

# OLAC License Review/Recommendations 2019

<b>HEALTH, DEPARTMENT OF</b> (07/01/2019)	
<b>License</b>	<b>Commission Recommendation</b>
Adult Day Care Aide	
Medication Aide	
Developmentally Disabled Direct Care Aide	
Feeding Assistant	
Home Health Aid	
Long Term Care Aide	
Residential Care Aide	
Hearing Aid Licensees	
Home Health Administrators )	
Registered Professional Environmental Specialist	
Licensed Genetic Counselor	
Certified Micropigmentologists	
Licensed Sanitarians	
Licensed Tattoo Artists	
Body Piercing Artist	
<b>AGRICULTURE, DEPARTMENT OF</b> (07/01/2019)	
<b>License</b>	<b>Commission Recommendation</b>
Pesticide Applicator: Commercial, non-commercial, consultant, technician (7/1/19)	



**OLAC License Review/Recommendations  
2019**

<b>ALCOHOLIC BEV LAWS ENFORCEMENT- ABLE</b> (07/01/2019)	
<b>License</b>	<b>Commission Recommendation</b>
Manufacturer (7/1/19)	
Employee	
Retail	



**Department of Health Occupational Licenses**  
**Nurse Aide Certifications**

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Adult Day Care Aide	None	Complete 16 hour orientation specific to the facility population. Background check	63 O.S. § 1-1951	\$75.00
Medication Aide	High School Diploma or GED		63 O.S. § 1-1951	\$10.00
Developmentally Disabled Direct Care Aide	None	Complete 16 hour orientation specific to the facility population. Background check	63 O.S. § 1-1951	\$10.00
Home Health Aide	None	Complete 75 hour training program and pass written and clinical skills exam; Background check	63 O.S. § 1-1951	\$10.00
Long Term Care Aide	None	Complete 75 hour training program and pass written and clinical skills exam; Background check	63 O.S. § 1-1951	\$10.00
Residential Care Aide	None	Complete 16 hour orientation specific to the facility population; Background check	63 O.S. § 1-1951	\$10.00
Feeding Assistant	None	Complete 8 hour training program; Background check	63 O.S. § 1-1951	\$10.00

**State Comparison:**

All states license nurse aids. The terminology and scope of these licenses differ across the country.



**Occupational Regulation Blueprint**

License Details

What is the license? Certified Adult Day Care Aide

What does the license cover? Under the supervision of a licensed nurse, aides may assist participants with mobility, assistive devices, activities, hygiene, positioning, and eating.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

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

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Adult Day Care Aides are required to pay a \$10 fee for a biennial renewal of certification and a \$15 fee for retesting if needed.

There were 24 ADCAs in FY18. The combined fees generate approximately \$120 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.



## Occupational Regulation Blueprint

### License Details

What is the license? Certified Medication Aide

What does the license cover? Under the supervision of a licensed nurse, has authority to dispense medications to patients in a correctional facility, county or municipal detention facility, nursing facility, continuum of care facility, assisted living center, adult day care, residential care, or a VA facility.

What Board regulates the license? OK. State Dept. of Health

### Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes. Incorrect drug or dosage, drug interactions, and misappropriation of medication.

### Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing with continuing education. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

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

#### Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Certified medication aides are required to pay a \$10 fee for an annual renewal of certification and a \$15 fee for retesting if needed.

There were 6,074 CMAs in FY18. The combined fees generated approximately \$60,740. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.

**Occupational Regulation Blueprint**

License Details

What is the license? Certified Care Aide for Individuals with Developmental Disabilities

What does the license cover? Under the supervision of a licensed nurse, aides may assist clients with bathing, grooming, dressing, positioning, toileting, and eating in a home for individuals with developmental disabilities.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

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

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Care Aides for Individuals with Developmental Disabilities are required to pay a \$10 fee for an annual renewal of certification and a \$15 fee for retesting if needed.

There were 1,248 aides in FY18. The combined fees generated approximately \$12,480. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.

**Occupational Regulation Blueprint**

License Details

What is the license? Home Health Care Aide

What does the license cover? A home health care aide is any person who provides for compensation nursing services or health-related services to residents in a home health setting.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

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

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Home Health Aides are required to pay a \$10 fee for a biennial renewal of certification and a \$15 fee for retesting if needed.

There were 13,707 HHAs in FY18. The combined fees generate approximately \$68,535 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.

**Occupational Regulation Blueprint**

License Details

What is the license? Certified Long Term Care Aide  
All nurse aides that work in nursing facilities participating in Medicare and Medicaid programs must be certified 42 U.S.C. §§ 1395i-3 and 1396r.  
What does the license cover? Under the supervision of a licensed nurse, aides may assist residents/patients with bathing, grooming, dressing, positioning, toileting, and eating.  
What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.  
Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.  
Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.  
If the answer to the above question is “No” then do not use that type of regulation to protect the public interest.

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_  
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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Long term care aides are not required to pay any fees for initial or renewal of their certifications pursuant to Federal Regulation. Program costs are covered by Medicare and Medicaid grant.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)



**Occupational Regulation Blueprint**

License Details

What is the license? Certified Residential Care Aide

What does the license cover? Authority to provide assistance in behavior management, hygiene and basic nursing skills. nursing services or health-related services to residents in a residential care setting.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing with continuing education. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

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

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

There were 57 certified residential care aides in FY18. They are required to pay a \$10 fee for a biennial renewal of certification and a \$15 fee for retesting, if needed. The combined fees generate approximately \$285 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.

**Occupational Regulation Blueprint**

License Details

What is the license? Registered Feeding Assistant

This registration is required under 63 O.S. § 1951 and 42 CFR 483 and 488 (related to Medicare and Medicaid Certification of the provider).

What does the license cover? The registration provides evidence to the employer that the individual has completed the required training.

Under nurses supervision, gives certified providers the option to use paid feeding assistants, to provide residents with help in eating and drinking.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?

Yes.

Least Restrictive Means

What means is used to protect the public interest? Registration after training and skills assessment.

Employers verify assistant is not on an exclusion registry, and is not ineligible based on criminal history, then registers the assistant after training.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

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

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

There were 576 registered feeding assistants in FY18. They are required to pay a \$10 fee for initial and biennial renewal of registration. The combined fees generate approximately \$3,870 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

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OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.

**Department of Health Occupational Licenses**

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Hearing Aid Dealers and Fitters	A high school graduate or the equivalent Knowledge of hearing loss measurement and the ability to make ear impressions	18 years of age	63 O.S. § 1-1751	License fee - \$50 Renewal fee - \$50
Home Health Administrators	High School Diploma or GED	Complete 160 hour course and pass exam; Background check	63 O.S. § 1-1962a	\$150.00
Registered Professional Environmental Specialist	Four-year baccalaureate degree with a major in public health, environmental health, environmental science, physical science, natural science, biological science, agricultural science, or equivalent from an accredited college or university with at least thirty semester hours of work in physical, natural and biological sciences, public health and/or environmental health or environmental protection or both environmental health and environmental protection.	Two years of postgraduate, full-time experience working in the fields of public health or environmental protection	59 O.S. § 1-1150.9	Certification fee - \$25 Renewal fee - \$25 Lifetime registration fee - \$60
Licensed Sanitarians	Four-year baccalaureate degree with a major in public health, environmental health, environmental science, physical science, natural science, biological science, agricultural science, or equivalent from an accredited college or university with at least thirty semester hours of work in physical, natural and biological sciences, public health and/or environmental health or environmental protection or both environmental health and environmental protection.	Two years of postgraduate, full-time experience working in the fields of public health or environmental protection	59 O.S. § 1-1150.9	Application fee - \$30 Certification fee - \$25 Renewal fee - \$25 Lifetime registration fee - \$60

<p>Licensed Genetic Counselor</p>	<p>Successful completion of a master's degree in genetic counseling training program that is accredited by the American Board of Genetic Counseling or an equivalent entity or doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics or an equivalent entity.</p>	<p>21 years of age. Good moral character ; pass ABGC or ABMG exam</p>	<p>63 O.S. § 1-561</p>	<p>Application Fee - \$300 License fee - none Renewal fee - \$200</p>
<p>Certified Micropigmentologists</p>	<p>A licensed physician or dentist, A registered nurse working under the supervision of a licensed physician, or A person, having received a high school diploma or equivalent, working under supervision of a physician where the level of supervision is defined by the physician in whose office medical micropigmentation is being performed.</p>	<p>21 years of age. Completion of a training course of at least 300 hours or equivalent of competency based instruction encompassing both theory and clinical training. Pass exam</p>	<p>63 O.S. § 1-1457</p>	<p>Certification fee - \$500 Renewal fee - \$100</p>

Licensed Tattoo and Body Piercing Artists	None	<p>18 years of age; Proof of a completed approved apprentice program verified by the Department of Health or 2 year license status from another state (if state does not license, proof can be tax records, or shop inspections with individuals name included);  Affiliation with a body piercing or tattoo establishment that has a current license. Current blood borne pathogen certification recognized from a nationally accredited program.  Current first aid certification.  Current CPR certification. Pass exam</p>	21 O.S. § 842.3	Application fee - \$200 Body Piercing-Initial license - \$250 Renewal - \$250 License Fees for Tattoo Artist Initial license - \$250 Renewal - \$250
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**State Comparison:**

Only licenses with differences across the country were Micropigmentologists and Genetic Counselor. Micropigmentologists - Some states (Arkansas, Texas, Arizona) just require Bloodborne Pathogen Training Genetic Counselor - 22 states license, 6 states have passed legislation or in rulemaking process

All other licenses listed - Home Health Administrator, Hearing Aid Dealers/Fitters, Sanitarians and Environmental Specialists, and Tattoo/Body Piercing Artists appear to be licensed in all or most states.





**Occupational Regulation Blueprint**

*License Details*

What is the license? Hearing Aid Dealers & Fitters

What does the license cover? The fitting and sale of hearing aids

What Board regulates the license? OK State Department of Health

*Compelling Public Interest*

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes

*Least Restrictive Means*

What means is used to protect the public interest? Business license and regulation; examination and annual continuing education.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

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

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

The initial fee is \$145 and annual renewal fees are \$75. There were 182 Hearing Aid Dealers & Fitters in FY18. The combined fees for initial licensing and renewals generate approximately \$12,115 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.

**Occupational Regulation Blueprint**

License Details

What is the license? Certified Home Health Administrator

What does the license cover? Authority to administer a Home Health Agency. Evidence of training and competency.

What Board regulates the license? Oklahoma State Department of Health  
63 O.S. 1-1962a

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing with continuing education. Employers verify administrators are certified, not on any exclusion registries, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

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

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

There were 582 certified home care administrators in FY18 of which 72 were initial certifications. They are required to pay a \$140 initial application fee and a \$55 annual renewal fee. Provisional and deeming application fees are \$80.00. The combined fees generate approximately \$48,000 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.

## Occupational Regulation Blueprint

### License Details

What is the license? Registered Professional Environmental Specialists & Registered Professional Sanitarians

What does the license cover? Authority to perform soil tests to design sewage disposal systems and to conduct food service inspections.

What Board regulates the license? OK State Department of Health and Sanitarian and Environmental Specialist Registration Advisory Council

### Compelling Public Interest

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes

### Least Restrictive Means

What means is used to protect the public interest? Registration with education, experience, examination and ongoing continuing education.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

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

### Notes:

The Council "shall" approve applicants for registration as a sanitarian or environmental specialist upon compliance with the requirements [59 O.S. § 1150.7]. Applicants are submitted to the Council upon evaluation by the OSDH that they have met the requirements. The Commissioner of Health shall issue the certificate of registration to anyone who meets the requirements and is approved by the Council [59 O.S. § 1150.9]. The Commissioner has authority to revoke, not renew, or suspend a registration.

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

### Controlling Number of Market Participants on the Board

How many members are on the regulatory board? <sup>9</sup> \_\_\_\_\_

How many of them are active market participants (see Annex, item 5)? <sup>8</sup> \_\_\_\_\_

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

-----*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, see notes above.

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

There were 518 sanitarians and environmental specialists registered or in training in FY18. The combined fees for initial licensing, renewals, and examinations generated \$13,145. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH licensure, certification and registration programs operate under Title 63 and Title 21. We will review the enacting law and supporting rules for each licensure, certification and registration to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

**Occupational Regulation Blueprint**

License Details

What is the license? Licensed Genetic Counselor

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

Authorizes the licensee to: estimate the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition; help an individual, family, health care providers and the public to appreciate the medical, psychological and social implications of a disorder including its features, variability, usual course, and management options; counsel how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members; facilitate an individual's or family's exploration of the perception of risk and burden associated with a disorder and aide in decision-making regarding testing or medical interventions consistent with the individual's or family's beliefs, goals, needs, resources, culture and ethical or moral views.

What Board regulates the license? OK State Department of Health

Compelling Public Interest

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes

Least Restrictive Means

What means is used to protect the public interest? Specialty occupational license for medical reimbursement; National examination/registration and ongoing continuing education.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

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

Notes:

This occupational license operates as a certification and is issued upon evidence of validated training and/or experience and passing the exam.

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

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? None

How many of them are active market participants (see Annex, item 5)? None

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

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

The initial application fee is \$300 and annual renewal fees are \$200.00. There were 94 counselors in FY18. The combined fees for initial licensing and renewals generate approximately \$16,760. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:

[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.



**Occupational Regulation Blueprint**

License Details

What is the license? Certified Medical Micropigmentologists

What does the license cover? Authority to apply permanent make-up and coverage of traumatized areas

What Board regulates the license? OK State Department of Health

Compelling Public Interest

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?

Yes

Least Restrictive Means

What means is used to protect the public interest? Government certification and regulation through verified, validated training and/or experience, examination, and practice under a licensed physician's supervision.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

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

Notes:

-----*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)? \_\_\_\_\_

-----*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)? \_\_\_\_\_

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

The application fee is \$515 and annual renewal fees are \$100.00. There were 145 Micropigmentologists in FY18. The combined fees for initial licensing and renewals generate approximately \$31,625 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

However, this is an excluded health profession.

**Occupational Regulation Blueprint**

License Details

What is the license? Tattoo and Body Piercing Artists

What does the license cover? Authority to apply permanent ink and piercings to the human body.

What Board regulates the license? OK State Department of Health

Compelling Public Interest

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes

Least Restrictive Means

What means is used to protect the public interest? Occupational and business license; regulation and inspection.  
Verified, validated training and/or experience, examination and annual CPR and blood borne pathogen training.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

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

Notes:

This occupational license operates as a certification and is issued upon evidence of validated training and/or experience and passing the exam.

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

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? None

How many of them are active market participants (see Annex, item 5)? None

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

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.

### Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

The initial and annual renewal license fees are \$250.00. There were 420 tattoo artists and 63 body piercing artists in FY18. The combined fees for initial licensing and renewals generate approximately \$120,750. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:  
[https://www.ok.gov/health/Protective\\_Health/Consumer\\_Health\\_Service/HB\\_2933\\_Information.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html)

**Department of Agriculture Occupational Licenses**

Application License Name	Required Education Level	Required Experiences/Qualifications	Statutory Citation	Fees
Pesticide Applicator: Commercial, non-commercial, consultant, technician	There are no specific educational requirements; however, a working knowledge of the occupation is necessary.	Applicator certification requires the successful completion of at least two examinations.	2 O.S. § 11-97	Private applicator - \$20 Service technician - \$50 Commercial applicator - \$100 Consultant license - \$100

**State Comparison:**

All states license pesticide applicators as EPA has federal standards states must abide by.

**Additional fiscal information:**

Pesticide Applicator fee revenue: \$4,525,638

Department of Agriculture is a state appropriated agency.



Occupational Regulation Blueprint

License Details

What is the certification/license? Certification for Pesticide Applicators, including Service Technicians and Commercial Applicators; Pesticide Applicator Consultant License

What does the certification/license cover? The application of pesticides on others' property

What Board regulates the license? State Board of Agriculture

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? public health, public safety, substantial fiduciary interest; The Federal Insecticide, Fungicide and Rodenticide Act requires the certification of individuals applying pesticides. The U.S. Environmental Protection Agency (EPA) implements this federal law and has delegated authority to the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) to administer the program according to ODAFF's Certification and Training Plan. Without the administration of the program through an agency with this delegated authority, producers cannot use Restricted Use Pesticides in the state of Oklahoma. This would greatly impact farmers and small businesses throughout the state, as they depend on these products and their proper application to safely and efficiently grow crops. This would also impact small businesses as it would prohibit the commercial application of pesticides in restaurants, hotels, and other integral Oklahoma businesses as well as in individuals' homes and yards.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? Yes- demonstrated, real, significant, probable

Least Restrictive Means

What means is used to protect the public interest? Command and Control: Certification holders must prove adequate knowledge of pesticides and application by passing a test. They are also required to carry insurance for losses due to improperly applied pesticides, and complete continuing education. The certification must be renewed every five years.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes--- For the certifications, this is what EPA requires under ODAFF's Certification and Training Plan in order for the agency to maintain delegated authority from EPA.

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)? One board member is a certified private applicator. All board members are ag producers and several utilize restricted use pesticides for agricultural production.

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

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.

### Additional Questions

- Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board;

A private applicator certification is \$20, service technician is \$50, and a commercial applicator is \$100. Fees collected go back into ODAFF's Pesticide Program. These funds are used for administration costs, such as providing cards to prove certification, tracking continuing education credits, and investigating pesticide drift complaints. These fees also help fund production of study materials and training that OSU provides applicators.

- How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670; and,

ODAFF will work with applicants on a case-by-case basis to address questions or concerns that may give rise to denial of an application due to a felony conviction. For military members, ODAFF will grant reciprocity for those certified under a program with equivalent requirements and work on a case-by-case basis with those that are certified under lesser standards.

- How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

ODAFF will comply with the law and grant the waiver to those who qualify.



**ABLE Occupational Licenses**

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Manufacturer	Alcoholic Bev Laws Enforcement- ABLE	None	Criminal history check.	37A § 2-136	\$55.00
Employee	Alcoholic Bev Laws Enforcement- ABLE	None	Training Certification, Criminal history check.	37A § 2-121	\$30.00
Retail	Alcoholic Bev Laws Enforcement- ABLE	None	Criminal history check.	37A § 2-141	\$455/805 /1155

**Fiscal Information:**

The fees for the three licenses attached go to General Revenue, with the exception of \$5.00 from every employee license fee remaining with the The \$5.00 hold back is very new, and started July 2018. Goes towards Operations.  
 ABLE is a state appropriated agency that gave \$8,101,561.67 to General Revenue for FY2018.

**Felony Convictions:**

HB 1030 passed in 2019 legislative session. It lifted restrictions on who can obtain an employee license. Less than a year ago, before State Question all felons were barred from obtaining an employee license. Beginning October 1, 2018 it went to a 5 year look back for convicted felons (excluding violent felonies). HB 1030 does away with all look back periods, but keeps the total bar on violent felonies in place. We will simply cease denying applicants with felony convictions so long as the conviction was non-violent.

**State Comparison:**

Every state requires a license to serve/sell alcohol.



