preventing insurer insolvency, investigating & preventing fraud, assuring reasonable prices for insurance policies, increasing the availability of all types of insurance protection. The Licensing Division is tasked with ensuring all licensed professionals have the knowledge (through education), the legal background and the professional reputation to conduct business as an insurance professional in the State. The Department oversees the sales practices and claims practices of licensed professionals. In partnership with the National Association of Insurance Commissioners (NAIC) and



their subsidiary the National Insurance Producer Registry (NIPR), Oklahoma is able to participate with other state regulating authorities to ensure that uniform licensing standards are met in all jurisdictions.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

**Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? \_\_\_\_\_

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----*Continue only if the Board is Controlled by Market Participants*-----

**Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/ Qualifications	Statutory Citation	Fees
Producer - Limited Lines	<a href="#">OK Insurance Department</a>	There are no specific educational requirements. However, a working knowledge of the occupation is necessary. Possible knowledge areas include Credit, Car Rental, Crop, Travel, Surety, and Pre-Paid Legal insurance. In accordance with 36 O.S. §1435.2(10) "Limited line credit insurance" includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection insurance, known as "gap" insurance, and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation that the Insurance Commissioner determines should be designated a form of limited line credit insurance.	18 years of age	<a href="#">36 -14A O.S. § 1435.2-1435.41</a>	Application/Renewal Resident Fee for 1 or more LOAs - \$40; Nonresident - \$100 (Biennial) Reinstatement Fee - \$80; Nonresidential - \$200 Limited Lines Car Rental (1 or 2 locations) Application/Renewal Resident & Nonresident - \$40 (Biennial) Reinstatement Fee - \$80 Limited Lines Car Rental (3 or more locations) Application/Renewal Resident & Nonresident - \$500 (Biennial) Reinstatement Fee \$1000

# Occupational Licensing Blueprint

## **License Details**

What is the license? Insurance Producer- Limited Lines- Individual

What does the license cover? \_\_\_\_\_

These licenses may include the limited lines of Crop Insurance, Travel Insurance, Motor Service Club, Portable Electronics, Credit Insurance, Crime & Fidelity Bonds.

What Board regulates the license?

There is not a Board that regulates any of our licenses. The Oklahoma Insurance Department is the authority responsible for regulating licensure of these individuals and entities in the state. The Department has a licensing division which works directly with the licensee, as well as other divisions that assist in the regulation of these individuals and entities such as the Legal Division, the Market Conduct (Financial) Division, and the Consumer Assistance Division.

## **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1)

Protection of the Public-- Licensed Insurance Professionals have the important role of providing the public with insurance services for a variety of needs including policies and claims services. The Public and Consumers rely on the protections offered through insurance, and trust our insurance professionals to recommend appropriate and comprehensive coverage or provide fair and accurate claims support when a loss is experienced. Insurance licensing regulation is able to provide comprehensive checks of licensees in the resident state and in any other state where business has taken place. For many Oklahomans, an insurance policy is all that stands between them and financial ruin in the event of an accident, illness, or other unexpected catastrophe. Consumers must therefore be on guard against deceptive and fraudulent practices by insurers, and the Oklahoma Insurance Department is there to help them.

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

## **Least Restrictive Means**

What means is used to protect the public interest?

The Oklahoma Insurance Department protects the public interest through regulation by preventing insurer insolvency, investigating & preventing fraud, assuring reasonable prices for insurance policies, increasing the availability of all types of insurance protection. The Licensing Division is tasked with ensuring all licensed professionals have the knowledge (through education), the legal background and the professional reputation to conduct business as an insurance professional in the State. The Department oversees the sales practices and claims practices of licensed professionals. In partnership with the National Association of Insurance Commissioners (NAIC) and their subsidiary the National Insurance Producer Registry (NIPR), Oklahoma is able to

participate with other state regulating authorities to ensure that uniform licensing standards are met in all jurisdictions.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest?  
(see Annex, item 4)  Yes     No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----*Continue only if Occupational Licensing was Used*-----

**Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? \_\_\_\_\_

How many of them are active market participants? (see Annex, item 5) \_\_\_\_\_

Is the board controlled by these active market participants? (see Annex, item 6)

Yes     No

-----*Continue only if the Board is Controlled by Market Participants*-----

**Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes     No

\_\_\_\_\_

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Certified General Real Estate Appraiser	<u>Real Estate Appraiser Board</u>	Licensed Real Property - 150 hours of appraiser education; Associate's degree or 30 semester credit hours of college education; Certified Residential Real Property - 200 hours of appraiser education; Bachelor's degree; Certified General Real Property -300 hours of appraiser education; Bachelor's degree Appraiser Trainee - 75 classroom hours. Qualifying courses required above must be the specific regimen of courses mandated by the Core Curriculum of the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of The Appraisal Foundation. Courses and education providers must be those approved by the Real Estate Appraiser Board.	Licensed Real Property - 2,000 hours experience obtained over a period of not less than 12 months; Certified Residential - 2,500 hours obtained over a period of not less than 24 months; Certified General Real Property - 3,000 hours, including a minimum of 1,500 hours of appraisal work consisting of other than 1-4 family residential, completed over a period of not less than 30 months; Appraiser Trainee - no experience required, but must be under the supervision of a certified general or certified residential appraiser.	<u>59 Chapter 20 -VII</u> <u>O.S. § 858-700 et. seq.</u>	Application Fee - \$150 License Fee - \$340 Renewal Fee - \$340

## Occupational Licensing Blueprint

### **License Details**

What is the license? Certified General Appraiser

What does the license cover? Appraisal of all types of real property with any transaction value.

