

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1525

By: Key

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 legislative intent; providing for compliance with
9 healing arts practices; providing for disclosure;
10 requiring certain acknowledgment; providing for
violations; stating exemptions; providing for
codification; and providing an effective date.

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3021 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Legislature hereby finds and declares that:

18 1. Based upon historic precedent unique to Oklahoma history,
19 and in recognition of extensive research data including that
20 conducted by the Minnesota Department of Health in a report to the
21 Minnesota Legislature, a comprehensive report by the National
22 Institute of Health, a study by the New England Journal of Medicine,
23 and others, it is evident that full public access to a wide variety
24 of unlicensed natural healing arts practitioners remains beneficial

1 to all citizens of any age, ethnicity, religious belief,
2 socioeconomic and other demographic categories;

3 2. The freely accessed and practiced natural healing arts,
4 which have been available uninterrupted since before Oklahoma
5 statehood, are not harmful to the health and safety of the public.
6 These natural healing arts include, but are not limited to, Native
7 American healing, naturopathy, massage therapy, homeopathy,
8 herbology, nutrition, iridology, and the oriental healing arts;

9 3. The training of many practitioners has been successfully
10 regulated under the Oklahoma Board of Private Vocational Schools as
11 a vocation or through self-regulated education and the training has
12 shown beneficial to the economy of Oklahoma by providing training
13 for skilled jobs and growth of small businesses;

14 4. By the enactment of this act, the Legislature intends to
15 allow this state to protect unfettered public access to all healing
16 arts practitioners and services and to protect the right to practice
17 and provide services according to this act;

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 726.1 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Notwithstanding any other previously established law or
22 rule, an individual who does not hold a license, permit,
23 certification, or registration as a health care professional issued
24 by the state of Oklahoma, is not in violation of any health care

1 professional practice act, or other law or rule, if that individual
2 or agent provides care or treatment in compliance with this section
3 and does not falsely represent himself or herself as a licensed
4 practitioner of medicine or other licensed health care professional
5 as described in this title, or does not use any title or degree
6 appertaining to the practice thereof.

7 B. A person is considered in compliance with this section for
8 the care or treatment of individuals if that person does not:

9 1. Perform surgery or any other procedure that harmfully
10 punctures the skin, except for acupuncture and finger pricking for
11 screening purposes;

12 2. Set fractures;

13 3. Prescribe or administer x-ray radiation;

14 4. Prescribe or administer a prescription drug, except a
15 homeopathic remedy, a prescription device, or a controlled
16 substance;

17 5. Diagnose or treat a mental or physical condition and as a
18 direct result of that service knowingly and willfully cause
19 significant and discernable physical or mental injury; and

20 6. State, advertise, or otherwise falsely represent to any
21 individual that the person is licensed, certified, or registered to
22 practice as a practitioner of medicine or other health care
23 profession in accordance with Oklahoma law.

24

1 C. An individual caring for or treating a consumer in
2 accordance with this section shall, prior to providing the services,
3 disclose to the consumer in a plainly worded written statement:

4 1. The name, business address, and telephone number of the
5 individual;

6 2. Whether or not the individual is a health care practitioner
7 licensed by the state of Oklahoma;

8 3. The nature of the health care services to be provided; and

9 4. The degrees, training experience, credentials, or other
10 qualifications, if any, of the individual regarding the care or
11 treatments to be provided.

12 D. Before the individual provides care or treatment for the
13 first time, the provider of services shall obtain a signed
14 acknowledgment stating that the consumer has been provided with the
15 information required under subsection C of this section. If the
16 disclosure information changes, then the practitioner has a duty to
17 report that change under the procedure listed in this subsection if
18 the consumer continues services after the change.

19 E. Any person found violating the provisions of subsection C of
20 this section is subject to civil and administrative enforcement
21 provisions of a relevant Board for the unlicensed practice. Before
22 the Board proceeds with the enforcement the provisions of subsection
23 C, the individual shall be entitled to notice, information regarding
24 compliance with this section, and mediation. Any person found

1 violating subsection B of this section shall no longer be exempt
2 from the laws regarding the unlicensed practice of a profession, and
3 may be subject to the penalties specified in the relevant practice
4 acts.

5 F. This section shall not apply to:

6 1. Health care professionals lawfully practicing in this state,
7 and who are licensed, certified, or registered with a state
8 occupational board or office; and

9 2. Any health care practice already exempt from professional
10 practice acts or state law, or any person providing health care
11 services who is already exempt from professional practice acts under
12 Oklahoma law.

13 SECTION 3. This act shall become effective November 7, 2007.

14

15 51-1-5955 SAB 01/15/07

16

17

18

19

20

21

22

23

24