

MINUTES OF SPECIAL PUBLIC MEETING

This special meeting of the Occupational Licensing Advisory Commission scheduled to begin at 9:00 a.m. on the 4th day of November, 2019 was convened in accordance with the Oklahoma Open Meeting Act [25 O.S. § 301 et seq.]. Advance public notice was sent to the Secretary of State's Office by electronic transmission specifying the time and place of the meeting. Notice was also prominently displayed on the Oklahoma Department of Labor's internet website and <https://omes.ok.gov/boards-commissions/occupational-licensing-advisory-commission>, at least twenty-four (24) hours prior to the meeting.

PUBLIC BODY: Occupational Licensing Advisory Commission

DATE: Monday, November 4, 2019

ANSWER: Oklahoma Department of Labor, 3017 N Stiles, Suite 100, Oklahoma City

CONTACT PERSON: Janet DeVeny-Edwards Telephone: 405-521-2612

Agenda Item 1:

Call to Order:

Commissioner Leslie Osborn called the meeting to order at 9:10 a.m.

Agenda Item 2:

Introduction of Commission Members

Each of the Committee members introduced themselves.

Agenda Item 3:

Roll Call:

Committee members present at roll call: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Senator Adam Pugh, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, and Steven Shoemaker

Members absent at roll call: Bo Reese, Matthew Burns, and Paul Campbell

A quorum was present.

Bo Reese entered the meeting at 10:23 a.m.

Agenda Item 4:

Statement of Compliance with Open Meetings Act

The Statement of Compliance with the Open Meeting Act was read by Ruth Neville.

Agenda Item 5:

Approval of October 7, 2019 Meeting Minutes

Representative Mike Osburn made a motion to approve the October 7, 2019 Meeting Minutes. The motion was seconded by Representative Mark McBride.

Roll call:

Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Senator Adam Pugh, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Bo Reese, and Steve Shoemaker

No: none

Abstain: none

Motion approved.

Agenda Item 6:

Discussion, Recommendations, and Public Vote on All Licenses Reviewed in 2019 by the Occupational Licensing Advisory Commission

Commissioner Leslie Osborn read aloud the names of each of the sixty-seven (67) licenses that had been discussed in previous Occupational Licensing Advisory Commission (“OLAC” or “Commission”) meetings in 2019. Commissioner Osborn said the Commission would place those licenses that appeared to have no recommendations for modification or repeal at the end of the meeting. Commissioner Osborn said the Commission would revisit those requiring discussion, if Commission members indicated they had recommendations for modification or repeal they desired to share with the rest of the Commission. As Commissioner Osborn read the list, Commission members indicated if they desired continued discussion on each particular license.

Health Department Licenses (OSDH)

Fifteen (15) licenses issued by the OSDH were previously reviewed by the Commission in 2019. Three (3) licenses: Certified Micropigmentologists, Licensed Tattoo Artists, and Body Piercing Artist, were set aside for additional discussion, the twelve (12) remaining OSDH licenses were placed at the end of the meeting.

Department of Agriculture Licenses (ODA)

One (1) license issued by the ODA was previously reviewed by the Commission in 2019; Pesticide Applicator License was set aside for additional discussion.

Alcoholic Beverage Laws Enforcement (ABLE)

Three (3) licenses issued by ABLE were previously reviewed by the Commission in 2019. Two (2) of the licenses: Employee and Retail, were set aside for additional discussion, the remaining license was placed at the end of the meeting.

Nursing Board (OBN)

Eight (8) licenses issued by the OBN were previously reviewed by the Commission in 2019. Advanced Practice Registered Nurse (APRN) – Clinical Nurse Midwife (CNM) License, was set aside for additional discussion, the seven (7) remaining OBN licenses were placed at the end of the meeting.

Oklahoma State Board of Veterinary Medical Examiners (OBVME)

Five (5) licenses issued by the OBVME were previously reviewed by the Commission in 2019. Two (2) licenses: Non Veterinary Equine Dental Technician and Non Veterinary Reproductive Service Technician, were set aside for additional discussion, the three (3) remaining OBVME licenses were placed at the end of the meeting.

Water Resources Board (OWRB)

All four (4) licenses issued by the OWRB, which were previously reviewed by the Commission in 2019, were set aside for additional discussion. Those four (4) licenses were: License to perform commercial drilling or plugging of groundwater wells including test drilling for groundwater, and commercial drilling or plugging of fresh water observation wells; License to perform commercial drilling or plugging of monitoring wells and site assessment wells, and drilling or plugging of geotechnical borings; License to perform commercial installation of water well pumps; and License to perform commercial drilling or plugging of wells utilized for heat exchange purpose.