What Board regulates the license? The Oklahoma Real Estate Appraiser Board

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Substantial fiduciary interest

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Occupational License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 8

How many of them are active market participants? (see Annex, item 5) 4

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
The Attorney General's Office

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Certified Residential Real Estate Appraiser	<a href="#">Real Estate Appraiser Board</a>	<p>Licensed Real Property - 150 hours of appraiser education; Associate's degree or 30 semester credit hours of college education.</p> <p>Certified Residential Real Property - 200 hours of appraiser education; Bachelor's degree.</p> <p>Certified General Real Property -300 hours of appraiser education; Bachelor's degree.</p> <p>Appraiser Trainee - 75 classroom hours.</p> <p>Qualifying courses required above must be the specific regimen of courses mandated by the Core Curriculum of the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of The Appraisal Foundation. Courses and education providers must be those approved by the Real Estate Appraiser Board.</p>	<p>Licensed Real Property - 2,000 hours experience obtained over a period of not less than 12 months.</p> <p>Certified Residential - 2,500 hours obtained over a period of not less than 24 months.</p> <p>Certified General Real Property - 3,000 hours, including a minimum of 1,500 hours of appraisal work consisting of other than 1-4 family residential, completed over a period of not less than 30 months.</p> <p>Appraiser Trainee - no experience required, but must be under the supervision of a certified general or certified residential appraiser.</p>	<p><a href="#">59 Chapter 20 VII O.S.</a> <a href="#">§ 858-701 et. seq.</a></p>	<p>Application Fee - \$150 License Fee - \$340 Renewal Fee - \$340</p>

## Occupational Licensing Blueprint

### **License Details**

What is the license? Certified Residential Appraiser

What does the license cover? Appraisal of 1-4 residential units without regard to transaction value or complexity. This includes vacant or unimproved land that is utilized for 1-4 residential units.

What Board regulates the license? The Oklahoma Real Estate Appraiser Board

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Substantial fiduciary interest

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Occupational License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 8

How many of them are active market participants? (see Annex, item 5) 4

Is the board controlled by these active market participants? (see Annex, item 6)  
 Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
The Attorney General's Office

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.



Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
State Licensed Real Estate Appraiser	<a href="#">Real Estate Appraiser Board</a>	Licensed Real Property - 150 hours of appraiser education; Associate's degree or 30 semester credit hours of college education. Certified Residential Real Property - 200 hours of appraiser education; Bachelor's degree. Certified General Real Property -300 hours of appraiser education; Bachelor's degree. Appraiser Trainee - 75 classroom hours. Qualifying courses required above must be the specific regimen of courses mandated by the Core Curriculum of the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of The Appraisal Foundation. Courses and education providers must be those approved by the Real Estate Appraiser Board.	Licensed Real Property - 1,000 hours experience obtained over a period of not less than 6 months. Certified Residential - 1,500 hours obtained over a period of not less than 12 months. Certified General Real Property - 3,000 hours, including a minimum of 1,500 hours of appraisal work consisting of other than 1-4 family residential, completed over a period of not less than 18 months. Appraiser Trainee - no experience required, but must be under the supervision of a certified general or certified residential appraiser.	<a href="#">59 Chapter 20 VII O.S.</a> <a href="#">§ 858-701 et. seq.</a>	Application Fee - \$150 License/Certification Fee - \$340 Renewal fee - \$340
Trainee Real Estate Appraiser	<a href="#">Real Estate Appraiser Board</a>	75 hours of qualifying appraiser education	None	<a href="#">59 Chapter 20 VII O.S.</a> <a href="#">§ 858-701 et. seq.</a>	Application Fee - \$150 License Fee - \$340 Renewal Fee - \$340

## Occupational Licensing Blueprint

### **License Details**

What is the license? State Licensed Appraiser

What does the license cover? Appraisal of non-complex 1-4 residential units having a transaction value less than \$1,000,000 and complex 1-4 residential units having a transaction value less than \$400,000.

What Board regulates the license? The Oklahoma Real Estate Appraiser Board

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Substantial fiduciary interest

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

What means is used to protect the public interest? Occupational License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest? (see Annex, item 4)  Yes  No

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

### **Controlling Number of Market Participants on the Board**

How many members are on the regulatory board? 8

How many of them are active market participants? (see Annex, item 5) 4

Is the board controlled by these active market participants? (see Annex, item 6)

Yes  No

-----Continue only if the Board is Controlled by Market Participants-----

### **Active Supervision of the Board**

Is there active state supervision of the board? (see Annex, item 7)  Yes  No  
The Attorney General's Office

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

## Occupational Licensing Blueprint

### **License Details**

What is the license? Trainee Appraiser

What does the license cover? Appraisal of those properties within the authorized scope of the supervisory appraiser.

What Board regulates the license? The Oklahoma Real Estate Appraiser Board

### **Compelling Public Interest**

What is the compelling public interest? (see Annex, item 1) Substantial fiduciary interest

Is this public interest a demonstrated, real, significant, and probable harm? (see Annex, item 2)  Yes  No

### **Least Restrictive Means**

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