Occupational Regulation Blueprint

License Details

What is the license? Employee License

What does the license cover? Allows an individual to sell/serve alcoholic beverages for the public

What Board regulates the license? XIBLE Commission

Compelling Public Interest

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?

Yes

Least Restrictive Means

What means is used to protect the public interest? License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

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)? 8

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

-----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

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 Regulation Blueprint

License Details

What is the license? Retail Spirit License (liquor store)

What does the license cover? operate a liquor store

What Board regulates the license? ABLE Commission

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

Least Restrictive Means

What means is used to protect the public interest? License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

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)? \_\_\_\_\_

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

-----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)? \_\_\_\_\_

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 Regulation Blueprint**

License Details

What is the license? Manufacturer Agent / Wholesale Agent Licenses

What does the license cover? Allows individual to sell alcoholic beverages to either the wholesale or retail tier

What Board regulates the license? ABLE Commission

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

Least Restrictive Means

What means is used to protect the public interest? License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

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)? \_\_\_\_\_

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

-----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)? \_\_\_\_\_

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.

**OLAC License Review/Recommendations  
2019**

**NURSING BOARD  
(08/05/2019)**

License	Commission Recommendation
Licensed Practical Nurse (LPN) Single State License (SSL)	
Advanced Unlicensed Assistant (AUA)	
Advanced Practice Registered Nurse (APRN)- Certified Nurse Practitioner (CNP)	
Advanced Practice Registered Nurse (APRN) - Clinical Nurse Specialist (CNS)	
Advanced Practice Registered Nurse (APRN) - Clinical Nurse Midwife (CNM)	
Advanced Practice Registered Nurse (APRN) -Certified Registered Nurse Anesthetist (CRNA)	
Multistate (MSL) Registered Nurse (RN) or Licensed Practical Nurse (LPN) license	
Registered Nurse (RN) Single State License (SSL)	

**VETERINARY MEDICAL EXAMINERS, OKLAHOMA STATE BOARD OF  
(08/05/2019)**

License	Commission Recommendation
Veterinarians	
Non Veterinary Equine Dental Technician	
Non Veterinary Reproductive Service Technician	
Faculty-Veterinarian	
Certified Animal Euthanasia Technician	

**WATER RESOURCES BOARD  
(08/05/2019)**

License	Commission Recommendation
Groundwater Well Drilling	
Geotechnical Drilling	
Water well pump Installation	
Geothermal Drilling	



**Board of Nursing Occupational Licenses**

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Advanced Unlicensed Assistant (AUA)	200 contact hours of training in a program approved by the Oklahoma Board of Nursing or equivalent training.	Training or experience as a nursing assistant	59 O.S. §567.6a 59 O.S. §567.7 59 O.S. §567.18	Initial = \$20.00 Renewal = \$25.00 Reinstatement = \$65.00
Licensed Practical Nurse (LPN) Single State License (SSL)	Completion of a state-approved practical nurse program Areas of study include nursing courses, body structure and function, basic nutrition, and personal/vocational relationships. Supervised clinical experience in care of adults, care of children, and maternal-newborn nursing.	Meet criteria for admission into a practical nursing education program.	59 O.S. §567.3a.4, 59 O.S. §567.6, 59 O.S. §567.7, 59 O.S. §567.18	Initial = \$85.00 Renewal = \$75.00 Reinstatement = \$115.00 Testing - \$200
Registered Nurse (RN) Single State License (SSL)	Associate or Bachelor's Degree in nursing from a state-board-approved nursing education program Possible areas of study include biological and physical sciences, social and behavioral sciences, in addition to nursing courses. Supervised clinical experience in care of adults, care of children, maternal-newborn nursing, and psychiatric-mental health nursing	Meet criteria for admission into a college or university	59 O.S. §567.3a.3, 59 O.S. §567.5, 59 O.S. §567.7, 59 O.S. §567.18	Initial = \$85.00 Renewal = \$75.00 Reinstatement = \$115.00 Testing - \$200



<p>Multistate (MSL) Registered Nurse (RN) or Licensed Practical Nurse (LPN) license</p>	<p>Must meet the requirements for licensure or renewal of licensure as required for SSL RN and SSL LPN, as well as the following Uniform Licensure Requirements: Has graduated or is eligible to graduate from a licensing-board-approved RN or LPN/Vocational Nurse (VN) prelicensure education program; or has graduated from a foreign RN or LPN/VN prelicensure education program that (a) has been approved by the authorized accrediting body in the applicable country and (b) has been verified by an independent credentials review agency to be comparable to a licensing-board-approved prelicensure education program; has, if a graduate of a foreign prelicensure education program, not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening.</p>	<p>Meets qualifications for identified nursing education program.</p>	<p>59 O.S. §567.21. Article III (Nurse Licensure Compact)</p>	<p>Application and license fee = \$150; Renewal fee = \$125 Testing Service - \$200</p>
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<p>Advanced Practice Registered Nurse (APRN)- Certified Nurse Practitioner (CNP)</p>	<p>Completion of a formal educational nurse practitioner program accredited by Accreditation Commission for Education in Nursing or the Commission on Collegiate Nursing Education. Possible knowledge areas include communication, interviewing, basic physical exam, pathophysiology, health maintenance, management of chronic illness, and health teaching and counseling. Supervised clinical experience in health facilities. Completion of licensing requirements for a registered nurse. Effective January 1, 2016, the applicant shall have completed an accredited graduate level advanced practice registered nursing education program in at least one of the following population foci: family/individual across the lifespan, adult-gerontology (acute and/or primary), neonatal, pediatrics (acute and/or primary), women's health/gender related, or psychiatric/mental health. Completion of a graduate level advanced practice registered nursing education program that included an academic course in pharmacotherapeutic management and didactic and clinical preparation for prescribing incorporated throughout the program.</p>	<p>Current license to practice registered nursing in Oklahoma Certification in the specialty area by a national certifying body Current certificate of recognition by the Oklahoma Board of Nursing</p>	<p>59 O.S. §567.3a.6 59 O.S. §567.5a 59 O.S. §567.7 59 O.S. §567.18</p>	<p>Initial = \$70.00 Renewal = \$40.00 Reinstatement = \$80.00 Application - \$70</p>
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<p>Advanced Practice Registered Nurse (APRN) - Clinical Nurse Specialist (CNS)</p>	<p>Master's Degree or higher with clinical specialization preparation - Specialty certification by a national certifying body - Supervised clinical experience in health facilities - Completion of licensing requirements for registered nurse Effective January 1, 2016, the applicant shall have completed an accredited graduate level advanced practice registered nursing education program in at least one of the following population foci:  family/individual across the lifespan, adult-gerontology (acute and/or primary), neonatal, pediatrics (acute and/or primary), women's health/gender related, or psychiatric/mental health. Effective January 1, 2016, completion of a graduate level advanced practice registered nursing education program that included an academic course in pharmacotherapeutic management and didactic and clinical preparation for prescribing incorporated throughout the program.</p>	<p>Current license to practice registered nursing in Oklahoma Certification in the specialty area by a national certifying body Current certificate of recognition from the Oklahoma Board of Nursing</p>	<p>59 O.S. §567.3a.7  59 O.S. §567.5a  59 O.S. §567.7  59 O.S. §567.18</p>	<p>Initial = \$70.00  Renewal = \$40.00  Reinstatement = \$80.00</p>
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<p>Advanced Practice Registered Nurse (APRN) - Clinical Nurse Midwife (CNM)</p>	<p>Completion of a program of nurse midwifery accredited by the Accreditation Commission for Midwifery Education Possible areas of study include anatomy, physiology, chemistry, labor and delivery, family planning and gynecology, postpartum, and newborn and professional issues. Completion of licensing requirements for a registered nurse. Effective January 1, 2016, the applicant shall have completed an accredited graduate level advanced practice registered nursing education program in at least one of the following population foci: family/individual across the lifespan, adult-gerontology (acute and/or primary), neonatal, pediatrics (acute and/or primary), women's health/gender related, or psychiatric/mental health. Completion of a graduate level advanced practice registered nursing education program that included an academic course in pharmacotherapeutic management and didactic and clinical preparation for prescribing incorporated throughout the program.</p>	<p>Current license to practice registered nursing in Oklahoma Certification in the specialty area by a national certifying body Current certificate of recognition from the Oklahoma Board of Nursing</p>	<p>59 O.S. §567.3a.8, 9 59 O.S. §567.5a 59 O.S. §567.7 59 O.S. §567.18</p>	<p>Initial = \$70.00 Renewal = \$40.00 Reinstatement = \$80.00</p>
<p>Advanced Practice Registered Nurse (APRN) - Certified Registered Nurse Anesthetist (CRNA)</p>	<p>Completion of an educational program of a school of nurse anesthetists accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs/Schools Possible areas of study include anatomy, physiology, microbiology, chemistry, nutrition, psychology, and behavioral science. Supervised clinical experience in health facilities Completion of licensing requirements for a registered nurse Effective January 1, 2016, the applicant for initial licensure or licensure by endorsement as a CRNA must hold a graduate-level degree from a program preparing the graduate for certification as a nurse anesthetist accredited by the American Association of Nurse Anesthetists' Council on Accreditation of Nurse Anesthesia Educational Programs.</p>	<p>Current Oklahoma license to practice registered nursing- Certification in the specialty area by a national certifying body Current certificate of recognition from Oklahoma Board of Nursing</p>	<p>59 O.S. §567.3a.10 59 O.S. §567.5a 59 O.S. §567.7 59 O.S. §567.18</p>	<p>Initial = \$70.00 Renewal = \$40.00 Reinstatement = \$80.00</p>



## Occupational Regulation Blueprint

### License Details

What is the license? Advanced Unlicensed Assistant (AUA) Certification<sup>1</sup>

As of May 15, 2019, there were 504 Advanced Unlicensed Assistants actively certified in Oklahoma.

What does the license cover? Authority for unlicensed individuals who have successfully completed a Board-approved certified training program education program and certification testing to perform specified technical skills on patients in acute care settings under the direction and supervision of the Registered Nurse and Licensed Practical Nurse. [59 O.S. §567.3a(13)]

What Board regulates the license? Oklahoma Board of Nursing.

How long has the occupation been regulated? Since 1996.

### 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)

The Advanced Unlicensed Assistant (AUA) skill set includes multiple selected invasive procedures which require advanced training and competency assessment through written and skill testing. Should this certification go away, the AUA skill set would then be performed by an individual with a higher level of licensure.

### Least Restrictive Means

What means is used to protect the public interest? A government certification

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? No. Private certification may be an option, but currently is not available.

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

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

### Controlling Number of Market Participants on the Board<sup>2</sup>

How many members are on the regulatory board? 11.

How many of them are active market participants (see Annex, item 5)? None.

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

<sup>1</sup> 59 O.S. §§567.3a(13), 567.6a, and OAC 485:10-10

<sup>2</sup> The tasks performed by AUAs are delegated by higher levels of nursing licensure. The higher levels of licensure are members of the Board.

-----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, per Executive Order 2019-17, identified non-rulemaking actions proposed by the Board of Nursing are submitted to the Office of the Attorney General for review and written analysis, with deference to any recommendation made by the Office of the Attorney General.

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 Regulation Blueprint

### License Details

What is the license? Licensed Practical Nurse – Single State License<sup>1</sup>

As of May 15, 2019 there were 16,077 single-state Licensed Practical Nurses actively licensed in Oklahoma.

What does the license cover? In Oklahoma, there are three pathways to licensure as a Licensed Practical Nurse (LPN):

(1) Licensure authority for individuals who have successfully completed a Board-approved practical nursing education program that meets the requirements of OAC 485:10-5-6(e)(1) and (2), and showing the diploma or degree and date conferred; or

(2) Licensure authority for an individual who has completed equivalent courses through a state approved registered nursing education program of nursing with a minimum overall grade point average of 2.0 and a grade of a "C" or higher in all nursing courses; or

(3) Licensure authority for an individual who has completed a registered nursing education program in a foreign country and meets through equivalent courses the requirements of OAC 485:10-9-2(d).

Effective January 19, 2018, with the implementation of the enhanced Nurse Licensure Compact (eNLC), individuals could apply for a multistate licensed practical nursing, allowing the multistate licensees to practice in person or via telehealth in both Oklahoma and other eNLC party states. Thus far, thirty-three states have enacted eNLC legislation. All applicants for a multistate license through the eNLC are required to meet the same Uniform Licensure Requirements. Enhanced Nurse Licensure Compact information is presented in greater detail in the "Multistate Registered Nurse or Licensed Practical Nurse Blueprint".

Individuals obtaining licensure through equivalency as described in (2) and (3) above may not be recognized as LPNs in other surrounding states, as they have not completed a state-approved nursing education program. In addition, licensees granted licensure through equivalency in (2) above are not eligible for a multistate license as they do not meet the Uniform Core Licensure Requirement of having graduated from a licensing-board-approved RN or LPN precicensure education program [59 O.S. §567.21, Article III(c)(2)].

Effective May 25, 2015, a Veteran who has completed Basic Medical Technician Corpsman Program (Navy/Air Force), Air Force Independent Duty Medical Technician, or Army Health Care Specialist training may participate in the Medic Veteran to Licensed Practical Nurse Bridge Course. Veterans with such prior military medical training and experience may transition into practical nursing education programs through advanced placement procedures [59 O.S. §567.20]. The process of transition shall include the provisions of Section 4100.3 of Title 59 of the Oklahoma Statutes. The Medic Veteran to

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<sup>1</sup> 59 O.S. §§567.3a(4), 567.6, and OAC 485:10-9



How long has the occupation been regulated?

What Board regulates the license? Oklahoma Board of Nursing.

How long has the occupation been regulated? Since 1953.

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. The Licensed Practical Nurse directed scope of practice of nursing includes contribution to the assessment of the health status of individuals, participates in the development and modification of the nursing plan of care, implements the appropriate aspects of the plan of care, delegates tasks as may be safely performed by others, provides safe and effective nursing care, participates in the evaluation of responses to interventions, teaches basic nursing skills and related principles, performs additional nursing procedures in accordance with knowledge and skills acquired through education beyond nursing preparation, and delegates defined nursing tasks to Advanced Unlicensed Assistants.

Least Restrictive Means

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

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4) Yes. Licensed Practical Nurses are licensed in all 50 states and District of Columbia.

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

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

Controlling Number of Market Participants on the Board<sup>2</sup>

How many members are on the regulatory board? 11.

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

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

<sup>2</sup> The tasks performed by LPNs may be delegated by higher levels of nursing licensure. The higher levels of licensure are members of the Board.

Attorney General for review and written analysis, with deference to any recommendation made by the Office of the Attorney General.

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.

What does the license cover? In Oklahoma, there are two pathways to licensure as a registered nurse (RN):

(1) Licensure by Examination: Licensure authority for individuals who have successfully completed a Board-approved registered nursing education program that meets the requirements of OAC 485:10-5-6(d)(1, (2) and (3); and showing the diploma or degree and date conferred; or

(2) Licensure by Endorsement: In addition to meeting the requirements cited for licensure by examination, the individual must demonstrate evidence of continued qualifications for practice through completion of at least one of the four options included in OAC 485:10-7-2(a)(6) and (7). Licensure authority exists for an individual who has graduated from a government-approved post-secondary nursing education program in a foreign country and meets the requirements of OAC 485:10-7-2(d).

Effective January 19, 2018, with the implementation of the enhanced Nurse Licensure Compact (eNLC), individuals could apply for a multistate registered nursing license, allowing the multistate licensees to practice in person or via telehealth in both Oklahoma and other eNLC party states. Thus far, thirty-three states have enacted eNLC legislation. All applicants for a multistate license through the eNLC are required to meet the same Uniform Licensure Requirements. Enhanced Nurse Licensure Compact information is presented in greater detail in the "Multistate Registered Nurse or Licensed Practical Nurse Blueprint".

What Board regulates the license? Oklahoma Board of Nursing.

How long has the occupation been regulated? Since 1910.

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. The Registered Nurse scope of practice of nursing includes assessing the health status of individuals, analyzing assessment data in determining nursing care needs, establishing goals to meet identified health care needs; planning the strategy of nursing care; prioritizing nursing interventions; implementing the strategy of care; delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the provisions of the Nursing Practice Act; providing safe and effective care directly or indirectly; evaluating responses to interventions; teaching the principles and practice of nursing; managing and supervising the practice of nursing; collaborating with other health professionals in the management of health care; performing

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<sup>1</sup> 59 O.S. §§567.3a(3), 567.5, and OAC 485:10-7

item 4) Yes. Registered Nurses are licensed in all 50 states and the District of Columbia.

If the answer to the above question is "No", then do not use that type of regulation to protect 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)? Six.

Is the Board controlled by these active market participants (see Annex, item 6)? 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, per Executive Order 2019-17, identified non-rulemaking actions proposed by the Board of Nursing are submitted to the Office of the Attorney General for review and written analysis, with deference to any recommendation made by the Office of the Attorney General.

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.

What does the license cover? In Oklahoma, there are two pathways to multistate licensure as a Registered Nurse (RN) and a Licensed Practical Nurse (LPN);

(1) Licensure by Examination: Licensure authority for individuals who have successfully completed a Board-approved registered nursing education program that meets the requirements of OAC 485:10-5-6(d)(1), (2) and (3); and showing the diploma or degree and date conferred; or

(2) Licensure by Endorsement: In addition to meeting the requirements cited for licensure by examination, the individual must demonstrate evidence of continued qualifications for practice through completion of at least one of the four options included in OAC 485:10-7-2(a)(6) and (7) for RNs and OAC 485:10-9-2(a)(5) and (6) for LPNs. Licensure authority exists for an individual who has graduated from a government-approved post-secondary nursing education program in a foreign country and meets the requirements of OAC 485:10-7-2(d) for RNs and OAC 485: 10-9-2(d) for LPNs .

Effective January 19, 2018, with the implementation of the enhanced Nurse Licensure Compact (eNLC), individuals could apply for a multistate licensed practical nursing or registered nursing license, allowing the multistate licensees to practice in person or via telehealth in both Oklahoma and other eNLC party states. Thus far, thirty-three states have enacted eNLC legislation. All applicants for a multistate license through the eNLC are required to meet the same Uniform Licensure Requirements as identified in the eNLC (59 OS §567.21, Article III, c).

As identified in 59 O.S. §567.21, Article I,b, the general purposes of the enhanced Nurse Licensure Compact are to facilitate the states' responsibility to protect the public's health and safety; ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation; facilitate the exchanges of information among party states in the areas of nurse regulation, investigation and adverse actions; promote compliance with the laws governing the practice of nursing in each jurisdiction; invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party-state licenses; decrease redundancies in the consideration and issuance of nurse licenses; and provide opportunities for interstate practice by nurses (RNs and LPNs) who meet the uniform license requirements.

What Board regulates the license? Oklahoma Board of Nursing.

How long has the occupation been regulated? The eNLC was nationally implemented in January 2018.

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<sup>1</sup> 59 O.S. §§567.20, 567.5, and 567.6; OAC 485:10-7 and OAC 485:10-9

The multistate registered nurse and licensed practical nurse scopes of practice are consistent with the scopes of practice noted on the Registered Nurse and Licensed Practical Nurse Single State Occupational Regulation Blueprints.

