MINUTES OF SPECIAL PUBLIC MEETING

This special meeting of the Occupational Licensing Advisory Commission scheduled to begin at 9:00 a.m. on the 5th day of November, 2020 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: Thursday, November 5, 2020
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 9:00 a.m. Commissioner Osborn said the Commission looks at approximately twenty-five percent (25%) of occupational licenses each year and makes recommendations regarding changes, including eliminations or consolidations to the Legislature.

Agenda Item 2:
Introduction of Occupational licensing Advisory Commission (OLAC) Members
Commissioner Leslie Osborn introduced the members of the Commission.

Agenda Item 3:
Roll Call:
Committee members present at roll call: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
Members absent at roll call: Senator Adam Pugh and Matthew Burns
A quorum was present. Senator Nathan Dahm left the meeting at 12:00 p.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 November 4, 2019 Meeting Minutes
Representative Mark McBride made a motion to approve the November 4, 2019 Meeting Minutes. The motion was seconded by Representative Mike Osburn.
Roll call:
Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
No: none
Abstain: none
Motion approved.
Agenda Item 6:
Discussion, Recommendations, and Public Action/Vote on all Licenses Reviewed in 2020 by the OLAC Commission

Commissioner Osborn explained the purpose of the meeting.

August 6, 2020 Occupational Licenses

Corporation Commission

1. Pipe Pulling & Well Plugging
2. Petroleum Storage Tank (PST) AST License
3. PST Environmental Consultant
4. PST Vapor Monitoring Well Technician
5. PST Monitoring Well Technician for Ground Water
6. PST Underground Storage Tank Installer
7. PST Underground Storage Tank Remover

Regarding items one (1) through seven (7), Representative Mark McBride made a motion recommending leaving these license as is and taking no action. The motion was seconded by Jerry Moore.

Commissioner Osborn opened the floor for commission and public discussion. There were no comments.

Roll call:
Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
No: none
Abstain: none
Motion approved.

Department of Education

8. Teaching Certificates and Licenses

Regarding item eight (8), Senator Kay Floyd made a motion to recommend taking no action on Teaching Certificates and Licenses. The motion was seconded by Representative Mark McBride.

Commissioner Osborn opened the floor for commission and public discussion. There were no comments.

Roll call:
Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
No: none
Abstain: none
Motion approved.

Department of Environmental Quality

9. On-Site Sewage Treatment System Installer Certification
10. Septage Tank Pumpers and Transporters
11. Certified Soil Profiler
12. Industrial Radiographer Certification
13. Lead-Based Paint Supervisor
14. Lead-Based Paint Inspector
15. Lead-Based Paint Risk Assessor
16. Lead-Based Paint Abatement Worker
17. Lead-Based Paint Project Designer
18. Waterworks and Wastewater Operator Certification – D-A Operator Certification
20. Waterworks and Wastewater Laboratory Operator Certification – C-A Lab Certification

Catherine Sharp, Director of Administrative Services, Oklahoma Department of Environmental Quality, was present to answer questions from the Commission. Representative McBride suggested combining items thirteen (13) through seventeen (17). Ms. Sharp said each of these licenses is very different and there is a specific roll for each one. Ms. Sharp said the individual that could accurately address the Commissions’ questions is not available to attend the meeting, however, she can be contacted by phone to answer questions.

At Commissioner Osborn’s suggestion, the Commission set aside further discussion and action on these items temporarily to allow Ms. Sharp time to get additional information. Commissioner Osborn directed discussion to agenda items under Fire Marshall.

**Fire Marshall**

21. Fireworks Outdoor Display Operator
22. Fire Extinguisher licenses: Qualified Agent, Technician, Salesperson, Trainee

Commissioner Osborn opened the floor for commission and public discussion. There were no comments.

Regarding items twenty-one (21) and twenty-two (22), Representative Mark McBride made a motion to recommend taking no action. The motion was seconded by Representative Cyndi Munson.

Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, and Steven Shoemaker
No: Senator Nathan Dahm and Michael Robins
Abstain: none

Motion approved.

**September 3, 2020 Occupational Licenses**

**Department of Labor (ODOL)**

23. Alarm/Locksmith/Fire Sprinkler (ALFS) Company Manager
24. Alarm/Locksmith/Fire Sprinkler Salesperson
25. Alarm/Locksmith/Fire Sprinkler Technician
26. Alarm/Locksmith/Fire Sprinkler Trainee
27. Alternative Fuels Equipment Technician
28. Alternative Fuels Compression Technician
29. Asbestos Contractor
30. Asbestos Inspector
31. Asbestos Management Planner
32. Asbestos Project Designer
33. Asbestos Abatement Supervisor
34. Asbestos Worker
35. Boiler/Pressure Vessel Operator
36. Elevator Apprentice
37. Elevator Certificate Inspector
38. Elevator Mechanic License
Bernita Hart, Director-Asbestos/ALFS/Licensing, Oklahoma Department of Labor, was present to answer questions regarding licenses issued by the Department of Labor. Discussion included trainees working under supervision of a licensed technician, background checks, repetitive licenses, combining licenses, grants, federal rules and guidelines, state statutes, fees, and testing requirements.

Steven Brekel, President, Oklahoma Burglar and Fire Alarm Association (OKBFAA), addressed the Commission. Mr. Brekel said several changes had been made since this was addressed by the Commission several years ago. Mr. Brekel said changes included removing most of the exam requirements for almost all salesperson positions. Mr. Brekel explained the purpose and requirements for a trainee license in the ALFS industry. Mr. Brekel discussed training, background checks and public safety.

Daniel Mares, ODOL General Counsel, addressed the Commission. Mr. Mares said five (5) to six (6) individuals are scheduled each month to have their background check results reviewed by the ALFS Committee and approximately half of those individuals show up for the meetings. Mr. Mares explained the process for review of background results.

Commission discussion continued employer responsibility, over regulation of licensing, consumer/public safety, business expenses, and cost of background checks.

Danna Fowble, Executive Director, OKBFAA, addressed the Commission. Mrs. Fowble said her organization has worked continually with this Commission to review and re-evaluate all the ALFS licenses. Mrs. Fowble discussed trainee verses apprenticeship programs.

Mr. Brekel addressed Commission questions regarding the Locksmith license, explaining the two (2) day class offered by his agency, test requirements, fees charged by the locksmithing industry, and work permitted under a Locksmith license.

Commissioner Osborn said individuals addressing the Commission are not testifying under a subpoena and should be addressed politely and with respect. Commissioner Osborn addressed Commission member Michael Robins’ concerns that the Commission has not had enough meetings this year, stating we had to get an official opinion from the Attorney General’s Office concerning the Open Meetings Act as to why the Commission met only once this year. Commissioner Osborn said when we began this Commission we had four hundred fifty (450) licenses and now are down to two hundred ten (210). Commissioner Osborn said she believes we have occupational licenses for two (2) reasons – integrity of the trade and public safety.

Regarding Occupational Licenses issued through the Oklahoma Department of Labor, items twenty-three (23) through twenty-six (26) ALFS Industry, Senator Kay Floyd made a motion recommending to the Legislature that no action be taken. The motion was seconded by Representative Mark McBride.

Senator Nathan Dahm asked Senator Floyd if she would consider amending her motion to recommend to the Legislature that requirements for an ALFS Technician license remain the same, however, removing training and examination requirements, leaving only the background check requirements in place for all other ALFS licenses. Senator Floyd replied that she is not comfortable with that. Commissioner Osborn said there is always the freedom for anyone to bring up these issues with their State Senator or State Representative.

Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, and Jerry Moore
No: Senator Nathan Dahm, Michael Robins and Steven Shoemaker
Abstain: none
Motion approved.
Regarding asbestos licenses issued by the ODOL, Bernita Hart said all these licenses are required by federal law. Ms. Hart answered questions from the Commission regarding federal requirements.

Regarding items twenty-nine (29) through thirty-four (34), Representative Mark McBride made a motion to recommend to accept as is and recommend no changes. The motion was seconded by Jerry Moore.

Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, and Steven Shoemaker
No: Senator Nathan Dahm and Michael Robins
Abstain: none
Motion approved.

Jim Williams, Director, ODOL Safety Standards Division, answered questions from the Commission regarding Elevator Witness Inspector. Regarding items twenty-seven (27), twenty-eight (28) and items thirty-five (35) through forty (40), Representative Mark McBride made a motion to accept as is and make no recommendation for changes. Senator Kay Floyd seconded the motion.

Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, and Steven Shoemaker
No: Senator Nathan Dahm and Michael Robins
Abstain: none
Motion approved.

Commissioner Osborn said that she had received a message stating a representative from the Department of Environmental Quality was present to answer questions. Returning to items nine (9) through twenty (20), Catherine Sharp answered questions regarding licenses dealing with lead-based paint. Ms. Sharp discussed federal statutes relating to lead-based paint requirements. Ms. Sharp said state requirements are not more stringent than federal requirements. Ms. Sharp identified the five (5) categories as well as education requirements for each level and addressed other concerns.

Regarding licenses issued by the Department of Environmental Quality, items nine (9) through twenty (20), Representative Mark McBride made a motion to accept without recommendation of changes. The motion was seconded by Senator Kay Floyd.

Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins and Steven Shoemaker
No: Senator Nathan Dahm
Abstain: none
Motion approved.

*Department of Mines*

41. Blaster Surface
42. Hoisting Engineer, (Underground)
43. Mine Fire Boss (Underground)
44. Mine Foreman (Underground)
45. Mine Shot Firer (Underground)
46. Mine Superintendent (Underground)
47. Mine Surface Supervisor
48. Miner, Practical (Underground)
Johnathan Allen, General Counsel, Department of Mines, and Richard Shore, Administrator, Minerals Division, were present to answer questions regarding licenses issued by the Department of Mines. Mr. Allen said the required stipulations are statutory and regulatory.

Regarding licenses issued by the Department of Mines, items forty-one (41) through forty-eight (48), Representative Mark McBride made a motion to accept without recommendation of changes. The motion was seconded by Representative Cyndi Munson.
Roll call:
Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
No: none
Abstain: none
Motion approved.

Commissioner Osborn said due to a typing error on the agenda, the numbering of items was incorrect from this point; therefore she would name each item rather than refer to them by number.

**Oklahoma Board of Optometry**

49. Optometry
Regarding the Optometry License, Senator Nathan Dahm made a motion to recommend no action. The motion was seconded by Michael Robins.
Roll call:
Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
No: none
Abstain: none
Motion approved.

**Oklahoma Board of Pharmacy**

50. Pharmacists
51. Pharmacy Technician
Regarding the licenses for Pharmacists and Pharmacy Technician, Representative Mike Osburn made a motion to recommend no changes. Steven Shoemaker seconded the motion.
Roll call:
Yes: Commissioner Leslie Osborn, Senator Nathan Dahm, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
No: none
Abstain: none
Motion approved.

**Speech Pathology & Audiology Board**

52. Audiologist
53. Speech Pathologist
Regarding Speech Pathology and Audiology, Commissioner Leslie Osborn made a motion to recommend no action. 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, Jerry Moore, Michael Robins, and Steven Shoemaker
Agenda Item 7:
Discussion, Recommendation, and Public Action/Vote on New Occupational License – Licensed Midwife
Commissioner Osborn said according to the legislation and statute that formed this commission, their role is to review all new licenses that were passed in the last year. Commissioner Osborn said a new occupational license was passed by the legislature last year. This license is Licensed Midwife, under the purview of the Department of Health. Commissioner Osborn said a vote will not be taken on this license, but the Commission is to only review. Travis Splawn, Director Consumer Protection, Oklahoma State Department of Health (OSDH), was present to discuss the license of Licensed Midwife. Mr. Splawn said SB 1723 went into effect November 1 of this year. Mr. Splawn said applications and information have been posted to the OSDH website. Mr. Splawn said this licensure covers a non-nurse midwife. Mr. Splawn discussed the education requirements, certified and uncertified midwife, and other issues addressed under the new law.