Department of Labor (ODOL)

One (1) license issued by the ODOL was previously reviewed by the Commission in 2019; Welder License was set aside for additional discussion.

Board of Cosmetology and Barbering (OSBCB)

Five (5) licenses issued by the OSBCB were reviewed by the Commission in 2019. Four (4) licenses: Cosmetologist, Cosmetology Instructor, Facialist, and Manicurist, were set aside for additional discussion, the remaining OSBCB license was placed at the end of the meeting.

Oklahoma Funeral Board (OFB)

Two (2) licenses issued by the Oklahoma Funeral Board were reviewed by the Commission in 2019; Embalmer and Funeral Director Licenses were set aside for additional discussion.

Construction Industries Board (CIB)

One (1) license issued by the Construction Industry Board was previously reviewed by the Commission in 2019; Home Inspector License was set aside for additional discussion.

State Board of Medical Licensure and Supervision (OMB)

Twenty-two (22) licenses issued by the OMB had previously been reviewed by the Commission in 2019. Eleven (11) licenses: Anesthesiologist Assistant, Licensed Dietitian, Provisional Licensed Dietitian, Orthotist/Prosthetist, Pedorthist, Radiologist Assistant, Registered Electrologist, Registered Prosthetist/Orthotist Assistant, Registered Prosthetist/Orthotist Technician, Therapeutic Recreation Specialist, and Licensed Professional Music Therapist, were set aside for additional discussion, the eleven (11) remaining OMB licenses were placed at the end of the meeting.

Discussion

Commissioner Osborn instructed Commission members to publicly discuss each license and to feel free to call upon, and accept volunteered comments from, agency representatives and members of the public, if they had questions. Commissioner Osborn said the floor would be open for public comments before any votes would be taken. Commissioner Osborn reminded the Commission that for those licenses in which a Commission member(s) indicated a desire for additional discussion, that two (2) issues could be considered for each license – recommendation for modification or recommendation for repeal. Commissioner Osborn also reminded the Commission that it is only making recommendations to the Legislature. Commissioner Osborn said recommendations may be made by simple majority vote. Commissioner Osborn told that Commission that it may also begin a list of licenses to review again next year if desired.

OSDH

Rocky McElvany, OSDH Deputy Commissioner for Prevention and Preparedness, was present to represent the agency and to answer questions from Commission members.

Certified Micropigmentologists – Commission members and Mr. McElvany discussed education, experience, supervision required under this license, and the number of complaints the OSDH had received regarding this license. **Commissioner Osborn said this license would be reviewed by the Commission again next year.**

Senator Adam Pugh made a motion recommending further investigation by the Legislature of Certified Micropigmentologist. The motion was seconded by Senator Nathan Dahm.

Roll call:

Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Senator Adam Pugh, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, and Steven Shoemaker

No: none

Abstain: none

Motion approved.

The Commission had additional discussions regarding the appropriate role of the Commission and the federal parameters of the grant received to run the Commission.

Licensed Tattoo Artist – Commission members and Mr. McElvany discussed certifications required in addition to the license, purpose of licensing the tattoo artist, licensure of the establishment, exam fee, and licensure fee. Senator Dahm requested information comparing the fees for this license with the fee charged by other states. Mr. McElvany said he would provide that information. **Commissioner Osborn said this license will be reviewed again next year.** No additional action was taken.

Body Piercing Artist – **Commissioner Osborn said this license will be reviewed again next year.** No additional discussion or action taken.

ODA

Pesticide Applicator: Commercial, Non-commercial, Consultant, and Technician – JanLee Rowlett, ODA Legislative Liaison, and Ryan Williams, ODA Consumer Protection Services Division, were present to represent the agency and answer questions from Commission members. Ms. Rowlett said the ODA was delegated authority over these licenses from the EPA. Ms. Rowlett said without that authority, Oklahoma farmers and ranchers would lose the ability to use pesticides in the State of Oklahoma. The Commission, Ms. Rowlett, and Mr. Williams discussed the differences between each of the licenses. **No action was taken.**

ABLE

Steven Barker, Deputy Directory and Joshua Maxey, Director of Management and Budget, were present to represent the agency and to answer questions from Commission members.

Employee – Commission members discussed training requirements for the license, the responsibilities of the licensee, employer (retailer) responsibilities/accountabilities, fees, and revenue.