Least Restrictive Means

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

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4) Yes. 33 states have enacted the enhanced Nurse Licensure Compact (eNLC), which increases access to care while maintaining public protection at the state level. Under the eNLC, licensed registered nurses and licensed practical nurses can practice in other eNLC party states without having to obtain licensure.

If the answer to the above question is "No", then do not use that type of regulation to protect 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)? Six RNs and three LPNs.

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

-----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, per Executive Order 2019-17, identified non-rulemaking actions proposed by the Board of Nursing are submitted to the Office of the Attorney General for review and written analysis, with deference to any recommendation made by the Office of the Attorney General.

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.

What does the license cover? In Oklahoma, there are two pathways to licensure as an Advanced Practice Registered Nurse (APRN) Certified Nurse Practitioner (CNP):

(1) Licensure by Initial Application: Hold licensure to practice as a Registered Nurse in Oklahoma (single-state RN or multistate RN); completion of an accredited graduate level or higher advanced practice registered nursing nurse practitioner education program meeting the educational requirements of OAC 485:10-15-6; hold national APRN-CNP national certification that is congruent with the advanced education in a specialty area recognized by the Board (12 current and 6 retired national certifications) [59 OS § 567.5a; OAC485:10-15-4(a)]; or

(2) Licensure by Endorsement: In addition to meeting the requirements cited for licensure through initial application, the individual must demonstrate evidence of continued qualifications for practice through completion of at least one of the four options included in OAC 485:10-15-4(c)(2)(A-D).

What Board regulates the license? Oklahoma Board of Nursing.

How long has the occupation been regulated? Since 1980.

#### 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. The APRN-CNP scope of practice of nursing includes providing comprehensive health care to clients in a specific population focus consistent with advanced educational preparation as a Certified Nurse Practitioner and national certification including promotion and maintenance of health; prevention of illness and disability; diagnosis; and, under the supervision by a physician licensed in Oklahoma, prescription of medications, treatments, and devices for acute and chronic conditions and diseases; guidance and counseling services; consultation and/or collaboration with other health care providers and community resources; and referral to other health care providers and community resources [OAC 485:10-15-6(b)].

#### Least Restrictive Means

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

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4) Yes. APRN-CNPs are regulated in 50 states and the District of Columbia.

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<sup>1</sup> 59 O.S. §§567.3a(6), 567.5a and OAC 485:10-15

How many members are on the regulatory board? 11.

How many of them are active market participants (see Annex, item 5)? None.

Is the Board controlled by these active market participants (see Annex, item 6)? 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, per Executive Order 2019-17, identified non-rulemaking actions proposed by the Board of Nursing are submitted to the Office of the Attorney General for review and written analysis, with deference to any recommendation made by the Office of the Attorney General.

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.



What does the license cover? In Oklahoma, there are two pathways to licensure as an Advanced Practice Registered Nurse (APRN) Clinical Nurse Specialist (CNS):

(1) Licensure by Initial Application: Hold licensure to practice as a Registered Nurse in Oklahoma (single-state RN or multistate RN); completion of an accredited graduate level or higher advanced practice registered nursing clinical nurse specialist education program meeting the educational requirements of OAC 485:10-15-7; hold national APRN-CNS national certification that is congruent with the advanced education in a specialty area recognized by the Board (4 current and 34 retired national certifications) [59 OS § 567.5a; OAC 485:10-15-4(a)]; or

(2) Licensure by Endorsement: In addition to meeting the requirements cited for licensure through initial application, the individual must demonstrate evidence of continued qualifications for practice through completion of at least one of the four options included in OAC 485:10-15-4(c)(2)(A-D).

What Board regulates the license? Oklahoma Board of Nursing.

How long has the occupation been regulated? Since 1991.

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. The APRN-CNS accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the scope of practice/role definition statements for the Clinical Nurse Specialist. The scope of practice of nursing includes practicing as an expert clinician in the provision of direct nursing care to a selected population of patients or clients in any setting, including private practice; managing the care of patients or clients with complex nursing problems; enhancing patient or client care by integrating the competencies of clinical practice, education, consultation, and research; and referring patients or clients to other services [59 O.S. §567.3a(7)].

Least Restrictive Means

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

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4) Yes. APRN-CNSs are regulated in 47 states and the District of Columbia.

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<sup>1</sup> 59 O.S. §§567.3a(7), 567.5a and OAC 485:10-15

How many members are on the regulatory board? 11.

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

Is the Board controlled by these active market participants (see Annex, item 6)? 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, per Executive Order 2019-17, identified non-rulemaking actions proposed by the Board of Nursing are submitted to the Office of the Attorney General for review and written analysis, with deference to any recommendation made by the Office of the Attorney General.

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.

What does the license cover? In Oklahoma, there are two pathways to licensure as an Advanced Practice Registered Nurse (APRN) Certified Nurse Midwife (CNM):

(1) Licensure by Initial Application: Hold licensure to practice as a Registered Nurse in Oklahoma (single-state RN or multistate RN); completion of an accredited graduate level or higher advanced practice registered nursing nurse midwifery education program meeting the educational preparation requirements of OAC 485:10-15-8; hold national certification according to the requirements of the American College of Nurse-Midwives (one current national certification) [59 OS § 567.5a; OAC 485:10-15-4(a)]; or

(2) Licensure by Endorsement: In addition to meeting the requirements cited for licensure through initial application, the individual must demonstrate evidence of continued qualifications for practice through completion of at least one of the four options included in OAC 485:10-15-4(c)(2)(A-D),

What Board regulates the license? Oklahoma Board of Nursing.

How long has the occupation been regulated? Since 1980.

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. The APRN-CNM accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the scope of practice/role definition statements for the Certified Nurse Midwife. The scope of practice of nursing includes providing management of care of normal newborns and women, antepartally, intrapartally, postpartally and gynecologically, occurring within a health care system which provides for medical consultation, medical management or referral, and is in accord with standards for nurse-midwifery as defined by the American College of Nurse-Midwives [59 O.S. §567.3a(9)].

Least Restrictive Means

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

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4) Yes. APRN-CNMs are regulated in 50 states and the District of Columbia.

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<sup>1</sup> 59 O.S. §§567.3a(8), 567.5a and OAC 485:10-15

How many members are on the regulatory board? 11.

How many of them are active market participants (see Annex, item 5)? None.

Is the Board controlled by these active market participants (see Annex, item 6)? 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, per Executive Order 2019-17, identified non-rulemaking actions proposed by the Board of Nursing are submitted to the Office of the Attorney General for review and written analysis, with deference to any recommendation made by the Office of the Attorney General.

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.

order, obtain and administer drugs (prescriptive authority).

What does the license cover? In Oklahoma, there are two pathways to licensure as an Advanced Practice Registered Nurse (APRN) Certified Registered Nurse Anesthetist (CRNA):

(1) Licensure by Initial Application: Hold licensure to practice as a Registered Nurse in Oklahoma (single-state RN or multistate RN); completion of an accredited graduate level or higher advanced practice registered nursing nurse anesthesia education program meeting the educational preparation requirements of OAC 485:10-15-9; hold national certification by the National Board of Certification and Recertification for Nurse Anesthetists that is congruent with the advanced education in a specialty area recognized by the Board (one current national certification) [59 OS § 567.5a; OAC 485:10-15-4(a)]; or

(2) Licensure by Endorsement: In addition to meeting the requirements cited for licensure through initial application, the individual must demonstrate evidence of continued qualifications for practice through completion of at least one of the four options included in OAC 485:10-15-4(c)(2)(A-D).

What Board regulates the license? Oklahoma Board of Nursing.

How long has the occupation been regulated? Since 1976.

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. A CRNA, administers anesthesia under the supervision of a medical doctor, osteopathic physician, podiatric physician or dentist licensed in this state, and under conditions in which timely, on-site consultation by such medical doctor, osteopathic physician, podiatric physician or dentist is available [59 O.S. §567.3a(10)(a)(2)].

Least Restrictive Means

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

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4) Yes. APRN-CRNAs are regulated in 48 states and the District of Columbia.

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

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<sup>1</sup> 59 O.S. §§567.3a(10), 567.5a and OAC 485:10-15

is the board controlled by these active market participants (see Annex, item 6)? 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, per Executive Order 2019-17, identified non-rulemaking actions proposed by the Board of Nursing are submitted to the Office of the Attorney General for review and written analysis, with deference to any recommendation made by the Office of the Attorney General.

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.

(1) **Initial applications.** The following fees shall be charged by the Board of Nursing for initial applications:

- (A) Registered Nurse/Licensed Practical Nurse
  - (i) Licensure examination fee - \$85.00
  - (ii) Endorsement fee - \$85.00
  - (iii) Education equivalence evaluation fee - \$40.00
  - (iv) Cost of national examination
  - (v) R.N. examination challenge of results fee - \$200.00
  - (vi) LPN examination challenge of results fee - \$125.00
  - (vii) Examination review fee - \$90.00
  - (viii) Temporary license fee - \$10.00
- (B) Advanced Unlicensed Assistant
  - (i) Certification examination fee - \$20.00
  - (ii) Cost of examination
- (C) Advanced Practice Registered Nurses
  - (i) Licensure fee - \$70.00
  - (ii) Prescriptive authority fee - \$85.00
  - (iii) Authority to order, select, obtain and administer drugs - \$85.00

(2) **Renewal.** The following fees shall be charged in accordance to the biennial licensure/certificate/recognition renewal schedule established by the Board:

- (A) Registered Nurse/Licensed Practical Nurse license - \$75.00
- (B) Advanced Unlicensed Assistant certificate - \$25.00
- (C) Advanced Practice Registered Nurse licensure - \$40.00
- (D) Prescriptive authority - \$40.00
- (E) Authority to order, select, obtain and administer drugs - \$40.00
- (F) Reinstatement of lapsed license/ certificate/recognition - renewal fee(s) + \$40.00
- (G) Return to active - renewal fee(s) + \$40.00

(3) **Miscellaneous fees.** The following miscellaneous fees shall be charged by the Board:

- (A) Transcripts from closed schools of nursing - \$15.00
- (B) Duplication or modification of license/certificate/recognition - \$25.00
- (C) Certified verification of license/ certificate/recognition - \$40.00
- (D) Written verification of status of license/certificate/recognition - \$10.00 per name
- (E) Supervisory Physician change request - \$10.00
- (F) Requested review of contact hours for Prescriptive Authority - \$70.00
- (G) Corporation certificate - \$15.00
- (H) Certificate for framing - \$15.00
- (I) Insufficient funds processing fee - \$25.00
- (J) Facsimile (Fax) fee (per page) - \$1.00
- (K) Oklahoma Nursing Practice Act, Rules - \$15.00
- (L) Full survey visit to a nursing education program - \$500.00
- (M) Consultative visit to a nursing education program - \$250.00

2. **Statute Authority for cost of Multistate license and renewal**

**59 OS Section 567.7 (D):** The application fee for a multistate license issued pursuant to Section 5 of this act shall be One Hundred Fifty Dollars (\$150.00). The biennial multistate license renewal fee shall be One Hundred Twenty-five Dollars (\$125.00)

3. **Statute Authority for Administrative Penalty and Recovery Costs:**

**59 OS Section 567.8 (J)**

1. Any person who has been determined by the Board to have violated any provisions of the Oklahoma Nursing Practice Act or any rule or order issued pursuant thereto shall be liable for an administrative penalty not to exceed Five Hundred Dollars (\$500.00) for each count for which any holder of a certificate or license has been determined to be in violation of the Oklahoma Nursing Practice Act or any rule promulgated or order issued pursuant thereto.
2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of this section, after notice and an opportunity for hearing is given to the accused. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to practice, and any show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Nursing Practice Act.

**59 OS Section 567.8 (M)** In the event disciplinary action is imposed in an administrative proceeding, the Board shall have the authority to recover the monies expended by the Board in pursuing any disciplinary action, including but not limited to costs of investigation, probation or monitoring fees, administrative costs, witness fees, attorney fees and court costs.

4. <b>FY2018 Revenue</b>	Amount	Percent
Fees	\$ 3,785,966.72	95.4%
Less 10% to State General Revenue Fund	(\$ 378,594.69)	
Administrative Penalties	\$ 178,000.00	4.5%
Recovery Costs	\$ 4,328.74	0.1%
Total Revenue	\$ 3,589,700.77	



Registered Nurses	56,388
Licensed Practical Nurses	18,871
Advanced Practice Registered Nurses	4,034
Prescriptive Authority Recognitions	3,204
Advanced Unlicensed Assistant Certifications	539
Total Licenses/Recognitions/Certifications	83,036

B. Regulate nursing education programs.

Type of Program	Number of Programs/Campuses
Advanced Unlicensed Assistant	7 programs
Licensed Practical Nurse	29 programs/49 campuses
Registered Nurse	29 programs/51 campuses
Advanced Practice Registered Nurse	4 programs

C. Provide initial licensure (exam or endorsement), biennial renewal, multistate licensure to existing licensees, and reinstatement of licensure of duly qualified applicants; process licensure modifications; issue licensure verifications.

Total Applications Received	Average Processing Time	% Received Online
51,511	1.37 business days	99%

D. Investigate alleged violations of the nursing practice act; conduct administrative settlement conferences and/or licensure hearings upon allegations of violations; issue corrective action or disciplinary action; monitor compliance.

Number of alleged violations received	2,172
Number of alleged violations requiring an investigative case be opened	562
Number of settlement conferences	238
Number of administrative hearings	92
Number of corrective action orders issued	70
Number of nurses disciplined	309
Rate of nurses disciplined to total number of licensees regulated	0.4%
Number of compliance cases monitored	277
Average number of months for incident/case resolution	2.5 months

records under the provisions of the Open Records Act.

Number of Licensure Records Maintained	Number of Open Record Requests
181,970	2,471

## II. Implementation of New Laws

### 1. HB1373 Legislation related to felony convictions

The Board formed a subcommittee to work on this legislative concept in November 2018. The subcommittee has reviewed 178 criminal offenses in the Oklahoma statutes. The subcommittee plans to present to the full Board at the July 2019 Board Meeting, a list of felony convictions that substantially relate to the practice of nursing and poses a reasonable threat to public safety that would prevent licensure. During the September 2019 Board Meeting, the Board will review and adopt emergency rules for submission to Governor to implement the provisions of HB1373 by November 1, 2019.

### 2. SB 670 Legislation related to military member/spouse reciprocity

Board staff drafted new language to be placed in all endorsement applications to readily identify applicants who are active duty military or the spouse of an active duty military individual. In addition, Board staff are working with the Office of Management and Enterprise Services and Oklahoma Interactive in developing a process in which these online applications will be accepted without payment, ensuring that the fee for the first period of license issuance is waived.

## III. Implementation of HB 2933, codified at 59 O.S. § 4003

The Board is exempt from this statute, see 59 O.S. § 4003 (A).



### Veterinary Medical Examiners, Board of Occupational Licenses

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Registered Veterinary Technician	Associate's Degree in Applied Science Possible areas of study include a basic core of English, history, and government. Subjects related to this field include physiology, nutrition, laboratory techniques, animal nursing, pharmacology, and radiology. Eight-week preceptor at a veterinary clinic under a licensed veterinarian.	State examination.	O.S. § 698.1	Application Fee - \$430 (for national exam and Application Fee total) Renewal fee - \$45
Veterinarians	Graduate from an accredited college with a Doctor of Veterinary Medicine Degree Possible areas of study include physical and biological sciences and veterinary medicine. Professional training includes considerable practical experience through rotations that provide experience in diagnosing and treating animal diseases, performing surgery, and performing laboratory work in anatomy, biochemistry, and other medical and scientific subjects.	Three recommendations must be submitted. The recommendation must be a representation of clinical skills and competence and authored by a colleague who is currently licensed in a state of the United States and in good standing with licensing jurisdiction of that state. Good moral character At least 21 years of age	O.S. § 698.1	Renewal fee - \$225 NAVLE - \$790 OSBE - \$150
Non Veterinary Equine Dental Technician	complete 80 hours of training from a Board accepted program or certification from International Association of Equine Dentistry or its equivalent approved by the Board	Not applicable	O.S. § 698.1	\$200/year Application fee - \$200

Non Veterinary Reproductive Service Technician	hold a Ph.D w/emphasis in animal reproductive physiology, or Master of Science w/emphasis in animal reproductive physiology in addition to having Board Certification from American Registry Professional Animal Scientists	Not applicable	O.S.§ 698.1	\$200/year Application fee - \$200
Faculty-Veterinarian	Doctor of Veterinary Medicine and have Faculty position at one of states institution of higher learning	Not applicable	O.S.§ 698.1	Application fee - \$125 Renewal fee - \$175
Certified Animal Euthanasia Technician	High school diploma or GED	Training and passing of state examination	O.S.§ 698.1	Certification fee - \$200 Renewal fee is - \$40 per year



# Oklahoma State Board of Veterinary Medical Examiners

2920 N. Lincoln Blvd., Suite C  
Oklahoma City, OK 73105  
Main (405) 522-8831 Fax (405) 522-8034

## Occupational License Blueprint

### License Details

Doctor of Veterinary Medicine (DVM) - a person who has received a degree in veterinary medicine or its equivalent from a school of veterinary medicine; "Licensed veterinarian" means any veterinarian who holds an active license to practice veterinary medicine in this state;

Faculty - veterinary faculty license issued to a veterinarian associated with one of the state's institutions of higher learning and involved in the instructional program of either undergraduate or graduate veterinary medical students.

Non-veterinary equine dental care provider – individual that has completed at least eighty (80) hours of training in equine dentistry at the Texas Institute of Equine Dentistry, the Academy of Equine Dentistry or a similar program approved by the Board.

Non-veterinary reproductive services technician – individual who qualifies and passes a written certification examination approved by the Board and who holds a Ph.D. from an accredited college or university with emphasis in animal reproductive physiology, or a Master of Science degree from an accredited college or university with emphasis in animal reproductive physiology and Board Certification in animal physiology by the American Registry of Professional Animal Scientists.

Certified Euthanasia technician (CAET) - must be an employee of a law enforcement agency, an animal control agency, or animal shelter that is recognized and approved by the Board, who is certified by the Board and trained to administer sodium pentobarbital to euthanize injured, sick, homeless or unwanted domestic pets and other animals. Be at least eighteen years old, take and pass a written jurisprudence examination and a practical examination for euthanasia of animals.

### What does the license cover after licensing and meeting qualifications

Doctor of Veterinary Medicine – a health professional who specializes in the causes and treatment of diseases and disorders of domestic and wild animals; allows diagnosing, surgery, treating, correcting, changing, relieving, physical or mental conditions including the prescribing

or administering of any drug, medicine, biologic, apparatus, application, anesthetic, telemedicine, animal chiropractic diagnosis and treatment, or other therapeutic diagnostic substance or technique; dentistry; complementary and alternative therapies; provides health care to the state's animal population, including, livestock, poultry, and pets.