Agenda Item 8:

i. Certified Micropigmentologist License, issued by the Oklahoma State Department of Health

Regarding Micropigmentologist License, Commissioner Leslie Osborn recommended no changes. Representative Mike Osburn seconded the motion.

Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker

No: Senator Nathan Dahm

Abstain: none

Motion approved.

ii. Whether insurance reimbursement for services rendered by or through any of the following occupations is contingent upon the occupation being licensed by the Oklahoma Board of Medical Licensure and Supervision: Anesthesiologist Assistant; Licensed Dietitian; Provisional Licensed Dietitian; Prosthetist/Orthotist; Registered Prosthetist/Orthotist Assistant; Registered Prosthetist/Orthotist Technician; Pedorthist; Radiologist Assistant; Registered Electrologist; Therapeutic Recreation Specialist; and Licensed Professional Music Therapist;

Dr. Thomas Nunn, Chief Medical Officer, Health Choice, was present to address the Commission. Commissioner Osborn asked Dr. Nunn if some of the licenses listed here, require licensure to be reimbursed by the insurance industry. Dr. Nunn said Health Choice requires state licensure for most all entities. Moving through the list, Dr. Nunn stated which occupations required licensure for reimbursement and which occupations were not reimbursed, which items may be reimbursed without certification, and which may pay indirectly. Dr. Nunn answered questions from the Commission members.

Regarding Medical Licensure and Supervision, Senator Nathan Dahm made a motion to recommend removal of Occupational Licensing for Therapeutic Recreational Specialist. Representative Mark McBride seconded the motion.

Roll call:
Yes: Senator Nathan Dahm and Representative Mark McBride
No: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
Abstain: none
Motion denied.

Senator Nathan Dahm made a motion to remove Therapeutic Recreation Specialist and Licensed Professional Music Therapist. Jerry Robins seconded the motion.

Tim Passmore, Oklahoma Recreational Therapy Association (ORTA), addressed the Commission. Mr. Passmore said he is representing Therapeutic Recreation. Mr. Passmore said several recreational therapists were present to represent their fields. Mr. Passmore introduced Monique Di Lonardo.

Commissioner Osborn said Senator Dahm will separate the two items for which he had made a motion.

Ms. Di Lonardo, Recreational Therapist, Oklahoma Department of Veteran Affairs (ODVA), discussed her experiences at the ODVA and answered questions from Commission members. Ms. Di Lonardo discussed differences between several types of therapy/therapists.

Lilli Higgins, Licensed Recreational Therapist, addressed the Commission. Ms. Higgins discussed pediatric behavioral health, her experiences treating children, and the importance of qualified providers.

Elizabeth Hofmeister, SSM Health St. Anthony Behavioral Health Hospital, Human Restoration Unit, addressed the Commission. Ms. Hofmeister discussed her work with youth as a recreational therapist and standards required to work in this field.

Suzanne Heppel, Oklahoma Music Therapists, addressed the Commission. Ms. Heppel discussed proposed legislation regarding music therapy, the purpose of music therapy and outcomes, training and education for a licensed music therapist, and consumer protection.

Alexandra Robinson, Oklahoma Music Therapists, Children’s Center Rehabilitation Hospital, addressed the Commission. Ms. Robinson discussed her experience as a music therapist, benefits of music therapy, and training and experience required for a music therapist license.