Senator Adam Pugh made a motion to recommend elimination of the Employee Alcoholic Beverage license only if, and when, the retail license is amended to include training. The motion was seconded by Representative Mark McBride.

NOTE: Senator Adam Pugh left the meeting at 10:30 a.m. before the vote was taken. Bo Reese entered the meeting at 10:23 a.m.

Roll call:

Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Representative Mark McBride, Representative Mike Osburn, Bo Reese, and Steven Shoemaker

No: Senator Kay Floyd and Representative Cyndi Munson

Abstain: none

Motion approved.

Retail – **No further discussion or action taken.**

OBN

Kim Glazier, Executive Director of the Oklahoma Board of Nursing, was present to represent the agency and to answer questions from the Commission.

Advanced Practice Registered Nurse (APRN) – Clinical Nurse Midwife (CNM) – Ms. Glazier explained the four (4) levels of midwifery, as well as the training, certifications, and education levels required for each level. Ms. Glazier said the APRN is the only level regulated in Oklahoma. Ms. Glazier and the Commission discussed national certifications and exams, birth fatalities, and accidents. **No action was taken.**

OBVME

Cathy Kirkpatrick, Director, was present to represent the agency and to answer questions from the Commission.

Non-Veterinary Equine Dental Technician – Ms. Kirkpatrick said only nine (9) people in Oklahoma hold this license. Ms. Kirkpatrick said the license is not required for teeth floating, however, these individuals choose to be regulated. Ms. Kirkpatrick and the Commission discussed national certifications, fees, access to controlled drugs, and who administers drugs to the animals. **No action was taken.**

Non-Veterinary Reproductive Service Technician – Ms. Kirkpatrick and the Commission discussed education and training required for the license. Ms. Kirkpatrick said only nine (9) people in Oklahoma hold this license. Ms. Kirkpatrick and the Commission discussed the expense of embryo transplants, risk to the animals, expertise required for successful transplants, and the fee. The Commission requested additional information from Ms. Kirkpatrick. **No additional action was taken.**

OWRB

Kent Wilkins, Chief of Planning and Management Division, and Charles O'Malley, Program Manager, were present to represent the agency and to answer questions from the Commission.

License to perform commercial drilling or plugging of groundwater wells including test drilling for groundwater, and commercial drilling or plugging of fresh water observation wells

License to perform commercial drilling or plugging of monitoring wells and site assessment wells, and drilling or plugging of geotechnical borings

License to perform commercial installation of water well pumps

License to perform commercial drilling or plugging of wells utilized for heat exchange purpose

All four (4) licenses were discussed together. Discussion included investigating how other states deal with these issues, licensing operators and/or firms, and the complexity of the system. The Commission requested the OWRB present a new structure for licensing. Mr. Wilkins said this could potentially be a rules change as well.

Senator Nathan Dahm made a motion regarding all four (4) licenses under the Water Recourse Board; the Commission recommends the Oklahoma Water Resource Board look at new structure for licensing and report back to this Commission.

Roll call:

Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Cyndi Munson, Representative Mike Osburn, Bo Reese, and Steven Shoemaker

No: none

Abstain: none

Motion approved.

ODOL

Welder

No additional discussion or action taken.

OSBCB

Sherry LeWelling, Executive Director, Jeff Sells, Bruce Waight, Machele Calliccoat, and Christie Luther, Director of Rise Program, were present to represent the agency and to answer questions from the Commission. Ms. LeWelling said the Commission had previously requested the OSBCB provide the number of states that require fifteen hundred (1500) hours of training for a cosmetology license and how many states require continuing education. Ms. LeWelling provided that information to the Commission on a spreadsheet.

Cosmetologist – Commission members discussed separating the barber license from the cosmetology license, reducing the number of training requirements for some of the licenses, services permitted for each license, training requirements for each license, chemical services, reducing barriers for entry into the industry, and creating additional licenses with fewer requirements. **Commission members agreed to set aside further discussion regarding Cosmetologist until next year.**

Cosmetology Instructor - **No additional discussion or action taken.**

Facialist – **Commission members agreed to set aside further discussion regarding Facialist until next year.**

Manicurist - **Commission members agreed to set aside further discussion regarding Manicurist until next year.**

OFB

Chris Ferguson, Executive Director, was present to represent the agency and to answer questions from the Commission. Commission members agreed to set aside further discussion regarding Embalmer and Funeral Director until next year.