Faculty veterinarian – same as a Doctor of Veterinary Medicine but can only practice at the state's institutions of higher learning - Oklahoma State University. This is considered a modified license.

Non-veterinary equine dental care provider – Allows the removal of enamel points and the smoothing, contouring and leveling of dental arcades and incisors of equine and other farm animals. It shall not include dental procedures on canines and felines.

Non-veterinary reproductive services technician – shall be limited to nonsurgical embryo transfer in ruminating animals including cattle, sheep, goats, farmed deer and other ruminating exotic animals such as those found in zoos, and may include basic ultrasonography of their ovaries to evaluate the response to embryo-transfer-associated procedures and of the uterus to determine pregnancy by the detection of a heartbeat within the transferred embryo at or greater than twenty-eight (28) days of gestation of such ruminating animals

Certified euthanasia technician - an employee of a law enforcement agency, an animal control agency, or animal shelter that is recognized and approved by the Board, who is certified by the Board and trained to administer sodium pentobarbital to euthanize injured, sick, homeless or unwanted domestic pets and other animals. Once certified by the Board they are allowed to obtain an Oklahoma Bureau of Narcotics and Dangerous Drug Registration as well as a Drug Enforcement Administration Registration to humanely euthanize animals.

### **What is the compelling public interest**

Doctor of Veterinary Medicine - As licensed professionals overseeing and safeguarding the use of prescription drugs in animals, a veterinarian helps ensure the proper administration, dosage and usage of veterinary drugs, including drug withdrawal times for food animals. Without such safeguards drug diversion could occur that may be used for non-medicinal purposes or contaminated animal food sources could occur, thereby threatening public health and safety. The veterinarians are responsible for the safety of food of animal origin through animal inspections and certification and also checking for treating zoonotic (diseases that are spread from animals to people) and contagious diseases.

Faculty veterinarian – same as a Doctor of Veterinary Medicine but can only practice at the state's institutions of higher learning - Oklahoma State University.

Non-veterinary equine dental care provider – Being registered or holding a permit protects the public and animals from incompetent individuals. Contagious diseases, both to humans and to animals, can be spread by the services performed by unlicensed and untrained lay people.

Non-veterinary reproductive services technician - Being registered or holding a permit protects the public and animals from incompetent individuals. Contagious diseases, both to humans and to animals, can be spread by the services performed by unlicensed and untrained lay people. Furthermore, food animals treated by unlicensed individuals could have drug residues that go undetected and contaminate human food supplies.

Certified euthanasia technician - Once certified by the Board they are allowed to obtain an Oklahoma Bureau of Narcotics and Dangerous Drug Registration as well as a Drug Enforcement Administration Registration . The Board properly trains these individuals the pharmacology of, safe and humane administration of, and proper storage of controlled dangerous substances for animal sedation, tranquilization, and humane euthanasia. Also, euthanasia technicians are trained to humanely euthanize the state's population of unwanted, ill, or injured companion animals and some wildlife as necessary; without oversight by the Veterinary Board drug diversion could easily occur. The Board conducts an extensive background check (fingerprint cards) with the OK State Bureau of Investigations as well as the Federal Bureau of Investigations to ensure all individuals have not had any adverse events in their past.

### **Least restrictive means**

This is the least restrictive means –the licensing/credentialing of veterinarians, non-veterinary technicians and euthanasia technicians is very crucial because of the potential risk of drug diversion by an unregulated individual. Research shows an unregulated person is more likely to divert a controlled substance (opioids) for their own use, friends, relatives or even selling them “on the street”. When an individual has nothing at stake such as a license they are more likely to divert an opioid, (they have nothing to lose). An individual that is licensed or credentialed will more often give up their family, friends but typically not their career.

Credentialing the non-veterinary group gains them credibility and raises the standard of those who perform equine dental floating and reproductive services; these individuals can assist veterinarians on the farms and ranches of Oklahoma by referring cases that enable veterinarians to detect and diagnose diseases in a more timely fashion and protect the herd health in Oklahoma. Statistics show that the credentialed non-veterinary group are more likely to partner with a licensed veterinarian.



**Controlling number of market participants on the Board**

6 Board members – 5 licensed veterinarians and 1 lay member  
There is active supervision of the Board  
Governor appoints members – Senate confirms

Actions of the Board have oversight by the Attorney General rendering an official opinion on the Board actions. The Board also contracts with the Attorney General – Legal Counsel section and has a part-time (20 hrs) Assistant Attorney General on staff to guide the Board.

**Expand on the fees collected by your Agency/Board**

Renewals of Licenses	\$498,000	<i>(DVM 2000) (RVT 565) (CAET 125) (Faculty 40)(Non-Vet 19)</i>
Fees for New Licenses	50,000	
SUB TOTAL	\$548,000	
10% PAYABLE	<u>-54,800</u>	
TOTAL	\$493,200	

**How does your Agency/Board plan to implement new laws relating to felony convictions and military member/spouse reciprocity**

We are proposing new statutes to be added to the Practice Act next year and the Board meets a minimum of 6 meetings per year, which will allow us to issue a license in a timely manner.

**How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.**

The Bill has exception for health care profession licenses/certifications; we are a health care profession. (Veterinary Medical Examiners)

## Water Resources Board Occupational Licenses

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Groundwater Well Drilling	There are no specific educational requirements; however a working knowledge of the occupation is necessary. Knowledge areas include basic math, physics, science and safety.	A 90-day residency unless reciprocity applies. Qualifications include two years of experience in water well drilling for the responsible person for the firm and one-year experience for each licensed operator.	82 O.S., § 1020.16 and 1085.2	\$550.00 In state or \$750.00 out of state
Geotechnical Drilling	There are no specific educational requirements; however a working knowledge of the occupation is necessary. Knowledge areas include basic math, physics, science and safety.	A 90-day residency unless reciprocity applies. Qualifications include two years of experience in geotechnical drilling for the responsible person for the firm and one year experience for each licensed operator.	82 O.S., § 1020.16 and 1085.2	\$550.00 In state or \$750.00 out of state
Groundwater Well Pump Installation	There are no specific educational requirements; however a working knowledge of the occupation is necessary. Knowledge areas include basic math, physics, science and safety.	A 90-day residency is required unless reciprocity applies. Qualifications include two years of experience in pump installation for the responsible person for the firm and one year for each licensed operator. Related education can substitute for one year of experience.	82 O.S., § 1020.16 and 1085.2	\$550.00 In state or \$750.00 out of state

Heat Exchange Well Drilling	There are no specific educational requirements; however a working knowledge of the occupation is necessary. Knowledge areas include basic math, physics, science and safety.	A 90-day residency unless reciprocity applies. Qualifications include two years of experience in heat exchange drilling for the responsible person for the firm and one-year experience for each licensed operator.	82 O.S., § 1020.16 and 1085.2	\$550.00 in state or \$750.00 out of state
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**License Breakdown:**

Currently - 368 active contractor licenses - includes all 4 drilling activities licensed (Water Well Drilling, Geotechnical Drilling, Water Well Pump Installation, and Geothermal Drilling). Under these contractors, there are 620 active operators.

In FY2018 alone, 17 new contractor licenses and 52 operator certificates were issued, and 141 contractor licenses renewed.

# Occupational Regulation Blueprint

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## License Details

What is the license?

*Groundwater Well Drilling*

What does the license cover?

*Commercial drilling and plugging of groundwater wells, observation wells, and groundwater well test holes*

What Board regulates the license?

*Oklahoma Water Resources Board ("Board")*

## Compelling Public Interest

What is the compelling public interest?

*Public health and safety; specifically to protect the groundwater many Oklahomans use for drinking water from pollution.*

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

*Demonstrated*

## Least Restrictive Means

What means is used to protect the public interest?

*Occupational license issued to those who have met the educational and training requirements.*

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

*Yes*

## Controlling Number or Market Participants

How many members are on the regulatory board?

*9 Board Members; and 8 members of the Well Drillers and Pump Installers Advisory Council ("Advisory Council")*

How many are active market participants?

*1 on the Board, 8 on the Advisory Council*

Is the board controlled by these active market participants?

*Board – No; Advisory Council - Yes*

## Active Supervision of the Board

Is there state supervision of the board?

*Pursuant to 82 O.S. § 1085.1, 9 Board members are appointed by the Governor to serve on the Board. Under Oklahoma Administrative Code ("OAC") 785:35-1-6, 8 Advisory Council members are appointed by the Board.*

## **Fees**

Please expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board.

*Licensees pay application and renewal fees and an Indemnity Fund fee for their licenses as authorized by 82 O.S. § 1085.2 and § 1020.16. The application and renewal fees go back to the division to help fund water planning and management. The Indemnity Fund fees go into the "Well Drillers and Pump Installers Remedial Action Indemnity Fund" to fund emergency remedial actions to protect groundwater from pollution or potential pollution when a well has been improperly constructed. This fund exists as an alternative to requiring licensees to be bonded and/or insured. Once the Indemnity Fund reaches \$50,000, additional money goes to the "Well Drillers and Pump Installers Regulation Account." This account funds training for licensees (CEUs), routine well inspections, enforcement activities, and reimbursing per-diem and travel costs for the Well Driller and Pump Installers Advisory Council.*

## **Policies Regarding Military Service and Reciprocity**

Please explain how your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670:

*Pursuant to OAC 785:35-3-2, licensees or operators fulfilling a military obligation are granted an indefinite grace period to renew any lapsed license or certification. Pursuant to OAC 785:3-1, the 90-day residency requirement for licensees or operators who are nonresident is licensed and in good standing in a state which also extends similar privileges to licensees and operators licensed in Oklahoma. Continuing education instruction pre-approved in another state qualifies towards a licensee's or operator's in-state requirement under OAC 785:35-3-2 so long as that state similarly accepts continuing education instruction pre-approved under Oklahoma's regulations. The Board intends to enact and/or revise its regulations to issue licenses for licensees to transfer into the state as required by SB 670.*

*No licensee or operator is subject to a criminal background check or prohibited from receiving a license or certificate due to a felony conviction; therefore no regulatory update is needed.*

## **One-Time, One-Year Waiver**

Please explain how your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals:

*The Board intends to enact new regulations or revise existing regulations to meet the requirements of 59 O.S. § 4003.*

# Occupational Regulation Blueprint

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## License Details

What is the license?

*Geotechnical Drilling*

What does the license cover?

*Commercial drilling and plugging of monitoring wells, site-assessment wells, and geotechnical borings*

What Board regulates the license?

*Oklahoma Water Resources Board ("Board")*

## Compelling Public Interest

What is the compelling public interest?

*Public health and safety; specifically to protect the groundwater many Oklahomans use for drinking water from pollution.*

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

*Demonstrated*

## Least Restrictive Means

What means is used to protect the public interest?

*Occupational license issued to those who have met the educational and training requirements.*

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

*Yes*

## Controlling Number or Market Participants

How many members are on the regulatory board?

*9 Board Members; and 8 members of the Well Drillers and Pump Installers Advisory Council ("Advisory Council")*

How many are active market participants?

*1 on the Board; 8 on the Advisory Council*

Is the board controlled by these active market participants?

*Board – No; Advisory Council - Yes*

## Active Supervision of the Board

Is there state supervision of the board?

*Pursuant to 82 O.S. § 1085.1, 9 Board members are appointed by the Governor to serve on the Board. Under Oklahoma Administrative Code ("OAC") 785:35-1-6, 8 Advisory Council members are appointed by the Board*

## **Fees**

Please expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board.

*Licensees pay application and renewal fees and an Indemnity Fund fee for their licenses as authorized by 82 O.S. § 1085.2 and § 1020.16. The application and renewal fees go back to the division to help fund water planning and management. The Indemnity Fund fees go into the "Well Drillers and Pump Installers Remedial Action Indemnity Fund" to fund emergency remedial actions to protect groundwater from pollution or potential pollution when a well has been improperly constructed. This fund exists as an alternative to requiring licensees to be bonded and/or insured. Once the Indemnity Fund reaches \$50,000, additional money goes to the "Well Drillers and Pump Installers Regulation Account." This account funds training for licensees (CEUs), routine well inspections, enforcement activities, and reimbursing per-diem and travel costs for the Well Driller and Pump Installers Advisory Council.*

## **Policies Regarding Military Service and Reciprocity**

Please explain how your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670:

*Pursuant to OAC 785:35-3-2, licensees or operators fulfilling a military obligation are granted an indefinite grace period to renew any lapsed license or certification. Pursuant to OAC 785:3-1, the 90-day residency requirement for licensees or operators who are nonresident is licensed and in good standing in a state which also extends similar privileges to licensees and operators licensed in Oklahoma. Continuing education instruction pre-approved in another state qualifies towards a licensee's or operator's in-state requirement under OAC 785:35-3-2 so long as that state similarly accepts continuing education instruction pre-approved under Oklahoma's regulations. The Board intends to enact and/or revise its regulations to issue licenses for licensees to transfer into the state as required by SB 670.*

*No licensee or operator is subject to a criminal background check or prohibited from receiving a license or certificate due to a felony conviction; therefore no regulatory update is needed.*

## **One-Time, One-Year Waiver**

Please explain how your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals:

*The Board intends to enact new regulations or revise existing regulations to meet the requirements of 59 O.S. § 4003.*

# Occupational Regulation Blueprint

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## License Details

What is the license?

*Groundwater Well Pump Installation*

What does the license cover?

*Commercial installation of water well pumps*

What Board regulates the license?

*Oklahoma Water Resources Board ("Board")*

## Compelling Public Interest

What is the compelling public interest?

*Public health and safety; specifically to protect the groundwater many Oklahomans use for drinking water from pollution.*

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

*Demonstrated*

## Least Restrictive Means

What means is used to protect the public interest?

*Occupational license issued to those who have met the educational and training requirements.*

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

*Yes*

## Controlling Number or Market Participants

How many members are on the regulatory board?

*9 Board Members; and 8 members of the Well Drillers and Pump Installers Advisory Council ("Advisory Council")*

How many are active market participants?

*1 on the Board; 8 on the Advisory Council*

Is the board controlled by these active market participants?

*Board – No; Advisory Council - Yes*

## Active Supervision of the Board

Is there state supervision of the board?

*Pursuant to 82 O.S. § 1085.1, 9 Board members are appointed by the Governor to serve on the Board. Under Oklahoma Administrative Code ("OAC") 785:35-1-6, 8 Advisory Council members are appointed by the Board*



## **Fees**

Please expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board.

*Licensees pay application and renewal fees and an Indemnity Fund fee for their licenses as authorized by 82 O.S. § 1085.2 and § 1020.16. The application and renewal fees go back to the division to help fund water planning and management. The Indemnity Fund fees go into the "Well Drillers and Pump Installers Remedial Action Indemnity Fund" to fund emergency remedial actions to protect groundwater from pollution or potential pollution when a well has been improperly constructed. This fund exists as an alternative to requiring licensees to be bonded and/or Insured. Once the Indemnity Fund reaches \$50,000, additional money goes to the "Well Drillers and Pump Installers Regulation Account." This account funds training for licensees (CEUs), routine well inspections, enforcement activities, and reimbursing per-diem and travel costs for the Well Driller and Pump Installers Advisory Council.*

## **Policies Regarding Military Service and Reciprocity**

Please explain how your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670:

*Pursuant to OAC 785:35-3-2, licensees or operators fulfilling a military obligation are granted an indefinite grace period to renew any lapsed license or certification. Pursuant to OAC 785:3-1, the 90-day residency requirement for licensees or operators who are nonresident is licensed and in good standing in a state which also extends similar privileges to licensees and operators licensed in Oklahoma. Continuing education instruction pre-approved in another state qualifies towards a licensee's or operator's in-state requirement under OAC 785:35-3-2 so long as that state similarly accepts continuing education instruction pre-approved under Oklahoma's regulations. The Board intends to enact and/or revise its regulations to issue licenses for licensees to transfer into the state as required by SB 670.*

*No licensee or operator is subject to a criminal background check or prohibited from receiving a license or certificate due to a felony conviction; therefore no regulatory update is needed.*

## **One-Time, One-Year Waiver**

Please explain how your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals:

*The Board intends to enact new regulations or revise existing regulations to meet the requirements of 59 O.S. § 4003.*

# Occupational Regulation Blueprint

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## License Details

What is the license?

*Heat Exchange Well Drilling*

What does the license cover?

*Commercial drilling and plugging of wells utilized for heat exchange purposes*

What Board regulates the license?

*Oklahoma Water Resources Board ("Board")*

## Compelling Public Interest

What is the compelling public interest?

*Public health and safety; specifically to protect the groundwater many Oklahomans use for drinking water from pollution.*

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

*Demonstrated*

## Least Restrictive Means

What means is used to protect the public interest?

*Occupational license issued to those who have met the educational and training requirements.*

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

*Yes*

## Controlling Number or Market Participants

How many members are on the regulatory board?

*9 Board Members; and 8 members of the Well Drillers and Pump Installers Advisory Council ("Advisory Council")*

How many are active market participants?

*1 on the Board; 8 on the Advisory Council*

Is the board controlled by these active market participants?

*Board – No; Advisory Council - Yes*

## Active Supervision of the Board

Is there state supervision of the board?

*Pursuant to 82 O.S. § 1085.1, 9 Board members are appointed by the Governor to serve on the Board. Under Oklahoma Administrative Code ("OAC") 785:35-1-6, 8 Advisory Council members are appointed by the Board*

## **Fees**

Please expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board.