Senator Nathan Dahm made a motion to recommend removing Occupational License for Therapeutic Recreational Specialist. Representative Mark McBride seconded the motion.
Roll call:
Yes: Senator Nathan Dahm and Representative Mark McBride
No: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
Abstain: none
Motion denied.

Senator Nathan Dam made a motion to recommend removing the requirement for an Occupational License for Licensed Professional Music Therapist. Representative Mark McBride seconded the motion.
Roll call:
Yes: Senator Nathan Dahm, Representative Mark McBride, Michael Robins, and Steven Shoemaker
No: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Cyndi Munson, Representative Mike Osburn, and Jerry Moore
Regarding items one (1) through eleven (11), Occupational Licenses under the State Board of Medical Licensure and Supervision, Representative Cindi Munson made a motion to recommend no changes. Commissioner Leslie Osborn seconded the motion. Roll call: Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, and Michael Robins No: Senator Nathan Dahm, and Steven Shoemaker Abstain: none Motion approved.

Regarding the Board of Cosmetology and Barbering, Senator Kay Floyd made a motion to recommend no changes. The motion was seconded by Representative Cyndi Munson. Roll call: Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, and Jerry Moore No: Senator Nathan Dahm, Michael Robins, and Steven Shoemaker Abstain: none Motion approved.

Regarding the Oklahoma Funeral Board, Commissioner Leslie Osborn made a motion to recommend no action. The motion was seconded by Jerry Moore. Roll call: Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore and Steven Shoemaker No: Senator Nathan Dahm and Michael Robins Abstain: none Motion approved.

Regarding the Home Inspector License under the Construction Industries Board, Representative Mark McBride made a motion to recommend taking no action. Representative Cyndi Munson seconded the motion. Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
No: Senator Nathan Dahm
Abstain: none
Motion approved.

iv. Employee Alcoholic Beverage License, consideration of whether the Retail Alcoholic Beverage License has been amended to include employer’s legal obligation to provide employee training regarding the requirements/restrictions of the Oklahoma Alcoholic Beverage Control Act. Each license being issued through the Oklahoma ABLE Commission.

Regarding Alcoholic Beverages Laws Enforcement, Jerry Moore made a motion to recommend no action. Steven Shoemaker seconded the motion.
Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Jerry Moore, and Steven Shoemaker
No: Representative Mike Osburn and Michael Robins
Abstain: none
Motion approved.

v. Oklahoma Water Resources Board (OWRB) is restructuring and streamlining, if any, of: License to perform commercial drilling or plugging of ground water 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;

Regarding the Water Resources Board, Commissioner Leslie Osborn made a motion to accept changes to names only of the licenses. Representative Cyndi Munson seconded the motion.
Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, Michael Robins, and Steven Shoemaker
No: None
Abstain: none
Motion approved.

vi. Potential combination of the Certified Registered Nurse Anesthetist (CRNA) and Anesthesiologist Assistant licenses, issued by the Oklahoma board of Nursing and the Oklahoma Board of Medical Licensure and Supervision respectively.
Commissioner Osborn made a motion that these items remain the same under their current board with no changes. The motion was seconded by Michael Robbins.
Roll call:
Yes: Commissioner Leslie Osborn, Senator Kay Floyd, Representative Mark McBride, Representative Cyndi Munson, Representative Mike Osburn, Jerry Moore, and Michael Robins
No: Steven Shoemaker
Abstain: none
Motion approved.
Agenda Item 9:
Next Steps
Commissioner Osborn said the next step will be for Janet DeVeny-Edwards, Project Director, to compile the report for the Legislature regarding the licenses that were reviewed by the Commission. Commissioner Osborn said we hope to have several public meetings next year to look at the next twenty-five percent (25%). Commissioner Osborn said we are looking at a better interactive website that will be helpful to the public and will be paid for by the federal grant.

Agenda Item 10:
Adjournment
Commissioner Osborn adjourned the meeting at 12:15 p.m.