Embalmer – **No additional discussion or action taken.**

Funeral Director – **No additional discussion or action taken.**

CIB

Home Inspector – Janice Hubbard, Administrator, was present to represent the agency and to answer questions from the Commission. Ms. Hubbard reported on a recent CIB board meeting. Ms. Hubbard and the Commission discussed over reporting/under reporting on home inspections, proposed changes to the CIB rules, the role of home inspectors, qualifications of home inspectors, and interpreting codes. **Commission members agreed to set aside further discussion regarding Home Inspectors until next year.**

Senator Dahm said twenty-three (23) states do not currently license Home Inspectors. Senator Dahm made a motion to recommend elimination of the license. There was no second on the motion. The motion died; no action was taken.

LeeAnne McEntire, New Horizons Inspections, answered the Commission from the podium. Mrs. McEntire said she and her husband are licensed home inspectors. Mrs. McEntire said they would like to keep licensing of this profession because the licensing process assists in keeping unqualified individuals out of the industry and ensures consumer safety.

OMB

Lyle Kelsey, Executive Director, was present to represent the agency and to answer questions from the Commission.

Anesthesiologist Assistant – Senator Dahm said only sixteen (16) states license this profession. Senator Dahm recommended investigating how states that do not license this profession handle matters, and recommended eliminating the license. Commission members discussed insurance, Medicaid expansion, and continued investigation into what other states are doing with the profession.

Commissioner Osborn made a motion for the Commission to look at which services are available to Oklahomans that are contingent upon having a license required for insurance reimbursement.

Representative Mike Osburn seconded the motion.

Roll call:

Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Bo Reese, and Steven Shoemaker

No: none

Abstain: none

Motion approved.

Licensed Dietitian – **No additional discussion or action taken.**

Provisional Licensed Dietitian – **No additional discussion or action taken.**

Orthotist/Prosthetist – **No additional discussion or action taken.**

Pedorthist – **No additional discussion or action taken.**

Radiologist Assistant – **No additional discussion or action taken.**

Registered Electrologist – **No additional discussion or action taken.**

Registered Prosthetist/Assistant – No additional discussion or action taken.

Registered Prosthetist/Orthotist Technician – No additional discussion or action taken.

Therapeutic Recreation Specialist – No additional discussion or action taken.

Licensed Professional Music Therapist – Senator Dahm made a motion to eliminate the license for Licensed Professional Musical Professional. There was no second on the motion. Representative Cyndi Munson said a license is required for this profession for insurance reimbursement. The motion died. **No action was taken.**

Mr. Kelsey said this is his first experience with insurance reimbursement being tied to licensure. Mr. Kelsey said most licensure boards do not look at whether insurance pays. Commissioner Osborn said the Commission will seek information from other sources in addition to information the OMB can provide.

Commissioner Osborn made a motion to leave the following licenses as is:

Adult Day Care Aide;
Medication Aide;
Developmentally Disabled Direct Care Aide;
Feeding Assistant;
Home Health Aide;
Long Term Care Aide;
Residential Care Aide;
Hearing Aid Licensees;
Home Health Administrators;
Registered Professional Environmental Specialist;
Licensed Genetic Counselor;
Licensed Sanitarians;
Manufacturer;
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) – Certified Registered Nurse Anesthetist (CRNA); Multistate (MSL) Registered Nurse (RN) or Licensed Practical Nurse (LPN) License;
Registered Nurse (RN) Single State License (SSL);
Veterinarians, Faculty – Veterinarian;
Certified Animal Euthanasia Technician;
Barber Instructor;
Athletic Trainer;
Athletic Trainer – Apprentice;
Occupational Therapist;
Occupational Therapist Assistant;
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); and

Respiratory Care Practitioner.

Senator Dahm seconded the motion.

The motion was approved by unanimous vote.

Senator Dahm said the licenses Certified Registered Nurse Anesthetist and Anesthesiologist may be a duplication of services.

Senator Dahm made a motion for further review of, with the potential of combining the Certified Registered Nurse Anesthetist and Anesthesiologist Assistant. Representative Mike Osburn seconded the motion.

Roll call:

Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Bo Reese, and Steven Shoemaker

No: none

Abstain: none

Motion approved.

Agenda Item 7:

Next Steps

Commissioner Osborn said no additional meetings have been scheduled. Commission members discussed when the report will be completed, reviewing a draft of the report before it is submitted to the State Legislature, Legislative deadline of December 13, who will receive the report, and where the report will be posted.

Agenda Item 8:

Adjournment

Commissioner Osborn adjourned the meeting at 12:16 p.m.