*Licensees pay application and renewal fees and an Indemnity Fund fee for their licenses as authorized by 82 O.S. § 1085.2 and § 1020.16. The application and renewal fees go back to the division to help fund water planning and management. The Indemnity Fund fees go into the "Well Drillers and Pump Installers Remedial Action Indemnity Fund" to fund emergency remedial actions to protect groundwater from pollution or potential pollution when a well has been improperly constructed. This fund exists as an alternative to requiring licensees to be bonded and/or insured. Once the Indemnity Fund reaches \$50,000, additional money goes to the "Well Drillers and Pump Installers Regulation Account." This account funds training for licensees (CEUs), routine well inspections, enforcement activities, and reimbursing per-diem and travel costs for the Well Driller and Pump Installers Advisory Council.*

## **Policies Regarding Military Service and Reciprocity**

Please explain how your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670:

*Pursuant to OAC 785:35-3-2, licensees or operators fulfilling a military obligation are granted an indefinite grace period to renew any lapsed license or certification. Pursuant to OAC 785:3-1, the 90-day residency requirement for licensees or operators who are nonresident is licensed and in good standing in a state which also extends similar privileges to licensees and operators licensed in Oklahoma. Continuing education instruction pre-approved in another state qualifies towards a licensee's or operator's in-state requirement under OAC 785:35-3-2 so long as that state similarly accepts continuing education instruction pre-approved under Oklahoma's regulations. The Board intends to enact and/or revise its regulations to issue licenses for licensees to transfer into the state as required by SB 670.*

*No licensee or operator is subject to a criminal background check or prohibited from receiving a license or certificate due to a felony conviction; therefore no regulatory update is needed.*

## **One-Time, One-Year Waiver**

Please explain how your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals:

*The Board intends to enact new regulations or revise existing regulations to meet the requirements of 59 O.S. § 4003.*

**OLAC License Review/Recommendations  
2019**

<b>LABOR, DEPARTMENT OF (09/09/2019)</b>	
<b>License</b>	<b>Commission Recommendation</b>
Welder	
<b>COSMETOLOGY AND BARBERING, OKLAHOMA STATE BOARD OF (09/09/2019)</b>	
<b>License</b>	<b>Commission Recommendation</b>
Barber Instructor	
Cosmetologist	
Cosmetology Instructor	
Facialist	
Manicurist	
<b>FUNERAL, BOARD OF (09/09/2019)</b>	
<b>License</b>	<b>Commission Recommendation</b>
Embalmer	
Funeral Director	
<b>CONSTRUCTION INDUSTRIES BOARD (09/09/2019)</b>	
<b>License</b>	<b>Commission Recommendation</b>
Home Inspector	

Department of Labor

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Welder	There are no specific educational requirements; however, a working knowledge of the occupation is necessary. Possible knowledge areas include shielded metal arc welding, stud arc welding, submerged arc welding.	Proof of having passed technical examination	59 O.S., §. 1636	\$25.00

# Occupational Licensing Blueprint

## Roadmap for Occupational Licensing

- Is there a compelling public interest that needs to be protected?
  - If yes, then continue
  - If no, then no regulation is required
  - Types public interests
    - Public health
    - Public safety
    - Fundamental rights
    - Substantial fiduciary interest
- Is the least restrictive means that would sufficiently protect the public interest used?
  - If yes, then continue
  - If no, then use a less restrictive means
  - Regulation options from least restrictive to most restrictive
    - Market Competition
    - Third-party or consumer created ratings and reviews
    - Private certification
    - Specific private civil cause of action or alternative dispute resolution
    - Deceptive trade practice act
    - Regulation of the process of providing specific goods or services to consumers
    - Public inspection
    - Mandatory bonding or insurance
    - Registration
    - Government certification
    - Business License
    - Specialty occupational license for medial reimbursement
    - Occupational license
- If occupational licensing is used, does the board in charge of such licensure have a controlling number of board members as market participants?
  - If yes, continue (board does not have antitrust immunity yet)
  - If no, stop (board has antitrust immunity)
- Is there active supervision of the board's actions by the state?
  - If yes, then board has antitrust immunity
  - If no, then board is subject to antitrust litigation

## Occupational Regulation Blueprint

### License Details

**What is the license?** Oklahoma Welding License

As of 1 July 2019 there were 6,722 licensed welders, 61 certified test facilities, and 104 state certified weld test inspectors.

**What does the license cover?** Any welded assembly in which the bulk of the component parts are prepared and joined by any combination of the cutting and welding processes covered by Section 1628 of the welding act.

**What Board regulates the license?** This license is not regulated by a board but is administered by the Safety Standards Division of the Oklahoma Department of Labor.

### 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

### 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. While the American Welding Society is the definitive certification entity in North America, it does not provide for a basic welding certification. The Oklahoma state welder license enables individual's employment opportunities that may otherwise not be available as there is no training or education requirement. Passing the weld test indicates the required proficiency.

**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?** There is no regulatory board.

**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)?** N/A

-----*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)? No, there is no board.

**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.**

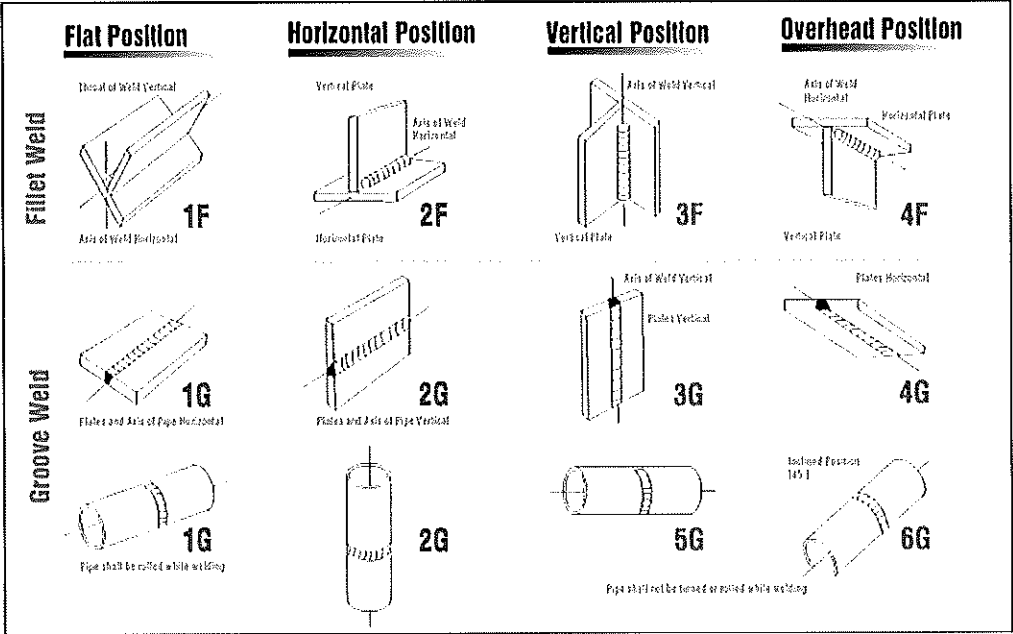
In order to be certified the individual must pass a weld test administered by a state certified weld test inspector at a state certified weld test facility. The annual certification fee for a welding license is \$25.00 (regardless of category or position) with a \$10.00 late fee for up to one (1) year past expiration. After one year past expiration the welder must retake and pass the weld test examination for their respective category and position. There is no fee to upgrade a category.

Fees collected for the 2018 fiscal year included \$184,770.00 in welder certification fees, \$2,300.00 in weld inspector fees and \$15,250.00 in weld test facility fees. The entirety of the \$202,320.00 was deposited in the state’s General Revenue Fund.

Felony convictions and military member/spouse reciprocity found in HB 1373 and SB 670, respectively, will have limited application to this license. A felony conviction does not prevent an individual from entering/performing within this industry. The Oklahoma Department of Labor shall apply all relevant provisions of the SB 670, however, the weld test requirements found in the Oklahoma Welding Act, 59 O.S. §§ 1624 – 1641, would remain in effect for any relocating military member or spouse to ensure public safety. There should be no limiting factors to obtaining a welding license within thirty (30) days of military transfer or honorable discharge to Oklahoma.

HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals has been implemented on a case-by-case basis. There is a process in place to waive the fee(s) for any individual demonstrating a financial need. The Department’s default response is to approve any validated need giving the benefit of the doubt to the individual.





## Annex

1. *Definition of a compelling public interest.* A compelling public interest must be one of the following interests: public health, public safety, fundamental rights, or a substantial fiduciary interest.
2. *Definition of a demonstrated, significant, and probable harm.* A harm is demonstrated when it has occurred in the past. A harm is significant when it could cause damage that merits action by lawmakers. A harm is probable when its propensity to occur merits action by lawmakers. When determining whether a harm is significant and probable, lawmakers may analyze various sources of information, including whether similar activities are licensed or regulated in other states. If, in other states, a lack of licensing does not cause significant harms, the harm is not demonstrated, real, or probable.
3. *List of means from least to most restrictive.*
  - Private Governance Options
    - Market Competition
    - Third-party or consumer created ratings and reviews
    - Private certification
    - Specific private civil cause of action or alternative dispute resolution
  - Public Regulation
    - Deceptive trade practice act
    - Regulation of the process of providing specific goods or services to consumers
    - Public inspection
    - Mandatory bonding or insurance
  - Command and Control
    - Registration
    - Government certification
    - Business license
    - Specialty occupational license for medical reimbursement
    - Occupational license
4. *Definition of sufficient protection.* A regulation sufficiently protects an interest if the regulation adequately remedies the harm or possible harm to the legitimate public interest so that the likelihood of such harm is appropriate considering the degree of damages which the harm may cause. "Sufficient" has not been uniformly defined by courts, but there should be some limitation on the choice to use a high standard of protection (like a guarantee) to justify the most restrictive mean every time.
5. *Definition of an active market participant.* The Court has found that active market participants possess strong private interests in a matter and pose a risk of self-dealing. A conservative interpretation of a "market participant" is any practitioner who works in the general industry, which is affected by the types regulations addressed by their respective boards. One could persuasively argue that these individuals possess strong interests and pose a threat of self-dealing.
6. *Definition of a controlling number.* Justice Alito, in his dissent in *NC Dental*, raises concerns that the Court did not define a "controlling number" on the board. He mentions how it could be a majority, a number required for a veto power, or even an obstructionist minority. To be safe, the State should consider all of these options to be a "controlling number," especially since simpler terms like a "majority"—which clearly indicate a specific standard—are not used by the Court.
7. *Definition of active state supervision.* Active state supervision constitutes more than simply authorizing and enforcing decisions made by the board. States need to establish, review, or monitor decisions to ensure they are clearly articulated and firmly expressed as state policy. Therefore, a state must be reasonably informed to the decisions of a board, and then ratify the board's conduct as proper state policy. The Court has made it clear that a "state does not give immunity to those who violate the Sherman Act by authorizing them to violate it, or by declaring that their violation is lawful."



### Cosmetology Board Occupational Licenses

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Cosmetologist	<p>Eighth-grade education or equivalent 1,500 hours of training in an approved beauty school or an apprenticeship of 3,000 hours Possible areas of study include theory and practical training in hairstyling (cutting), finger waving, thermal, perms, and chemical hair relaxing; manicuring and pedicuring; scalp treatments; skin care, makeup; personality; shop management; beard grooming; and Oklahoma cosmetology law and board rules and regulations.</p>	<p>16 years of age</p>	<p>59 O.S. §§ 199</p>	<p>Application/Initial fee - \$25 Renewal fee - \$25</p>
Cosmetology Instructor	<p>Hold a High School Diploma or a General education Development Certificate 1,000 hours of instructor courses at licensed school of cosmetology or 500 hours if 2 years of recent licensed experience is verified (or equivalent number of credit hours) Possible areas of study include cosmetology training curricula; introduction to teaching; course outlining and development; lesson planning; teaching techniques; aids and developing, administering and scoring of examinations; cosmetology law, board rules and regulations; and practice teaching in both theory and practical</p>	<p>Is over the age of sixteen (16) Hold a current cosmetologist license at time of application</p>	<p>59 O.S. §§ 199</p>	<p>Application/Initial fee - \$50 Renewal fee - \$50</p>

<p>Facialist</p>	<p>Eighth-grade education or equivalent Complete 600 hours of study or equivalent number of credit hours. Possible knowledge areas include structure of skin and diseases; theory and practical training in skin care, makeup, and massage; hygiene, personality, salesmanship, and poise; sanitation and safety; electrical; chemistry and light therapy (pertaining</p>	<p>Is over the age of sixteen (16)</p>	<p>59 O.S. §§ 199</p>	<p>Application/Initial fee - \$25 Renewal fee - \$25</p>
<p>Manicurist</p>	<p>Has completed the eighth grade 600 hours at an approved beauty school or equivalent number of credit hours Possible areas of study include nail structure, composition and diseases, hygiene, personality, salesmanship, poise, and sanitation and safety procedures specific to manicuring and pedicuring. Theory and clinic practice includes artificial nail application and</p>	<p>Is over the age of sixteen (16)</p>	<p>59 O.S. §§ 199</p>	<p>Application/Initial fee - \$25 Renewal fee - \$25</p>

**State Comparison**

Facialist - all states license but 1

Manicurist - all states license but 1; training hours vary from 12 to 750 with an average of 363 training hours required

Cosmotologist - all states license, no major training differences

Cosmotology Instructor - requirements vary by state; some states require years of experience as a cosmetologist while others require additional training

# Occupational Licensing Blueprint

## Roadmap for Occupational Licensing

- Is there a compelling public interest that needs to be protected?
  - If yes, then continue
  - If no, then no regulation is required
  - Types of public interests
    - ✓ Public health
    - ✓ Public safety
      - Fundamental rights
      - Substantial fiduciary interest
- Is the least restrictive means that would sufficiently protect the public interest used?
  - If yes, then continue
  - If no, then use a less restrictive means
  - Regulation options from least restrictive to most restrictive
    - Market Competition
    - Third-party or consumer created ratings and reviews
    - Private certification
    - Specific private civil cause of action or alternative dispute resolution
    - Deceptive trade practice act
    - ✓ Regulation of the process of providing specific goods or services to consumers
    - ✓ Public inspection
      - Mandatory bonding or insurance
      - Registration
      - Government certification
    - ✓ Business License
      - Specialty occupational license for medical reimbursement
    - ✓ Occupational license
- If occupational licensing is used, does the board in charge of such licensure have a controlling number of board members as market participants?
  - If yes, continue (board does not have antitrust immunity yet)
  - If no, stop (board has antitrust immunity)
- Is there active supervision of the board's actions by the state?
  - If yes, then board has antitrust immunity
  - If no, then board is subject to antitrust litigation

Occupational Regulation Blueprint

License Details

What is the license? Cosmetology, Barber, Manicurist, Esthetician

What does the license cover? All cosmetology and barber related services

What Board regulates the license? Oklahoma State Board of Cosmetology and Barbering

Compelling Public Interest

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? yes

Least Restrictive Means

What means is used to protect the public interest? examination, licensure, Public inspection

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? yes

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? eleven (11)

How many of them are active market participants (see Annex, item 5)? 10

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

-----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

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.



Oklahoma State Board of Cosmetology and Barbering  
Advisory Board on Massage Therapy

OCCUPATIONAL LICENSING BLUEPRINT

Additional questions:

1. Fees collected: All agency revenue is generated from licensing fees. The agency operates solely on this revenue. We also contract with other agencies for services such as the AG's office for legal assistance, fleet for vehicles for inspectors, ABS and OMES for various financial services, etc. (approximately 16% of our revenue go toward these services). We are a non-appropriated agency and receive no funding from the state or federal governments. We give 10% of our revenue back to the state's general fund (approximately \$665,000.00 over the past 5 years). The fiscal impact on the agency: Our revenue is our survival. We are good stewards of our revenue and we are able to keep our license fee at a minimum of \$25.00 for a basic license (we have the lowest license fee in the nation).
2. This agency has had rules in place for years for felony convictions and military members. Military member/spouse: all reciprocity fees are waived for reciprocity to Oklahoma, also if someone has been stationed elsewhere and OK. license has expired for years, the back fees and penalties are waived as well as any review hour requirements or testing requirements. For felony convictions we use two rules (is the individual a threat to the public, or is the felony directly related to the industry). We are one of the few agencies that have issued license to felons for many years. We have also approved a Cosmetology School that was established at Mable Bassett Correctional Center for Women two years ago and are in the process of getting one established at Eddie Warrior Correctional Center. We have been approached by a private company to put in a barber program at a men's correctional facility in Lawton, OK. Myself and one of my examiners go to the facility to conduct exams when the offenders have completed their training so they have their license in hand upon release so they can get into the workforce immediately and most have a job waiting when they are released. (several of our chain salon companies have committed to hire as many as they can).
3. Low income individuals: Rule: 175:10-11-2 (d) stipulates the requirements to comply with HB2933. **(d) Waiver of fee for low-income individuals.** Pursuant to the provisions of 59 O.S. 4003A, upon presentation of satisfactory evidence that an applicant for initial licensure or certification, or that a licensee or certificate-holder seeking renewal, is a low-income individual, the Board shall grant a one-time one-year waiver of the fee for the licensure, certification or renewal. A low-income individual is a person who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line. An applicant for licensure must provide documentation showing participation in one of the afore-mentioned



Sherry G. Lewelling  
Executive Director

J. Kevin Stitt  
Governor



Oklahoma State Board of Cosmetology and Barbering  
Advisory Board on Massage Therapy

programs or submit income tax returns showing income below the established threshold. The documentation must be current and must be issued by the federal or state entity administering the program. Copies of income tax returns must be from the most recent tax year prior to the date of licensure application.

2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, OK 73107  
(405) 521-2441 Fax (405) 521-2440  
[www.cosmo.ok.gov](http://www.cosmo.ok.gov)

Funeral Board Occupational Licenses

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Embalmer	20 years of age Legal resident of Oklahoma Citizen of the United States Good moral character	59 O.S. § 396.3	License fee - \$75 Renewal fee - \$75 State Law Exam - \$100	\$550.00 In state or \$750.00 out of state
Funeral Director	20 years of age Legal resident of Oklahoma Citizen of the United States Good moral character	59 O.S. § 396.3	License fee - \$75 Renewal fee - \$75 State Law Exam - \$100	Application/Initial fee - \$25 Renewal fee - \$25



**Occupational Regulation Blueprint**

License Details

What is the license? Funeral Director

What does the license cover? Personal license were an individual licensed to engage in the practice of funeral directing as outlined in the Board Rules

What Board regulates the license? Oklahoma Funeal Board

Compelling Public Interest

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Significant & Probable harm

Least Restrictive Means

What means is used to protect the public interest? Licensee is to follow statutes & rules set by the legislature. Licensee is also required to get continuing education.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? 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? Seven

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

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

-----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

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 Regulation Blueprint

License Details

Embalmer

What is the license? \_\_\_\_\_

What does the license cover? Personal license were an individual licensed to engage in the practice of embalming.

What Board regulates the license? Oklahoma Funeral Board

Compelling Public Interest

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

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? Significant & Probable Harm

Least Restrictive Means

What means is used to protect the public interest? Licensee is to follow statutes and rules set by the legislature. Licensee is also required to get continuing education

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? 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? seven

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

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

-----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

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.

- Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board; Fees fund all aspects of the agency. Payroll, Attorney General Service, OMES service, rent. Etc.. We get no appropriated fees. We get no Federal fees or dollars.
- How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670; and, Amend the appropriate form and web site
- How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals. Amend the appropriate form and web site









Janis Hubbard  
Administrator



J. Kevin Stitt  
Governor

## State of Oklahoma Construction Industries Board

June 10, 2019

Via email: [Christina.Foss@omes.ok.gov](mailto:Christina.Foss@omes.ok.gov)

Ms. Christina Foss  
Project Director  
Occupational Licensing Advisory Commission

RE: CIB Response to Home Inspection Licensing Act Inquiries from the Occupational Licensing Advisory Commission

Dear Occupational Licensing Advisory Commission Members:

Thank you for this opportunity to respond to requests for information concerning the Home Inspection Licensing Act administered by the Construction Industries Board (CIB).

The CIB is a self-funded, non-appropriated state agency whose mission is critical to the protection of the health, safety and welfare of the public. The CIB receives no federal funds and is funded by occupational fees, pursuant to the related statutory trade regulatory acts and administrative rules as adopted through the legislative rulemaking process of the Administrative Procedure Act. It is important to know that the last license fee increase for any trade regulated by the CIB was in 2009 when not all fees were raised and some fees were reduced. Fees for Home Inspectors have not been increased since 2002.

### I. Blueprint Information

The Blueprint form is posted on the ODOL website page for the Occupational Licensing Advisory Commission and listed below.

#### License Details

**What is the license?**  
Home Inspector

#### **What does the license cover?**

The scope of the Home Inspector license is generally work involving the inspection of already constructed residential homes for functionality of systems using standards established by administrative rule as approved by the legislature and issuance of a written

inspection report to the entity requesting the inspection report. For clarification, it is important to note that these inspections are of existing, already constructed homes and do not include inspections on newly constructed homes that may be required by local jurisdictions during the construction process. New home construction inspections, if any, are performed by the local jurisdiction's Building and Construction Inspectors or Authorized Agents of the local jurisdiction when a local permit is pulled. After-built home inspections by Home Inspectors do not allow Home Inspectors to see construction behind walls or under the floor, therefore Home Inspectors inspect only what they can see during the inspection. For a complete description of the Oklahoma scope of work and exemptions and exclusions, see 59 O.S. §858-621, *et seq.* and administrative rules established through the legislative rulemaking process, per the Administrative Procedures Act, at OAC 158:70.

**What Board regulates the license?** The Construction Industries Board.

**Compelling Public Interest**

**What is the compelling public interest (see Annex, item 1)?** Public health and public safety per Annex, item 1. The CIB's mission is to protect life and property by licensing and inspection of the related reads for the health, safety, and welfare of the public.

**Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?** Yes. Harm to property and physical injuries can occur as a result of work below minimum standard. Also, harm to property, physical injuries and even possible deaths have been prevented by licensed Home Inspectors finding life safety issues during the inspection.

**Least Restrictive Means**

**What means is used to protect the public interest?** Occupational licensing to demonstrate to the public and employers a worker has met a minimum standard of competency through course work and examination as well as protecting the public by having general liability insurance no less than \$50,000, lawful presence, etc.

**Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)?** Yes – enforcement of these minimum requirements is necessary to protect the public from non-compliant, possibly transient and unscrupulous individuals posing as trained, licensed professionals; as well as, protecting the current and future homeowners and others who enter the property. These inspections can identify correctable potential hazards to firefighters and other emergency responders who make life and death calls in extreme situations based on certain assumptions that electrical, HVAC and gas systems are functioning correctly and can be properly isolated to aid in rescue, fire suppression and other dangerous situations.

The necessary enforcement is quasi-judicial authority and cannot be delegated. Further, using solely private sector associations or certification programs removes government involvement at the expense of due process, administrative procedures, and power of the authority of the state that cannot be delegated to the private sector.

*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?** Seven (7) members, appointed by the Governor to four (4) year terms, with advice and consent of the Senate.

**How many of them are active market participants (see Annex, item 5)?** None; the CIB board does not have a Home Inspector member.

**Is the board controlled by these active market participants (see Annex, item 6)?** No; the CIB board does not have a majority of market participants in any trade. To confirm this, the Office of the Attorney General does not require any non-rulemaking decisions made by the Construction Industries Board to be reviewed by the Office of the Attorney General as per the Governor's Executive Order 2019-17 (nor the former Executive Order 2015-33).

-----*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)?** N/A – the CIB board is not controlled by active market participants.

*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.*

## **II. Home Inspection Licensing Act Factors to Consider**

The main purpose of a home inspection is to give the client information needed to make an informed decision about the property. They provide a more accurate picture of the property's current condition and can help to identify potential hazards. Many changes in a property's condition could have taken place since the local jurisdiction performed a permitted inspection of some aspect of the property, if it was required at the time of construction. In the case of a home inspection for purposes of sale/purchase in a real estate transaction, home inspections provide independent information for the potential buyer to make an informed decision of the purchase. Home inspections can be a critical part of the home buying and selling process. Most residential Realtors recommend a home inspection to a potential buyer prior to purchasing a home. Failure to obtain a home inspection could potentially cost the buyer a great deal of money and resources in the long run.

The Home Inspector license administered by the CIB sets common-sense standards, provides consistency and helps the industry at a minimal cost to maintain credibility with home and property owners and real estate professionals handling the transaction. The minimum safety standards help ensure the health and well-being of the worker themselves and anyone else on the job site with them, as well as current and future property owners.

### Factors to consider in Home Inspection licensing include:

- Pre-licensing course – Oklahoma requires a 90-hour course; many states require more, internet research shows up to 180 hours, with Texas requiring 130 hours and Arkansas 80 hours.
- \*Examination - Oklahoma requires a 70% passing score on the National Home Inspectors Examination (NHIE) that is closed book, allowing time up to 4 hours.
- Cost of exam - Oklahoma applicants pay \$200 directly to the third party provider.
- Proof of lawful presence to work - Oklahoma requires it.
- Amount of bond - not required in Oklahoma.
- Amount of general liability insurance - Oklahoma requires \$50,000 general liability.
- Certified Financial Statements of certain asset value - not required in Oklahoma.
- Whether an additional firm business license or additional board/agency approval is required other than the trade license category - not required in Oklahoma.
- Mandatory apprenticeship training - not required in Oklahoma.
- Continuing education to renew license - Oklahoma requires 8 hours annually which appears from internet research to be the least with other states requiring **much** more.
- Whether criminal history check is required - not required in Oklahoma.
- Whether the scope of work is similar or would require additional licensing.
- If no state license, do local jurisdiction license by examination or experience requirement?

\*Note: This national examination facilitates portability of the Home Inspector license among the states that accept this exam. A Home Inspector may meet the examination requirement for licensing in multiple states after having taken this exam one time. This expedites the exam portion of the licensing requirements while maintaining state oversight and responsibility of setting and enforcing the other licensing requirements of that state.

### **Advantages of Home Inspector Licensing**

The purpose of regulation of the Home Inspection trade, as in any trade, is to ensure there is compliance with the minimum standard of statutory requirements to perform the skilled-trade work in order to protect life and property of the public. There is a consumer protection and public safety need for a minimum standard of requirements and competency established through licensing.

Regulation of the Home Inspector license provides inherent fairness through a regulatory process for the benefit of consumers, applicants, licensees and complaints by requiring and following administrative procedures and due process requirements for fairness. This regulation provides a mechanism for protection of the public as a whole, a benefit not realized by a "buyer beware" approach to consumer protection.

A deregulation of the Home Inspection trade would eliminate the ability of government to act on behalf of the public and would place enforcement and protection burdens on the consumers who may not have the resources to pursue compliance and relief through the

court system. Oklahoma requirements would be unenforceable, such as OAC 158:70-1-3(a)(4) that requires all Home Inspectors to maintain a log or record of all home inspections performed (five years) and the inspection reports ( three years) from the date of inspection, and OAC 158:70-5-2(f) requiring at least \$50,000 in general liability insurance.

Deferring to private sector certification programs would remove the government's involvement and the quasi-judicial power and authority of the state that cannot be delegated to the private sector. Using solely private sector associations or certification programs would remove government involvement at the expense of due process and administrative procedures not mandated upon the private sector resulting in impacts upon Home Inspector businesses without transparency or oversight of the processes. There would be no Open Records or Open Meeting requirements and no process for recourse of potential unchecked abuses, etc. This could result in potential harm to businesses by adverse actions taken against them by private associations or by unchecked high cost of fees to the Home Inspector to be able to continue in their business.

Home Inspection licensing through the CIB is an important resource for consumers to verify Home Inspector information, insurance and license status. The CIB allows for a more efficient and cost-effective process by investigating and assisting in resolving many disputes that might otherwise go on to the lengthy and costly court system. The "buyer beware" approach does not adequately deter misconduct on behalf of subpar Home Inspectors. The licensing under the CIB helps to protect the most vulnerable citizens such as elderly homeowners and the economically disadvantaged.

By applying these minimal, consistent standards, licensing helps create a level playing field for Home Inspectors and their businesses that supports market stability and fuels the economy by keeping it out of the underground, unscrupulous and transient market. The CIB is a valuable resource for the industry and the public, maintaining a licensee database of experience, examination, continuing education, disciplinary actions, and information on pathways to licensing and the requirements.

The Home Inspector licensing regulations not only help to protect the health, safety and welfare of the public, but help contribute to the education and development of the skilled workforce. This reasonable licensing ensures the continued quality of the trade through ongoing requirement such as testing and continuing education.

The state benefits by having a better educated and skilled workforce and Oklahoma businesses that are employing skilled workers, providing jobs, paying wages, and paying taxes to the state of Oklahoma. Without a minimum standard of knowledge of functional system requirements met through licensing, a larger number of inspections could fail to protect the public, adversely affect more real estate transactions, and possibly result in higher costs for Oklahoma property owners the Oklahoma citizenry.

## **Two General Criticisms of Home Inspections with Ideas for Resolutions**

Although home inspection plays an important part in the real estate transaction, it is recognized that insufficient reporting can adversely affect the buyer after the sale and that over-reporting can unnecessarily adversely affect the sale of a home. Insufficient reporting is inherently an education issue. Many states require more pre-licensing course study and continuing education requirements. Some states appear to require apprenticeships for on-the-job training by shadowing a licensed home inspector for some period of time. Any of these options, or a combination of them, could assist in increasing education and decreasing missed items or under-reporting an inspection and help to resolve this criticism.

It is also recognized that over-reporting in a Home Inspection report can unnecessarily adversely affect the sale of a home - such as citing to building codes or other issues in order to attempt to prevent potential threat of lawsuits. The Oklahoma Home Inspection standards are listed by administrative rule found at OAC 158:70. Currently, these rules set forth the minimum standards for home inspections in Oklahoma and do not describe any maximum standard or place a cap or a stopping point of items to report. Finding workable wording for such a "cap," is a difficult and arduous task in a litigious society especially when considering the needs of the Real Estate Industry as well as the Home Inspection Industry. My understanding is that there is a stakeholder group that is working to meet on possible resolutions that could include categorizing types of items such as life/safety, functionality, aesthetics, etc. that would attempt to assist the customer in understanding how significant or serious a reported finding may be. Honest, reputable Realtors want Home Inspectors to do their job the way they were trained to do it and as it is intended to work, providing factual information to help the home buyer make a better informed decision by gaining a clear picture of the state of a home with the facts delivered with a common sense perspective.

These two criticisms appear to be simple in idea to resolve —additional education and adding appropriate language through the administrative rule process to discourage or eliminate any tendency to over-report. It also appears that neither of these two criticisms could be resolved by deregulating the Home Inspector Industry and license. Deregulation could actually increase the occasions of insufficient reporting and over-reporting items and contribute to a higher number of unnecessarily adversely affected home sales.

### **III. Response to Additional Questions**

For brevity, the costs of the Home Inspector license fees are already shown in the ODOL Occupational Licensing Directory Database. The use of the license fees received are explained below.

#### **About the CIB:**

In order to have a good understanding the fiscal relation of the fees and expenditures, a brief description of the CIB is provided. The CIB consists of seven (7) board members each appointed by the Governor, with the advice and consent of the Senate, for a term of four (4) years. The contractor board members are Oklahoma business owners and all of the board

members are business-minded people applying business principles to the operations of the CIB. The CIB board members and the trade committee members serve without compensation, except they may receive mileage reimbursement pursuant to the State Travel Reimbursement Act.

The CIB is the statutorily created state agency charged with regulating, through licensing, registration, inspection and enforcement, the Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act, the Home Inspection Licensing Act, the Roofing Contractor Registration Act, and the Construction Industries Board Act. These regulatory acts help to ensure Oklahoma's citizenry that professionals performing the complex tasks required for installation, repair or maintenance work have met the statewide minimum competency required by statute to perform skilled trade, or craft trade work providing a safer edifice for life and property, including protecting areas such as our public water supply.

#### **Agency Oversight and Costs:**

To ensure that the agency is held accountable in its receipts, spending and budgeting, the CIB is audited annually as required by 59 O.S. § 1000.4(C). The annual audit is performed, issued, and published by the Oklahoma State Auditor and Inspector. Copies of audits are published on the State Auditor and Inspector's website. The CIB is an agency subject to Sunset and is reviewed by the legislature for Sunset every four (4) years. In addition, the CIB responds to inquiries on fees, revenue, budget and operations at least annually from the Chairs of the Senate and House Appropriations Subcommittee on Select Agencies, and also reports to the Chairs of the Senate Business and Commerce Committee and House Banking and Business when requested. Each year, the CIB Budget Request (by October 1) and Budget Work Program (by June 30) are sent to the agency's Cabinet Secretary, the Governor, OMES, the President Pro Tempore of the Senate, and the Speaker of the House and must be approved prior to any expenditure under that budget. The CIB budget can be found annually in the Governors' proposed Executive Budget and sometimes in the legislative budget bill, by restricted revolving fund such as in SB1616 (2016).

In addition to the 10% of license fees paid to the state General Revenue fund, the CIB contracts with OMES Shared Services and pays OMES for the services, including those listed in this section. The CIB contracts with Shared Services OMES/ABS (Agency Business Services) for Financial Shared Services. OMES/ABS is the CIB's CPO and acts as CIB's CFO approving purchases for conformance with state purchasing laws and Executive Orders, budget/fund availability, and proper coding. OMES/ABS also prepares the monthly reconciliation between the CIB's licensing software, PeopleSoft, and the Office of the State Treasurer, and presents other financial reports monthly to the CIB Board for their review. Expenditures in excess of \$25,000 must be approved in advance by the CIB's Cabinet Secretary, per Executive Order 2019-13.

The CIB contracts with Shared Services OMES/DCAR for HCM Shared Services to process employee payroll and payments from the employee time/leave information input into PeopleSoft by the CIB staff. Payroll expenses are included in the monthly reports prepared by OMES/ABS and presented to the CIB Board.



The CIB also contracts with Shared Services for OMES Mailing Services through the Interagency Mail Department and with OMES/IT for IT services since the CIB IT has been consolidated into OMES/IT who must approve all IT expenditures. Also, legal counsel to the CIB board and all six (6) trade committees is provided through contract with the Office of the Attorney General.

All revenue and expenditures are entered into the PeopleSoft system. All funds are reconciled monthly by the Office of the State Treasurer (OST) (banking information), Shared Services OMES/ABS (PeopleSoft information), and the CIB (licensing software information) as demonstrated on the state required Form 11 every month which then triggers the transfer of CIB funds by the OST from the clearing account to the appropriate revolving fund and the transfer of ten percent (10%) of the fees to the state General Fund.

There are six (6) statutory licensing/registration acts, each having their own restricted revolving fund and authority for use of the restricted revolving fund. These six (6) revolving fund accounts are all controlled by the OST making checks/payments by warrants issued through the audited purchasing process. There is no "general" CIB fund. There are no transfers to other agencies or flow-through of funds. The CIB cannot write checks on any bank account. These monthly reconciliations are a part of the documentation that is reviewed during the annual audit performed by the Oklahoma State Auditor and Inspector.

#### **Fees Go Toward:**

The fees are used to fund the operations necessary to administer the Home Inspection Licensing Act. The fees are set by statute 59 O.S. § 858-625 and have not changed since 2002. The annual fiscal impact of these fees along with the current revolving fund balance currently cover the costs associated with administering the act. The CIB staff incorporate Home Inspection licensing and regulations duties along with the duties of other trades. Anticipated revenue for FY2019 based upon a four-year rolling average is \$108,981.78. If licensing levels or funding levels decrease for Home Inspection licensing, it could cause staff layoffs due to lack of funding and, as a result, affect the ability to continue providing services to the other trades at the current level of service and quick turnaround time in processing license applications.

The CIB has always paid into the state General Fund 10% of licensing fees. That has resulted in approximately \$400,000 per year for the last several years. The remainder of the fees received is used for expenses to support the operations in performing duties required under the various trade licensing and registration acts, including those described above. When fully staffed, the revenue and expenditures are generally at a breakeven level.

When fully staffed, the CIB operates with 13 office staff, using temporary staff when necessary so that licenses and registrations can be issued without delay allowing applicants to get to work as soon as possible, and 21 field staff licensed in the different trades covering construction sites across Oklahoma. Due to the type of enforcement required at property and construction sites throughout the four corners of the state, field staff office from their homes all over the state to reduce travel reimbursement costs.

#### IV. Implementation of Legislation

The Home Inspector "good moral character" provision at 59 O.S. §858-629(A) has been eliminated by HB1373, effective November 1, 2019. The Home Inspection Licensing Act and CIB regulations provides licensing credit for Military work and expedites processing of application for Military and spouses in accordance with 59 O.S. §§4100.4 - 4100.6 of the Post-Military Service Occupation, Education and Credentialing Act, 72 O.S. §48.2 Extension and Renewal of Professional Licenses, as well as CIB administrative rules at OAC 158:1-3-10 – 1-3-12 and 158:70-9-1.1 – 70-9-1.3. SB670 made additional changes at 59 O.S. §4000.1.

The CIB employs the Office of Attorney General as its legal advisor. Both HB1373 and SB670 laws are effective November 1, 2019. Any administrative rules necessary to implement the processes for these new laws will be reviewed by the CIB's legal advisor for advice and drafting of any needed administrative rules or changes to existing administrative rule through the legislative rule-making process pursuant to the Administrative Procedures Act, after review by the board. These proposed rules are anticipated to reach the Legislature probably in February and certainly no later than April 1 for consideration during the 2020 Legislative Session.

Regarding HB2933 (2018) codified at 59 OS §4003(A) which requires a one-time, one-year, fee waiver for low-income individuals, it states, in part:

... upon presentation of satisfactory evidence that an applicant for licensure or certification is a low-income individual, shall grant a one-time one-year waiver of any fees associated with such licensure or certification. For purposes of the section, "low-income individual" means an individual who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.

There is ongoing work in attempting to draft administrative rules that could be fairly administered across the state and that are supported by the authority of the statutory language. Work on proposed administrative rules continues in order to be able to administer the statutory language without leaving the state unprotected from legal challenges of due process violations due to vagueness, abuse of discretion, and equal protection. The language attempting to define "low-income individual" can appear overly broad. Work is still being done to try to explain the standard of public assistance and what, if any, evidentiary documentation would be required to make a determination of qualification so that any administrative rules proposed could clearly describe for the public the process that is to be followed. Resolutions are still being researched as to any necessary possibly sensitive documents, such as income tax returns and other documents, submitted should be somehow exempted from the Open Records Act and any documentation needed from out-of-state applicants who receive assistance from their home state. We had the

impression that additional information would be forthcoming to agencies to provide a uniform framework for language on the financial threshold and the inclusion/exclusion of the limits of public assistance so that all agencies would be using similar framework to lower the risks previously explained. To my knowledge, the CIB has not received a request concerning this low-income fee waiver.

Not only for the public's benefit, clear administrative rules are necessary to make the licensing software changes necessary to account for licenses issued without funds attached in order to fulfill audit reporting requirements. The CIB's licensing system has recently experienced a two-year comprehensive software upgrade when system changes had to be prioritized behind the upgrade. The licensing system software is ready and able to handle updates that already have been requested and any forthcoming needed to track and account for these no fee license transactions.

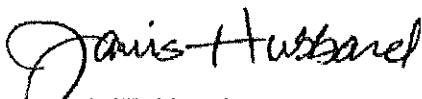
The Commission also should know the CIB's agreement with the Department of Career and Technology Education in partnering to increase workforce development and education pursuant to HB1280 (2018) (Wallace/Leewright) should be finalized late Summer. HB1280 provides administrative fines collected that have previously been used for agency operations will now go towards workforce development and education of and in the skilled trades. With the critical national shortage of workers in the skilled trades regulated by the CIB, this partnership is expected overtime to help increase the pipeline of potential skilled craft workers in Oklahoma, hopefully off-setting the decline in available funds for operations.

#### V. Conclusion

No one wants excessive regulation, including the CIB; however, there are some good reasons for continuing reasonable Home Inspection regulation through licensing. Not all, but a large portion of home inspections are performed in the real estate transaction of purchasing a home and can be a crucial part of the process. Failure to obtain a home inspection could potentially cost the buyer a great deal of money and resources in the long run. Neither home inspections nor Home Inspectors are perfect. However, deregulation of Home Inspector licensing could actually increase the occasions of insufficient reporting and over-reporting items and contribute to a higher number of unnecessarily adversely affected home sales and would encourage less knowledgeable, less skilled and less educated workers with arguably no knowledge, education or experience to inspect homes and put Oklahoma citizens' health, safety and welfare at risk.

Again, thank you for the opportunity to respond to these inquiries.

Respectfully Submitted,

  
Janis Hubbard  
Administrator

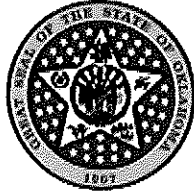
**OLAC License Review/Recommendations  
2019**

<b>MEDICAL LICENSURE AND SUPERVISION, STATE BOARD OF</b> (10/07/2019)	
<b>License</b>	<b>Commission Recommendation</b>
Anesthesiologist Assistant	
Athletic Trainer	
Athletic Trainer, Apprentice	
Licensed Dietitian	
Provisional Licensed Dietitian	
Occupational Therapist	
Occupational Therapist Assistant	
Orthotist/Prosthetist	
Pedorthist	
Physical Therapist	
Physical Therapist Assistant	
Physician Assistant	
Physician Surgeon M.D. (Family and General Practice)	
Physician Surgeon M.D. (Internist, General)	
Physician Surgeon M.D. (Physician/Surgeon and all others)	
Radiologist Assistant	
Registered Electrologist	
Registered Prosthetist/Orthotist Assistant	
Registered Prosthetist/Orthotist Technician	
Respiratory Care Practitioner	
Therapeutic Recreation Specialist	
Licensed Professional Music Therapist	



Application License Name	Agency Name	Required Education Level	Required Experience/Certifications	Statutory Citation	Fees
<b>Appropriated Agencies</b> Anesthesiologist Assistant	Medical Licensure and Supervision, State Board of	Graduate from an approved program for the education and training of anesthesiologist assistants.	Certified in advanced cardiac life support, continuing education and malpractice insurance or proof of financial responsibility.	59 O.S., SECTIONS 3201-3208	Missing
Athletic Trainer	Board of Medical Licensure and Supervision, State	Successfully completed the athletic training curriculum requirements of an accredited college or university approved by the State Board of Medical Licensure and Supervision, or hold a four-year degree from an accredited college or university and have completed at least two consecutive years as an apprentice athletic trainer directly supervised by a licensed athletic trainer (military duty accepted), or be licensed or certified in physical therapy, having spent at least 800 hours working under the direct supervision of a licensed athletic trainer.	Good moral character, pass exam.	59 O.S., Sections 525 - 535 (14K)	Application Fee - \$145 Renewal Fee - \$55
Athletic Trainer, Apprentice	Board of Medical Licensure and Supervision, State	There are no specific educational requirements; however, a working knowledge of the occupation is preferred.	May be asked to pass Board apprentice exam.	59 O.S., Sections 525 - 535 (14K)	Application Fee - \$30 Renewal Fee - \$15
Licensed Dietitian	Board of Medical Licensure and Supervision, State	Baccalaureate degree. Area of specialization must include a minimum of 24 semester hours from the fields of human nutrition, food and nutrition, dietetics, or food management, or an equivalent course of study defined as a minimum of 30 semester hours specifically designated to train a person to apply and integrate scientific principles of human nutrition under different health, social, cultural, physical, psychological, and economic conditions to the proper nourishment, care, and education of individuals or groups through the life cycle. Internship normally lasts 9 to 22 months and is combined with clinical experience under the supervision of a qualified dietitian with some classroom work. Must be accredited by ADA.	Have completed an internship or preplanned professional experience program approved by the committee.	59 O.S., SECTIONS 1721-1741	Examination Fee - \$120 Renewal fee - \$100
Provisional Licensed Dietitian	Board of Medical Licensure and Supervision, State	Baccalaureate or post-baccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management.	Completion of an internship or preplanned professional experience program approved by the Committee	59 O.S., SECTIONS 1721-1741	Examination Fee - \$30 Renewal fee - \$100
Occupational Therapist	Board of Medical Licensure and Supervision, State	Successful completion of an educational program in occupational therapy accredited by the Committee on Allied Health Education/American Medical Association in collaboration with the American Occupational Therapy Certification Board. Possible areas of study include physical, biological, and behavioral sciences and the application of occupational therapy theory and skills.	Six months of supervised fieldwork.	59 O.S., Sections 888.1 - 888.16	Examination Fee - \$120 Renewal fee - \$100
Occupational Therapist Assistant	Board of Medical Licensure and Supervision, State	Successful completion of a program in occupational therapy approved by the American Occupational Therapy Association, verified by a photocopy of American Occupational Therapy Certification Board card. Possible areas of study include physical, biological, and behavioral sciences and application of occupational therapy theory and skills.	Two months of supervised fieldwork.	59 O.S., Sections 888.1 - 888.16	Examination Fee - \$120 Renewal Fee - \$100
Orthotist/Prosthetist	Board of Medical Licensure and Supervision, State	Baccalaureate degree	Certification by the American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABC) or the Board for Orthotist/Prosthetist Certification (BOC)	59 O.S., Section 3001 - 3008	Examination Fee - \$500 Renewal fee - \$150
Pedorthist	Board of Medical Licensure and Supervision, State	Good moral character, pass exam.	Good moral character, pass exam.	59 O.S., Section 2301 - 2308	Examination Fee - \$60 Renewal fee - \$60
Physical Therapist	Board of Medical Licensure and Supervision, State	Graduation from a school of physical therapy approved by a national accrediting body recognized by the Board. Possible areas of study include anatomy, physiology, neuroanatomy, and neurophysiology along with specialized courses such as biomechanics, human growth and development, manifestations of disease and trauma, and therapeutic procedures.	Good moral character, pass exam. Students receive supervised clinical experience in hospitals and other treatment centers	59 O.S., Sections 887.1 - 887.18	Examination Fee - \$150 Renewal fee - \$90
Physical Therapist Assistant	Board of Medical Licensure and Supervision, State	Graduation from an approved program for physical therapy assistants consisting of at least a two-year program approved by a national accrediting body recognized by the Board. Possible areas of study include anatomy, physiology, neuroanatomy, and neurophysiology along with specialized courses such as biomechanics, human growth and development, manifestations of disease and trauma, and therapeutic procedures. Students receive supervised clinical experience in hospitals and other treatment centers.	Good moral character, pass exam.	59 O.S., Sections 887.1 - 887.18	Examination Fee - \$135 Renewal fee - \$60

Physician Assistant	Medical Licensure and Supervision, State Board of	Graduation from an accredited physician assistant program recognized by the State Board of Medical Licensure and Supervision.	Good moral character. Graduation from accredited program. Passing score on examination	59 O.S., Sections 519 - 524	Examination Fee - \$150 Renewal fee - \$125
Physician Surgeon M.D. (Family and General Practice)	Medical Licensure and Supervision, State Board of	Doctor of Medicine Degree Although the areas of study may vary according to the school, many programs include anatomy, biochemistry, physiology, pharmacology, microbiology, and pathology. Students receive one year of supervised clinical experience in hospitals and other treatment centers. Post-graduate training.	Good moral character. Mentally and physically capable of practicing medicine as a basis for licensure if a license exam acceptable by the Oklahoma Board has been passed.	59 O.S., Sections 480 - 518.1	Examination Fee - \$500 Renewal fee - \$200
Physician Surgeon M.D. (Internist, General)	Medical Licensure and Supervision, State Board of	Doctor of Medicine Degree Although the areas of study may vary according to the school, many programs include anatomy, biochemistry, physiology, pharmacology, microbiology, and pathology. Students receive one year of supervised clinical experience in hospitals and other treatment centers. Post-graduate training.	Good moral character. Mentally and physically capable of practicing medicine as a basis for licensure if a license exam acceptable by the Oklahoma Board has been passed.	59 O.S., Sections 480 - 518.1	Examination Fee - \$500 Renewal fee - \$200
Physician Surgeon M.D. (Physician/Surgeon and all others)	Medical Licensure and Supervision, State Board of	Doctor of Medicine Degree Although the areas of study may vary according to the school, many programs include anatomy, biochemistry, physiology, pharmacology, microbiology, and pathology. Students receive one year of supervised clinical experience in hospitals and other treatment centers. Post-graduate training.	Good moral character. Mentally and physically capable of practicing medicine as a basis for licensure if a license exam acceptable by the Oklahoma Board has been passed.	59 O.S., Sections 480 - 518.1	Examination Fee - \$500 Renewal fee - \$200
Radiologist Assistant	Medical Licensure and Supervision, State Board of	Completion of a radiologist assistant program accredited by the American Registry of Radiologic Technologists.	Certified and registered with the American Registry of Radiologic Technologists and credentialed to provide radiology services.	59, SECTIONS 541 - 541.9	Missing
Registered Electrologist	Medical Licensure and Supervision, State Board of	Bachelor's Degree	One-year internship that includes 600 hours of study and clinical practice under an Oklahoma licensed electrologist	59 O.S., Sections 536.1 - 536.11	License application - \$60 Annual renewal - \$50
Registered Prosthetist/Orthotist Assistant	Medical Licensure and Supervision, State Board of	Certification from American Board for Certification in Orthotics and Prosthetics	None	59 O.S., Section 3001 - 3008	Examination Fee - \$100 Renewal fee - \$100
Registered Prosthetist/Orthotist Technician	Medical Licensure and Supervision, State Board of	Certification from American Board for Certification in Orthotics and Prosthetics	None	59 O.S., Section 3001 - 3008	Examination Fee - \$60 Renewal fee - \$60
Respiratory Care Practitioner	Medical Licensure and Supervision, State Board of	Completion of the Respiratory Therapist Program	Examination	59 O.S., SECTION 2026 - 2045	License fee - \$100 Renewal Fee - \$100
Therapeutic Recreation Specialist	Medical Licensure and Supervision, State Board of	Completion of the Therapeutic Recreation Program	Examination	59 O.S. Section 540.1	License fee - \$125 Renewal Fee - \$100
Licensed Professional Music Therapist	Medical Licensure and Supervision, State Board of	Bachelor's degree in music therapy	Completed 1200 hours of clinical training	59 O.S. § 889 - 889.12	Application Fee - \$50 Renewal Fee - \$50



**OCCUPATIONAL LICENSING ADVISORY COMMISSION**

**Monday October 7, 2019 at 9:00 AM**

Oklahoma Department of Labor,

3017 N. Stiles, Oklahoma City, OK 73105

**Occupational Licensing Blueprint**  
**Oklahoma State board of Medical Licensure and Supervision**



**Lyle Kelsey, Executive Director**

**Reji Varghese, Deputy Director**

**Lisa Cullen, Director of Licensing**



# License Details – What is the License?

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## Physician /Surgeon M.D.

Physician MD is who shall append to his or her name the letters "M.D.", "Physician" or any other title, letters or designation which represent that such person is a physician, or who shall for a fee or any form of compensation diagnose and/or treat disease, injury or deformity of persons in this state by any allopathic legend drugs, surgery, manual, or mechanical treatment unless otherwise authorized by law.

The applicant shall possess a valid degree of Doctor of Medicine from a medical college or school located in the United States, its territories or possessions, or Canada that was approved by the Board or by a private nonprofit accrediting body approved by the Board at the time the degree was conferred. The application shall be considered by the Board based upon the product and process of the medical education and training.

The applicant shall have satisfactorily completed 12 months (24 months if foreign medical graduate) of progressive postgraduate medical training approved by the Board or by a private nonprofit accrediting body approved by the Board in an institution in the United States, its territories or possessions, or in programs in Canada, England, Scotland, Ireland, Australia or New Zealand approved by the Board or by a private nonprofit accrediting body approved by the Board.

## Anesthesiologist Assistants

Anesthesiologist assistant means a graduate of an approved program who is licensed to perform medical services delegated and directly supervised by a supervising anesthesiologist.

Qualification for licensure to include; Passing scores on the examination administered through the National Commission for Certification of Anesthesiologist Assistants (NCCAA), Proof of current advanced cardiac life support (ACLS) certification, Proof of continuing education the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome, prevention of medical errors, domestic violence.

## Athletic Trainers and Athletic Trainer's Assistant - Apprentice athletic trainer

A person who has successfully completed the athletic training curriculum requirements of an accredited college or university approved by the Board and provide proof of graduation; Be licensed or certified in physical therapy and has spent at least eight hundred (800) hours working under the direct supervision of a licensed athletic trainer; or holds a four-year degree from an accredited college or university and has

completed at least two (2) consecutive years of supervision, military duty excepted, as an apprentice athletic trainer under the direct supervision of a licensed athletic trainer.

### **Licensed & Provisional Dietitians**

Is a person who possesses a baccalaureate or post-baccalaureate degree with minimum credit hours in specific fields. Applicants must have completed an internship or preplanned professional experience program, successfully complete examination of the Commission on Dietetic Registration of the American Dietetic Association.

Education must include a minimum of 24 semester hours from the fields of human nutrition, food and nutrition, dietetics or food management, or an equivalent course of study defined as a minimum of 30 semester hours specifically designated to train a person to apply and integrate scientific principles of human nutrition under different health, social, cultural, physical, psychological and economic conditions to the proper nourishment, care, and education of individuals or groups through the life cycle. Of the 30 semester hours, a minimum of 18 semester hours must be from human nutrition, food and nutrition, dietetics or food systems management, or the major course of study must meet minimum academic requirements to qualify for the national certifying examination.

### **Occupational Therapists & Assistants**

Occupational Therapist applicants must have successfully completed an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) in collaboration with the NBCOT. Occupational Therapy Assistant applicants must have successfully completed an occupational therapy assistant program approved by the ACOTE. The Board recognizes the National Certifying Examination of the National Board for Certification in Occupational Therapy, Inc. as an acceptable competency examination.

### **Orthotists & Prosthetists &**

#### **Orthotist /Prosthetist TECHNICIAN & Orthotist/Prosthetist ASSISTANT:**

To be licensed to practice orthotics or prosthetics according to standard qualifications, a person shall:

1. Demonstrate certification by the Board for Orthotist/Prosthetist Certification (BOC), or the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC); or
2. a. Possess a baccalaureate degree from an institution of higher education accredited by a general accrediting agency recognized by the Oklahoma State Regents for Higher Education;

- b. Have completed an orthotic or prosthetic education program that meets or exceeds the requirements, including clinical practice, of the Commission on Accreditation of Allied Health Education Programs;
- c. Have completed a clinical residency in the professional area for which the license is sought that meets or exceeds the standards, guidelines, and procedures for residencies of the National Commission on Orthotic and Prosthetic Education or of any other such group that is recognized by the State Board of Medical Licensure and Supervision; and
- d. Demonstrate attainment of internationally accepted standards of orthotic and prosthetic care as outlined by the International Society of Prosthetics and Orthotics professional profile for Category I orthotic and prosthetic personnel.

### **Pedorthists**

One must have passed all examinations required for certification by the Board of Certification in Pedorthics (BCP). Two recommendations are required. One must be from a physician licensed in Oklahoma that can attest to the applicant's clinical competence. The second must be from an associate who can affirm the applicant's moral and ethical attributes.

### **Physical Therapists & Assistants**

GRADUATES OF CAPTE ACCREDITED PROGRAMS IN THE UNITED STATES - Applicants who graduated from programs accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE)

GRADUATES OF UNITED STATES ARMED FORCES PROGRAMS - An applicant for a license to practice as a physical therapist or a physical therapist assistant who has been educated through a program or school which is or has been sponsored by a branch of the armed forces of the United States may be licensed if the Board determines that the education of the applicant is substantially equivalent to, or exceeds, the requirements of accredited educational programs.

FOREIGN EDUCATED APPLICANTS - Foreign educated applicants who graduated from programs not accredited by CAPTE must submit evidence that education is equivalent to a CAPTE accredited program. Assessment of equivalence may be performed by *Foreign Credentialing Commission on Physical Therapy*.

### **Physician Assistants**

A Physician Assistant (PA) is a graduate from an accredited Physician Assistant Program consisting of at least one year of classroom instruction and one year of clinical experience that includes a minimum of one month each in family medicine, emergency medicine and surgery and has passed an examination for physician assistants by the National Commission on the Certification of Physician Assistants (NCCPA).

## Radiologist Assistants

A Radiologist Assistant (RA) may be considered for licensure if he/she meets the following qualifications:

- (a) Has completed a radiologist assistant program accredited by the American Registry of Radiologic Technologists, and
- (b) Is certified and registered as an R.R.A.(Registered Radiologist Assistant) with the American Registry of Radiologic Technologists.

## Registered Electrologists

Persons applying for licensure must satisfactorily complete college courses in human anatomy, human physiology, microbiology and chemistry or equivalent courses. These courses must be comprehensive in content and designed for the allied health or biological-life science major. Satisfactory completion is considered a grade C or above. Medical terminology may be required at the discretion of the Board.

Approved applicants will fulfill the curriculum of study and internship requirements under the direct supervision of a registered Electrologist who has been approved as a Preceptor. The internship includes successful completion of six months (minimum of 600 hours) of study and clinical practice under the direct supervision of a preceptor. At least 300 hours of the training must be conducted on-site and in-person at the training facility.

To qualify for a license, an applicant shall pass an examination, prepared by the Committee and approved by the Board, in the English language, which shall cover the following areas:

- |                       |  |
|-----------------------|--|
| (A) Human Anatomy     | (F) Hygiene                            |
| (B) Human Physiology  | (G) Sterilization                      |
| (C) Microbiology      | (H) Electricity                        |
| (D) General Chemistry | (I) Electrolysis (theory and practice) |
| (E) Dermatology       |  |

If in the judgment of the majority of the Board, the examinee obtains an average of seventy-five percent (75%) on the total examination and not less than sixty-five percent (65%) in each subject on the examination, he or she shall be entitled to receive a license to practice electrolysis for the remainder of that calendar year.

## Respiratory Care Practitioners

An application for licensure as a respiratory care practitioner must be based on one of the following:

**A. Examination** – successful passing of an examination for respiratory care practitioners administered by the National Board of Respiratory Care, resulting in obtaining Certified Respiratory Therapy Technician (CRTT) or Registered Respiratory Therapist (RRT) credentials.

**B. Endorsement -**

- (1) currently licensed to practice respiratory care in another state, territory or country if the qualifications of the applicant are deemed by the Board to be equivalent to those required in this state;

(2) credentials conferred by the National Board for Respiratory Care as a Certified Respiratory Therapy Technician (CRTT) or as a Registered Respiratory Therapist (RRT), provided such credentials have not been suspended or revoked.

### Therapeutic Recreation Specialists

All applicants for licensure who were certified by NCTRC after July 1, 2009 must submit a transcript of grades verifying completion of an academic program with a baccalaureate degree or higher from an accredited college or university with a major in therapeutic recreation or a major in recreation or leisure with an option and/or emphasis in therapeutic recreation and completion of a field experience under the supervision of a CTRS or licensed therapeutic specialist.

The examination administered by the National Council for Therapeutic Recreation Certification (NCTRC) is recognized as a valid competency examination. Therapeutic Recreation Specialists must submit proof that they passed the NCTRC examination.

### Licensed Professional Music Therapists

A Licensed Professional Music Therapist (LPMT) may be considered for licensure if he/she meets the following qualifications:

Holds a Bachelor's degree of higher from an accredited Music Therapy Program; Completed a minimum of one thousand two hundred (1,200) hours of clinical training, with at least fifteen percent (15%) or one hundred eighty (180) hours in pre-internship experiences; and at least seventy-five percent (75%) or nine hundred (900) hours in internship experiences. Internship programs may be approved by an academic institution, the American Music Therapy Association, or both;

Passed the examination for board certification offered by the Certification Board for Music Therapists or provides proof of being transitioned into board certification, and the applicant is currently a board-certified music therapist.

## License Details – What does the license cover after licensing and meeting qualifications?

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### Physician /Surgeon M.D.

Diagnose and/or treat disease, injury or deformity of persons in this state by any allopathic legend drugs, surgery, manual, via telemedicine or mechanical treatment unless otherwise authorized by law.

**Athletic Trainers** - "Athletic trainer" means a person with the qualifications, whose major responsibility is the rendering of professional services for the prevention, emergency care, first aid and treatment of injuries incurred by an athlete by whatever methods are available, upon written protocol from the team physician or consulting physician to effect care, or rehabilitation.

**Athletic Trainer's Assistant** - "Apprentice athletic trainer" means a person who assists in the duties usually performed by an athletic trainer under the direct supervision of a licensed athletic trainer.

**Licensed Dietitian** - "Dietetics" means the professional discipline of applying and integrating scientific principles of nutrition pursuant to different health, social, cultural, physical, psychological, and economic conditions to the proper nourishment, care, and education of individuals or groups throughout the life cycle. The term includes the development, management, and provision of nutritional services.

**"Licensed dietitian"** means a person licensed pursuant to the provisions of the Licensed Dietitian Act.

**Provisional Licensed Dietitian** - "Provisional licensed dietitian" means a person who has a limited license pursuant to the provisions of the Licensed Dietitian Act.

**Occupational Therapist** - "Occupational therapy" is a health profession for which practitioners provides assessment, treatment, and consultation through the use of purposeful activity with individuals who are limited by or at risk of physical illness or injury, psycho-social dysfunction, developmental or learning disabilities, poverty and cultural differences or the aging process, in order to maximize independence, prevent disability, and maintain health. Specific occupational therapy services include but are not limited to the use of media and methods such as instruction in daily living skills and cognitive retraining, facilitating self-maintenance, work and leisure skills, using standardized or adapted techniques, designing, fabricating, and applying selected orthotic equipment or selective adaptive equipment with instructions, using therapeutically applied creative activities, exercise, and other media to enhance and restore functional performance, to administer and interpret tests which may include sensorimotor evaluation, psycho-social assessments, standardized or non-standardized tests, to improve developmental skills, perceptual motor skills, and sensory integrative function, and to adapt the environment for the handicapped. These services are provided individually, in groups, or through social systems;

**Occupational Therapist's Assistant** - "Occupational therapy assistant" means a person licensed to provide occupational therapy treatment under the general supervision of a licensed occupational therapist.

**Orthotists** - "Orthotist" means a person who evaluates, measures, designs, fabricates, assembles, fits, adjusts, or services an orthosis as prescribed by a licensed physician for the support or correction of disabilities caused by neuro-musculoskeletal diseases, injuries, or deformities. **"Orthosis"** means a custom-fabricated or custom-fitted brace or support designed to provide for alignment, correction, or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, not excluding those of the foot; provided, however, "orthosis" does not include soft goods such as fabric or elastic supports, corsets, arch supports, low-temperature plastic splints, trusses, elastic hose, canes, crutches, soft cervical collars, dental appliances, or essentially equivalent devices commonly sold as over-the-counter items requiring no professional advice or judgment in either size selection or use.

**Prosthetist** - "Prosthetist" means a person who evaluates, measures, designs, fabricates, fits, or services prosthesis as prescribed by a licensed physician for the replacement of external parts of the human body lost due to amputation or congenital deformities or absences. **"Prosthesis"** means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or another external human body part including an artificial limb, hand, or foot; provided, however, "prosthesis" does not include artificial eyes, ears, fingers, toes, dental appliances, cosmetic devices such as artificial breasts, eyelashes, or wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

**Registered Prosthetics/Orthotics Assistant** - "Registered prosthetist/orthotist assistant" means a person registered under the Orthotics and Prosthetics Practice Act who, under the direct supervision of a licensed orthotist or prosthetist, assists with patient care services or the fabrication of orthoses or prostheses.

**Registered Prosthetics/Orthotics Technician** - "Registered prosthetic/orthotic technician" means a person registered under the Orthotics and Prosthetics Practice Act who, under the direct supervision of a licensed orthotist or prosthetist, assists with the fabrication of orthoses or prostheses but who does not provide direct patient care.

**Pedorthist** - "Practice of pedorthics" means the practice, pursuant to a written prescription from a physician when addressing a medical condition, of evaluating, planning treatment, measuring, designing, fabricating, assembling, fitting, adjusting, managing of the patient, or servicing necessary to accomplish the application of a pedorthic device for the prevention or amelioration of painful and/or disabling conditions of the foot and ankle.

**Physician Assistant** - "Physician assistant" means a health care professional, qualified by academic and clinical education and licensed by the State Board of Medical Licensure and Supervision, to provide health care services in any patient care setting at the direction and under the supervision of a physician or group of physicians.

**Physical Therapists** - "Practice of physical therapy" means the use of selected knowledge and skills in planning, organizing and directing programs for the care of individuals whose ability to function is impaired or threatened by disease or injury, encompassing preventive measures, screening, tests in aid of diagnosis by a licensed doctor of medicine, osteopathy, chiropractic, dentistry or podiatry, or a physician assistant, and evaluation and invasive or noninvasive procedures with emphasis on the skeletal system, neuromuscular and cardiopulmonary function, as it relates to physical therapy. Physical therapy includes screening or evaluations performed to determine the degree of impairment of relevant aspects such as, but not limited to, nerve and muscle function including transcutaneous bioelectrical potentials, motor development, functional capacity and respiratory or circulatory efficiency. Physical therapy also includes physical therapy treatment performed including, but not limited to, exercises for increasing or restoring strength, endurance, coordination and range of motion, stimuli to facilitate motor activity and learning, instruction in activities of daily living and the use of assistive devices and the application of physical agents to relieve pain or alter physiological status. The use of roentgen rays and radium for diagnostic or therapeutic purposes, the use of electricity for surgical purposes, including cauterization and colonic irrigations are not authorized under the term "physical therapy" as used in this chapter.

**Physical Therapist's Assistants** - "Physical therapist assistant" means a person who assists in the practice of physical therapy subject to the direction and supervision of a licensed physical therapist, who meets all the educational requirements, and who is licensed pursuant to the provisions of the Physical Therapy Practice Act.

**Radiologist Assistant** – “radiologist assistant” licensed by the State Board of Medical Licensure and Supervision practices radiology assistance under the direct supervision of a physician licensed by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners and certified by the American Board of Radiology or the American Osteopathic Board of Radiology.

**Registered Electrologist** - "Registered Electrologist" means a person licensed to practice electrolysis pursuant to the Registered Electrologist Act. "**Electrolysis**" means the practice of using an electrosurgical apparatus to accomplish permanent hair removal by inserting electric current into the hair follicle thereby destroying living tissue and germinative hair cells.

**Respiratory Care Practitioner** - "Practice of respiratory care" shall include, but not be limited to, the direct and indirect respiratory care services including but not limited to the administration of medical gases, pharmacological, diagnostic, and therapeutic agents and services related to respiratory care procedures necessary to implement and administer treatment, ventilatory support, maintenance of the airway via natural or artificial means, specimen collection, disease prevention, pulmonary rehabilitation, or diagnostic regimen prescribed by orders of a physician; observing and monitoring signs and symptoms, physiologic measurements of the cardiopulmonary system, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general response exhibit abnormal characteristics; and implementation, based on clinical observations, of appropriate reporting, referral, respiratory care protocol, or changes in treatment, pursuant to a prescription by a person authorized to practice medicine under the laws of this state, or the initiation of emergency procedures under the rules of the Board or as otherwise permitted in the Respiratory Care Practice Act. The practice of respiratory care shall also include the terms "inhalation therapy" and "respiratory therapy". The practice of respiratory care shall not include the delivery, set-up, installation, maintenance, monitoring and the providing of instructions on the use of home oxygen and durable medical equipment.

**Therapeutic Recreation Specialist** - "Therapeutic recreation" or "recreation therapy" means the specialized application of recreation to assist with the treatment and/or maintenance of the health status, functional abilities, recreational and leisure activities and ultimately quality of life for individuals hospitalized and/or receiving treatment for various diagnoses and individuals with disabilities. For purposes of accomplishing therapeutic recreation goals, therapeutic recreation may include:

a. "Therapeutic recreation" or "recreation therapy" means the specialized application of recreation to assist with the treatment and/or maintenance of the health status, functional abilities, recreational and leisure activities and ultimately quality of life for individuals hospitalized and/or receiving treatment for various diagnoses and individuals with disabilities. For purposes of accomplishing therapeutic recreation goals, therapeutic recreation may include:

- (1) Remediating or restoring an individual's participation levels in recreational and leisure activities that are limited due to impairment in physical, cognitive, social or emotional abilities,
- (2) analyzing and evaluating recreational activities to determine the physical, social, and programmatic elements necessary for involvement and modifying those elements to promote full participation and maximization of functional independence in recreational and leisure activities, and
- (3) using recreational modalities in designed intervention strategies to maximize physical, cognitive, social, or emotional abilities to promote participation in recreational and leisure activities.



b. For purposes of accomplishing therapeutic recreation goals, therapeutic recreation services include, but are not limited to:

- (1) Conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action and subsequent individualized treatment plan,
- (2) Planning and developing the individualized therapeutic recreation treatment plan that identifies an individual's goals, objectives, and potential treatment intervention strategies for recreational and leisure activities,
- (3) Implementing the individualized therapeutic recreation treatment plan that is consistent with the overall treatment program,
- (4) Systematically evaluating and comparing the individual's response to the individualized therapeutic recreation treatment plan and suggesting modifications as appropriate,
- (5) Developing a discharge plan in collaboration with the individual, the individual's family, treatment team, and other identified support networks where appropriate,
- (6) Identifying and training in the use of adaptive recreational equipment,
- (7) Identifying, providing, and educating individuals to use recreational and leisure resources that support a healthy, active and engaged life,
- (8) Minimizing the impact of environmental constraints as a barrier to participation in recreational and leisure activities,
- (9) Collaborating with and educating the individual, family, caregiver, and others to foster an environment that is responsive to the recreational and leisure needs of the individual, and
- (10) Consulting with groups, programs, organizations, or communities to improve physical, social, and programmatic accessibility in recreational and leisure activities;

**Licensed Professional Music therapy** means the clinical and evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship between a patient and a practitioner who is licensed pursuant to the Music Therapy Practice Act.

**"Practice of music therapy"** includes the development of individualized music therapy treatment plans specific to the needs and strengths of the client who may be seen individually or in groups. The goals, objectives and potential strategies of the music therapy services are appropriate for the client and setting. The music therapy interventions may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, singing, music performance, learning through music, music combined with other arts, music-assisted relaxation, music-based patient education, electronic music technology, adapted music intervention and movement to music. The practice of music therapy does not include the diagnosis or assessment of any physical, mental or communication disorder.

# What Board regulates the licenses?

**Board of Medical Licensure & Supervision regulates and Licenses all professions:**

Profession	Lic. Since	Years
Medical Doctor	1923	96
Physical Therapist & Assistant	1965	54
Physician Assistant	1971	48
Athletic Trainers & Apprentice	1981	38
Licensed & Provisional Dietitian	1985	34
Occupational Therapist & Assistant	1985	34
Electrologist	1986	33
Respiratory Care Practitioner	1995	24
Orthotists & Prosthetist – Assistant and Technician	2001	18
Pedorthist	2001	18
Anesthesiologist Assistant	2008	11
Radiologist Assistant	2008	11
Therapeutic Recreation Specialist	2009	10
Music Therapist	2016	3

## What is the compelling public interest

The compelling public interest is to protect the public by helping to insure a high degree of competence and safety.

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

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Yes, the public interest is demonstrated by the licensing of medical doctors in all of the United States and its territories. The exchange of licensing applicant information between the states is such that there are continuing efforts to standardize the application process and credentials between states and other jurisdictions. Such as the Federation of State Medical Board's [FSMB] work on the Uniform Application [UA] project for MDs, DOs and PAs. The MD and PT Interstate Compact Commission is also an example to standardize and expedite licensure across state lines. The medical board is also aware of efforts to minimize the barriers for licensure across state lines with similar work in other state legislatures like this commission. Probable harm is also a shared issue between states by exchanging disciplinary actions with the National Practitioner Data Bank [NPDB] and the FSMB Disciplinary Alerts so that all states are alerted to any and all disciplinary action

against licensed health professionals. The other health professions vary in how many other states require licensure so there is less comparison of probable harm related to public interest. The ability to discipline a professional's license appears to be a meaningful deterrent to probable harm of the public.

## Least Restrictive Means

What means is used to protect the public interest?

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Occupational Licenses are issued to promote the Health, Safety and Well-being of the citizens (patients) of Oklahoma by requiring a high level of qualifications, standards and continuing education for licenses regulated by Oklahoma Medical Board. To protect the on-going Health, Safety and Well-being of the citizens (patients) of Oklahoma by investigating complaints, conducting public hearings, effectuating and monitoring disciplinary actions against any of the licensed professionals, while providing the licensee with proper due process and all rights afforded under the law.

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

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Yes, the credentials to obtain each health professional license and the scope of practice of each health professional [licensee] are written as to meet minimum requirements in Oklahoma in order to obtain a license and function in the specific profession. In addition, regulation of the specific practice as to determine any violation of unprofessional conduct adds a layer of additional public protection beyond licensure.

## Controlling number of market participants on the Board

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How many members are on the regulatory board?

**11 Board members – 7 licensed Medical Doctors and 4 lay members - Governor appoints all members.**

How many of them are active market participants?

**Currently: Four (4)**

**4 out of 7 MDs are in active medical practice in different specialties & geographical areas. Remaining 3 MDs are either fully retired. Therefore, three (3) retired MDs and four (4)**

public members make the majority non-market participants. Due process is afforded by recusal motions by any board member.

Is the board controlled by these active market participants?

No.

## Active Supervision of the Board

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Is there active state supervision of the board?

There is active supervision of the Board. Actions of the Board have oversight by the Oklahoma Attorney General rendering an official final opinion on the Board actions. The Board also contracts with the Attorney General for Legal representation in prosecution matters and an Assistant Attorney General to guide the various advisory committees.

## Expand on the fees collected by your Agency/Board

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### Deposit Summary

7/1/2018-6/30/2019

#### Application

Anesthesiologist Assistant	\$900.00
Athletic Trainer	\$9,715.00
Athletic Trainer Assistant	\$480.00
Dietitian	\$13,740.00
Licensed Orthotist	\$600.00
Licensed Podiatrist	\$1,260.00
Licensed Professional Music Therapist	\$500.00
Licensed Prosthetist	\$600.00
Licensed Prosthetist/Orthotist	\$2,100.00
Medical Doctor	\$523,950.00
Occupational Therapist	\$14,400.00
Occupational Therapist Assistant	\$10,080.00
Physical Therapist	\$24,930.00
Physical Therapist Assistant	\$22,650.00
Physician Assistant	\$43,500.00
Provisional Respiratory Care	\$6,900.00
Provisionally Licensed Dietitian	\$540.00

Radiologist Assistant	\$200.00
Registered Electrologist	\$180.00
Registered Orthotist Assistant	\$100.00
Respiratory Care Practitioner	\$18,750.00
Therapeutic Recreational Specialist	\$1,875.00
	<hr/>
	<b>\$697,950.00</b>

## Renewal Fees

Anesthesiologist Assistant	\$900.00
Athletic Trainer	\$22,220.00
Athletic Trainer Assistant	\$255.00
Dietitian	\$103,500.00
Licensed Orthotist	\$250.00
Licensed Pedorthist	\$2,280.00
Licensed Professional Music Therapist	\$400.00
Licensed Prosthetist/Orthotist	\$150.00
Medical Doctor	\$2,064,525.00
Occupational Therapist	\$102,600.00
Occupational Therapist Assistant	\$113,160.00
Physical Therapist	\$215,660.00
Physical Therapist Assistant	\$108,470.00
Physician Assistant	\$211,300.00
Provisional Respiratory Care	\$5,400.00
Provisionally Licensed Dietitian	\$300.00
Radiologist Assistant	\$1,800.00
Registered Electrologist	\$850.00
Registered Prosthetist/Orthotist Assistant	\$200.00
Respiratory Care Practitioner	\$79,600.00
Therapeutic Recreational Specialist	\$11,000.00
	<hr/>
	<b>\$3,044,820.00</b>

## **Implementation of New Laws:**

### **HB 1373 – License Applications with felony convictions:**

- In process of making necessary changes in the laws and rules governing each licensed profession.
- Rule changes will be made on an emergency basis.

### **SB 670 - Military Member/Spouse Reciprocity:**

- Working on rule changes to accommodate a reciprocity clause;
- Trained licensing personnel to be sensitive to applicants in this category;
- Application process in place to identify military status for expedited process;
- An expedited licensure process for those who fall in this category;
- We work with the [Oklahoma] Department of Defense representative

Dale M. Vandehey

South Central Region State Liaison (AR, LA, NM, OK, TX)

Defense - State Liaison Office

Office of the Deputy Assistant Secretary of Defense

(Military Community and Family Policy)

[dale.m.vandehey.civ@mail.mil](mailto:dale.m.vandehey.civ@mail.mil)

571-236-7833 Phone

[www.USA4MilitaryFamilies.org](http://www.USA4MilitaryFamilies.org)

[www.USA4MilitaryFamilies.dod.mil](http://www.USA4MilitaryFamilies.dod.mil)

### **HB 2933 - requires a one-time, one-year, fee waiver for low-income individuals.**

- The law does not apply to the medical board;
- 59 O.S. § 4003 (A) – Except for health care professions

